TUTORIAL ASSIST

Tutorial juga tersedia di situs web ASSIST di https://assist.asean.org/read/proces/20

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



Pengaduan yang Diajukan oleh sebuah Perusahaan ASEAN (*ASEAN Enterprise (AE*)) dan Ditolak oleh Pengelola Sistem (*Central Administrator (CA*)).

Keterangan Singkat mengenai Kasus: Situasi ini adalah pengaduan yang ditolak oleh Pengelola Sistem (CA) ASSIST disebabkan karena Pemohon tidak mengajukannya secara sah. Penolakan dalam kasus yang dipertaruhkan ini terjadi karena pengaduan yang ditangani merupakan masalah yang tidak tercakup dalam lingkup ASSIST.

Pengaduan tersebut berkaitan dengan keterlambatan ijin kerja pemohon di Negara Tujuan. Pemohon adalah direktur seorang perusahaan konsultan di Negara Asalnya dengan gelar paska sarjana di bidang ekonomi, dan telah mendapat tawaran kerja di perusahaan konsultan di Negara Tujuan serta bermaksud untuk pindah dan tinggal di sana secara permanen. Namun, prosedurnya memakan waktu lebih lama dan sekarang telah hampir tiga bulan Negara Tujuan menahan ijin tersebut. Hal ini membahayakan peluang pemohon untuk mendapatkan pekerjaan. Oleh sebab itu, ia ingin mengajukan pengaduan ASSIST terhadap Negara Tujuan, melalui perusahaannya di Negara Asal, atas dasar penundaan penerbitan ijin kerjanya. Alasan di balik pengaduan dari Sdr. Marah adalah bahwa ada Perjanjian ASEAN mengenai Perpindahan Sementara Penyedia Jasa (*Movement of Natural People*), yang memungkinkan orang-orang terampil untuk pindah secara bebas di dalam ASEAN, serta Perjanjian Kerangka Kerja ASEAN mengenai Jasa (AFAS).

Daftar Para Aktor dan Singkatan::

- Pemohon Pengaduan (*Complainant*) = Perusahaan ASEAN (*ASEAN Enterprise (AE*))
- Sekretariat ASEAN = Pengelola Sistem ASSIST (Central Administrator of ASSIST (CA))
- Negara Asal (*Home Country*) = Titik Kontak Asal (*Home Contact Point (HCP*)) di Negara Anggota ASEAN X (*ASEAN Member State-X*)(AMS-X)
- Negara Tujuan (Destination Country) = Titik Kontak Tujuan (Destination Contact Point (DCP)) di Negara Anggota ASEAN Y (ASEAN Member State-Y (AMS-Y))



BUKA SITUS WEB ASSIST (HTTP://ASSIST.ASEAN.ORG)

Jika menurut Anda kasus Anda merupakan masalah yang berkaitan dengan perdagangan lintas perbatasan, Anda adalah bisnis yang terdaftar di Negara Anggota ASEAN, dan Anda menginginkan jasa konsultatif tanpa bayar dan tidak mengikat serta menerima solusi cepat dan efektif, maka bukalah tautan berikut: <u>http://assist.asean.org</u>.



Jika Anda mengajukan pengaduan berdasarkan perusahaan Anda sendiri (pengaduan non-anonim), dan Anda tidak diwakili oleh asosiasi dagang yang berbasis di ASEAN, atau oleh entitas perwakilan lain pilihan Anda, seperti kamar dagang, dewan bisnis, bisnis federasi, atau pengacara atau firma hukum yang terdaftar, klik ikon Perusahaan ASEAN ('ASEAN Enterprise') pada tab 'File a Complaint'.

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

PROCESS

FAO

CONTACT



WELCOME TO ASSIST	WHAT IS ASSIST?	FILE A COMPLAINT	FOLLOW A COMPLAINT	PROCESS	FAQ	CONTACT
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Complaint to b	e Filed by an	ASEAN ENte	erprise			
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	representative entity of you	equire anonymity, your complaint our choice, such as a chamber o	should be submitted instead by an A f commerce, business council, busine	ss federation, or regist	lared lawyer or 1	any other any firm. Dedicated
ASCAN Enternrise	forms are available under	the respective loons.				
	In order to file a valid or	omplaint, you shall verify your	submission by replying to the auto	mated email that yo	e will roceïve fr	om ASSIST shorth
after submission (please also choo	ck your spam/junk boxes).					
ASEAN ENTERPRI	SE					
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VELCOME TO ASSIST	WHAT IS ASSIST?	FILE A COMPLAINT	FOLLOW A COMPLAINT	PROCESS	FAQ	CONT
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	COMPLAINT DESC	CRIPTION				
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	Attachment	Choose File No f	+ Attachment			
	I have read and accept the ASS I berefity submit this complaint to	IST rules the Central Administrator of ASSIST and Lancard b	s transmission to the relevant authorities of the ASEAN Memi	er States involved		
			7			
			t a robot Red NDAFTOHA			
		s	UBMIT YOUR COMPLAINT			

Isi formulir di atas untuk memberikan informasi yang memadai kepada ASSIST mengenai masalah perdagangan yang Anda alami. Kolom yang ditandai dengan bintang (*) wajib diisi. Jika Anda tidak yakin tentang apa yang harus diisi untuk suatu kolom, maka tersedia tombol ^① untuk instruksi terperinci tentang hal yang harus diisi di setiap kolom. Silakan klik tombol ^① untuk memastikan bahwa Anda mengisi informasi dalam formulir dengan benar.

Anda harus mengisi kolom uraian ('*Description*') dengan benar. CA perlu memverifikasi bahwa uraian yang diberikan dalam pengaduan cukup untuk mengidentifikasi masalah dalam konteks perjanjian subyek tertentu. Dengan demikian, aturlah dengan hati-hati pengaduan Anda beserta argumen hukum dan bukti faktual untuk membantu CA dalam memutuskan apakah pengaduan Anda akan disetujui.



Langkah

3

Berikut adalah contoh formulir yang telah diisi untuk studi kasus khusus ini.

ASIAN NATIONS	ASEAN Solutions for	Investments, Services and	d Trade			
WELCOME TO ASSIST	WHAT IS ASSIST?	FILE A COMPLAINT	FOLLOW A COMPLAINT	PROCESS	FAQ	CONTACT
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ME TO ASSIST	WHAT IS ASSIST?	FILE A COMPLAINT	FOLLOW A COMPLAINT	PROCESS
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	" City	City V	ZIP Code 12130	
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	CONTACT PERSO	ON		
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	* First Name	Verx	* Last Name Upset	
	* Phone	+95131415		
	* Position	Director		
	* Email	aseananterprise0@	igmail.com	
	Address	Red Sparrow Stre	vet No. 13	
		City V Country X		
		254 sharacters remaining (500 (rewinum)	
	City	City V	ZIP Code 12130	
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	COMPLAINT DES	CRIPTION		
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	* Registration Number	0 123455		
	* Company Registration Proof	O Choose File Sim	ulated Comp ing Group pdf	
	* Type of Business	Service provider		
	* Business Sector	6 Services	T .	
	- Services Sector Description	Consultancy		
	* Type of Problem Encountered	12 Other Services		
	* Destination Country	O AMS-Y	Ŧ	
	* Description	I am a director in <u>ANS</u> -Y and int	of a consultancy firm in $\underline{\mathrm{AHS}}\xspace$. I have been a end to move and live there on a permanent basi	ffered a job in a consultancy firm S.
		Pursuant to the month for it to nearly three nor getting the job.	job offer by the company in <u>AUS-Y</u> , they inform secure my work permit. However, the procedure this that the permit is withheld by <u>AUS-Y</u> . This	ed me that it would take about one is taking much longer and it is no is jeoperdizing my chances of
		Thus, I wish to 4007 oranges kanang	reise en ASSIST compleint against AUS-Y, throu (2000 maxmum)	gh my company in <u>ANS-X</u> , for
	Attachment	Chebse File No I	lle chosen + Attachmen	đ
	🗹 I have read and accept the AS	SIST rules		
	I hereby submit this complaint i	e the Central Administrator of ASSIS7 and Laccept it	is transmission to the relevant authorities of the ASEAN Me	mbar States involved
		🗸 îm no	t a robot	

ator of ASSIST (<u>ASEAN</u> Secretadet - 70A JI, Sisingemengere ASSIST - Supported by <u>ARISE</u> - [Ubskamer]

Berikut adalah uraian pengaduan AE dalam studi kasus ini:

"Saya adalah direktur firma konsultansi di Negara Anggota ASEAN X (*AMS-X*). Saya mendapat tawaran kerja dari firma konsultansi di AMS-Y dan bermaksud untuk pindah dan tinggal di sana secara permanen.

Sesuai dengan tawaran kerja oleh perusahaan di AMS-Y, mereka memberitahukan kepada saya bahwa untuk mendapatkan ijin kerja tersebut diperlukan waktu satu bulan. Namun, prosedur ini telah memakan waktu lebih lama dan sekarang telah hampir tiga bulan AMS-Y menahan ijin kerja tersebut. Hal ini membahayakan peluang saya untuk mendapatkan pekerjaan.

CONTACT



MENGKONEIRMASI PENGADIJAN ANDA MELALIJI AKUN EMAJI ANDA

(a) Buka akun email yang Anda berikan pada formulir pengaduan. Anda akan menerima email dari ASSIST yang meminta Anda untuk mengonfirmasi pengaduan Anda dengan mengklik tautan yang diberikan atau dengan menyalin-menempelkan tautan itu ke browser Internet. ASSIST juga memerlukan ini untuk memberikan informasi bahwa alamat email yang Anda berikan adalah sah. Nomor pengaduan Anda juga diberikan dalam email ini. Dalam hal ini, nomor pengaduan Anda adalah 16920181030.

Berikut adalah email yang Anda terima dari ASSIST.



(b) Klik pada tautan sebagaimana diminta dalam email di atas, maka halaman berikut akan tampil.

WELCOME TO ASSIST	WHAT IS ASSIST?	FILE A COMPLAINT	FOLLOW A COMPLAINT	PROCESS	FAQ	CONTACT
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=mail/complai	nt confirmatio	on valid				
hank you for having confirmed yo	ut e-mail.					
our complaint will now be reviewe	d by the Central Administrator	of ASSIST and you shall be notif	ied within maximum 10 working days	of whether it is:		
1) Accepted and submitted t	to the Destination Country; or					
 Rejected, if falling outside 	to you for revision, or rol the scope of ASSIST or not	being a valid complaint.				
reason shall be provided to you i	n writing in case of outcomes 2) or 3) above.				

Pemberitahuan di atas akan memberitahukan kepada Anda bahwa pengaduan Anda akan diperiksa oleh CA dan bahwa Anda akan diberitahu melalui email dalam waktu selambat-lambatnya 10 hari kerja mengenai apakah pengaduan tersebut:

- 1) Diterima dan diserahkan kepada Negara Tujuan; atau
- 2) Tidak lengkap dan dikembalikan kepada Anda untuk direvisi; atau
- 3) Ditolak, jika tidak tercakup dalam ruang lingkup ASSIST atau merupakan pengaduan yang tidak sah.

Masuklah ke akun email Anda.



WELCOME TO ASSIST

WHAT IS ASSIST?

PROCESS



a Complaint' di bar menu pada Situs web ASSIST.



MONITOR THE PROGRESS OF YOUR

Langkal

(b) Masuklah ke tautan berikut: <u>http://assist.asean.org/user/login</u> atau masuk ke tab '*Follow a Complaint*' di bar menu pada situs web ASSIST. Halaman berikut akan tampil:

WELCOME TO ASSIST	WHAT IS ASSIST?	FILE & COMPLAINT	FOLLOW A COMPLAINT	PROCESS	FAO	CONTACT
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Email		Tr	acking ID			
Email		1	Iracking ID			
		LOGIN				

(c) Masukkan alamat email dan ID pelacakan ('*Tracking ID*') Anda (nomor pengaduan Anda) di kolom yang diharuskan untuk log masuk. Dalam hal ini, Alamat Emailnya adalah <u>aseanenterprise0@gmail.com</u> dan ID Pelacakannya ('*Tracking ID*') adalah 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
- ollow a Comp	laint					
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aseanenterprise0@gmail.com		1				
		LOGIN				
	Central Administrator	of ASSIST / <u>ASEAN</u> Secretariat ASSIST - Supported by	70A J. Seingamangaraja - Jakarto 1 ARISE - (Dectaimer)	2110 - Indonesia		
				ing kining		

Segera setelah Anda melakukan log masuk, Anda akan melihat dasbor ASSIST di mana Anda dapat memantau perkembangan pengaduan Anda.







Tampilan lengkap dasbor Anda dapat dilihat di bawah. Seperti yang Anda lihat, CA telah menambahkan tindakan lain ke 'Riwayat' Anda menunjukkan bahwa CA telah **"Menolak**" pengaduan Anda.



PROCESS

FAQ

ASSIST **ASEAN Solutions for Investments, Services and Trade ASIAN NATIONS** WELCOME TO ASSIST WHAT IS ASSIST? **FILE A COMPLAINT** FOLLOW A COMPLAINT PROCESS FAO CONTACT ASSIST **ASEAN Solutions for Investn** nts, Services and Trade WHAT IS ASSIST? MY COMPLAINT LOGOUT PROCESS FAQ CONTACT DISCLAIMER WELCOME TO ASSIST Tracking ID #16920181030 / AMS-Y 30/10/2018 13 33:22 Dear Mr. Upse Central / ASSIST Thenk you for lodging your complete under ASSIST. The Central Administrator has reviewed your complete However, this case appears to be an individual's private issue rather than a company issue and is, therefore not covered by the ASEAN Agreement on Movement of Natural 30/10/2018 13:24:11 ASEAN-based Enterprise Email Co 30/10/2018 13:21:22 New Contraction ASEAN-based Enterprise WITHORAW COMPLAINT ASEAN ENTERPRISE ASEAN Enterprise Name Blue Sapphire Consulting Group 10 to 50 Red Sparrow Street No. 13 City V Country X Address Company Size Phone +96131415 City City V 12130 Website www.bluesapphirecg.com ZIP Code AMS-X Country CONTACT PERSON First Name Very Address Rad Sparrow Streat No. 13 City V Country X Last Name Upset City City V Phone +96131415 ZIP Code 12130 AMS-X Position Director Country Email aseanenterprise0@gmail.com (Confirmed) COMPLAINT DESCRIPTION Country of Legal Registration AMS-X Business Sector Services Registration Number 123456 Type of Problem Services / Other Services Encountered Company Registration Proof Simulated_Company_Registration_of_Blue_Septhine_ConsultineDGenimatidh Country AMS-Y Type of Business Service provider Description I am a director of a consultancy firm in AMS-X. I have been offered a jeb in a consultancy firm in AMS-Y and intend to move and live there on a parmanent hasis Persuant 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 AKS-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 dolaying the issuing of my work parmit. The basis of my complaint is that there is the ASEAN Agreement on Movement of Natural Persons, which allows for free movement of skilled persons within ASEAN, as well as the ASEAN Framework Agreement on Services. I hereby attach my company's business registration in AMS-X as the requirement to lodge a complaint under ASSIST. Attachment Central Administrator of ASSIST / <u>ASE AN</u> Secretariat - 70A JL Sisingamangaraja - Jakarta 12110 - Indonesia ASSIST - Supported by <u>ASISE - (Dicklener)</u>

Klik pada ikon kaca pembesar dalam kolom komentar ('*Comments*'). Jawaban lengkap CA akan tampil sebagaimana dapat dilihat di bawah:



ASEAN Solutions for Investments, Services and Trade

WELCOME TO ASSIST

WHAT IS ASSIST?

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AINT

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FAQ

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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.

Penolakan tampaknya sah dan cukup dapat dibenarkan. ASSIST akan menganggap prosedur ini sebagai prosedur di mana tidak pernah ada pengaduan yang diajukan.

ASSIST

ASEAN Solutions for Investments, Services and Trade

WELCOME TO ASSIST

FAO



Pengaduan yang Diajukan oleh Asosiasi Dagang yang Berbasis di ASEAN atas nama Anggotanya, Perusahaan ASEAN (ASEAN Enterprise (AE)), Diterima oleh Pengelola Sistem (Central Administrator (CA)) dan Ditolak oleh Titik Kontak Tujuan (Destination Contact Point (DCP)).

Deskripsi Singkat tentang Kasus: Skenario ini adalah pengaduan yang diterima oleh Pengelola Sistem (CA) ASSIST yang telah diajukan secara sah oleh Asosiasi Dagang yang berbasis di ASEAN atas nama anggotanya, Perusahaan ASEAN (AE) (yaitu, dalam keadaan lengkap dan tercakup dalam Lingkup ASSIST). Pengaduan tersebut diajukan oleh Asosiasi Dagang yang berbasis di ASEAN karena AE ingin tetap anonim. Namun, kasus tersebut ditolak oleh Negara Tujuan karena perselisihan yang sama telah diajukan ke Organisasi Perdagangan Dunia (WTO) dalam pengaduan yang diajukan oleh negara pendaftaran AE (tempat Negara Asal) terhadap Negara Tujuan. Dalam kasus yang dipertaruhkan, penolakan oleh Negara Tujuan cukup bermotivasi dan termasuk dalam kedaulatan Negaranegara Anggota ASEAN dalam sistem ASSIST.

Pengaduan tersebut terkait dengan beberapa langkah fiskal dan bea cukai Negara Tujuan yang

memengaruhi rokok yang diekspor dari Negara Asal ke Negara Tujuan.

Langkah-langkah tersebut termasuk praktek penilaian pabean Negara Tujuan, pajak cukai, pajak kesehatan, rejim PPN, persyaratan lisensi ritel, dan jaminan impor yang dikenakan pada importir rokok. Asosiasi Dagang yang berbasis di ASEAN menuduh bahwa Negara Tujuan telah mengatur langkahlangkah ini secara parsial dan tidak masuk akal dan dengan demikian melanggar Pasal 57 Perjanjian Perdagangan Barang ASEAN (ASEAN Trade in Goods (ATIGA)), yang memasukkan ke dalam ASEAN, mutatis mutandis, Perjanjian WTO tentang Penilaian Bea Cukai. Menurut Asosiasi Dagang yang berbasis di ASEAN, Negara Tujuan tidak menggunakan nilai transaksi sebagai dasar utama untuk penilaian pabean dan tidak berhasil memenuhi urutan metode penilaian yang diamanatkan oleh Pasal 57 ATIGA, melainkan menggunakan metode penilaian tanpa dasar dalam Perjanjian. Selain itu, Asosiasi Dagang yang berbasis di ASEAN menuduh bahwa skema lisensi ganda Negara Tujuan, yang mensyaratkan lisensi terpisah bagi para pengecer tembakau dan/atau rokok untuk menjual rokok domestik dan impor, tidak konsisten dengan Pasal 6 ATIGA, yang menggabungkan Pasal III dari Perjanjian Umum tentang Tarif dan Perdagangan (GATT) 1994, karena memberikan perlakuan yang kurang menguntungkan bagi produk impor daripada bagi produk sejenis dalam negeri.

Daftar Para Aktor dan Singkatan::

- Pemohon (Complainant) = Asosiasi Dagang Berbasis ASEAN (ASEAN -Based Trade Association)
- Sekretariat ASEAN (ASEAN Secretariat) = Pengelola Sistem (CA) ASSIST (Central Administrator of ASSIST (CA)
- Negara Asal (Home Country) = Titik Kontak Asal (Home Contact Point (HCP)) di Negara Anggota ASEAN-X (ASEAN Member State-X (AMS-X))
- Negara Tujuan (*Destination Country*) = Titik Kontak Tujuan (*Destination Contact Point (DCP*)) dalam Negara Anggota ASEAN-Y (*ASEAN Member State-Y (AMS-Y*)
- Otoritas Nasional Terkait = Relevant National Authorities (RA)



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

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MEMILIH TAB AJUKAN PENGADUAN '*FILE A COMPLAINT*' (IKON ASOSIASI DAGANG ASEAN ('*ASEAN TRADE ASSOCIATION'*)

CONTACT

Jika Anda adalah asosiasi perdagangan yang berbasis di ASEAN yang mengajukan pengaduan atas nama salah satu atau banyak anggota Anda (secara anonim) yang sedang bermasalah dalam perdagangan yang sama, maka klik ikon 'ASEAN Trade Association' pada tab 'File a Complaint '.

Perhatikan bahwa, sebagai asosiasi perdagangan yang berbasis di ASEAN, Anda perlu mengajukan pengaduan atas nama Anda sendiri karena anggota Anda anonim. Entitas perwakilan yang berbasis di ASEAN, termasuk asosiasi perdagangan, dapat mengajukan pengaduan terhadap Negara Anggota ASEAN di mana mereka terdaftar, sejauh masalah perdagangan tersebut bersifat lintas batas.



Ketika Anda meng-klik ikon 'ASEAN Trade Association', maka gambar berikut akan tampil.

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WELCUME TO ASSIST	WHAT IS ASSIST?	FILE A COMPLAINT	FOLLOW A COMPLAINT	PROCESS	FAQ	CONTACT
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OF SOUTHEAST ASIAN NATIONS	ASSEAN Solutions for	Investments, Services and	l Trade			
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	* Address	200 Generative reals	(201 Maxmun)	2		
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	* First Name		* Last Name			
	* Phone * Position					
	* Email Address					
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	ZiP Code
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COMPLAINT DESCRIPTI	ON
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Registration Number	0
Entity Registration ProoF	Choose File No file chosen
Type of Business	0 -
Business Sector	Goods 7
Services Sector Description	0
Type of Problem Encountered	1 Tariff-related measures
Destination Country	0
Description	0
ttachmont	500 frances renaining (500 meanum
ttachmont	1000 Granaces ensing (5000 meanum) Choose File No file choson + Attachment
ttachmont) have read and accept the ASSIST tobas) Thereby submit this complaint to the Central.	Choose File No file chosen Attrinistrator of ASSIST and I accept its transmission to the relevant authorities of the ASEAN Member States involved
ttachmont I have read and accept the ASSIST <u>totak</u> I hereby submit this complaint to the Central,	2000 transies resigning (2000 instance) Choose File No file choicen Administrator of ASSIST and I accept its transmission to the relevant authorities of the ASEAN Member States involved I'm not a robot I'm not a robot

Isilah formulir di atas untuk memberikan cukup informasi kepada ASSIST mengenai masalah perdagangan yang Anda alami. Kolom yang ditandai dengan bintang (*) wajib diisi. Jika Anda tidak yakin tentang apa yang harus diisi untuk suatu kolom, maka ada tombol untuk • instruksi terperinci tentang apa yang harus diisi untuk setiap kolom. Silakan klik tombol • untuk memastikan informasi yang Anda isi pada formulir benar.

Anda harus mengisi Kolom Uraian ('Description') dengan benar. CA perlu memverifikasi bahwa uraian yang diberikan dalam pengaduan cukup untuk mengidentifikasi masalah dalam konteks perjanjian subyek tertentu. Dengan demikian, harap hati-hati ketika mengatur pengaduan Anda dengan argumen hukum dan bukti faktual untuk membantu CA dalam memutuskan apakah akan menyetujui pengaduan Anda.

ELCOME TO ASSIST	WHAT IS ASSIST?	FILE A COMPLAINT	FOLLOW A COMPLAINT	PROCESS	FAQ CON
LANGKAH					
3		PENGADUAN			
T					
	Di bawah ini adalah contoh	formulir yang telah	diisi untuk studi kasus k	husus ini.	
	ASSOCIATION	ACCICT			
	OF SOUTHEAST ASIAN NATIONS	ASSIST ASEAN Solutions for Investments, S	iervices and Trade		
	WELCOME TO ASSIST	WHAT IS ASSIST? FILE A CON	IPLAINT FOLLOW A COMPLAINT	PROCESS FAQ CO	INTACT
	Complaint to be I	Filed by an ASEA	N-Based Trade Assoc	iation	
		ASEAN based representative entities, such anonymous case on behalf of one of their r ASEAN-based representative entity will file	as trade associations, chambers of commerce, ousin nembers or on behalf of a multifude of their members the complaint in its own name. ASEAN-based represe	ess councils or business redorations may the having the seme trade problem. In such case entative entities can file completints against th	an s. the e. ASEAN
	ASEAN Trade Association	Member State where they are registered, s Please fill-in the form below so as to pro	o long as the trade problem is of a cross broder nature wide ASSIST with enough information on the trade	e problem experienced by the ASEAN Ente	rprise
	AJEAN FISTE ASSOCIATION	being represented by the ASEAN-based an " are mandatory fields.	trade association, chamber of commerce, busines	is council, or business federation. Fields i	narked with
	In order to file a valid complaint, you al your spamijunk boxes).	all verify your submission by ceplying to	the automated email that you will receive from AS	SIST shortly after submission (please che	ck also
	ASEAN-BASED TRAD	EASSOCIATION			
	* ASEAN-based Trade Association Nam * Phone	 ASEAN Tobacco Tr +12 905903901 	ade Association		
	Website * Address	www.aseantobacco	. com		
		City A Country X			
	1 Chr.	255 characters remaining	200 outronom	4	
	* Country	City A AME-X	* 90210.		
	* ASEAN Jurisdiction where the Entity I	s Established O Country X			
	*Gender	🕷 Mr 🔘 Mrs	O Ma		
	* First Name * Phone	Stephen +12 905903901	* Last Name Bogus		
	* Position	Chairman			
	* Email Address	aseantradeassocia Barbecue Road M	tion@gmail.com o, 78		
		Country X			
	City	255 of weathers remaining it	ZIP Code 90210		
	Country	AMS-X	•		
	COMPLAINT DESCRI	PTION			
	* Country of Legel Registration * Registration Number	131313	*		
	* Entity Registration Proof	Choose File Ann	ex 1-Simulat _ esociation pdf		
	* Business Sector	Goods			
	- Services Sector Description	0 388 Decreed Correl			
	* Destination Country	6 AMS-Y	T		
	* Description	We are a tobacci would like to f custows measure custows valuati and import guard	o trade association which represent a regin lle an ASSIST complaint against AMS-Y conces s affecting cigarettes exported from AMS-Y on practices, excise tax, health tax, VAT = antees imposed upon cigarette importers.	teres tobacco company in <u>AMS-</u> *. We traing a number of <u>AMS-</u> *'s fiscal an to <u>AMS-</u> *. Such measures include <u>AMS</u> regime, retail licensing requirement	d
		AMS-Y administan Article 57 of ti mutandia, the W	is these measures in a partial and unreased in Sacks, Trade in Goods Agreement $(\underline{A},\underline{L},\underline{S},\underline{A})$, and trade dryenization (NTO) Agreement on	able manner and theroby violates which incorporates into ASEAN, mute Customs valuation, AMS-Y does not u	111 1.
	Attachment	Choose File Ann	ex 2-Simulated F., Scheme of AMS-Y.pdf	himent	
	 I have read and accept the ASSIST null I hereby submit this complaint to the Complexity 	as ntral Administrator of ASSIST and I accept i	In transmission to the relevant authorities of the ASEA	N Member States involved	
		🗸 Im ac	t a robot		
		_	Plane Terre		
		-	USMIT TUDE COMPLAINT		



		(No. of Concerns		(internet internet)		
WELCOME TO ASSIST	WHAT IS ASSIST?	FILE A COMPLAINT	FOLLOW A COMPLAINT	PROCESS	FAQ	CONTACT
		-				
hank you for	the submissi	on of your col	mplaint			
u will shortly receive a confirm	ation e-mail containing your n	derences.				
ease click on the link contained	Lin the e-mail in order to confi	rm your submission.				
u will be able to monitor your com	plaint and access it on the follow	ving webpage:				
n flassist asean orgåsenfogin						
using your e-mail / tracking ID.						

Pemberitahuan di atas menunjukkan bahwa Anda harus mengklik tautan yang tersedia di akun email Anda untuk mengonfirmasi pengaduan Anda ASSIST.

ASSIST

ASEAN Solutions for Investments, Services and Trade

WELCOME TO ASSIST

OF SOUTHEAST

ASIAN NATIONS



FILE A COMPLAINT

FOLLOW A COMPLAINT

CONTACT



JUME TO ASSIST	WHAT IS ASSIST?	FILE A COMPLAINT	FOLLOW A COMPLAINT	PROCESS	FAQ
	ASSOCIATIO	ASSIST ASEAN Solutions for Investments, S	ervices and Trade		
	WELCOME TO ASSIST	WHAT IS ASSIST? FILE A COM	IPLAINT FOLLOW A COMPLAINT PR	DCESS FAQ CONT/	ACT
	Email/compla Thank you for having confirmed y Your complaint will now be review 1) Accepted and submitted 2) Incomplets and returnes 3) Rejected, if failing outsid A reason shell be provided to you	int confirmation valid out = mail. ied by the Central Administrator of ASSIST and you to the Destination Country: of to you for revision: or fe of the scope of ASSIST or not being a valid comp in writing in case of outcomes 2) or 3) above	shall be notified within maximum 10 working days of wheth	ar è la	
		Central Administrator of ASSIST / ASE/A ASSIST -	N Secretariat - 70A J. Scangamanguraja - Jakasta 12330 - In Supported by <u>ARISE - (Disclaimed</u>)	donesia	
LANGKAH	Buka akun email Anda. MENERIMA EMAIL C	DARI ASSIST BAHWA	ALAMAT EMAIL DAN	PENGADUAN A	NDA SAH
LANGKAH 6	Buka akun email Anda. MENERIMA EMAIL E Buka akun email Anda c telah mengonfirmasi pe tersebut telah diajukan pengaduan diterima, di	DARI ASSIST BAHWA dan Anda akan melihat e engaduan Anda, sehingg dalam ASSIST. ASSIST a nyatakan tidak lengkap	ALAMAT EMAIL DAN email baru dari ASSIST. Ema ga CA akan memeriksa valio kan kembali dengan tangga ı, atau ditolak dalam 10 har	PENGADUAN A iil ini menunjukkar litasnya, dan bahw apan yang menunj i kerja.	NDA SAH n bahwa Anda va pengaduan ukkan apakah
LANGKAH 6	Buka akun email Anda. MENERIMA EMAIL E Buka akun email Anda c telah mengonfirmasi pe tersebut telah diajukan pengaduan diterima, di MGmail	DARI ASSIST BAHWA dan Anda akan melihat d engaduan Anda, sehingg dalam ASSIST. ASSIST a nyatakan tidak lengkap	ALAMAT EMAIL DAN email baru dari ASSIST. Ema ga CA akan memeriksa valio kan kembali dengan tangga a, atau ditolak dalam 10 har	PENGADUAN A iil ini menunjukkar litasnya, dan bahw apan yang menunj i kerja.	NDA SAH n bahwa Anda va pengaduan ukkan apakah
LANGKAH 6	Buka akun email Anda. MENERIMA EMAIL E Buka akun email Anda c telah mengonfirmasi pe tersebut telah diajukan pengaduan diterima, di MGmail [ASSIST] Thanks for your email co No Reply ASSIST esselfgacean oge	DARI ASSIST BAHWA dan Anda akan melihat d engaduan Anda, sehingg dalam ASSIST. ASSIST a nyatakan tidak lengkap	ALAMAT EMAIL DAN email baru dari ASSIST. Ema ga CA akan memeriksa valio kan kembali dengan tangga n, atau ditolak dalam 10 har	PENGADUAN A nil ini menunjukkar litasnya, dan bahw apan yang menunj i kerja.	NDA SAH n bahwa Anda va pengaduan ukkan apakah
LANGKAH 6	Buka akun email Anda. MENERIMA EMAIL E Buka akun email Anda o telah mengonfirmasi pe tersebut telah diajukan pengaduan diterima, di MGmail [ASSIST] Thanks for your email oo No Reply ASSIST "aasing assan org" Reply To "asing assan org" aasing assan org	DARI ASSIST BAHWA dan Anda akan melihat e engaduan Anda, sehingg dalam ASSIST. ASSIST a nyatakan tidak lengkap	email baru dari ASSIST. Ema ga CA akan memeriksa valio kan kembali dengan tangga n, atau ditolak dalam 10 har	PENGADUAN A nil ini menunjukkar litasnya, dan bahw apan yang menunj i kerja.	NDA SAH n bahwa Anda va pengaduan ukkan apakah makasooclation@gmail.com
LANGKAH 6	Buka akun email Anda. MENERIMA EMAIL E Buka akun email Anda o telah mengonfirmasi per tersebut telah diajukan pengaduan diterima, di Mengaduan diterima, di Cassisti Thanks for your email co No Reply ASSIST - asole@acean.org? ReplyTo - asole@acean.org? Dear Mr Stephen Bogus, Thanks for the confirmation of your complain ASSIST, will neview your complaint and check no fail within the scope of ASSIST, within a Youare able to accessyour complaint atar	DARI ASSIST BAHWA	ALAMAT EMAIL DAN email baru dari ASSIST. Ema ga CA akan memeriksa valic kan kembali dengan tangga a, atau ditolak dalam 10 har olational SIST 4 Solutions for Investments, Services and Trade	PENGADUAN A hil ini menunjukkar litasnya, dan bahw apan yang menunj i kerja. ASEAH Irada Association Kassaar	NDA SAH n bahwa Anda va pengaduan ukkan apakah mukkan apakah wad, Oct 31, 2018 at 11.57 A



ELCOME TO ASSIST	WHAT IS 499191 ?	FILE A COMPLAINT	FOLLOW A COMPLAINT	PROCESS	FAQ	CONT
	ASSOCIATIC	ASSIST ASSA Solutions for Investments. Se	vices and Trade			
	WELCOME TO ASSIST	WHAT IS ASSIST? FILE A COMP	LAINT FOLLOW A COMPLAINT PROC	ESS FAQ CONT	ACT	
	Follow a Com	plaint				
	Please log in using your email add	reas and the tracking ID that you were given at the lim	e of filing your complaint to enter the ASSIST dashboard and o	neck on the progress of your proceed	ng.	
	Email assantradeassociation@gma	al com	Tracking ID		1	
			LOGIN			
		Contral Administrator of ASSIST / <u>ASEAN</u> ASSIST - S	Societariat - 70A JI. Sisingamangaraja - Jakanta 12110 - Inden apported by ARISE - [Dischaimer]	esia	and the	
	Segera setelah masuk	Anda akan melihat	dashor ASSIST di mana	Anda danat m	emantau	
	Segera Seterari masak	ian Anda			cillantau	
	perkembangan pengadi					
	perkembangan pengadı					
	perkembangan pengadi					

History					
Dats Acti 31/10/2018 11 57 14 31/10/2018 11 55 41	on Action Exail Confirment ASEAN New ASEAN	By 4-based Enterprise 4-based Enterprise	Commente Email Confi	med	WITHDRAW COMPLAINT
ASEAN ENTER	PRISE				
ASEAN Enterprise Name	ASEAN Toba	cco Trade Association			
Company Size				Address	Barbacus Road No. 78 City A Country X
hone	+12 906903901			City	City A
Vebsite	www.aseanlobacco.com			ZIP Code	90210
				Country	AMS-X
CONTACT PERS	SON				
First Name	Stephen			Address	Barbecue Road No. 78 City A Country X
.ast Nome	Bogus			City	City A
Phone	+12 905903901			ZIP Code	90210
osition	Chaimtan			Country	AMS-X
Email	aseantradeassociation@gmail	il.com (Confirmed)			
COMPLAINT DE	SCRIPTION				
Country of Legal Registratio	n AMS-X			Business Sector	Goods
Registration Number	131313			Type of Problem Encountered	Goods / Decreed Customs valuations
Company Registration Proof	Annex 1-			Destination Country	AMS-Y



Periksalah akun email Anda secara teratur dalam 10 hari kerja setelah mengajukan pengaduan Anda. Pada akhirnya Anda akan menerima email baru dari ASSIST.



Dalam hal ini, email di atas menunjukkan bahwa pengaduan Anda telah **diterima** oleh CA. Email tersebut juga memberitahu Anda bahwa pengaduan Anda sekarang akan dikirim ke Titik Kontak Tujuan (*DCP*), yang adalah badan pemerintah (Titik Kontak Utama (*Focal Point*) ASSIST di AMS-Y di mana Anda menghadapi masalah perdagangan dan di mana pengaduan Anda diarahkan dan dicarikan penyelesaiannya. DCP di AMS-Y akan diberikan 10 hari kerja untuk memeriksa pengaduan Anda dan menerima, menolak atau kembali kepada Anda dengan permintaan informasi lebih lanjut. Ini dimaksudkan untuk memberi waktu kepada DCP untuk memeriksa rincian pengaduan, dan berkonsultasi seperlunya dengan otoritas nasional terkait.

Titik Kontak Asal (*HCP*), yang merupakan badan pemerintah (Titik Kontak Utama *ASSIST (Focal Point)*) di AMS-X (negara asal Anda) juga telah diberitahu akan pengajuan pengaduan Anda.

Jika Anda tidak menerima email dari ASSIST dalam jangka waktu yang disyaratkan (10 hari kerja sejak pengaduan diajukan), maka ini berarti bahwa CA terlambat melakukan tindakan. CA akan menerima pengingat otomatis lain melalui email (14 hari kalender setelah pengaduan diajukan) bahwa CA harus melakukan suatu tindakan atas pengaduan tersebut. CA akan menerima email di bawah ini:



31(10/2010-12/02/33	And a second sec	ASSIST	Dear on Stephen bogus,	
		a constant in	Thenk you for lodging your com your complaint and finds that it i document which proves that you	plaint under ASSIST. The Central Administrator has reviewed and verified s complete. You have submitted your trade association's registration rate an entity registered.
31/10/2018 11.57:14	Eased Confirmed	ASEAN-based Enterprise	Email Confirmed	
31/10/2018 11.55:41	New	A3EAN-based Enterprise		
				WITHDRAW COMPLAINT
ASEAN ENTER	PRISE			
ASEAN Enterprise Name	ASI	EAN Tobacco Trade Association		
Company Size			Address	Berbecue Road No: 78 City A Country X
Phone	+12 905903901		City	City A
Website	www.aseantobacco.	com	ZIP Code	90210
			Country	AM9-X
CONTACT PER	SON			
First Name	Stephen		Address	Barbecue Road No. 78 City A Country X
Last Name	Bogus		City	City A
Phone	+12 905903901		ZIP Code	90210
Position	Chairman		Country	AMS-X
Email	aseantradeassociat	ion@gmail.com (Confirmed)		



commit or reflet redienterion	AMS-X	Business Sector	Goods
Registration Number	131313	Type of Problem Encountered	Goods / Decreed Customs valuations
Company Registration Proof	Annex_1: Simulated_Entity_Registration_of_ASEAN_Tobacco_Trad+_A	Destination Country association 18. pdf	AMS-Y
Type of Business	Rotallar		
Description	We are a tobarrio bracle association which sameased a perista-	ed tobacce company in AMS-3	We would like to file an ASSIST complaint apping AMS-Y
	concerning a number of AMS-Y's fiscal and customs measure valuation practices, excise tax, headth tax, VAT regime, retail these measures in a partial and unseasonable manner and th ASEAN, motals mutands, the World Trade Organization (VT customs valuation as required and fails to conform to the seg method with no basis in the Agreement in addition, AMS-Ys are all domestic and imported organices, is inconsistent with At treatment for imported products than for like domestic produc	s affecting cigarettes exported censing requirements and impore seby violates Article 57 of the J O) Agreement on Customs Valuence of valuation methods ma- dual license echeme, which require cle 6 of the ATIGA, incorporation 9.	from AMS-X to AMS-Y. Such measures include AMS-Y's customs ant guarantees imposed upon eigenetite importen. AMS-Y administrem ASEAN Track in Goods Agreement (ATIGA), which incorporates inte usation. AMS-Y does not use transaction value as the primary basis for indiced by the Article 57 of the ATIGA, wither it uses a valuation usines that tobacce and/or cigaraths retailers hold separate locenees to ig Article III of the GATT 1994, because it provides less favourable.

FOLLOW A COMPLAINT

PROCESS

FAO

CONTACT

Klik ikon kaca pembesar di kolom komentar. Tanggapan CA secara lengkap akan tampil, seperti terlihat di bawah ini:

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.

Seperti diberitahukan di Langkah 8, setelah CA menerima pengaduan, maka pengaduan akan dikirim ke Titik Kontak Tujuan (*DCP*) di AMS-Y di mana Anda menghadapi masalah perdagangan. DCP di AMS-Y akan diberikan 10 hari kerja untuk memeriksa pengaduan Anda dan menerima atau menolaknya. Ini dimaksudkan untuk memberi waktu bagi DCP untuk memeriksa rincian pengaduan, dan berkonsultasi seperlunya dengan otoritas nasional terkait. Setelah DCP menanggapi, maka email dari ASSIST akan dikirimkan kepada Anda untuk memberitahukan kepada Anda apakah DCP di AMS-Y telah menerima atau menolak pengaduan Anda.

Periksa akun email Anda secara teratur dalam 10 hari kerja setelah menerima tanggapan dari CA bahwa pengaduan Anda diterima. Pada akhirnya Anda akan menerima email baru dari ASSIST.

ASSOCIATION OF SOUTHEAS ASIAN NATION	ASSIST ASEAN Solutions for	Investments, Services and	Trade					
WELCOME TO ASSIST	WHAT IS ASSIST?	FILE A COMPLAINT	FOLLOW A COMPLAINT	PROCESS	FAQ	CONTAC		
				· V TEL ALL BAEB				
10	MENERIMA EMAI TANGGAPAN ATA	L PEMBERITAHUAN L S PENGADUAN AND/	A DAN CA TELAH MENE	RIMANYA	/IBERIKAN			
	(a) Buka akun email Anda. Anda akan menerima email baru dari ASSIST yang menunjukkan tanggapan terhadap pengaduan Anda dari DCP. Dalam hal ini, pengaduan Anda telah ditolak oleh DCP (AMS-Y)							
	M Gmail		<i>ع</i> .	SEAN Trade Association caseant	radeassociation@gmail.com			
	[ASSIST] Response for your #17420 No Repty ASSIST_cassist@asean org-	0181031 complaint			Wed, Oct 31, 2018 at 6.06 P			
	Reply-to "assistigasean org <assistigasean org=""></assistigasean>	in the second						
	Or southeast	ASS	SIST icitutions for investments, Services and Trade					
	Dear Mr Stephen Bogus,							
	The companyants Gase is the same final AM resolve a dispute that challenged exactly the established a panel, which circulated its report interpretation ocvered in the panel report. On report, as modified by the Appellate Body rep- would need a reasonable period of time to do recommendations and rulings of the DSB. At thist AKAS? Thad fully implemented the DSB4 the remaining WTO-inconsistencies and add DSB6#"res recommendations and rulings. All dispute was actually resolved, the complaint, complainant had referred to in its ASSIST co- Youcanalsocheckthe statusofyour complaination line place whether you are sat Yes if No		uspue estimater, mechanism, in Taci, on 29 September, polieto timpotei cigarettes. At this meeting on 17 Novem February 2011, AMS-Y notified the DBB of its decision to- tuated to Members and, at this meeting on 15 July 2011, it Bit Bit intended to implement the recommendations and finomed the DSB that they had mutually agreed on the re- enting of 27 February 2013, AMS-X expressed concern to the DSB meeting on 18 June 2014, AMS-Y reported that I ad faueto to comply Athiough three has not been an agree My considers as already addressed within the WTD frame re-mail/trackingID.	arwo, ANS-A had requested the 6 ber 2006; the VTD Dispute State appeal to the Appelate Body certe the DSB adopted the Appelate Body rulings of the DSB in line with its associate period of time for AMS- simplementation process. However at it had not been informed of ams (of not have to take any further entent between AMS-X and AMS- work, including in light of the ASE.	stautistment (of a panel to ment Body (DSB) had an issues of law and legal dy report and the panel WTO obligations and that it Y to comply with the er. ANS-X did not agree y progress boward resolving action to implement the Y on whether the WTO AN obligations that the			
	ASEAN Enterprise / Trade Association / Law/ Company size : Phone - + 12 903903901 Websile : www.assonit04000 com Address : Barbecue Road No. 78 City A Cour City - City A / Zip Code: 90210 Country : MS-X ASEAN Jurisdiction where the Entry is Estab Contact person : Mr. Stephen Bogue Phone + +12 90590301 Position : Chairman Email: essentiat/des Phone Bogue Phone + +12 90590301 Position : Chairman Email: essentiat/des Phone Bogue Country : AMS-X Confidential case code (for law firm or lowyer Country : AMS-X Confidential case code (for law firm or lowyer Country of Legal Registration : MMS-X Legal Registration Number : 131313 Type of Business : Retailer Business Soctor : Goods / Type of paciblem encountered : Decreed Cust Destription:	Firm : ASEAN Tobacce Trade Association (type T thy X lished : Country X thy X only): come valuations	ade) Mausculi išso 6 še ar 18937. complete societ MMS	f concerning a sumplus of AMS V				
	We are a tobacco trade association which rep measures affecting dipartities exponed from, guarantees imposed upon digaretie importers incorporates into ASEAM, mutatis mutandis, i and fails to conform to the sequence of value which requires that tobacco and/or ciparetie i provides less favourable treatment for import	present a registered tobacco company in AIAS-X MAS-X to AIKS-Y Such measures include AIAS- AMS-Y administers these measures in a partia- he World Trade Organization (VTO) Agreement too methods mandated by the Article 87 of the A etailers hold separate licenses to sell domestic a endersto to separate licenses to sell domestic ed products than for like domestic products.	We would like to file an ASSIST compliant against AMS-3 &et souther availation practices, excise tax, health tax, and unreasonable mamer and thereby violates Article 50 on Customs Valuation. AMS-V does not use transaction violation TIGA, rather it uses a valuation method with no basis in th nd imported ogareties, is inconsistent with Article 6 of the	f concerning a number of AMB-V3 VAT regime retail licensing regul of the ASEAN trade in Goods Ag- alue as the primary basis for custs to Agreement. In addition, AMS-Y2 ATIGA, incorporating Article III of	i€™s fiscal and customs rements and import greement (ATIGA), which oms valuation as required â∉™s dual license scheme, the GATT 1984, because it			
	-	Thanking	you. ASSIST is at your service.					
			assisiLasean.org					
	Dalam hal pengaduan setelah Anda menerim email yang memberita DCP akan berkoording	Anda diterima oleh Du na tanggapan dari CA b nhukan bahwa pengad na dengan otoritas pas	CP, prosesnya akan sedikit k ahwa pengaduan Anda dit uan Anda telah diterima ol	perbeda. Dalam erima, Anda ako eh DCP di AMS- Otoritas Penang	10 hari kerja an menerima Y dan bahwa			

Setelah RA menyelesaikan upaya mereka, DCP harus memeriksa solusi dan memberikannya kepada CA dalam waktu 40 hari kerja sejak tanggal penerimaan oleh DCP. Dengan demikian, untuk memenuhi tenggat waktu ini, DCP harus menetapkan batas waktu agar RA dapat menemukan solusi. DCP bertanggung jawab untuk memberitahu CA tentang segala perubahan yang berkaitan

(RA) untuk menganalisis pengaduan Anda secara rinci.

dengan jangka waktu di antaranya dan otoritas nasional.


FOLLOW A COMPLAINT

PROCESS

CA dapat memperpanjang batas waktu hingga 20 hari kerja atas permintaan DCP. Sistem akan secara otomatis memberitahu ketika tenggat waktu semakin dekat (mis., biasanya, 10 hari kalender sebelum jarak waktu). Jika DCP tidak memenuhi tenggat waktu untuk mengirim solusi ke CA, sistem online akan memberitahu CA untuk menindaklanjuti dengan DCP.

Kemudian Anda akan menerima pemberitahuan email kedua dari ASSIST bahwa DCP atau AMS-Y mengajukan solusi dan diterima oleh CA.

Namun, dalam kasus seperti ini, di mana pengaduan **"Ditolak"** oleh DCP, Anda mungkin tidak akan menerima email dari ASSIST dalam tenggat waktu 10 hari kerja. Penolakan dan alasan penolakan oleh DCP hanya akan dikirim ke CA melalui ASSIST dalam 10 hari kerja. CA kemudian akan memeriksa kecukupan bahasa dan informasinya dalam 5 hari kerja sejak CA menerima email penolakan oleh DCP tersebut.

Jika CA menerima alasan penolakan, maka tanggapan yang telah diperiksa dan disetujui oleh CA akan dikirim ke email Anda, seperti di atas. Jika CA kecewa terhadap alasan penolakan DCP tersebut, maka sistem ASSIST memungkinkan CA untuk meminta DCP memperbaiki penolakan. Namun, opsi CA ini tidak memiliki nilai mengikat pada DCP, dan jika dalam waktu 5 hari kerja tidak ada tanggapan, maka sistem online akan secara otomatis mengedarkan penolakan tersebut kepada pemohon pengaduan.

Jika untuk sementara waktu DCP tidak mengambil tindakan apapun, maka DCP akan menerima pengingat otomatis di bawah ini melalui email dari sistem online ASSIST dalam waktu 7 hari kalender setelah pengaduan diterima oleh CA. Seperti ditunjukkan di atas, DCP harus memutuskan untuk menerima atau menolak pengaduan dalam waktu 10 hari kerja sejak CA menerima pengaduan tersebut.

Email Pengingat 1 untuk Titik Kontak Tujuan (DCP):

M Gmail		AM5 Y <aseanmemberatate.y@gmail.com></aseanmemberatate.y@gmail.com>
[ASSIST] Complaint #17020181030 reminder for DC	ЪР.	
No Reply ASSIST <assist@asean.org> Reply-To: "assist@asean.org" <assist@asean.org></assist@asean.org></assist@asean.org>		Wed, Oct 31, 2018 at 5:00 AM
	ASSIST ASEAN Solutions for Investments, Services and Trade	
Action is required by the DCP AMS-Y for the complaint. 17020181030		
	Thanking you, ASSIST is at your service.	
	assist a sean org	

Jika Anda tidak menerima email dari ASSIST tentang tanggapan DCP dalam jangka waktu yang disyaratkan (10 hari kerja) setelah pengaduan diterima oleh CA, maka ini berarti bahwa tindakan DCP terlambat. DCP akan menerima pengingat otomatis lain melalui email (14 hari kalender setelah pengaduan diajukan) bahwa DCP harus melakukan suatu tindakan atas pengaduan tersebut.



(b) Login ke dasbor ASSIST Anda melalui email dan ID pelacakan Anda sebagaimana ditunjukkan pada Langkah 7 (a) dan (b) di atas. Tampilan dasbor lengkap Anda dapat dilihat di bawah ini. Seperti yang Anda lihat, tindakan lain telah ditambahkan ke 'Riwayat' Anda menunjukkan bahwa solusi untuk pengaduan Anda telah diajukan. Solusi atau tanggapan lengkap ASSIST dari DCP, yang telah diterima oleh CA, juga diberikan di alinea pertama dasbor Anda.

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WELCOME TO:	422121 Wi	HALIS ASSISTS MY	CUMPLAINI	DI PROCESS	HAU	CUNIACT	UISCLAIME
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ASSIST Solution							
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MSX disagreed and w solved, the complaint omplainant had referre dischment.	vas of the view that AA lodged through ASSIS d to in its ASSIST con	(S-Y had failed to comply Althou ST is one that AMS-Y rightfully co- aplaint. Thus: AMS-Y rejects this	gh thers has not been an agree nsiders as already addressed w complaint under ASSIST.	nent between AMS-X and AA thin the WTO tramework, Incl	IS-Y on whether uding in light of th	the WTO dispute was ne ASEAN obligations	actually that the
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ASSIST Supported by ARISE - Thirdument

Berikut adalah tanggapan dari DCP:

"Kasus pemohon pengaduan sama dengan kasus yang dibawa AMS-X terhadap AMS-Y berdasarkan mekanisme penyelesaian sengketa WTO. Sebenarnya, pada 29 September 2008, AMS-X telah meminta pembentukan panel untuk menyelesaikan sengketa yang menolak rejim penilaian pabean AMS-Y yang persis sama dengan yang diterapkan pada rokok impor. Pada pertemuannya pada 17 November 2008, Badan Penyelesaian Sengketa WTO (DSB) telah membentuk panel, dan mengedarkan laporannya kepada para Anggota pada 15 November 2010. Pada 22 Februari 2011, AMS-Y memberitahu DSB tentang keputusannya untuk mengajukan banding ke Badan Banding masalah hukum tertentu dan interpretasi hukum yang tercakup dalam laporan panel. Pada 17 Juni 2011, laporan Badan Banding diedarkan kepada Anggota dan, pada pertemuannya pada 15 Juli 2011, DSB mengadopsi laporan Badan Banding dan laporan panel, sebagaimana dimodifikasi pada laporan Badan Banding. Pada 11 Agustus 2011, AMS-Y memberi tahu DSB bahwa mereka bermaksud melaksanakan rekomendasi dan keputusan DSB sesuai dengan kewajiban WTO dan bahwa itu akan membutuhkan periode waktu yang wajar untuk melakukannya. Pada tanggal 23 September 2011, AMS-X dan AMS-Y memberitahukan kepada DSB mengenai kesepakatan mereka tentang jangka waktu yang wajar bagi AMS-Y untuk mematuhi rekomendasi dan keputusan DSB. Dalam pertemuan DSB pada tanggal 28 Januari 2013, AMS-Y melaporkan bahwa mereka telah menyelesaikan langkah-langkah akhir yang belum terselesaikan dalam proses implementasinya.

Namun, AMS-X tidak setuju bahwa AMS-Y telah sepenuhnya melaksanakan rekomendasi dan keputusan DSB. Pada pertemuan DSB tanggal 27 Februari 2013, AMS-X menyatakan keprihatinannya bahwa pihaknya belum diberitahu tentang perkembangan untuk menyelesaikan ketidakkonsistenan WTO yang masih ada dan menambahkan bahwa mereka akan segera mengambil langkah-langkah yang tepat. Pada pertemuan DSB pada tanggal 18 Juni 2014, AMS-Y melaporkan bahwa mereka tidak harus mengambil tindakan lebih lanjut untuk melaksanakan rekomendasi dan keputusan DSB. AMS-X tidak setuju dan berpendapat bahwa AMS-Y telah gagal untuk mematuhi.

Meskipun belum ada kesepakatan antara AMS-X dan AMS-Y tentang apakah perselisihan WTO benarbenar terselesaikan, pengaduan yang diajukan melalui ASSIST adalah salah satu yang merupakan hak AMS-Y untuk menganggap telah ditangani dalam kerangka kerja WTO, termasuk mengingat Kewajiban ASEAN yang disebutkan oleh pemohon dalam pengaduan ASSIST-nya. Dengan demikian, AMS-Y menolak pengaduan ini berdasarkan ASSIST."

ASSOCIATIO OF SOUTHEAS ASIAN NATION	ASSIST ASEAN Solutions for	Investments, Services and	l Trade			
WELCOME TO ASSIST	WHAT IS ASSIST?	FILE A COMPLAINT	FOLLOW A COMPLAINT	PROCESS	FAQ	CONTAG
	(c) Di bagian bawah em setuju atau tidak de Anda dapat melaku	nail dari ASSIST pada 10 engan jawaban yang dik kannya dengan memilih	(a) di atas, Anda diminta unt erikan oleh DCP dan solusi 'Ya' atau 'Tidak 'di kolom ya	uk menunjukkan yang disediakan ang disediakan.	apakah Anda di dalamnya	a
	Please kindly indicate whether you a	are satisfied with the answer given by	the DCP and the solution provided therein. Y	- ou can do so by choosing	'Yes' or 'No' below:	
	Dalam hal ini, AE memi	lih "Ya".				
LANGKAH 11	MEMBERIKAN UMP DIBERIKAN OLEH AN PERNYATAAN PENE	YAN BALIK ANDA PA MS-Y DALAM SURVE RIMAAN DARI ASSIS	DA USULAN SOLUSI ATA I KEPUASAN DAN MENI ST	AU TANGGAPA ERIMA EMAIL	AN YANG	
	Segera setelah Anda m bawah ini di mana Anda komentar, terutama jik ASSOCIATIO OF SOUTHEA VELCOME TO ASSIST	emilih 'Ya/Tidak' pada L a akan diminta untuk me a Anda tidak setuju den ASSIST ASEAN Solutions for Investments, S WHAT IS ASSIST? MY COMF	angkah 10 (c) di atas, Anda a njawab Survei Kepuasan dar gan tanggapan atau solusi ya kervices and Trado LAINT LOGOUT PROCESS F	akan diarahkan l n diundang untuk ang diusulkan. AQ CONTACT	ke halaman d k memberikar	li n
	Satisfaction s Plase common your response for Your answer Comments	Urvey or our fised back Satisfied with the sol	ution			
			Tim not a robot			
		Central Administrator of ASSIST / <u>ASS</u> ASSIST	M Secondriat - 70A Jl. Sleingemangeraja - Jakarta 12110 - Ine Slapponod by ARISE - (Disclaimer)	binesia		

(a) Isilah Survei Kepuasan. Dalam hal ini, Asosiasi Dagang ASEAN merasa solusi atau tanggapan yang diberikan oleh ASSIST memenuhi harapannya dan dengan demikian menunjukkan sesuai dengan itu.

ME TO ASSIST	WHAT IS ASSIST?	FILE A COMPLAINT	FOLLOW A COMPLAINT	PROCESS	FAQ
	ASSOCIATE OF SOUTHEA ASIAN NATION WELCOME TO ASSIST	ASSIST ASEAN Solutions for Investments, WHAT IS ASSIST? MY COM	Services and Trado PLAINT LOGOUT PROCESS FA	q contact di	ISCLAIMER
	Satisfaction s Please comment your response fo Your answer Comments	urvey or our feedback Satisfied with the so We are set is fit there has not resolved. Thus, We have decided	Audion id with the reason of rejection of our complaint by een an agreement between <u>AUS</u> ×Y and <u>AUS</u> ×Y on whethe use will follow-up with our government regarding t ad comailed with its WY obligations. I not to pursue any other course of action regardin	arg-v. As mentioned by arg-v r the WIO dispute was actuall his metter, specifically on g our complaint.	G y
		~	I'm not a robot		
		Central Administrator of ASSIST / ASE	AM_Secretariet - 70A.II. Shiegemangaraja - Jakarta 12110 - Ind	wesła	
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WELCOME TO ASSIST

ASSIST ASEAN Solutions for Investments, Services and Trade

WHAT IS ASSIST?

FILE A COMPLAINT

FOLLOW A COMPLAINT

(c) Login ke dasbor ASSIST Anda melalui email dan ID pelacakan Anda seperti ditunjukkan pada Langkah 7 (a) dan di atas. Tampilan akhir dasbor Anda dapat dilihat di bawah. Seperti yang Anda lihat, tindakan lain telah ditambahkan ke 'Riwayat' Anda yang menunjukkan bahwa Anda telah menunjukkan kepuasan atas solusi yang diusulkan oleh ASSIST.

WELCOME TO ASSIST	WHAT	S ASSIST?	MY CO	MPLAINT	LOGOUT	PROCESS	FAO	CONTACT	DISCLAIME
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COMPLAINT DE	SCRIPTION	V							
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ASSIST Supported by ARISE (Disclaimat)



Dalam hal solusi melalui ASSIST tidak ditemukan atau jika DCP menemukan dasar yang cukup bahwa RAnya telah memenuhi komitmen ASEAN yang relevan dan bahwa pengaduan tersebut tidak memiliki nilai, maka temuan ini dan dasar untuk temuan tersebut akan segera disampaikan kepada CA, yang akan menginformasikan kepada pemohon pengaduan sesuai dengan itu. Jika diinginkan, pemohon pengaduan dapat merujuk kasus tersebut ke Badan Kepatuhan ASEAN (ACB) melalui HCP dan Negara Anggota pendaftaran ASEAN, Mekanisme Penyelesaian Perselisihan yang Ditingkatkan ASEAN (*Enhanced Dispute Settlement Mechanism* (*EDSM*)), mengikuti litigasi nasional atau mekanisme penyelesaian sengketa alternatif (yaitu mediasi, konsiliasi, atau arbitrase) di dalam yurisdiksi nasional ASEAN.

ASSIST akan menganggap prosedur ini sebagai satu prosedur pengaduan yang ditolak dan belum diberikan solusi.

Perhatikanlah bahwa jangka waktu untuk menyelesaikan masalah lintas batas yang dibawa berdasarkan ASSIST tidak boleh melebihi 40 hari kerja atau 2 bulan kalender (kecuali telah diberikan perpanjangan maksimum 20 hari kerja) dari tanggal ketika pengaduan diajukan.





Pengaduan ini Diajukan oleh Pengacara atau Firma Hukum Terdaftar ASEAN atas Nama Kliennya, Perusahaan ASEAN (*ASEAN ENTERPRISE (AE)*). Diterima oleh Pengelola Sistem (*CA*) dan Solusi yang Diajukan oleh Titik Kontak Tujuan (*Destination Contact Point (DCP)*) dan Diterima oleh Perusahaan ASEAN (AE).

Uraian Singkat mengenai Kasus: Skenario ini adalah pengaduan yang diterima oleh Pengelola Sistem (CA) ASSIST yang telah diajukan secara sah oleh Pengacara/Firma Hukum Terdaftar ASEAN (Pengacara ASEAN) atas nama kliennya, Perusahaan ASEAN (AE)), dan juga diterima oleh Negara Tujuan sebagai masalah di mana negara tersebut bersedia untuk terlibat dengan Pengacara ASEAN melalui ASSIST, berinteraksi dengan Otoritas Nasional dalam negeri yang relevan serta memberikan solusi untuk Pengacara ASEAN melalui ASSIST. Dalam kasus yang dipertaruhkan, Negara Asal tidak terlibat secara aktif, tetapi semua langkah lain yang mungkin dalam prosedur ASSIST, termasuk permintaan awal oleh CA akan informasi tambahan dari Pengacara ASEAN, disimulasikan untuk tujuan memeriksa proses ASSIST secara lengkap.

Pengaduan tersebut terkait dengan bea cukai baru yang dikenakan oleh Negara Tujuan atas minyak sawit serta produk makanan yang mengandung minyak sawit

Daftar Para Aktor dan Singkatan:

berdasarkan Peraturan Kementerian Kesehatannya tahun 2015, Bab 1000, Bagian 100.

Langkah yang diambil oleh Negara Tujuan mengenakan pajak atas makanan yang berkadar gula dan lemak jenuh tinggi, sebagai bagian dari strategi untuk mengatasi masalah obesitas yang meningkat di Negara Tujuan. Pengacara ASEAN menuduh bahwa langkah Negara Tujuan secara tegas menargetkan minyak sawit dan bukan hanya komponen lemak jenuh dari minyak sawit dan produk-produk yang mengandung minyak kelapa sawit, dengan demikian mendiskriminasikan minyak sawit dan menjelekkan produk secara keseluruhan alih-alih hanya mengurangi konsumsi produk yang mengandung lemak jenuh secara berlebihan, terlepas dari lemak nabati atau hewani. Pengacara ASEAN menuduh, dalam pengaduan ASSIST, bahwa langkah yang diambil dan diterapkan oleh Negara Tujuan tersebut bertentangan dengan Pasal 6 Perjanjian Perdagangan Barang ASEAN (Asean Trade in Goods Agreement (ATIGA)) (mengenai Perlakuan Nasional tentang Perpajakan dan Peraturan Internal), karena itu mendiskriminasikan minyak kelapa sawit secara keseluruhan dan tidak diterapkan pada produk 'sejenis' lainnya yang diproduksi atau dijual di Negara Tujuan (vaitu, produk makanan yang mengandung lemak jenuh yang berasal dari kedelai, bunga matahari, rapeseed, jagung, kacang atau lemak hewani) ...

- Pemohon pengaduan (Complainant) = Pengacara atau Firma Hukum ASEAN
- Sekretariat ASEAN (ASEAN Secretariat) = Pengelola Sistem ASSIST (Central Administrator of ASSIST (CA))
- Negara Asal (Home Country) = Titik Kontak Asal (Home Contact Point (HCP)) di Negara Anggota ASEAN-X (ASEAN Member State-X (AMS-X))
- Negara Tujuan (Destination Country) = Titik Kontak Tujuan (Destination Contact Point (DCP)) dalam Negara Anggota ASEAN-Y (ASEAN Member State-Y (AMS-Y)
- Otoritas Nasional Terkait = Relevant Authorities (RA)



ASEAN Solutions for Investments, Services and Trade

WELCOME TO ASSIST

WHAT IS ASSIST?

FILE A COMPLAINT

FOLLOW A COMPLAINT

INT PI

PROCESS FAQ

CONTACT



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

FAQ

CONTACT

LANGKAH

2

MEMILIH TAB AJUKAN PENGADUAN (*'FILE A COMPLAINT')* (PENGACARA ASEAN ATAU FIRMA HUKUM ASEAN *(ASEAN LAWYER* ATAU *LAW FIRM)*)

(a) Jika Anda adalah pengacara atau firma hukum terdaftar ASEAN yang mengajukan pengaduan atas nama klien Anda (yaitu Perusahaan ASEAN yang bermasalah perdagangan) dan berlisensi untuk melakukan praktek hukum di Negara Anggota ASEAN tempat klien Anda berada atau berdasarkan pengaduan yang diajukan, maka klik ikon Pengacara ASEAN atau Firma Hukum ('ASEAN Lawyer or Law Firm') pada tab Ajukan Pengaduan ('File a complaint').



(b) Ketika Anda meng-klik ikon 'ASEAN Lawyer atau Law Firm', maka halaman berikut akan tampil:

ASIAN NATIONS	ASEAN Solutions for	Investments, Services and	l Trade			
WELCOME TO ASSIST	WHAT IS ASSIST?	FILE A COMPLAINT	FOLLOW A COMPLAINT	PROCESS	FAQ	CONTACT
ASEAN Lawyer or Law Firm	ASEAN registered lawyers insch rasse, the lawyer filed, musi first contact the ananymous complaint is b in order to do sco, please the form itself. Once the ASEAN Secreta rida ASSIST with anough ini individual lawyers can insert	or law firms may file an anonyn or law firm, duly Iconsed to prac ASEAN Secretariat and pravide eing fred. diownload the necessary form fat has provided the Confidentia formation on the trade problem of their personal details faice (i.e.	Instruction behalf of one of their click too law in the ASEAN Mamber State v the required data on its professional r and submit it by email to the <i>i</i> of Case Code (CCC) by email to the law parateneous by the ASEAN Entarprise in the fields for Law Firm and Lawyer	whis (i +, the ASEAN E where the client is bas- registration and on the ASEAN Socretariat at ever or law firm, the ac baing represented. File).	interprise havin od or against wi client on whose t assisti@acoar tual complaint olds marked w	g the trade problem high the complaint to behalf the complex specified can be filled. To do the an " are



COME TO ASSIST	WHAT IS ASSIST?	FILE A COMPLAINT	FOLLOW A COMPLAINT	PROCESS	FAQ	C
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	* Phone					
	Website					
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	- a newsy women one company					
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		SI	IBMIT YOUR COMPLAINT			

(c) Sebagai pengacara atau firma hukum terdaftar ASEAN, Anda harus mengajukan pengaduan atas nama Anda sendiri dan/atau nama firma hukum Anda karena identitas klien Anda tetap anonim. Untuk melakukannya, Anda harus mengikuti instruksi di halaman di atas. Pertama, Anda harus mengunduh formulir yang diperlukan untuk mengisi dan mengirimkannya ke Sekretariat ASEAN, sebagaimana ditentukan pada formulir itu sendiri.

Ketika Anda mengklik ikon 'lingkaran berwarna oranye' di halaman di atas, maka formulir berikut akan teriunduh di komputer Anda.



Isilah formulir di atas dan kirimkan melalui email ke Sekretariat ASEAN di <u>assist@asean.org</u>, sebagaimana ditentukan pada formulir itu sendiri. Selain itu, kirimkan data yang diperlukan berikut bersama dengan formulir: (i) pendaftaran profesional atau dokumen lisensi Anda (jika bahasa asli bukan bahasa Inggris, maka terjemahan tidak resmi ke dalam bahasa Inggris juga harus dilampirkan) dan (ii) dokumen pendaftaran perusahaan dari klien (Perusahaan ASEAN (AE)) yang mengajukan pengaduan anonim tersebut.



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
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	General General Administrator ASEC coatasec@gmail.com assemboyed@gmail.com toar Mr. Storra Rivlara, Base be informed that we have resolved your email to have checked the required documents which you not would like to inform you that the documents are have, please proceed to filing your complaint on the tease also find below your Confidential Case Code: SUSTX-010-2018 fease insent the above code under the space provid hank you. sparts. SUST Corran Administrator In Wed, Oc. 31, 2018 at 2.19 PM ASEAN Lawyer supersentements	omplaint under ASSIST against AMS a il on filing a complaint against AMS-Y en behalf of yo u have submitted (i +, (i) your completed anonymous ASSIST website ded in the Complaint Description Form. assennienyen@gymail.como verde	S•¥ ar client compleint form, (ii) your professional license issued by AMS-X a	ASEAN Lawyer =a W	rseunlawyer0@gmall.com	





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CONTACT

FAO



Sebagai contoh keterangan pengaduan yang jelas dan ringkas, di bawah ini adalah uraian untuk studi kasus khusus ini:

"Kami adalah firma hukum terdaftar di AMS-X yang mengajukan pengaduan berdasarkan ASSIST atas nama klien kami, perusahaan minyak sawit yang terdaftar di AMS-X. Pengaduan tersebut terkait dengan bea cukai baru yang dikenakan oleh AMS-Y (Titik Kontak Tujuan atau DCP) pada minyak sawit dan produk makanan yang mengandung minyak sawit berdasarkan Peraturan Pangan Kementerian Kesehatan Bab 1000, Bagian 100 tahun 2015. Langkah yang diambil oleh AMS-Y memperkenalkan pajak atas makanan berkadar gula dan lemak jenuh tinggi sebagai bagian dari strategi untuk mengatasi masalah peningkatan obesitas di AMS-Y.

Kami berpandangan bahwa langkah AMS-Y secara tegas menargetkan minyak sawit dan bukan hanya komponen lemak jenuh dari minyak sawit dan produk-produk yang mengandung minyak sawit, sehingga mendiskriminasi minyak sawit dan menjadikan produk sebagai keseluruhan, alih-alih hanya mengurangi konsumsi berlebihan produk yang mengandung lemak jenuh, terlepas dari lemak nabati atau hewani.

Dengan demikian, kami menemukan bahwa langkah yang diambil dan diterapkan oleh AMS-Y bertentangan dengan Pasal 6 ATIGA (mengenai Perlakuan Nasional terhadap Perpajakan dan Regulasi Internal), karena mendiskriminasikan minyak sawit secara keseluruhan dan tidak diterapkan pada produk 'serupa' lain yang diproduksi atau dijual di AMS-Y (yaitu, produk makanan yang mengandung lemak jenuh yang berasal dari kedelai, bunga matahari, *rapeseed*, jagung, kacang tanah atau lemak hewani)."



Please confirm your complaint 18120181102 on the following link (or by copy-pasting the following link onto your Internet 8
http://assist.arsehadevelopment.space/user/confirm_email/?email=aseanlawver0/20mail.com&id=18120181102&code=40n93

After your confirmation, ASSIST will monitor your complaint and you will be able to access it on the following webpage http://assist.arsenadevelopment.spaceruser/login_by using your e-mail / tracking ID, aseanlawyer0@gmail.com / 18120181102

http://assist.asean.org/user/confirm_email http://assist.asean.org/user/login_dengan_menggunakan_email/ID Pelacakan anda: aseanlawyer0@gmail.com / 181201181102



Pemberitahuan di atas akan memberitahu Anda bahwa pengaduan Anda akan diperiksa oleh CA dan bahwa
Anda akan diberitahu melalui email dalam waktu maksimum 10 hari kerja apakah pengaduan tersebut:

ter of ASSIST / <u>ASSAM</u> Societariat - 70A Jr. Skilingamangaraja - Jakarta 12110 - Indonesia ASSIST - Supported by ABISE - [Disclaimed]

- 1) Diterima dan diserahkan ke Negara Tujuan; atau
- 2) Tidak lengkap dan dikembalikan untuk direvisi; atau
- 3) Dinyatakan tidak lengkap dan dikembalikan kepada Anda untuk revisi; atau

Buka akun email Anda.



ASEAN Solutions for Investments, Services and Trade

WELCOME TO ASSIST

WHAT IS ASSIST?

FILE A COMPLAINT

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LANGKAH 10

MENERIMA EMAIL DARI ASSIST BAHWA ALAMAT EMAIL ANDA DAN PENGADUAN ANDA **ADALAH SAH**

Buka akun email Anda dan Anda akan melihat email baru dari ASSIST. Email ini menunjukkan bahwa Anda telah mengkonfirmasi pengaduan Anda, bahwa CA akan memeriksa keabsahannya, serta telah diajukan dalam ASSIST. ASSIST akan kembali dengan tanggapan yang menunjukkan apakah pengaduan diterima, dinyatakan tidak lengkap, atau ditolak dalam 10 hari kerja.



Seperti ditunjukkan dalam email di atas, sekarang Anda dapat memantau perkembangannya dengan mengklik tautan yang ditunjukkan yang akan diarahkan ke tab Ikuti Pengaduan ('Follow a Complaint') pada bar menu di Situs web ASSIST.



MEMANTAU PERKEMBANGAN PENGADUAN ANDA

(a) Buka tautan berikut: http://assist.asean.org/user/login atau buka tab lkuti Pengaduan ('Follow a Complaint') pada bar menu di Situs Web ASSIST. Halaman di bawah ini akan tampil:

	XSS FAQ CONTACT	vices and Trade	ASSIST ASSAN Solutions for Invest	ASSOCIATIO	
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	2555 FAQ CONTACT	AINT FOLLOW A COMPLAINT	S ASEAN Solutions for Invest		
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) di kolom yang diharusk om dan ID pelacakanny	n (nomor pengaduan A h aseanlawyer0@gm rices and Trade ANT FOLLOW A COMPLAINT ef Fing your complaint to enter the ASSIST dash Tracking ID LOGIM	nail Anda dan ID pe al ini, Alamat Emai 18120181102.	(b) Masukkan alamat er untuk login. Dalam h (<i>Tracking ID</i>) adalah	(

Tracking I	D #18120	181102 / AMS	S-Y
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02(11/2018 12 18:02	in the second	ASEANJased Enternise	



Seperti yang dapat Anda lihat di dasbor, tindakan yang diambil untuk pengaduan Anda dengan jelas ditunjukkan di dasbor Anda dan daftar ini akan diperbarui secara berkala setelah setiap tindakan diambil. Formulir pengaduan Anda yang telah Anda kirimkan juga dapat diakses di dasbor Anda.

LANGKAH 12 PENGELOLA SISTEM (CA) MEMERIKSA PENGADUAN ANDA DAN MENGIRIMKAN TANGGAPAN MELALUI EMAIL ANDA (MENERIMA, MENYATAKAN TIDAK LENGKAP, ATAU MENOLAK)

Saat Pengelola Sistem (CA) telah selesai melakukan kaji ulang atas keluhan anda dan memutuskan menerima/kembalikan karena tidak lengkap/tolak, anda akan dikirimi email dalam jangka waktu 10 hari kerja sejak anda mengajukan keluhan.

Jika untuk sementara waktu CA tidak mengambil tindakan apapun, maka CA akan menerima pengingat otomatis di bawah ini melalui email dari sistem online ASSIST dalam waktu 7 hari kalender setelah pengaduan diajukan. Sebagaimana ditunjukkan di atas, CA harus memutuskan untuk menerima, menyatakan tidak lengkap dan meminta revisi, atau menolak pengaduan dalam 10 hari kerja.



membutuhkan informasi tambahan dari Anda karena Anda hanya menyerahkan dokumen Lisensi Profesional Anda. Dengan demikian, CA mengirimkan tanggapan email kepada Anda yang meminta Anda untuk mengirimkan kembali pengaduan dengan melampirkan peraturan atau tindakan AMS-Y yang menjadi masalah bersama dengan ringkasan hukum yang merinci dugaan Anda dan argumen yang menurut Anda harus dipertimbangkan untuk tujuan menerima pengaduan dan mungkin memberikan solusi.

Seperti ditunjukkan dalam email di atas, untuk merevisi pengaduan Anda dan mengirimkannya kembali, Anda harus masuk ke dasbor ASSIST Anda.





ASEAN Solutions for Investments, Services and Trade



WHAT IS ASSIST?

FILE A COMPLAINT

FOLLOW A COMPLAINT

PLAINT

PROCESS

CONTACT

FAQ

LAW FIRM	
Law Firm Name	ARISE & Partners
Phone	+36 1 7653572
Website	www.arlee&partners.com
Address	Donube Street No. 13
	City P Country x
	300 ukusulum umululud PM austimanti
City	City P ZIP Code 12310
Country	AM5-X +
ASEAN Jurisdiction(s) where Local Office(s) is(a:e)	Country X
Established	
LAWYER	
Gender	C Mr Mrs 🕷 Ms
First Name	Sterra *Last Name Riviera
Phone	+36 7878137686
Position	Senior Asacciata
' Email	aceaniaxyarii@gmail.com
Address	Donube Street No. 13
	Country K
	355 maractors centaring (300 maximum)
City	City P ZIP Code 12310
ASEAN Jurisdiction(s) where Admitted to Practice Law	AM5.X T
COMPLAINT DESCRIPTION	
Confidential Case Code	ASSIST-X-001-2018
Country of Legal Registration	AMS X +
Legal Registration Number	137911
Registration Proof	Choose File No lile chosen
	Annez_0-Simulated_Professional_License_of_Ms_Sienra_Riviera4.odf
Type of Business	Export/import *
Business Sector	Goeds *
- Services Sector Dissetiption	
Type of Problem Encountered	3.6.7 Internal taxes and charges levied on imports *
Destination Country	AMS-Y *
Description	We are a registered law fire in AUS-X filing a complaint under ASIIS on behalf of our cliest, a duly registered pain all company in AUS-X. The complaint is in relation to the new excise duty impound by AUS-V (the Detailton Contact Moint of COP) on pain all and food products containing pain all under its filinistry of Health's food Regulation Chapter 1000, Section 100 of 2015. The measure acopted by AUS-V introduced taxos on foods heigh in sugar and caturated fat as part of a strategy for addressing the rising problem of ubesity in AUS-V.
	be are of the view that ATS-Y's measure expressly targeted pails oil and not just the saturated - fat component of pails oil and of products containing pails oil, thereby discriminating against AR emarkum menung (MM former)
Attachment 0	Choose File Annex 2-Simulated Regulation of AMS-Y pdf + Attachmont
	Choose File Annex 3-Simulated Le. RISE & Panners pdf Remove
I have read and accept the ASSIST <u>tubes</u> .	
t I hereby submit this complaint to the Contral Administration	or of ASSIST and Laccept its transmission to the relevant authorities of the ASEAN Member States involved
	Im not a robot
	SUBMIT YOUR COMPLAINT

(b) Klik ikon kaca pembesar di kolom komentar ('*Comment*'). Tanggapan CA secara lengkap akan tampil, seperti dapat terlihat di bawah:



Anda, mis. Peraturan AMS-Y atau tindakan yang dipermasalahkan serta ringkasan hukumnya.

(Contraction of the second sec	in the second			1			
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ASEAN Lawyer or L	aw Firm the form	itself.					
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WHAT IS ASSIST?

FILE A COMPLAINT

FOLLOW A COMPLAINT

CONTACT

FAQ

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Zity	City P	ZIP Code 12310	
Sowatry.	AMS-X	*	
SEAN Jurisdiction(s) where Local Office(s) is(are) stablished	Country X		
AWYER			
Sender	O Mr O Mrs 🕷 Ms		
Irst Name	Slorra	* Last Nome Riviera	
Phone	+36 7878137686		
noiteo	Senior Associate		
Ermil	aseania war8@email.com		
Address	Danube Street No. 13		
	City P Country X		
	200 characters remaining (500 maximum)		
л у	City P	ZIP Code 12310	
SEAN Jurisdiction(s) where Admitted to Practice La	w AMS-X	<i>x</i>	
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Country of Legal Registration	AM5-X		
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Type of Business	Export/import		1
Business Sector	Goods		
Services Sector Description	0		
type of Problem Encountered	3.5.7 Internal taxes and charge	s levied on imports	
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(d) Terimalah pemberitahuan dari ASSIST tentang pengajuan revisi pengaduan Anda.

ASIAN NATIONS	ASEAN Solutions for	Investments, Services a	nd Trade			11.551.031	11
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	Central Administrator	M ASSIST / ASEAN Secretar	iat - 70A JI Sisimpan	angaraja - Jakarta 12	t10 - Indonesia		



Segera setelah CA selesai memeriksa pengaduan Anda yang telah direvisi, sebuah email akan dikirimkan kepada Anda. Bukalah email Anda dan terimalah email di bawah dari ASSIST.



ASSOCIATION ASSIST

OME TO ASSIST	WHAT IS ASSIST?	FILE A COMPLAINT	FOLLOW A COMPLAINT	PROCESS	FAQ				
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	Dear MS Sierra Riviera, Your complaint ID No. 18120181102 has be You are able to access your complaint at any ti Since your complaint has been accepted by AS days from today. You will be promptly notified of the response by ASEAN Enterprise / Trade Association / Law Company size : Phone: 436 1763572 Website : www.arise&partners.com Address: Danube Street No. 13 City P Cou City: City P / Zip Code : 12310 County: XMSX ASEAN Jurisdiction(s) where Local Office(s Phone: 436 778137686 Position: Senior Associate Email : assentiawyor0@gmail.com Address: Danube Street No. 13 City P Cou City: City P / Zip Code : 12310 County: JANEX Address: Danube Street No. 13 City P Cou City: City P / Zip Code : 12310 County: JAKSX Contidential case code (for law firm or lawy County of Leagl Registration : MASX	een accepted by the Destination Country. ime on the following webpage: http://assist.asean.c SSIST. the Destination Country will now be asked to re y the Destination Country flyough ASSIST. w Firm : ARISE & Partners (type Law) intry X a) (s(are) Established : Country X intry X er only): ASSIST.X.001.2018	vrg/user/login byusing your e-mail / tracking ID.	sack to you with a request for more in	rformation within 10 working				
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			asset asean org						
	Email di atas menunjul menunjukkan bahwa merupakan agen pem perdagangan dan peng 10 hari kerja untuk me Anda dengan perminta untuk memeriksa rincia Titik Kontak Asal (HCP)	kkan bahwa pengaduan pengaduan Anda sekar nerintah (ASSIST Focal aduan Anda diarahkan d emeriksa pengaduan And aan informasi lebih lanj an pengaduan, dan berko), yang merupakan ager	Anda yang telah direvisi te rang akan dikirim ke Titik Point) di AMS-Y tempat dan dicarikan penyelesaian da dan menerima, menolak ut. Ini dimaksudkan untuk onsultasi seperlunya dengar	lah diterima ole Kontak Tujuan Anda menghad nya. DCP di AMS atau mengemba memberi waktu notoritas nasion (SSIST) di AMS->	th CA. Ini juga (DCP), yang dapi masalah -Y akan diberi alikan kepada I kepada DCP al terkait.				
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ditambahkan ke 'Riwayat' Anda yang menunjukkan bahwa pengaduan Anda telah Diterima **('Accepted')** oleh CA.

ME TO ASSIST	WHAT IS ASSIST?	WHAT IS ASSIST? FILE A COMPLAINT FOLLOW A COMPLAINT PROCESS							
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	WELCOME TO ASSIS	WHAT IS ASSIST? MY CO	JMPLAINI LOGOUT	PROCESS FAQ	CUNIACI	DISCLAIMER			
	Tracking ID a	#18120181102 / AMS	S-Y						
	History					- 1			
	Date Actio	n Action By Accepted Central Administrator of	Comments Thank you for the completion or revisio	on of your complaint. The Cen	tral Administrator has verified t	hat the			
		ASSIST	complaint is now complete, with the su Regulation of 2015, Chapter 1000, Se Administrator finds that the nature of y fulfilled all the necessary requirements	ibmission of the following doci ction 100, and (ii) Legal Brief our complaint falls within the s to file a complaint under ASS	uments: (i) AMS-Y's Ministry of an the Complaint. Thus, the Ce scope of ASSIST and that you i its	l Health's Intral have			
	02/11/2018 16 52:15	ASEAN-based Enterprise	Dear Ms. Sierra Riviera,						
		800101	Thank you for lodging your complaint or determine its eligibility under ASSIST, requests ad/Illional information	under ASSIST. In order to pro the Central Administrator of A	enly assess your complaint an SSIST (i.e. the ASEAN Secreti	d silat or CA)			
			In particular, the CA requests that your	r complaint be ra-submitted to	gather with information on the	AMS-Y			
	02/11/2018 12:19:35	East Collined ASEAN-based Enterprise	measure that is allegedly inconsistent Email Confirmed	with the ATIGA (Le. AMS-Y's	Ministry of Health's Regulation				
	02/11/2018 12 18 02	ASEAN-based Enterprise			_	_			
					WITHDRAW COMPL	AINT			
	ASEAN ENTERP	PRISE							
	ASEAN Enterprise Name Company Size	ARISE & Partners	Address	Danube Street No. 13	City P Country X				
	Phone	+36 1 7653572	City	City P					
	Website	www.arise&partners.com	ZIP Code Country	12310 AMS-X					
	CONTACT PERSON								
	First Name	Sierra	Address	Danube Street No. 13	City P Country X				
	Last Nome	Riviera	City	City P					
	Phone	+36 /8/813/606	ZIP Code	12310 AMS X					
	Email	aseanlawyer@@gmail.com (Confirmed)	country	Call of A					
	COMPLAINT DE	SCRIPTION							
	Country of Legal Registration	AMS-X	Business Sector	Goods					
	Registration Number	137911	Type of Problem	Goods / Internal faxes and charges levied on imports AMS-Y					
	Company Registration Proof	Annex 0.	Encountered Destination Country						
	Type of Business	Simulated Professional License of Ms Siana J Export/Import	Riviera4.odf						
	Description	We are a registered law firm in AMS-X filing a cor	nplaint under ASSIST on behalf of our clie	nt, a duly registered palm oil (company in AMS-X. The compl	aint is in			
	We are a regardered two term in MRS-X file a complaint under ASSET on behalf of our client, a duly registered path of company in MRS-X. The complaints is in relation to the new axcise duly imposed by AMS-Y (the Destination Contact Perint or DCP) on path oil and food products containing path 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 that as part of a strategy for addressing the rising problem of obssity in AMS-Y. We are of the view that AMS-Y's measure acgressity targeted path oil and net just this saturated fat component of path oil and of products containing path oil, thereby discriminating against path oil and themotizing this 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 Internet Regulation); in as much as it discriminates against path oil as a whole and product sort applied to other. The products manufactured or sold in AMS-Y (it. food products containing for soy.								
	Attachment	Annex 2-Simulated Regulation of AMS-Y1 of							
		Annex 3-Simulated Legal Brief-ARISE Partners	<u>1.001</u>						

Klik ikon 'kaca pembesar' di kolom 'Komentar'. Tanggapan lengkap dari CA akan tampil, sebagaimana dapat dilihat di bawah:



Dalam 10 hari kerja setelah tanggapan dari CA bahwa pengaduan Anda diterima, maka Anda akan menerima email di bawah ini yang menginformasikan bahwa pengaduan Anda telah diterima atau ditolak oleh DCP di AMS-Y.

Jika untuk sementara waktu DCP tidak mengambil tindakan apapun, maka DCP akan menerima pengingat otomatis di bawah ini melalui email dari sistem online ASSIST dalam waktu 7 hari kalender setelah pengaduan diterima oleh CA. Seperti ditunjukkan di atas, DCP harus memutuskan untuk menerima atau menolak pengaduan dalam waktu 10 hari kerja sejak CA menerima pengaduan tersebut.



Jika Anda tidak menerima email dari ASSIST mengenai tanggapan oleh DCP dalam jangka waktu yang disyaratkan (10 hari kerja) setelah pengaduan diterima oleh CA, maka ini berarti bahwa tindakan DCP terlambat. DCP akan menerima pengingat otomatis lain melalui email (14 hari kalender setelah pengaduan diajukan) bahwa DCP sangat perlu melakukan suatu tindakan terhadap pengaduan tersebut.



LANGKAHMENERIMA EMAIL PEMBERITAHUAN DARI ASSIST BAHWA SOLUSI DIAJUKAN OLEH18AMS-Y DAN DITERIMA OLEH PENGELOLA SISTEM (CA)

Setelah DCP (AMS-Y) menerima solusi yang diusulkan dari RA mereka dan menganggap bahwa usulan tersebut mengatasi masalah yang diangkat dalam pengaduan, maka DCP akan memberikan solusi yang diusulkan kepada CA.

CA akan: (i) meninjau solusi dalam konteks pengaduan asli; (ii) mendaftarkan solusi dan mengirimkannya ke AE melalui email; dan (iii) menyalin solusi ke Titik Kontak Asal (HCP) di AMS-X (negara asal Anda).

(a) Buka akun email Anda. Anda akan menerima email baru dari ASSIST yang menunjukkan tanggapan terhadap pengaduan Anda dari DCP.



ASEAN Solutions for Investments, Services and Trade



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 in have, de lure or de facto, any discriminatory effect or objective, being justified in science and in light of its health protection purpose and applying to all Tike products containing saturated fats. Art-


ASSIST

ASEAN Solutions for Investments, Services and Trade

MHAT I2 422121 5	FILE A CUMPLAINI	FULLUW A CUI	MPLAINT	PROCESS	HAQ	CO
History						
 Date Activ	Action By	Comments				
04/11/2018 05-21-40	Central Administrator of ASSIST	Upon internal discussions between the AMS-Y, imposing increased exceed but discouraging excessive consumption or addressing the rising problem of obeat countries around the world and with the	DCP and the RAs, it error fies to a range of foods high if substances considered d ty among its citizens. This i e World Health Organizatio	rges that, indeed, the measure ado in sugar and saturated fat, is simi- angerous under AMS-Y's strategy is in time with similar actions taken in a Global Action	pted by ed at for by several	
02/11/2018 18:31:54	Accepted Central Administrator of ASSIST	Thank you for the completion or revisit complaint is now complete, with the su Regulation of 2015; Chapter 1000, Sai Administrator finds that the nature of y fulfilled all the necessary requirements	an of your complaint. The C ibmission of the following d ction 100, and (ii) Legal Bri- uur complaint falls within th to file a complaint under A	entral Administrator has verified th locuments. (I) AMS-Y's Ministry of I of on the Complaint. Thus, the Cen- re scope of ASSIST and that you h (SSIST 14)	uat the Health's ntrai nove	
 02/11/2018 16:52:15	ASEAN-based Enterprise	and the second property of the second				
 02/11/2018 16:10:12	Central Administrator of ASSIST	Dear Ms. Sierra Riviera,				
		Thank you fer lodging your complaint u determine its eligibility under ASSIST, requests additional information.	under ASSIST. In order to p the Central Administrator o	roperly assess your complaint and FASSIST (i.e. the ASEAN Secretar	l det or CA)	
		In particular, the CA requests that your	r complaint be re-submitted	I together with information on the A	MS-Y	
 02/11/2018 12:19:35	East Continued ASEAN-based Enterprise	measure that is allegedly inconsistent i Email Confirmed	with the ATIGA (I.e. AMS-Y	's Ministry of Health's Regulation.		
 02/11/2018 12:18:02	ASEAN-based Enterprise	2.00.0000000				
	DICE					
 ASEAN ENTERP	TRIBE					
 A SEAN Enterprise Name	ARISE & Partners					
 Company Size		Address	Danube Street No. 1	13 City P Country X		
 Phone	*3617653572	City	City P			
 Website	www.arise&partners, com	ZIP Code	12310			
		Country	AMS-X			
 CONTACT PERS	SON					
 First Name	Sierra	Address	Danube Street No. 1	3 City P Country X		
 Last Name	Riviera	City	City P			
 Phone	+36 7878137686	ZIP Code	12310			
 Position	Senior Associate	Country	AMS-X			
 Email	aseanlawyerb@gmail.com (Confirmed)					
 COMPLAINT DE	SCRIPTION					
 Country of Lanel Danietration	. BMS.Y	Buelnose Sector	Ganne			
Repistration Number	137911	Type of Problem	Goods / Internal tax	es and charges levied on imports		
and the second second		Encountered	a cost internal line	and an angle of the on any of the		
Company Registration Proof	Annex_0: Simulated_Professional_License_of_Ms_Sierra_R	Destination Country	AMS-Y			
 Type of Business	Export/import					
Description	We are a tegistered law firm in AMS-X filing a com- relation to the new axcise duty imposed by AMS-Y Health 5 Foot Regulation Chapter 1000, Section 1 a strategy for addressing the rsing problem of obs fal component and plantical and of products containant decouraging accessive consumption of products adopted and applied by AMS-Y is contrary to Articl against galm of as a whole and is not applied to o sunflower, rapeased, corn, peanut or animal fat)	plaint under ASSIST on behalf of our clie (the Destination Contact Point or DCP) o 00 of 2175. The measure adopted by AM alty in AMS-Y. We are of the view that AM part of thereby discriminating agains ontaining seturated tess, independently of 6 of the ATIGA (on National Treatment their Tiko products manufactured or sold is	nt, a duly registered palm of ne palm oil and food produc IS-V introduced taxes on fo AS-Y a measure expressly t I palm oil and demonizing i t the vegetable or animal () on Internel Texation and (), rr AMS-Y (i) o. food product	of company in AMS X. The compla- ts containing pairn oil under its Mir doth high in sugar and securated far langated pairn oil and not just the s in product as a whole instead of a right of the fats. Thus, we find the r egolation), in as much as it discrim is containing saturated fats dariving	Init is in Netty of tas part of aturated usi messure instans g from say,	
Attachment	Annex_2-Simulated_Regulation_of_AMS-Y1.pdf Annex_3-Simulated_Legal_Brief-ARISE_Partners1	Ledf				

Berikut ini adalah solusi yang diusulkan dari DCP:

"Setelah diskusi internal antara DCP dan RA, tampaknya, memang, langkah yang diadopsi oleh AMS-Y, yang memaksakan peningkatan cukai pada sejumlah makanan yang berkadar gula dan lemak jenuh tinggi, ditujukan untuk mencegah konsumsi berlebihan zat yang dianggap berbahaya di bawah strategi AMS-Y untuk mengatasi meningkatnya masalah obesitas di antara warganya. Ini sejalan dengan tindakan serupa yang diambil oleh beberapa negara di seluruh dunia dan dengan Rencana Aksi Global Organisasi Kesehatan Dunia untuk Pencegahan dan Pengendalian Penyakit Tidak Menular 2013-2020, seperti diabetes dan obesitas.

Namun, AMS-Y mengakui bahwa tindakan tersebut tidak menentukan produk tertentu (misalnya, antara lain, minyak sawit) dan tidak menargetkan, secara 'netral', zat (yaitu, lemak jenuh) yang dianggap berbahaya oleh Pemerintah (jika dikonsumsi berlebihan) dari perspektif kebijakan diet dan kesehatan.

	Oleh karena itu, DCP, b terkandung dalam Pera menunggu amandemen produk yang mengandur bahwa langkah tersebut dampak atau bertujuan perlindungan kesehatan jenuh."	erkoordinasi dengan AM turan Pangan Kementer untuk menghapus refere ng lemak jenuh, terlepas tidak pernah dimaksud diskriminatif apapun, c nya dan menerapkanny	1S-Y's RA, mengusulkan pen ian Kesehatan tahun 2015, ensi tersurat untuk produk da dari sayuran atau hewani as kan untuk, secara de jure at dengan dibenarkannya dalar a untuk semua produk "ser	angguhan segera Bab 1000, Bagia n aplikasi tertent alnya. AMS-Y me au de facto, akan n sains dan mer upa" yang meng	i langkah yan in 100, samb u. hanya untu nggarisbawal n memberika ngingat tujua andung lema	ng bil Ik hi n n sk
	(c) Di bagian bawah em puas atau tidak den dapat melakukannya	ail dari ASSIST pada 18 gan jawaban yang diber dengan memilih 'Ya' ata	(a) di atas, Anda diminta un ikan oleh DCP dan solusi ya au Tidak' di pilihan yang dised	tuk menunjukkar ng tersedia di da diakan.	n apakah And alamnya. And	la la
	Please kindly indicate whether you	are satisfied with the answer given by	the DCP and the solution provided therein. Y	íou can do so by choosing	'Yes' or 'No' below:	
	Dalam hal ini, AE memil	ih "Ya".				
LANGKAH	OLEH AMS-Y DALA	PAN BALIK ANDA PAD M SURVEI KEPUASAN	DA SOLUSI YANG DIAJUKA DAN MENERIMA EMAIL P	N YANG DIBERI ERNYATAAN	KAN	
	Setelah Anda memilih '' ini di mana Anda akan komentar, terutama jika Associatio PE Southe A ASSOCIATIO DE SOUTHEA MELCOME TO ASSIST Satisfaction S	Ya/Tidak' pada Langkah o diminta untuk menjaw a Anda tidak puas denga Anda tidak puas denga ASSIST ASEAN Solutions for Investments, S WHAT IS ASSIST? MY COMP	18 (c) di atas, Anda akan di wab Survei Kepuasan dan an solusi yang diusulkan. kervices and Trade LAINT LOGOUT PROCESS F	arahkan ke halan diundang untuk AQ CONTACT	man di bawa memberika DISCLAIMER	h n
	Please comment your response to Your answer Commente	satisfied with the solu	ation			
			I'm not a robot			

(a) Isilah Survei Kepuasan ini. Dalam hal ini, Firma Hukum/Pengacara ASEAN puas dengan solusi yang diberikan oleh ASSIST dan dengan demikian menunjukkannya.

ME TO ASSIST	WHAT IS ASSIST?	FILE A COMPLAINT	FOLLOW A COMPLAINT	PROCESS	FAQ
		ASSIST	Services and Trade		
	WELCOME TO ASSIST	WHAT IS ASSIST? MY COM	IPLAINT LOGOUT PROCESS F	aq contact d	ISCLAIMER
	Satisfaction su	urvey			
	Please comment your response for Your ensuer	r our feedback. Something with the c	adultion		
	Commenta	We are very so suspend the me	tisfied with the solution provided by AUS-V as AUS asure contained in the Ministry of Health's Regula	-Y has agreed to immediately tion of 2015, Chapter 1000, Se	ction
		application or origin. With t discriminate :	the amendment of the measure to delete any express by to products containing saturated faits, irrespec his positive proposed solution by <u>ans</u> -Y, we believ gainct paim oil as a whole.	reference to specific products tive of their vegetable or and e that it never intended to	and nal
					#
			/ I'm not a robot		
			SURMIT YOUR FEEDBACK		
		Central Administrator of ASSIST / AS	FAN Secretadat - 70A JI Skinnamenneraia - Jakaste 12710 - In	dunesia	
		ASSIS	T - Supported by ARISE - (Dischanner)		
	Email Pernyataan Pen	erimaan Pertama da	ri ASSIST		
	Email Pernyataan Peno Gmail	erimaan Pertama da	ri ASSIST	ASEAN Lewyer va	seanlawyerb@ginall.com
	Email Pernyataan Pene Gmail [ASSIST][#18120181102] Thank you No Reply ASSIST casis@asean org: Reply ASSIST casis@asean org:	erimaan Pertama da for answer	ri ASSIST	ASEAN Lawyer va	ssanføwyer0@grnall.coms Sun, Nov 4, 2018 pt 5 35 AM
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WELCOME TO ASSIST

WHAT IS ASSIST?

FILE A COMPLAINT

(d) Jika Anda ingin melihat komentar yang Anda berikan dalam Survei Kepuasan, maka klik ikon 'kaca pembesar' dan layar di bawah ini akan tampil.

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

Pada pemberitahuan bahwa solusi yang diusulkan kepada AE telah diterima oleh Firma Hukum/Pengacara ASEAN sebagai memuaskan, DCP harus menyampaikan pemberitahuan penerimaan ke RA, untuk memastikan bahwa setiap pengaturan administratif yang diperlukan untuk mengimplementasikan solusi tersedia secepatnya.

ASSIST akan menganggap prosedur ini sebagai satu prosedur di mana pengaduan diterima dan solusi diberikan oleh DCP dan diterima oleh Pengacara atau Firma Hukum ASEAN.

Perhatikanlah bahwa jangka waktu untuk menyelesaikan masalah lintas batas berdasarkan ASSIST tidak boleh lebih dari 40 hari kerja atau 2 bulan kalender (kecuali telah diberikan perpanjangan maksimum 20 hari kerja) dari tanggal ketika pengaduan telah diterima oleh DCP (yaitu Negara anggota ASEAN di mana pengaduan diajukan).



Pengaduan yang Diajukan oleh Perusahaan ASEAN (*ASEAN Enterprise (AE)*), Diterima oleh Pengelola Pusat (*Central Administrator (CA)*) dan Titik Kontak Tujuan (*Destination Contact Point (DCP*)) serta Solusi yang Diajukan oleh DCP dan Diterima oleh AE

Uraian Singkat tentang Kasus: Skenario ini adalah kasus uji-coba yang disusun untuk mencerminkan Moda 1 (atau yang disebut Pasokan Lintas Batas (Cross Border Supply)) dari perdagangan jasa internasional, yang didefinisikan dalam Perjanjian Kerangka Kerja ASEAN tentang Jasa (Asean Framework Agreement on Services (AFAS)) dan Perjanjian Umum tentang Perdagangan Jasa (General Agreement on Trade in Services (GATS)), mutatis mutanda, sebagai penyediaan jasa dari wilayah suatu negara ke wilayah negara lain atau, dengan kata lain, dalam semua kasus komersial di mana jasa bergerak melintasi perbatasan. Skenario ini merupakan pengaduan yang diterima oleh CA ASSIST yang telah diajukan secara sah oleh pemohon pengaduan(yaitu, lengkap dan berada dalam ruang lingkup ASSIST) dan juga diterima oleh Negara Tujuan sebagai masalah di mana untuk itu Negara Anggota ASEAN tertentu bersedia untuk terlibat dengan pemohon pengaduan

melalui ASSIST, berinteraksi dengan pihak yang berwenang terkait dan memberikan solusi kepada pemohon pengaduan melalui ASSIST.

Pengaduan tersebut berkaitan dengan undang-undang baru mengenai pengiriman yang diterbitkan oleh Negara Tujuan, yaitu UU Menteri Perdagangan No. 13 Tahun 2018, yang menyatakan bahwa komoditas tertentu hanya dapat diangkut untuk impor atau ekspor oleh perusahaan angkutan laut nasional. Keempat komoditas (yaitu besi, aluminium, karet dan kapas), adalah beberapa komoditas yang tercantum dalam undangundang pengiriman yang baru ini. Undang-undang baru ini tentu akan mengakibatkan kerugian finansial bagi bisnis pemohon pengaduan dan mencegahnya memberikan jasa pengiriman maritim antara Negara Asal dan Negara Tujuan. Pemohon pengaduan sangat khawatir dan yakin bahwa perkembangan legislatif ini bertentangan dengan perdagangan bebas, dan semangat Masyarakat Ekonomi ASEAN (ASEAN Economic Community (AEC)) dan, mungkin, bertentangan dengan komitmen dan kewajiban tertentu Negara Tujuan berdasarkan perjanjian ekonomi ASEAN yang relevan (mis. Perjanjian Kerangka Kerja ASEAN mengenai Jasa, atau AFAS).

Daftar Para Aktor dan Singkatan::

- Pemohon pengaduan (*Complainant*) = ASEAN Enterprise (AE)
- Sekretariat ASEAN (ASEAN Secretariat) = Pengelola Sistem ASSIST (Central Administrator of ASSIST (CA))
- Negara Asal (Home Country) = Home Contact Point (HCP) di Negara Anggota ASEAN-X (ASEAN Member State-X (AMS-X))
- Negara Tujuan (Destination Country) = Destination Contact Point (DCP) dalam Negara Anggota ASEAN-Y (ASEAN Member State-Y (AMS-Y)
- Otoritas Nasional Terkait = Relevant Authorities (RA)

LANGKAH

BUKA SITUS WEB ASSIST (HTTP://ASSIST.ASEAN.ORG)

Jika menurut Anda kasus Anda merupakan perdagangan lintas batas ASEAN, Anda adalah bisnis yang terdaftar di Negara Anggota ASEAN, dan Anda menginginkan jasa konsultasi tanpa bayar, tidak mengikat dan menerima solusi efektif dan dipercepat, maka bukalah tautan berikut: http://assist.asean.org.



Jika Anda mengajukan pengaduan di bawah perusahaan Anda sendiri (pengaduan non-anonim) dan Anda tidak diwakili oleh asosiasi perdagangan yang berbasis di ASEAN, atau oleh entitas perwakilan lain pilihan Anda, seperti kamar dagang, dewan bisnis, bisnis federasi, atau pengacara atau firma hukum terdaftar, maka klik ikon Perusahaan ASEAN ('*ASEAN Enterprise*') pada tab Ajukan Pengaduan ('*File a Complaint*').



* ASEAN Enterprise Name	
Company Size	
Phone	
Website	
* Address	
	300 phenodera remembry (300 meximum)
" City	ZIP Code
Country	
CONTACT PERSON	
Gender	Mr Mrs Mrs
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ASSIST **ASEAN Solutions for Investments, Services and Trade** WELCOME TO ASSIST WHAT IS ASSIST? **FILE A COMPLAINT** FOLLOW A COMPLAINT PROCESS FAO CONTACT 7IP Code City Country COMPLAINT DESCRIPTION * Country of Legal Registration 0 * Registration Number 0 * Company Registration Proof 0 Choose File No file chosen * Type of Business 0 * Husiness Sector 0 Services Sector Description 0 * Type of Problem Encountered 0 1 Tariff-related m * Destination Country 0 * Description 0 Attachmen Choose File No file chosen + Attachment I have read and accept the ASSIST rules I hereby submit this co plaint to the Ca of the ASEAN Member States im I'm not a robot Jakasta 12110 - Indonesia Isi formulir di atas untuk memberikan ASSIST cukup informasi tentang masalah perdagangan yang

Anda alami. Kolom yang ditandai dengan tanda bintang (*)wajib diisi. Jika Anda tidak yakin tentang apa yang harus diisi untuk suatu kolom, tersedia tombol **1** untuk instruksi terperinci tentang apa yang harus diisi untuk getiap kolom. Silakan klik tombol **1** untuk memastikan bahwa Anda mengisi informasi dalam fomulir dengan benar.

Anda harus mengisi kolom Uraian ('*Description*') dengan benar. CA perlu memverifikasi bahwa uraian yang diberikan dalam pengaduan cukup untuk mengidentifikasi masalah dalam konteks perjanjian subyek tertentu. Karena itu, harap hati-hati dalam mengatur pengaduan Anda dengan argumen hukum dan bukti faktual untuk membantu CA dalam memutuskan apakah pengaduan Anda akan disetujui.

MENGISI FORMULIR PENGADUAN

LANGKAH

3

Berikut adalah contoh formulir yang sudah diisi untuk studi kasus khusus ini.

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FOLLOW A COMPLAINT

CONTACT

FAQ

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"Kami adalah perusahaan pengiriman yang terdaftar di AMS-X. Kami telah menandatangani perjanjian mengikat dua tahun sejak Januari 2018 dengan perusahaan ekspor-impor di AMS-X. Ruang lingkup perjanjian adalah untuk mengekspor besi dan aluminium dari AMS-X ke AMS-Y dan mengimpor karet dan kapas dari AMS-Y ke AMS-X menggunakan armada kapal kami. Kami telah sepakat untuk melakukan transaksi ekspor-impor ini dalam perjalanan pulang pergi dari AMS-X ke AMS-Y menggunakan kapal yang sama. Tujuannya, antara lain, adalah untuk menghemat biaya



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ASSIST **ASEAN Solutions for Investments, Services and Trade ASIAN NATIONS** WELCOME TO ASSIST WHAT IS ASSIST? **FILE A COMPLAINT** FOLLOW A COMPLAINT PROCESS FAO CONTACT Contact person : Mr Bruce Kent Phone : +261 8159255399 Position : President Email : aseanetterprise@ggmail.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 Secto : Services I relecommunication Type of problem encountered : Communication Services Destination Country : AMS-Y Description: We are a dury registered telecommunications company in AMS-X. AirTel Holdings, Inc. Our subsidiary company, AirTel Holdings, Inc. Is based in AMS-Y. 80% of the total shares issued by AirTel Co., Ltd is owned by AMS-X shareholders and its senior management level positions are dominated by AMS-Y nationals. AirTel Co., Ltd at "% operating license has recently been revoked by AMS-Y date" is Automications license possessed by AirTel Co., Ltd is no longer y valid. In Act, In August 2018, AMS-Y had an AMS-Y attender the relecommunications license possessed by AirTel Co., Ltd is no longer y valid. In Act, In August 2018, AMS-Y had amended the Telecommunications license possessed by AirTel Co., Ltd is no longer valid. In Act, In August 2018, AMS-Y had mended the Telecommunications license possesses by AirTel Co., Ltd is no longer permitted to apply for Type B and Type C licenses is for an operator with or vithout its own network, but provides services tangeting a segment or even several segments to fee to Deteomic license is for an operator with a provides services to the applicant difference is for an operator with a provides services to the applicant difference service special consume 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 as compiled with the regularement for foreign companies with a maintyriced to sign any binding commitments, as a representation of the applicant display to any be an AMS-Y tational. Vefe Itat AirTel Co., Ltd. has been treated unfairly as it simply followed the government process at the time when it had applied for the license must be funding to AMS-Y on this new development. It has also compiled with the regularement for foreign companies with a maintry of Company and all cast. Ltd "is license from the Ministry of Commerc. The revoking of AirTel Co., Ltd. Aff "is license and the amendment of foreign companies with a maintry of Company and all cast. Ltd "is license from the Ministry o Thanking you, ASSIST is at your service. 4 attachments Annex_2-Simulated_AMS-Y_Schedule_of_Specific_Commitments-AFAS_9_Consolidated_Schedule1.pdf Annex_3-Simulated_Law_of_AMS-Y1.pdf Annex_4-Simulated_Amendment_Law_of_AMS-Y1.pdf Autor A Discolard Comment Destantion of Aleta Helding IncA of Seperti yang ditunjukkan dalam email di atas, sekarang Anda dapat memantau perkembangannya dengan mengklik tautan yang ditunjukkan yang akan diarahkan ke tab Ikuti Pengaduan ('Follow a

LANGKAH

7

MEMANTAU PERKEMBANGAN PENGADUAN ANDA

Complaint') pada bar menu di situs web ASSIST.

(a) Buka tautan berikut: http://assist.asean.org/user/login atau buka tab *"Follow a Complaint"* di kolom menu di Situs ASSIST. Halaman di bawah ini akan tampil.

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(b) Masukkan alamat email Anda dan ID pelacakan (nomor pengaduan Anda) di kolom yang diperlukan untuk login. Dalam hal ini, Alamat Email adalah aseanenterprise0@gmail.com dan ID Pelacakan adalah 14620181017.

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Dalam hal ini, email di atas menunjukkan bahwa pengaduan Anda telah **diterima** oleh CA. Email tersebut juga memberi tahu Anda bahwa pengaduan Anda sekarang akan dikirim ke Titik Kontak Tujuan (DCP), yang merupakan agen pemerintah (Titik Kontak Utama ASSIST) di AMS-Y tempat Anda menghadapi masalah perdagangan dan tempat pengaduan Anda diarahkan dan dicarikan penyelesaiannya. DCP di AMS-Y akan diberi 10 hari kerja untuk memeriksa pengaduan Anda dan menerima, menolak atau kembali kepada Anda dengan permintaan informasi lebih lanjut. Ini dimaksudkan untuk memberi waktu kepada DCP untuk memeriksa rincian pengaduan, dan berkonsultasi seperlunya dengan otoritas nasional terkait.

Titik Kontak Asal (HCP), yang merupakan agen pemerintah (Titik Kontak Utama ASSIST) di AMS-X (Negara Asal Anda) juga telah diberitahu tentang pengaduan yang Anda ajukan.

Jika Anda tidak menerima email dari ASSIST dalam jangka waktu yang disyaratkan (10 hari kerja sejak pengaduan diajukan), maka ini berarti bahwa tindakan CA terlambat. CA akan menerima pengingat otomatis lain melalui email (14 hari kalender setelah pengaduan diajukan) bahwa CA perlu melakukan tindakan terhadap pengaduan. CA akan menerima email di bawah ini:

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ASSIST **ASEAN Solutions for Investments, Services and Trade** ASIAN NATIONS WELCOME TO ASSIST WHAT IS ASSIST? FILE A COMPLAINT FOLLOW A COMPLAINT PROCESS FAO CONTACT Type of Business Service provider Description We are a duty 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 cattern from AMS-Y inte AMS-X using our fleet of vessels. We have agreed to conduct this export-import transaction in round trips from AMS-X to AMS-Y using the same vessel. The intention, inter alla, is to save cost in fact consumption and manpower by having a full height load in both inbound and outbound trips, thereby being able to provide a cost-effective and competitive service on a cross-border basis to customers based in both AMS X and AMS Y. We recently learned that AMS Y has issued a new shipping law, namely the Ministry of Trade Law No. 13 Year 2010, imposing that cartain commodities can only be transperied for import or export by national maritime tran companies. The four commodifies: Le iron, aluminium, rubber and cotton, are among the commodifies listed in this new shipping law. This new law would cartainly ult 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 wo legislative development is contrary to free trade, to the spirit of the ASEAN Economic Community (AEC) and, possibly, against the specific commitmenta and obligation of AMS-Y under the relevant ASEAN economic agreen ments (s.g., the ASEAN Framework Agreement on Services, or AFAS). We are of the w new law is a clear measure of protectionism and is incompatible with free trade principles and customary law regarding international maritime ser cas, which will asticually impact AMS-X's shipping companies that are affering cross-border mariline transport services in relation to the commodities affected by this faw 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 as 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 nex 2-Simulated Law of AMS-Y2.pdf Annex 3-Simulated AMS-Y Schedule of Specific Commitments-Meritime Transport Services pdf Central Administrator of ASSIST / <u>ASE AN</u> Secretalat - 70A 31. Sisingamengaraja - Jakasta 12110 - Indon ASSIST - Supported by A<u>2015E</u> - [Ubcdaimer]

Klik ikon kaca pembesar di kolom komentar. Tanggapan lengkap CA akan tampil, seperti yang dapat dilihat di bawah ini:

×

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.

Sebagaimana diinformasikan dalam Langkah 8, setelah pengaduan diterima oleh CA, pengaduan akan dikirim ke DCP di AMS-Y tempat Anda menghadapi masalah perdagangan. DCP di AMS-Y akan diberikan 10 hari kerja untuk meninjau pengaduan Anda dan menerima atau menolaknya. Ini dimaksudkan untuk memberi waktu bagi DCP untuk memeriksa rincian pengaduan, dan berkonsultasi seperlunya dengan otoritas nasional terkait. Setelah DCP menanggapi, email akan dikirimkan kepada Anda dari ASSIST yang memberitahukan kepada Anda apakah pengaduan Anda telah diterima atau ditolak oleh DCP di AMS-Y.



Dear Mr Paul Smith,

Your complaint ID No. 14620181017 has been accepted by the Destination Country.

You are able to access your complaint at any time on the following webpage: http://assist.arsenadevelopment.space/user/loginby using your e-mail / tracking ID.

As your complaint has been accepted by the Destination Country, the ASSIST Focal Point of the Destination Country (DCP), in coordination with the competent national authorities (RAs), will now analyse your complaint in detail

Complaints are usually addressed within 40 to 60 working days from the date of acceptance of the Complaint 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.

ASEAN Enterprise I Trade Association / Law Firm : Star 88 Co., Ltd. (type Enterprise) Company size: 50 to 100 Phone : +900 524 1532 Websile :www.star86.cm 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 : assementerprise0@gmail. Address Better Living Street City W Country X City : City W / Zip Code : 1711 Country AMS-X

LCOME TO ASSIST	WHAT IS ASSIST?	FILE A COMPLAINT	FOLLOW A COMPLAINT	PROCESS	FAO
			TOLLOT NOOMIN LANT	TROCESS	ing
	Confidential case code (for law firm or lawye Country of Legal Registration : AMS-X Legal Registration Number : 123456 Type of Business : Service provider	er only):			
	Business Sector : Services / Type of problem encountered : Transport se Destination Country : AMS-Y	ervices			
	Description: We are a duly registered shipping company iron and aluminium from AMS-X into AMS-Y AMS.Y using the same vessel. The intention	/ in AMS-X. We have entered into a two-year bindi Y and import rubber and cotton from AMS-Y into A printer alls to save cost in fuel consumption an	ing agreement since January 2018 with an import-export of MS-X using our fleet of vessels. We have agreed to cond of manonwer by having a full freidht load in both inbound	company in AMS-X. The scope of th luct this export-import transaction in and outbound trins, thereby being a	e agreement is to export round-trips from AMS-X to ble to provide a cost
	effective and competitive service on a cross Year 2018, imposing that certain commoditie commodities listed in this new shipping law.	Shorder basis to customers based in both AMS-X es can only be transported for import or export by This new law would certainly result in a financial.	and AMS-Y. We recently learned that AMS-Y has issued national maritime transport companies. The four common loss for our business and prevent us from providing its ma	a new shipping law, namely the Min dities, i.e. iron, aluminium, rubber an aritime shipping services between A	istry of Trade Law No. 13 d cotton, are among the MS-X and AMS-Y. We are
	very worned that this legislative developmer relevant ASEAN economic agreements (e.g principles and customary law regarding inte commodilies affected by this law. Furthermo	nt is contrary to free trade, to the spirit of the ASE/ j., the ASEAN Framework Agreement on Services ernational maritime services, which will seriously in ore. this new measure by AMS-Y is a clear violatic	AN Economic Community (AEC) and, possibly, against th ;, or AFAS). We are of the view that this new law is a clea npact AMS-X's shipping companies that are offering o n of the commitments made by AMS-Y to the World Trad	e specific commitments and obligati r measure of protectionism and is in cross-border maritime transport serv e Organization and is a clear violatio	on of AMS-Y under the compatible with free trade rices in relation to the on of the Schedule of
	Specific Commitments of AMS-Y under AFA without any limitations to market access and	AS, where AMS-Y have committed to allow foreign d national treatment. Thus, we would like to reque-	shipping companies that are offering cross-border freigh st for AMS-Y to revoke or amend this new law accordingly	t transport services within ASEAN to y.	operate within its waters
		Thankin	g you, ASSIST is at your service.		
		d5	sist.asedii.0ig minicaninen		
	Dalam hal ini, pengadua	an telah diterima oleh D	CP sebagaimana dapat dilih	at di atas.	
	lika Anda tidak mana	rima amail dari ASSIST	nada tangganan alah DC	D dalam ianaka	waktu yana
	disyaratkan (10 hari ke	eria) setelah pengaduan	diterima oleh CA, maka ini	i berarti bahwa ti	indakan DCP
	terlambat. DCP akan	menerima pengingat d	otomatis lain melalui ema	iil (14 hari kalei	nder setelah
	pengaduan diajukan) be	ahwa suatu tindakan sai	ngat dibutuhkan oleh DCP u	ntuk pengaduan i	tersebut.
	Email pengingat 2 ur	ntuk DCP:			
	M Gmail			AMS Y <aseanme< th=""><th>mberstate មុធិទ្យភេសា.com></th></aseanme<>	mberstate មុធិទ្យភេសា.com>
	[ASSIST] Complaint #14620181017	reminder for DCP			
	No Reply ASSIST <assist@asean.org> Reply-To: "assist@asean.org" <assist@asean.org></assist@asean.org></assist@asean.org>	8		T	u, Oct 18, 2018 at 5:00 AM
		ASS	IST		
	ASUR ANTIDES	ASEAN S	olutions for Investments, Services and Trade		
	Action is required by the DCP AMS-Y for the 14620181017	complaint;			
		Thanking	you, ASSIST is at your service.		
			assist asean org		
	Setelah DCP menerim	ia pengaduan, masalah	n tersebut diteruskan ke	Otoritas Penang	gung Jawab
	Setelah DCP menerim (Responsible Authorities	ia pengaduan, masalah s (RA)) untuk mendapat	n tersebut diteruskan ke masukan. Setelah RA meny	Otoritas Penang velesaikan upaya	gung Jawab mereka, DCP
	Setelah DCP menerim (<i>Responsible Authoritie</i> : harus memeriksa solus domikian untuk meme	na pengaduan, masalah s (RA)) untuk mendapat si dan memberikannya anuhi tanggat waktu ir	n tersebut diteruskan ke masukan. Setelah RA meny kepada CA dalam tenggat ni DCR barus menetankan	Otoritas Penang velesaikan upaya waktu 40 hari ke	gung Jawab mereka, DCP erja. Dengan
	Setelah DCP menerim (<i>Responsible Authoritie</i> harus memeriksa solus demikian, untuk meme menemukan solusi. D	a pengaduan, masalah s (RA)) untuk mendapat si dan memberikannya enuhi tenggat waktu ir ıCP bertanggungjawab	n tersebut diteruskan ke masukan. Setelah RA meny kepada CA dalam tenggat ni, DCP harus menetapkan untuk memberitahukan k	Otoritas Penang velesaikan upaya waktu 40 hari ke batas waktu ag kepada CA men	gung Jawab mereka, DCP erja. Dengan ar RA dapat genai setiap
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WELCOME TO ASSIST

ASSIST ASEAN Solutions for Investments, Services and Trade

WHAT IS ASSIST?

FILE A COMPLAINT

FAQ

(b) Log masuk ke dasbor ASSIST Anda melalui email dan ID pelacakan Anda sebagaimana ditunjukkan pada Langkah 7 (a) dan (b) di atas. Tampilan lengkap dasbor Anda dapat dilihat di bawah. Seperti yang Anda lihat, tindakan lain telah ditambahkan ke 'Riwayat' Anda yang menunjukkan bahwa solusi untuk pengaduan Anda telah diajukan. Solusi lengkap dari DCP, yang telah diterima oleh CA, juga disediakan pada alinea pertama dasbor Anda.

WELCOME TO ASSIS	T WHAT IS	S ASSIST? MY	COMPLAINT	LOGOUT	PROCESS	FAQ	CONTACT	DISCLAIME
Tracking ID	#146201	81017 / AN	IS-Y					
ASSIST Solution Upon internal discussions betw lumihum, cotton and rubber. In more and apportant that the rate procepte. AMS-V under in the process AMS-V under valares to handled by foreign different to be million tone is 2017, while fit million tone is 2017, while fit process organities at 10 be httpp://cation.of.the.me.law. tado/ment.	een the DCP and the to use only AMS-Y's of war regulation will post their contracts. Howe ned that its measure weals Thus, for ex- weigh vassels shippen refit more significanti, overver, AMS-Y agree	RAs, AMSY decides to p tomestic vassals (i.e., vasis abb) affact aegord volumes vas lottally intended to an ample, in the rubber indust d 800 million tons in the ea- from the risking amount of es that it requires a more gr	estipone the appli als belonging to i and State revenu d not intend for t courage AMS-Y's y more than 90% me year, which is area trade in AMS adual process ra	cation of the new regular naritime shipping comp- ors, as it will discourage regulator to be sear- shipping industry to inc of export shipments are a major difference. AN 3-Y waters: Currently, m ther then a sudden bree	tion requiring exports units based in AMS- or allonate foreign in as a protectionist m rease domestic shipp conducted by Amster and S-Y added that the ka set of the contracts a b, thus the decision t	rs and impoder (), as there has vasions as man- saure against fi ling capacity as t vessels. Domo ty goal of the re- nd volumes of a o postpone inde	s of cettain commodities also bean criticitim an y buyers of the restrict program seasile and in in more than 90% of all shipping ceparity putation is that domesile ne trade are dominate initiely, (athough not to	es, including Iron, d disagnaements ted commodities violation of free ahlipping in AMS- was estimated at tic shipping d by foreign o revoke) the
History								
Date Acti 18/10/2018 12/38/29	din Solution	Action By Central Administrator of ASSIST	Comment Upon Inte new regul and rubbe	s mai discussions betwee ation requiring exporters r, to use only AMS-Y's o and South	n the DCP and the R and importers of cer formatic vessels (i.e.	As, AMS-Y deci tain commoditie vessels belong	des to postpone the ap s, including iron, alum ing to maritime shippin	opfication of the inkum, sotton sg (Å
17/10/2018 13:09.04	East Contravel	ASSIST	Thank you your comp proves the	an smith, i fer lodging your compli- ilaint and finds that it is it you are a business re- firmed	eint under ASSIST. Ti complete. You have s gistered in AMS-X an	te Central Admi ubmitted your c d youii4	nistrator has reviewed ompany registration di	l and verified ocument which
17/10/2018 12 49 41	Heat	ASEAN-based Enterpris	ie Einali on	annes.				
ASEAN ENTERP	PRISE							
SEAN Enterprise Name	Sta	ir 88 Co., Ltd						
Company Size	50 to 100			Address	Better Livi	ng Street City V	Country X	
hone	+905 524 1532			City	City W			
Vebsite	www.star88.com			ZIP Code	1711			
				Country	AMS-X			
CONTACT PERS	SON							
inst Name	Raul			Addman	Quetter Ini	no Obert Ob. U	Privates V	
and Nation	F 904			Citte	CHERK LAW	UR DURBE CUT A	Country A	
and rearies	-0.05 534 4533			TID Colo				
losition	Chief Executive Off			Constru	OMS V			
Osition .	Citer Executive Co			Connut	Maro-A			
mail	aseanenterpriseu@	(gmail.com (Continned)						
COMPLAINT DE	SCRIPTION	4						
Country of Logal Repistratio	AMS-X			Business Sector	Services			
logistration Number	123456			Type of Problem	Services	Transport servi	cas	
menany Protestion Groot	Annex 1			Encountared	AMS V			
and and and an array 1001	Simulated_Compan	v_Registration_of_Star_88	Co_Ltd_adf	- second second y	comized a			
ype of Business	Service provider							
Jescription	We are a duly reglo AMB-X. The scope of vessels. We have save cost in fuel co- competitive service ammely the Ministry companies. The full members of the Ministry companies. The full regulative devicepm obligation of AMD-7 new law is a chear members. The mark of the Furthermore, fixin a Schachtla of Specifi transport services of AME-Y to revoke ar	bared shipping company is of the agreement is to any espiced to conduct this ee resumption and manpower is on a cross-border basis to of trade Law No. 13 Year or commodilies. Le iton, ail looss for our business and p needs to contravit to free to d under the relevant ASEA hereasure of protectionism an SX's shipping companies now measure by AMS-Y is Commitments of AMS-Y shiftin ASEAN to operate wi a maind this nav. Jaw accord	AMS-X. Wis have and alum port-import trans- out-import trans- out-import trans- content and trans- content and trans- revent us from pe , to the spirit of revent us from pe , to the spirit of revent us from pe , to the spirit of that are affecting clear violation of collar violation of collar violation of thin its waters will disply.	a antered into a trop-year anium from AMS: Kito / scient in round-strips from eight load in both inbour sit both AMS: Xend AM and contain commodities and cotton, are among the coviding its metitime sit with free trade pincide with free trade pincide with free trade pincide with free trade pincide and AMS: A have commit hour any limitations to n	binding agreement : MS-Y and import up AMS-X to AMS-Y to AMS-Y to AMS-X to AMS-Y to AMS-Y to an only be recomplised ping services between ecommunity (AEC) and F Framework Agreement and customeral to the sind customeral to the sind customeral to the sind customeral to an advect and the single advector and advector advector and advector advector advector advector advector advector advector advector advector advector advector advector advector advector advector advector advector advector advector advector advector advector advector advector advector advector advector advector advector advector advector advector advector advector advector advector advector advector advector advector advector advector advector advector advector advector advector advector advector advector advector advector advector advector advector advector advector advector advector advector advector advector advector advector advector advector advector advector advector advector advector advector advector advector advector advector advector advector advector advector advector advector advector advector advector advector advector advector advector advector advector advector advector advector advector advector advector advector advector advector advector advector advector advector advector advector advector advector advector advector advector advector advector advector advector advector advector advector advector advector advector advector advector advector advector advector advector advector advector advector advector advector advector advector advector advector advector advector advector advector advector advector advector advector advector advector advector advector advector advector advector advector advector advector advector advector advector advector advector advector advector advector advector advector advector advector advector advector advector advector advector advector advector advector advector advector advector advector advector advector advector advector advector advector advector advector advector advector advector advector advector	lines January 21 bar and cotton in thereby being needby being needby being new tilty and AMS-X and A possibly, again possibly, again possibly, again possibly, again possibly, again possibly, again the no Services regarding inter- ted the context table to the con- text table to the con- text table to the con- text table table table table table table table table table table table table table table table table table table table table table table table table table table table table table table table table table table table table table tab	119 with an import-exp from AMS-Y into AMS seed. The intention, in able to provide a cost- has issued a new shi cased a new shi has issued a new shi pring tax. This new too MS-Y. We are vary we the specific commit or AFAS). We are d intelline at the specific commit or AFAS). We are d intelline at the specific commit or at he specific commit numbritum at the specific modulate at the specific modulate at the specific commit or at her specific commits or at her specific commi	bot company in -X using our fleet ter alia, is to effective and ipping law, while the bansport would certainly pried that this ments and the stew that this ices, which will this law violation of the ass-border fruight to request for
diachment	Annex_2-Simulated	Law_of_AMS-Y2.pdf			Contract of			



penerapan peraturan baru yang mewajibkan eksportir dan importir komoditas tertentu, termasuk besi, aluminium, kapas dan karet, untuk menggunakan hanya kapal dalam negeri AMS-Y (yaitu, kapal milik perusahaan pelayaran maritim yang berbasis di AMS-Y), karena eksportir lokal juga mengkritik dan menyatakan ketidaksepakatan terhadap peraturan baru ini, bahwa peraturan tersebut mungkin akan memengaruhi volume ekspor dan pendapatan negara, karena mengasingkan investor asing, dan banyak pembeli komoditas terbatas sekarang sedang menunggu finalisasi kontrak mereka.

Namun, AMS-Y menyatakan bahwa mereka tidak bermaksud untuk membuat peraturan tersebut dipandang sebagai langkah proteksionis terhadap kapal asing dan melanggar prinsip-prinsip perdagangan bebas. AMS-Y menggarisbawahi bahwa langkah awalnya ditujukan untuk mendorong industri pengiriman AMS-Y guna meningkatkan kapasitas pengiriman dalam negeri karena lebih dari 90% dari semua pengiriman di perairan AMS-Y ditangani oleh kapal asing. Jadi, misalnya, dalam industri karet lebih dari 90% pengiriman ekspor dilakukan oleh kapal asing. Kapasitas pengiriman dalam negeri diperkirakan mencapai 50 juta ton pada tahun 2017, sementara kapal asing mengirim 800 juta ton pada tahun yang sama, sehingga perbedaannya menjadi sangat besar.

AMS-Y menambahkan bahwa tujuan utama dari peraturan ini adalah bahwa perusahaan jasa pengiriman domestik mulai mendapatkan manfaat lebih signifikan dari meningkatnya jumlah perdagangan laut di perairan AMS-Y. Saat ini, sebagian besar kontrak dan volume perdagangan laut didominasi oleh perusahaan jasa pengiriman asing. Namun, AMS-Y setuju bahwa itu membutuhkan proses yang lebih bertahap daripada pemutusan secara tiba-tiba, sehingga keputusannya adalah menunda tanpa batas waktu (meskipun tidak mencabut) penerapan undang-undang baru."

(c) Di bagian bawah email dari ASSIST dalam 11 (a) di atas, Anda diminta untuk menunjukkan apakah Anda puas atau tidak dengan jawaban yang diberikan oleh DCP dan solusi yang disediakan di dalamnya. Anda dapat melakukannya dengan memilih 'Ya' atau 'Tidak 'di pilihan yang disediakan.



Dalam hal ini, AE memilih "Ya".

LANGKAHMEMBERIKAN UMPAN BALIK TERHADAP SOLUSI YANG DIBERIKAN OLEH AMS-Y DALAM12SURVEI KEPUASAN DAN MENERIMA EMAIL PERNYATAAN PENERIMAAN DARI ASSIST

Setelah Anda memilih 'Ya/Tidak' pada Langkah 11 (c) di atas, Anda akan diarahkan ke halaman di bawah ini di mana Anda akan diminta untuk menjawab Survei Kepuasan dan diundang untuk memberikan komentar, terutama jika solusi yang diajukan tidak memenuhi harapan Anda.

ELCOME TO ASSIST	WHAT IS ASSIST?	FILE A COMPLAINT	FOLLOW A COMPLAINT	PROCESS	FAQ CON
	OF SOUTHEAS	ASSIST			
	ASIAN NATION	ASEAN SOLUTIONS FOR HIVESUN	INTS, SETVICES AND TRADE		
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	Comments	0			1
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			SUBMIT YOUR FEEDBACK		
		Central Administrator of ASSIST	ASEAN Secretariat - 70A JI Sisingamangaraja - Jakarta 12110 -	Indonesia	
			SSEST - Supported by Pastate - (Disclaimer)		the second s
			ntine - Statement Management Statement and		
	(a) Isi Survei Kepuasar	. Dalam hal ini, /	AE puas dengan solusi yang	; disediakan oleh A	ASSIST dan
	(a) Isi Survei Kepuasar menunjukkannya ses	. Dalam hal ini, <i>i</i> suai dengan itu.	NE puas dengan solusi yang	; disediakan oleh A	ASSIST dan
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	(a) Isi Survei Kepuasar menunjukkannya se	. Dalam hal ini, / suai dengan itu.	NE puas dengan solusi yang	; disediakan oleh <i>4</i>	ASSIST dan
	(a) Isi Survei Kepuasar menunjukkannya ses	. Dalam hal ini, A suai dengan itu.	AE puas dengan solusi yang	; disediakan oleh A	ASSIST dan
	(a) Isi Survei Kepuasar menunjukkannya ses ASSOCIATIO OF SOUTHEAS ASIAN NATION	. Dalam hal ini, / suai dengan itu. ASSIST ASEAN Solutions for Investm	AE puas dengan solusi yang nts, Services and Trade	; disediakan oleh 4	ASSIST dan
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Central Administrator of ASSIST / <u>ASS AM</u> Secretarist - 70A JJ. Steingemengaraja - Jakarta 12110 - Indonesia ASSIST - Supported by ARIS - Unclaiment

(b) Buka akun email Anda. Anda akan menerima satu atau dua (jika Anda telah mengisi Survei Kepuasan) email-email baru dari ASSIST, yang menyatakan tanda terima atas tanggapan Anda terhadap solusi yang diusulkan oleh AMS-Y. Salinan tanggapan Anda juga akan dikirim ke DCP dan HCP.

SUBMIT YOUR FEEDBACK



(c) Log masuk ke dasbor ASSIST Anda melalui email dan ID pelacakan Anda seperti yang ditunjukkan pada Langkah 7 (a) dan (b) di atas. Tampilan akhir dasbor Anda dapat dilihat di bawah. Seperti yang Anda lihat, tindakan lain telah ditambahkan ke 'Riwayat' Anda yang menunjukkan bahwa Anda telah menunjukkan kepuasan terhadap solusi yang diajukan oleh ASSIST.

IE TO ASSIST	WHAT IS ASSIST?	FILE A COMPLAINT	FOLLOW A CON	MPLAINT	PROCESS	FAQ
	ASSOCIAT OF SOUTHE	ASSIST				
	ASIAN NATIO	INS ASEAN Solutions for Investment	is, Services and Trade	-		
	WELCOME TO ASSIST	WHAT IS ASSIST? MY CL	JMPLAINT LOGUUT	PRUCESS FAU	CUNIACI	DISCLAIMER
	Tracking ID #	#14620181017 / AM	S-Y			
	ASSIST Solution					
	aluminium, cotton and nucless t from local exponters that this ne are now pending finalization of trade principles. AMS-Y underfi Y waters is handled by foreign 50 million tons in 2017, while for services companies start to ber shipping service companies the application of the new faw. Attachment Satisfied. Yee	uise anly AMS-Y's domestic vessels (i.e. vessels wir ragulation will possibly affact seport volumes an inheir contracts. However, AMS-Y stated that it did in ned that its measure was initially intended to encou- cessels. Thus, for example, in the rubber industry r reign vessels apped 800 million torus in the aaren diff more significantly, from the rising amount of sa weever, AMS-Y agrees that it requires a more grad	belonging to maritime shapping companies of state revenues, as it will discourage or al of later for the regulation to be seen as a regie AMS-Y's shipping Industry to increase some than 50 Ket apport shipments are com- year, mitch is a major difference. AMS-Y and an AMS-Y waters, Currently, most of all process rather than a sudden break, the	Is based in AMS Y), as there has likenate foreign investors, as ma protectionist measure against e domestic shipping capacity a ducted by foreign vosais. Dore added that the kay and of the in if the contracts and volumes of us the decision to postpone ind	a sico bean citricitem and dis- ny buyens of the restricted cit foreign vessels and in violati e more than 50% of all shipp heattic shipping capacity was egulatation is that domestic at a set tade are dominated by 1 efinitely (attnough not to revo	agreements ommodifiee (ing in AMS- estimated at lipping foreign (ke) the
	History					
	Date Action 18/10/2018 16:52:00	Action By ASEAN-based Enterprise	Comments Atthough AMS-Y decided to only postp	one the new law and not revok	e it, for the time being, my co	ompany is
	18/10/2018 12:30:29	Solution Central Administrator of	quite satisfied with the proposed solution new law to be seen as a protectionist in Upon internal discussions between the	on by AMS-Y. We understand to measure against foreign vessels - DCP and the RAs. AMS-Y dec	and that AMS-Y's	tion of the
		ASSIST	new regulation requiring exporters and and nubber, to use only AMS-Y's dome	I importers of certain commoditi stric vessels (i.e., vessels belon	les, including iron, aluminium ging to maritime shipping	k, collion K
	17/10/2018 14:40:40	Assessment Central Administrator of ASSIST	Dear Mr Paul Smith Thenk you for fodging your complaint u your compleint and finds that it is comp proves that you are a business register	under ASSIST. The Central Adm plete. You have submitted your rad in AMS-X and you	ninistrator has reviewed and company registration docum	verified ent which
	17/10/2018 13:09:04	ASEAN-based Enterprise Revol ASEAN-based Enterprise	Email Confirmed			
	ASEAN ENTERP	PRISE				
	A SEAN Enterprise Name Company Size	Star 85 Co., Ltd. 50 to 100	Address	Better Living Street City	W Country X	
	Phone	+905 524 1532	City	City W		
	Website	www.star88.com	ZIP Code Country	1711 AMS-X		
	CONTACT PERS	SON	195989107			
	First Name	Paul	Address	Bettar Living Streat City	W Country X	
	Last Name	Smith	City	City W		
	Position	Chief Executive Officer	Country	AMS-X		
	Email	aseanenterprise0@gmail.com (Confirmed)				
	COMPLAINT DE	SCRIPTION				
	Country of Legal Registration	AMS-X	Business Sector	Services		
	Registration Number	123456	Type of Problem Encountered	Services / Transport sen	vices	
	Company Registration Proof	Annex_1-	Destination Country	AMS-Y		
	Type of Business	Service provider	الكاني كالحي عد			
	Description	We are a duly registered shipping constant is Al-	IS-X. We have entered into a two-year bin	ding agreement since January	2018 with an import-export c	ampany in
		AMS-X. The scope of the agreement is to export of vessals. We have agreed to conduct this export wave cash in final consumption and manpower by competitive service on a cross-forder basis to co- namely the Ministry of Tirede Law No. 13 Yeer 20 companies. The four commodities, i.e. iron, alium result in a financial loss for our business and pre- legislative development is contrary to the trade. obligation of AMS-Y under the relevant ASEAN e new law is a clear measure of protectionism and seriously impact AMS-Ys shipping companies the Furthermore, this new measure by AMS-Y is a cle Schedule of Specific Commitments of AMS-Y un	Iron and aluminium from AMS-K kito AMS- n-mport transaction in round-fripe from AM naving a bill faciglit load in both inboard an toxinore based in both AMS-X and AMS-Y. 10, Imposing that certain commodilies can rulum, rubber and cotten, are among the co- ent us from providing its mailtime shipping the agint of the ASEAN Economic Commo commit agreements (e.g., the ASEAN Fra- ne allowing and the frae trade principles are in an eaffering consolutione transmitme transp car Volation of the commitments made by / the AFSAS, where AMS-Y have committed to the varians where a MS-Y have committed to the varians where a MS-Y have committed to the varians where a MS-Y have committed to	Y and import rubber and other ISX to AMS-Y using the same ad autoend trips, thranky being We recently teamed that AMS only be transported for Import or ammodities listed in this new an g services between AMS-Y and multy (AEC) and, possibly, ag amswork Agreement on Service nd customary law regarding into post services in relation to the co AMS-Y to the World Tride Orga m allow foreign shipping comea	I from AMS-Y the AMS-X usi vessel. The intencion, tetra i g able to provide a cest-filece g able to provide a cest-filece y has issued a two shipping or export by netional matthms in provide the second second and AMS-Y We are very workind and the specific commitment is, or AFAS). We are of the v- tomational mattime services, simmediates all feethed by this L antication and is a clear violat risks that are offering cross-bu- to. Thus, we would like to reg	Ing our fleet Ba, is to the and g low, e transport uid cartainity that this uid cartainity that this umbries that this umbries that this umbries that this umbries that this umbries that this umbries that this umbries that this umbries that this umbries that this umbries that this umbries that this umbries that this umbries that this umbries that this umbries that this umbries that this that this that this that this that this that this that this that that that that that that that that that that that that that that that that that that that that that that that that that that that that that that that that that that that that that that that that that that that that that that that that that that that that that that that that that that that that that that that that that that that that that that that that that that that that that that that that that that that that that that that that that that that that that that that that that that that that that that that that that that that that that that that that that



FILE A COMPLAINT

WELCOME TO ASSIST

WHAT IS ASSIST?

FAO

(d) Jika Anda ingin melihat komentar yang Anda berikan dalam Survei Kepuasan, maka klik ikon kaca pembesar dan layar di bawah ini akan tampil.

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

Pada pemberitahuan bahwa suatu solusi yang diajukan untuk AE dan telah diterima sebagai memenuhi harapan AE, maka DCP harus menyampaikan pemberitahuan penerimaan ke RA, untuk memastikan bahwa segala pengaturan administratif yang diperlukan untuk mengimplementasikan solusi tersedia sesegera mungkin.

ASSIST akan menganggap prosedur ini sebagai salah satu prosedur di mana pengaduan diterima dan DCP telah memberikan solusi dan diterima oleh AE.

Perhatikanlah bahwa jangka waktu untuk menyelesaikan masalah lintas batas yang dibawa oleh ASSIST tidak boleh melebihi 40 hari kerja atau 2 bulan kalender (kecuali telah diberikan perpanjangan maksimum 20 hari kerja) dari tanggal ketika pengaduan telah diterima oleh DCP (yaitu Negara Anggota ASEAN tempat pengaduan diajukan).

ASSIST



ASEAN Solutions for Investments, Services and Trade

WELCOME TO ASSIST

WHAT IS ASSIST?

FILE A COMPLAINT

FOLLOW A COMPLAINT

PROCESS FAO CONTACT



Pengaduan yang Diajukan oleh Perusahaan ASEAN (Perusahaan Induk dari Anak Perusahaannya), Diterima oleh Pengelola Sistem (Central Administrator (CA)) dan Ditolak oleh Titik Kontak Tujuan (Destination Contact Point (DCP)).

Uraian Singkat mengenai Kasus: Skenario ini adalah kasus tiruan yang termasuk dalam Moda 3 (Kehadiran Komersial) perdagangan jasa, yang didefinisikan dalam Perjanjian Kerangka Kerja ASEAN tentang Jasa (ASEAN Framework Agreement on Services (AFAS)) dan Perjanjian Umum tentang Perdagangan Jasa (General Agreement on Trade in Services (GATS)), mutatis mutanda, sebagai persediaan pemasok jasa suatu negara, melalui kehadiran komersial di setiap wilayah negara lain. Skenario ini adalah pengaduan yang diterima oleh Pengelola Sistem (CA) ASSIST sebagai telah diajukan secara sah oleh AE, yaitu induk perusahaan dari anak perusahaannya di Negara Anggota ASEAN lain, tempat Negara Anggota ASEAN

yang mendapat pengajuan pengaduan tersebut berada dan negara itulah yang sebenarnya bermasalah atau diadukan, tetapi ditolak oleh Negara Tujuan karena negara tujuan menemukan bahwa tuduhan AE tersebut tidak layak dengan alasan Negara Tujuan telah memenuhi komitmen ASEAN terkait.

Pengaduan tersebut terkait dengan pencabutan ijin anak perusahaan dan amandemen Undang-Undang Ijin Usaha Telekomunikasi oleh Negara Tujuan, yang diklaim oleh AE sebagai diskriminasi terhadap investor asing dan jelas melanggar Jadwal Komitmen ASEAN Khusus untuk Negara Tujuan berdasarkan AFAS di mana Negara Tujuan telah berkomitmen untuk mengijinkan kehadiran komersial perusahaan asing, dengan kata lain hak hukum untuk operator asing, yang terdaftar secara hukum di Negara Anggota ASEAN lainnya, untuk menyediakan jasa melalui perusahaan komersial, tanpa setiap batasan untuk akses pasar dan perlakuan nasional.

Daftar Para Aktor dan Singkatan:

- Pemohon pengaduan (Complainant) = Perusahaan ASEAN (ASEAN Enterprise (AE))
- Sekretariat ASEAN (ASEAN Secretariat) = Pengelola Sistem ASSIST (Central Administrator of ASSIST (CA))
- Negara Asal (Home Country) = Home Contact Point (HCP) di Negara Anggota ASEAN-X (ASEAN Member State-X (AMS-X))
- Negara Tujuan (Destination Country) = Destination Contact Point (DCP) dalam Negara Anggota ASEAN-Y (ASEAN Member
- State-Y (AMS-Y)
- Otoritas Nasional Terkait = Relevant Authorities (RA)



BUKA SITUS WEB ASSIST (HTTP://ASSIST.ASEAN.ORG)

Jika menurut Anda kasus Anda termasuk dalam masalah perdagangan lintas batas ASEAN, Anda adalah bisnis yang terdaftar di Negara Anggota ASEAN, dan Anda menginginkan jasa konsultasi tanpa bayar dan tidak mengikat serta mendapatkan solusi cepat dan efektif, maka bukalah tautan berikut: http://assist.asean.org.



Jika Anda mengajukan pengaduan di bawah perusahaan Anda sendiri (pengaduan non-anonim) dan Anda tidak diwakili oleh asosiasi perdagangan yang berbasis di ASEAN, atau oleh entitas perwakilan lain pilihan Anda, seperti kamar dagang, dewan bisnis, bisnis federasi, atau pengacara atau firma hukum terdaftar, maka klik ikon Perusahaan ASEAN ('ASEAN Enterprise') pada tab File a Complaint.



ASSIST



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	300 onaradara ramaining (300 manimum)	
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CONTACT PERSON		
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* First Name	* Last Name	
Phone		
Position		
* Email		

ELCOME TO ASSIST	WHAT IS ASSIST?	FILE A COMPLAINT	FOLLOW A COMPLAINT	PROCESS	FAQ	CONT
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	I have read and accept the ASSIS	Trules				
	\equiv I benetiy submit this complaint to the	e Central Administrator of ASSIST and Laccept it	a transmission to the relevant authorities of the ASEAN Mamb	er States involved		
		Im not	a robot			
		SI	IBMIT YOUR COMPLAINT			

Isilah formulir di atas untuk memberikan ASSIST cukup informasi mengenai masalah perdagangan yang Anda alami. Kolom yang ditandai dengan tanda bintang (*)wajib diisi. Jika Anda tidak yakin mengenai apa yang harus diisi untuk suatu kolom, tersedia tombol • untuk instruksi terperinci tentang apa yang harus diisi untuk setiap kolom. Klik tombol • untuk memastikan bahwa Anda mengisi informasi dalam formulir dengan benar.

Anda harus mengisi kolom 'Uraian ('*Description*') dengan benar. CA perlu memverifikasi bahwa uraian yang diberikan dalam pengaduan cukup untuk mengidentifikasi masalah dalam konteks perjanjian subyek tertentu. Dengan demikian, aturlah pengaduan Anda secara hati-hati disertai argumen hukum dan bukti faktual untuk membantu CA dalam memutuskan apakah akan menyetujui pengaduan Anda.

ISILAH FORMULIR PENGADUAN

LANGKAH

3

Berikut adalah formulir yang telah diisi untuk studi kasus khusus ini.







Sebagai contoh uraian pengaduan yang jelas dan ringkas, di bawah ini adalah uraian AE tentang pengaduan dalam studi kasus ini:

d by ARISE - IDisc

SUBMIT YOUR COMPLU

"Kami adalah perusahaan telekomunikasi yang terdaftar di AMS-X, AirTel Holdings, Inc. Anak perusahaan kami, AirTel Co., Ltd., berbasis di AMS-Y. 80% dari total saham yang diterbitkan oleh AirTel Co., Ltd. dimiliki oleh pemegang saham AMS-X dan posisi level manajemen seniornya didominasi oleh warga negara AMS-Y. Lisensi pengoperasian AirTel Co., Ltd. telah dicabut oleh Otoritas Komunikasi Nasional AMS-Y pada September 2018 dengan argumen bahwa lisensi telekomunikasi yang dimiliki oleh AirTel Co., Ltd. tidak lagi berlaku. Faktanya, pada Agustus 2018, AMS-Y telah mengubah Undang-Undang



Setelah Anda mengajukan pengaduan di situs web ASSIST, halaman di bawah ini akan tampil, memberitahukan kepada Anda bahwa email konfirmasi akan dikirim ke alamat email yang Anda berikan dalam formulir pengaduan Anda.

WELCOME TO ASSIST	WHAT IS ASSIST?	FILE A COMPLAINT	FOLLOW A COMPLAINT	PROCESS	FAQ	CONTACT
				4		
Thank you for t	the submissi	on of your co	mplaint			
ou will shortly receive a confirma	tion e-mail containing your r	aferances.				
fease click on the link contained i	In the e-mail in order to confl	m your submission.				
ou will be able to monitor your comp	plaint and access it on the follo	wing webpage				
to //assist.asean.org/user/login						
y using your e-mail≢tracking ID						

Pemberitahuan di atas menunjukkan bahwa Anda harus mengklik tautan yang tersedia di akun email Anda untuk mengonfirmasi pengaduan Anda dengan ASSIST.
ASSOCIATION OF SOUTHEAST ASIAN INATIONS ASEAN Solutions for Investments, Services and Trade WELCOME TO ASSIST WHAT IS ASSIST? FILE A COMPLAINT FOLLOW A COMPLAINT PROCESS FAQ CONTACT

LANGKAH MENGKONFIRMASI PENGADUAN ANDA MELALUI AKUN EMAIL ANDA 5 (a) Buka akun email yang Anda berikan dalam formulir pengaduan. Anda akan menerima email dari ASSIST yang meminta Anda untuk mengonfirmasi pengaduan Anda dengan mengklik tautan yang diberikan atau dengan menyalin-menempelkan tautan tersebut ke browser Internet. Ini juga diperlukan oleh ASSIST untuk mengonfirmasi bahwa alamat email yang Anda berikan sah. Nomor pengaduan Anda juga diberikan dalam email ini. Dalam hal ini, nomor pengaduan Anda adalah 17720181101. Berikut adalah email yang akan Anda terima dari ASSIST. M Gmail ASEAN Enterprise saseanenterprise@@omail.com [ASSIST] Thanks to confirm your complaint #17720181101 submission Thu, Nov 1, 2018 at 4:01 P No Reply ASSIST <assist@asean.org> Reply-To: "assist@asean.org" <assist@asean.org> ASSIST 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.arsenadevelopment.spacefuser/confirm_email/?email=aseanenterprise0@amail.com8id=177201811018code=1ax9eg5ivt3 After your confirmation: ASSIST will monitor your complaint and you will be able to access it on the following webpage http://assist.arsenadevelopment.space/user/login_by using your e-mail/tracking ID: aseanenterprise0@gmail.com / 17720181101 http://asist.asean.org/user/login by using your e-mail / tracking ID: aseanenterprise0@gmail.com / 17720181101 Address - Jingle Avenue City U Country X Country - AMS-X 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 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 substitiary company. AirTel Holdings. Inc. is based in AMS-Y 60% of the total shares issued by AirTel Co., Ltd. is owned by AMS-X hareholders and its senior management level positions are dominated by AMS-Y nationalis. AirTel Co., Ltd. & P*s operating license has recently been revoked by AMS-Y 48** shallonal Communication Authority in September 2016 on the argument that the telecommunications license possessed by AirTel Co., Ltd. & P*s operating license has recently been revoked by AMS-Y 48** shallonal Communications Authority in September 2016 on the argument that the telecommunications license possessed by AirTel Co., Ltd. & P*s operating license has recently been revoked by AMS-Y failores and the possessed by AirTel Co. Ltd. Bit P*s operating licenses have an empty of the posses by the possesse by the Bitecom license is for an operator with an influence when a work the some influence licenses. A type B licenses. A type B bitecom licenses must be companies where AMS-Y national is airtif and and the posses and type B and Type C licenses. A type and Type C licenses and type and the posses must be and AMS-Y national to all least three quarters of the applicant company, must be an AMS-Y national least three quarters of the applicant deving of the requirement for foreign escentees as the line when it had applied for the license and it was not given any nontification by AMS-Y of three development. It has also complete where and the approximation are equivalented with the requirement for foreign escentees with a majority of foreign baseholders, which is obtained a 4/TEl Holdings, Inc., shares to file 15.67% in AMS-Y of the work dives of yman and the posses and the intervolution application application and the posse and the posses and the meriting a foreign baseholders. Which is obtained a 4/TEl Holdings, Inc., shares to file for any notification by AMS-Y of the revoking of AFEL Co., Ltd AF^T%</sup> license is a discr Thanking you, ASSIST is at your service. 4 attachments Annex_2-Simulated_AMS-Y_Schedule_of_Specific_Commitments-AFAS_9_Consolidated_Schedule1.pdf Annex_3-Simulated_Law_of_AMS-Y1.pdf Annex_4-Simulated_Amendment_Law_of_AMS-Y1.pdf Annex_1-Simulated_Company_Registration_of_AirTel_Holdings_Inc1.pdf

(b) Klik pada tautan tersebut sebagaimana diminta dalam email di atas, maka halaman berikut akan tampil.

ASSOCIATIO OF SOUTHEAS ASIAN NATION	ASSIST ASEAN Solutions for	Investments, Services and	Trade			
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	oleh CA dan bahwa And apakah pengaduan tersi 1) Diterima dan di 2) Tidak lengkap d 3) Ditolak, jika tida Buka akun email Anda.	a akan diberitahu melal ebut: serahkan ke Negara lan dikembalikan kep ak tercakup dalam lir	ui email dalam waktu maksi Tujuan; atau ada Anda untuk revisi; a gkup ASSIST atau bukar	imum 10 hari ke atau n merupakan p	rja mengen: pengaduar	ai 1 yang sah.
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	ASEAN Enterprise / Trade Association / Law Company size 200+	Firm : AirTel Holdings, Inc. (type Enterprise)				

Phone: +261 7282991 Website: www.aitel.com Address: Jingle Avenue City U Country X City. City U Zip Code: 10090 Country: AMS-X

ASSIST **ASEAN Solutions for Investments, Services and Trade ASIAN NATIONS** WELCOME TO ASSIST WHAT IS ASSIST? FILE A COMPLAINT FOLLOW A COMPLAINT PROCESS FAO CONTACT Contact person : Mr Bruce Kent Phone : +261 8159255399 Position : President Email : aseametroprise@@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 Secto : Services / Telecommunication Type of problem encountered : Communication Services Destination Country : AMS-Y Description: We are a duly registered telecommunications company in AMS-X. All'Tel 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 hareholders and its senior management level positions are dominated by AMS-Y nationals. AIrTel Co., Ltd. #E^{MS} operating license has recently been revoked by AMS-Y 4E^{MS} National Communication Authority in September 2018 on the argument that the telecommunications license possessed by AIrTel Co., Ltd. at is no longer valid. In fact, in August 2018, AMS-Y had amended the Telecommunications Business License At 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 verus everal segments of the public. A type C telecom license is for an operator with a rehover that provides services to the general public, or services that cause a significant linead on fair three public interest, NS-Y nationals hould a telast 51% shares and at least three quarters of the applicant6E^{MS} 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 three quarters of the applicant6E^{MS} senior level management and the person authorized to sign any binding commitments, as a representation of the applicant company, motification by AMS-Y on this and evelopment. It has also completed with the requirement for foreign companies with a MAS-Y national advired for foreign baness License for 35% is AMS-XS at MAS-Y of the worlde^{MS} second biggest cellular market. We believe that the revoking of til 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. 4 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 Annex_1-Simulated_Company_Registration_of_AirTel_Holdings,_Inc1.pdf Seperti yang ditunjukkan dalam email di atas, Anda sekarang dapat memantau perkembangan dengan mengklik tautan yang ditunjukkan yang akan diarahkan ke tab 'Follow a Complaint' pada kolom menu di

LANGKAH

7

Situs ASSIST.

MEMANTAU PERKEMBANGAN PENGADUAN ANDA

(a) Buka tautan berikut: <u>http://assist.asean.org/user/login</u> atau buka tab *'Follow a Complaint'* pada bar menu di Situs Web ASSIST. Halaman di bawah ini akan tampil.

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(b) Masukkan alamat email Anda dan ID pelacakan ('*tracking ID*') (nomor pengaduan Anda) di kolom yang disyaratkan untuk log masuk. Dalam hal ini, Alamat Email <u>aseanenterprise0@gmail.com</u> dan ID Pelacakan adalah 17720181101.

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ASSIST

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Dalam hal ini, email di atas menunjukkan bahwa pengaduan Anda telah diterima oleh CA. Email tersebut juga memberitahukan kepada Anda bahwa pengaduan Anda sekarang akan dikirim ke Titik Kontak Tujuan (DCP), yang merupakan agen pemerintah (Titik Kontak Utama (Focal Point) ASSIST) di AMS-Y di mana Anda menghadapi masalah perdagangan dan di mana pengaduan Anda diarahkan dan dicarikan penyelesaiannya. DCP di AMS-Y akan diberi 10 hari kerja untuk memeriksa pengaduan Anda dan menerima, menolak atau mengembalikan kepada Anda dengan permintaan informasi lebih lanjut. Ini dimaksudkan untuk memberi waktu kepada DCP untuk memeriksa rincian pengaduan, dan berkonsultasi seperlunya dengan otoritas nasional terkait.

Titik Kontak Asal (HCP), yang merupakan agen pemerintah (Titik Kontak Utama ASSIST) di AMS-X (negara asal Anda) juga telah diberitahu tentang pengajuan pengaduan Anda.

Jika Anda tidak menerima email dari ASSIST dalam jangka waktu yang disyaratkan (10 hari kerja sejak pengaduan diajukan), maka ini berarti bahwa tindakan CA terlambat. CA akan menerima pengingat otomatis lain melalui email (14 hari kalender setelah pengaduan diajukan) bahwa CA harus melakukan suatu tindakan atas pengaduan tersebut. CA akan menerima email di bawah ini:

Email Pengingat 2 untuk Pengelola Sistem (CA):

M Gmail		Central Administrator ASEC <caatasec@gmail.com< th=""></caatasec@gmail.com<>
ASSIST Complaint #13320180921 reminder for C	A	
No Reply ASSIST <assist@asean.org> Reply-To: *assist@asean.org</assist@asean.org>		Sun, Sep 23, 2018 at 5:00 Ab
	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 tille taxing t	





No Reph ASSIST resulting assess or processing asses

Dear Mr Bruce Kent,



COME TO ASSIST WHAT IS ASSIST? FILE A COMPLAINT FOLLOW A COMPLAINT PROCESS FAQ
The response for your complaint 1772018101 is ready: AM-5-Y flots sufficient basis that AMS-Y has complied with its relevant ASEAN commitments and that the complaint lacks metr. It argues that, atthough under the AFAS Schedule of Specific Commitments, AMS- Y has no imitations on foreign ownership, it is stated in its Horizontal Commitments in that as an initiation to market access, the Commercial Presence of the foreign service provider(s) may be in the form of a joint verifier and/or representative diffe. within should meet the AFAS Y the capital share of the company may be rounded by foreign articles, in its attenties and or representative diffe. within should meet the AFAS Y of the capital share of the company may be rounded by foreign articles, in its attenties and or representative diffe. within the should meet the AFAS Y of the capital share of the company may be rounded by foreign articles, in its attenties and or representative diffe. within the should meet the AFAS Y of the new amendment. All SY responded that the Government of AMS-Y these provides of the AFAS should be an end the should meet the AFAS of the company may be approved on 1 September 2018. You can also check the status of your complaint online athttp://assist.asean.org/user/login by using your e-gail/tracking/0. 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 'Ys' or 'No' below: Yes / No ASEAN Enterprise/ Trade Association / Law Firm: AlrTel Holdings, Inc. (type Enterprise) Company set: 2000 Control: Yes / Trade Association / Law Firm: AlrTel Holdings, Inc. (type Enterprise) Company set: 2000 Control: Yes / Trade Association / Law Firm: AlrTel Holdings, Inc. (type Enterprise) Company set: 2000 Control: Yes / Trade Association / Law Firm: AlrTel Holdings, Inc. (type Enterprise) Company set: 2000 Control: Yes / No Control: Yes / Yes Cone: 10090 Control: Yes / Yes Cone: 10090 Control: Yes / Yes Cone: 10090 Contry: AdAS. Cone food and the company ma
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Prosesnya sedikit berbeda dalam kasus di mana pengaduan Anda diterima oleh DCP. Dalam 10 hari kerja setelah tanggapan dari CA bahwa pengaduan Anda diterima, Anda akan menerima email yang menginformasikan bahwa pengaduan Anda telah diterima oleh DCP di AMS-Y dan bahwa DCP akan berkoordinasi dengan otoritas nasional yang kompeten atau Otoritas Penanggung Jawab. (RA) untuk menganalisis pengaduan Anda secara rinci.

Setelah RA menyelesaikan upaya mereka, DCP harus memeriksa solusi dan memberikannya kepada CA dalam waktu 40 hari kerja sejak tanggal penerimaan oleh DCP. Dengan demikian, untuk memenuhi tenggat waktu ini, DCP harus menetapkan batas waktu agar RA dapat menemukan solusi. DCP bertanggung jawab untuk memberi tahu CA tentang segala perubahan yang berkaitan dengan jangka waktu antaranya dan otoritas nasional.

CA dapat memperpanjang batas waktu hingga 20 hari kerja atas permintaan DCP. Sistem akan secara otomatis memberitahu ketika tenggat waktu semakin dekat (mis., Biasanya, 10 hari kalender sebelum selang). Jika DCP tidak memenuhi tenggat waktu untuk mengirim solusi ke CA, maka sistem online akan memberitahu CA untuk menindaklanjuti dengan DCP.

Kemudian Anda akan menerima pemberitahuan email kedua dari ASSIST bahwa solusi diajukan oleh DCP/AMS-Y dan diterima oleh CA.

Namun, dalam kasus seperti ini di mana pengaduan "Ditolak" oleh DCP, mungkin Anda tidak menerima email dari ASSIST dalam tenggat waktu 10 hari kerja. Penolakan dan alasan penolakan oleh DCP hanya akan dikirim ke CA melalui ASSIST dalam 10 hari kerja. CA kemudian akan memeriksanya untuk bahasa dan kecukupan informasi dalam 5 hari kerja sejak diterimanya oleh CA dari email penolakan oleh DCP.



(b) Log masuk ke dasbor ASSIST Anda melalui email dan ID pelacakan Anda seperti ditunjukkan pada Langkah 7 (a) dan (b) di atas. Tampilan lengkap dasbor Anda dapat dilihat di bawah. Seperti yang Anda lihat, tindakan lain telah ditambahkan ke 'Riwayat' Anda yang menunjukkan bahwa solusi untuk pengaduan Anda telah diajukan. Solusi/ tanggapan ASSIST lengkap dari DCP, yang telah diterima oleh CA, juga disediakan pada paragraf pertama dasbor Anda.



ASSIST

ASEAN Solutions for Investments, Services and Trade

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Country of Legal Registration L2166 Type of Problem Services / Communication Services Registration Number L2166 Type of Problem Services / Communication Services Company Registration Number Sinulated Oustination Country AM3-Y Sinulated Services / Communication Services Services / Communication Services Type of Business Service provider Service / Communication Services Description We are a duly registrated infocumunications company in AM5-X Aftel Holdings, Inc: Cur sub-isflary company. Aftel Holdings, Inc: Is based in AM5-Y 60% of the total aharos issued by AFTal Cu. Ltd is owned by AM5-X sharabolders and his serier management level pections are dominated by AM5-Y rationals. Aftal Cur, Ltd is owned by AM5-Y for alionals. Aftal Cur, Ltd is owned by AM5-Y for alionals. Aftal Cur, Ltd is owned by AM5-Y for alionals communication function for submitted to the total aharos issued by AHTal Cu. Ltd is owned by AM5-Y for alionals. Aftal Cur, Ltd is owned by AM5-Y for alionals. Aftal Cur, Ltd is owned by AM5-Y for alionals for the total shares processes the type of the local starters provides services bargeing a segment or were serviral segments of the public. A type C lecense. A type B telecom license is for an operator with a rethork that provides services bargeing a segment or were serviral segments of the public. A type C lecense. A type B telecom license is for an operator with a rethork that provides services bargeing a segment or the public. A type C lecense. A type B telecom license is for an operator with a rethork that provides services bargeing a segment or the submitteria to tais and the secon maniferment of the sublicantes on the apublicant company, instart a AM5-Y in a AM5-Y	COMPLAINT DES	SCRIPTION			
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Lincontined Company Registration Proof Company Registration Proof Company Registration Proof Company Registration Of ArTeL Holdings. Inc: Out Destination Company Registration Proof Sinulated Company Registration of ArTeL Holdings. Inc: Out Type of Business SarVice provider Type of Business SarVice provider Description We are a duly registered telecommunications company in AMS-X. AFTel Holdings. Inc: Out subsidiary company. AFTel Holdings. Inc: Is based in AMS-Y 20% of the total shares issued by ArTel Co., Lid. is overed by AMS-X shareholders and its senier management lavel positions are dominated by AMS-Y eationals. ArTel Co. Liff is appraining license has recently been revised by AMS-Y a haltonal Communication functions in Senier management lavel positions are dominated by AMS-Y eationals. ArTel Co. Liff is appraining license has recently been revised by AMS-Y a haltonal Communication functions total shares issued by ArTel Co. Liff is appraining license in the revised by AMS-Y is Automability. Type 5 and Type C licenses. A type 8 telecom license is for an operator with a retwork had provides services brigging a segmeter for even serveral segments of the public. A type C licenses and type is position to each public or arythout the communications sensitions to the general public or arythout and that porce outparises where AMS-Y nationals hold at least 51% shares and at least three quarters of the applicant specific tor the public ArIPC Co. Liff is been readed unfilly as a trapping committent, but provides and AMS-Y notional. We left that AITel Co. Liff is been readed unfilly as a trapping committent, to a trapping to Type B and Type C licenses in a trapping to the operator with a retwork had provide applicant's service barries and a timp to follower and the government trave quarters of the applicant's being remaining and that percent public communications supping to Type B and Type C licenses in a	Registration Number	123458	Type of Problem	Services / Communication Services	
Type of Business Sarvice provider Description We are a duly registered telecommunications company in AMS-X. AirEl Holdings. In:: Cut subsidiary company. AirEl Holdings. In:: Is based in AMS-Y 80% of the total shares issued by AirEl Co., Ltd. Is owned by AMS-X startarbolars and its serier management lavel pocifiers are dominated by AMS-Y nationals. AirEl Co. Ltd is owned by AMS-Y staticnal Communication Authority in September 2016 on the argument that the talecommunication license possessed by AirEl Co., Ltd. Is no longer valid. In fact. In August 2018. AMS-Y had amended the Telecommunications Business Ucense At No. 1500. Whereby foreign paperators were no longer valid. In fact. In August 2018. AMS-Y had amended the Telecommunications Business Ucense At No. 1500. Whereby foreign paperators were no longer valid. In fact. In August 2018. AMS-Y had amended the Telecommunications Business Ucense At No. 1500. Whereby foreign paperators were no longer valid. In fact. In August 2018. AMS-Y had amended the Telecommunications Business Ucense At No. 1500. Whereby foreign paperators were no longer valid. In fact. In August 2018. AMS-Y had amended the Telecommunications Business Ucense At No. 1500. Whereby foreign paperators were no longer valid. In fact. In August 2018. AMS-Y nationals for an operator with a rethork the provides services targeting a segment or even serveral segments of the public. A type C leconse. A type B telecom Icense is for an operator with a rethork that provides services targeting a segment or the public. A type C leconse. A type B telecom Icense is for an operator with a rethork that provides tenders and the act first and the public difference interview proves at the line with a head public or applicant applying for Type B and Type C leconse is the public. A type to the second second second at Isat three quarters of the applicant second any MAIS-Y nationals hold at isat 51% shares and at least first quarter	Company Registration Proof	Annex_1- Simulated_Company_Registration_of_AirTel_Hold	Encountered Destination Country lings_inc1.pdf	AMS-Y	
Description We are a duly registered telecommunications company in AMS-X. AirTel Holdings, Inc: Cus subsidiary company. AirTel Holdings, Inc: Is based in AMS-Y 60% of the total shares issued by AirTel Co., Ltd. is oursed by AMS-X shareholders and its senior management livel pecifiers are dominated by AMS-Y nationals. AirTel Co., Ltd. is oursed by AMS-Y staturabidism and his senior management livel pecifiers are dominated by AMS-Y nationals. AirTel Co., Ltd. is operated by AMS-Y for alionals: Communication Authority in September 2016 on the argument that the talecommunication license possessed by AIrTel Co., Ltd. is outparted to rate Into AMS-Y for Almond Communication Authority in September 2016 on the argument fract the top on whereby finelying persons services targeting a segment to rever serveral segments of the public. A type C license. A type D telecom license is for an operator with a network the quorides senders to the generation studies targeting a segment or vers serveral segments of the public. A type C telecom license is for an operator with a network that provides sender south and a license to the applicant applying for Type B and Type C licenses must be comparise, where AMS-Y nationals hold at lices 51% shares and at least three quarters of the applicant applying for Type B and Type C licenses must be compared with a network that provides sender ourse and the aperator subcrit or assentation of the applicant applying for Type B and Type C licenses must be compared with a network that provides a sender two targets and the prevent authorized to sign any lineing commitments, as a representation of the applicant applying for Type B and Type C licenses that an event and applied for the license and it was not given any notification by AMS-Y on this new development. If has also compled with the requirement for the type I and AMS-Y networks, the type I and AMS-Y on this new development. If has also compled with the requirement for tereing comparies with a network of terring abareholders, which is oblaining	Type of Business	Service provider			
oolgations of varias- r lander me tookvant kaseskar r zamework Agraement on services (Ar-Xa)	Description	We are a duly registered telecommunications com total shares issued by AkTal Ca., Ltd. is owned by Ltd. separating license has recently been revekted license poissessed by AirTal Ca., Ltd. is no longer whereby foreign operators serve to forger permit network, but provides exvices targeting a segmer sexplicant on the general public, or services that cau applicant applies to rive an anagement and the poer netional. We lead that AirTel Co., Ltd. has been the sense not given any adfication by AAIS-Y on this ne shareholders, which is obtaining a Foreign Busine business license replation has caused AIrTel Fol- that the reveixing of its license is a discrimination a oblightions of AMS-Y unser the relevant ASEAN F	pany in AMS-X. Ai/Tel Holdings. Inc. Our sub AMS-X sharaholdars and its saniter manager by AMS-Y shatohal Communication Author to apply for Type 8 and Type Cleenses. A dit captly for Type 8 and Type Cleenses. A it or even several segments of the public. A midd be comparises where AMS-Y nationals on subnorced to sign any binding commitmes and unrivity as a timply followed the govern evidentiation for the Ministry of Commerce. The sequence form the Ministry of Commerce. Transact for the Ministry of Commerce.	sidiary company. AirTel Haldings, Inc. Is bases mant lavel positions are dominated by AMS-Y ity in September 2018 on the argument that it ended the Telecommunications Business Lice type B telecom license is for an operator with type B telecom license is picture appendix per Celecom license is operator with a public interest, or require special consumer p hold at lavast 51% shares and all least three qui its, is a representation of the applicant compa- ter process et the first when the displication is requirement for foreign comparise with a ma he revoking of AirTel Co., Lik's license and the stores actor and a violation of the specific com-	I in AMS-Y 50% of the nationals. AirTel Ca is talecommunications near-Act No 1500. or without the own network that provides arotection. The andress of the low andress of the low and the polly of foreign e amendment of the market. We helieve millments and
Attachment Annex_Z_Simulated_AMS_Y_Schedule_of_Specific_Commitments_RFAS_9_Consolidated_Schedule1.pdf Annex_3_Simulated_Law_rdLaw_R5_Y1.pdf Annex_3_Simulated_Commentment_Law_of_MS_Y1.pdf	Attachmont	Annex_2.Simulated_AMS-Y_Schedule_of_Specifi	c_Commitments_AFA5_9_Consolidated_Sch	edule1.pdf	

Berikut adalah tanggapan dari DCP:

"AMS-Y menemukan dasar yang cukup bahwa AMS-Y telah memenuhi komitmen ASEAN terkait dan bahwa pengaduan tersebut kurang layak. Ia berpendapat bahwa, meskipun berdasarkan Jadwal Komitmen Spesifik AFAS, AMS-Y tidak memiliki batasan kepemilikan asing, dinyatakan dalam Komitmen Horisontalnya bahwa,





Sat	afied with the solution					
O Me	are satisfied with the	reason of rejec f action regardi	tion of our compl ng our complaint.	aint by AMS-V	and have decided	not to
						a.
			23			
	Y I'm not a	robot	reCAPTOHA Product Textus			
	SUBMIT	OUR FEEDBACK				
	Sat Dig po	Salange with the solution the set satisfied with the pursue any other course o for imnot a SUBMIT	Satisfied with the solution the are satisfied with the reason of reject pursue any other course of action regards with not a robot SUBMIT YOUR FEEDBACK	Gallange with the sources the are satisfied with the reason of rejection of our course pursue any other course of action regarding our coupleint.	Satisfied with the sources the are satisfied with the reason of rejection of our complaint by <u>AMS-V</u> pursue any other course of action regarding our complaint. <u>Market in not a robot</u> <u>SUBMIT YOUR FLEBBACK</u>	Satisfied with the reason of rejection of our complaint by ANS-Y and have decided Image: Set of a conset of action regarding our complaint. Image: Set of a conset of action regarding our complaint. Image: Set of a conset of action regarding our complaint. Image: Set of a conset of action regarding our complaint. Image: Set of a conset of action regarding our complaint. Image: Set of a conset of action regarding our complaint. SUBBILITYOUR FEEDBACK

CONTACT

(b) Buka akun email Anda. Anda akan menerima satu atau dua (jika Anda telah mengisi Survei Kepuasan) email-email baru dari ASSIST, yang menyatakan tanda terima atas tanggapan Anda terhadap solusi yang diajukan oleh AMS-Y. Salinan balasan Anda juga akan dikirim ke DCP dan HCP.

Email tanda terima pertama dari ASSIST

M Gmail	ASEAN Enterpris	e «aseanentorprisel)@gmail.com>
[ASSIST][#17720181101] Thank you for answer		
No Reply ASSIST <assist@asean.org> Reply-To: "assist@asean.org" <assist@asean.org></assist@asean.org></assist@asean.org>		Fn. Nov 2, 2018 at 6:44 AM
	ASSIST ASEAN Bolutions for Investments, Bervices and Trade	
Dear Mr Bruce Kent, With reference to your complaint ID No. 17720181101, your fe	edback on whether you are satisfied with the answer given by the DCP and the proposed solution is: "Yes"	
ASSIST acknowledges receipt of your response to the propose	d solution.	
	aesist asean.org	

Email tanda terima kedua dari ASSIST

Jika Anda memberikan komentar pada Survei Kepuasan, Anda akan menerima email kedua di bawah ini, yang menyatakan penerimaan tanggapan Anda terhadap solusi yang diusulkan akan dikirimkan oleh ASSIST kepada Anda, DCP dan HCP.

M Gmail	ASEAN Enterprise «aseanentorprise@@gmail.com»
[ASSIST][#17720181101] Thank you for answer	
No Reply ASSIST «assist@asean.org» Reply-To: "assist@asean.org" «assist@asean.org»	Fr. Nov 2. 2018 at 6-17 AM
ARRECTATION OF CONTRACT 2009 INTERNE	ASSIST ASEAN Solutions for Investments, Services and Trade
Dear Mr Bruce Kent,	
With reference to your complaint ID No. 17720181101, your f	eedback on whether you are satisfied with the answer given by the DCP and the proposed solution is: "Yes"
We are satisfied with the reason of rejection of our complaint	by AMS-Y and have decided not to pursue any other course of action regarding our complaint.
ASSIST acknowledges receipt of your response to the propos	ed solution
	assist asean org



ASSIST ASEAN Solutions for Investments, Services and Trade

WELCOME TO ASSIST

WHAT IS ASSIST? FILE A COMPLAINT

(c) Log masuk ke dasbor ASSIST Anda melalui email dan ID pelacakan Anda seperti ditunjukkan pada Langkah 7 (a) dan (b) di atas. Tampilan akhir dasbor Anda dapat dilihat di bawah. Seperti yang Anda lihat, tindakan lain telah ditambahkan ke 'Riwayat' Anda yang menunjukkan bahwa Anda telah menunjukkan kepuasan terhadap solusi yang diusulkan oleh ASSIST. Komentar yang Anda berikan dalam Survei Kepuasan juga dapat dilihat di bagian Komentar ('Comments').

WELCOME TO ASSIS	T WHAT IS	ASSIST? MY CO	MPLAINT LOGOUT	PROCESS	FAQ	CONTACT	DISCLAIME
Tracking ID :	#177201	81101 / AMS	3-Y				
USSS1 somution VMS-Y finds sufficient basis the commitments, AMS-Y has no T revolder(s) may be in the form winds by foreign partner(a), (if must be AMS-Y nationals The (FAS Horizontal Commitments the Government of AMS-Y has Windowski	at AMS-Y has completed initiations on foreign of of a joint venture and/or just least three quarter a, the amendment of the is attached for ease of promulgated the ame	d with its relevant ASEAN co whership, it is stated in its Ho or representative office, which is of the company's sealor two is of the company's sealor two is 2018 Telecommunications if reference. In response to the othership off the taw through offi- diment of the taw through offi-	nmitments and flist the complaint lat rizontal Commitments that, as a limit should meet the following requirems at management and the parcon auth business Linemes Act Nu. 1500 is n business Linemes Act Nu. 1500 is no e AE a claim that it has not received ciail government websites and local r	ks merit. It argues the stion to market access ints: (i) not more than nizad to sign any bin t in weighten of AMS-3 any notification from A rewspagers offer it he	I. although under 5. The Commercia 49% of the capitu ing control/thentu (s Schedule of S MS-Y on the new s been approved	the AFAS Schedule I Presence of the for I share of the compa as a representation unities Commitment amendment, AMS- on 1 September 201	of Specific align service my may be of the company is The AMS-Y 7 responded that 6
Satisfied Ves							
History			-				
02/11/2018/06-47-04	Satisfied	ASEAN-hased Enterprise	We are satisfied with the reason	of rejection of our corr	plaint by AMS-V	and have decided no	t to pursue any
0/11/2010/06/06-11	Telefice .	Control Administrator of	other course of action regarding : AMS X finds sufficient basis that	our complaint.	with its coloured f	CEAN commitments	and that the
91/11/2018 22 37:34	Aungini	ASSIST Central Administrator of ASSIST	complaint facks ment. It argues the has no limitations on forsign own market access, the Commarcial F venture and/or representative offi- Dear Mr Bruce Kont,	et although under th orship, it is stated in it inseance of the foreig ce, which should mee	a AFAS Schodula a Horizontal Com a service provider t the following res	of Specific Commitm mitments that, us a il (s) may be in the for putrements 44	manto, AMS-Y mitation to m of a joint
			Thank you for lodging your comp your complaint and finds that it is proves that you are a business re Y's Specific Schedule of ASEAN sector, as well as the AMS-Y 201	aint under ASSIST. T complete: You have s gistered in AMS-X an Services Commitmen 0 Telecommunication	te Central Admin abmitted your co d you have also p ts, specifically in t p. 14.	istrator has reviewed mpany registration d provided us with a co the Telecommunication	and verified acument which by of the AMS- on Services
31/11/2018 16:07:27	Exist Costimust	A3EAN-based Enterprise A3EAN-based Enterprise	Emeil Confirmed				
ASEAN ENTERP	RISE						
SEAN Enterprise Name	AirT	el Holdings, Inc.					
ompany Size	200+		Address	Jingte Ave	inue City U Coun	try X	
hone	+261 7262991		City	City U			
Vebsite	www.airtel.com		ZIP Code	10090			
			Country	AMS-X			
CONTACT PERS	SON						
irst Name	Bruce		Address	Jingle Av	ance City U Coun	trý X	
ast Name	Kent		City	City U			
hone	+261 8159255399		ZIP Code	100.90			
osition	President		Country	AMS-X			
mail	aseanenterprise0@	gmail.com (Confirmad)					
COMPLAINT DE	SCRIPTION	1					
austra of Logal Desistration	aue v		Quelesse Sector	Camilean			
lanistration Number	123.456		Type of Problem	Sandras	Communication	Spruimpe	
	-15.0100		Encountered				
ompany Registration Proof	Annex_1:	Depletering of Arts in a	Destination Country	AMS-Y			
voe of Business	Service provider	Costeenen Statter 160	en de Tiperteau				
					1.1.1.1.1.1.1.1.1.1.1.1.1.1.1.1.1.1.1.		2010 C 01 0 02 00
escription	We are a duty regist total shares issued to total shares issued to whereby forsign see network, but provide services to the gen applicant service and applicant service to hadrow. We feel the was not given any in shareholders, which business license reg that the reveiling of 1	are dislocarmunications and y A/EEG L, Ltt is womd by an has recently been revolves y A/EEG L, Ltt is womd by a service to the service service is services trapating a signer in public, or services that can be public, where the service of the services that can be added and the period of the service service and the service service is added by AMS-Y on this or added has been the added has a service the service added has a service the service service the service service the service service the service service the service service service service service service service service service service service service service service service service service service service service service service service service service service service service service service service service service service service service service service service service service service service service service service service service service service service service service service service service service service service service service service service service service service service service service service service service service service service service service service service service service service service service service service service service service service service service service service service service service service service service service service service service service service service service service service service service service service service service service service service service service service service service service service service service service service service service service service service service service service service service service service service service service service service service service service service service service service service service service service service service service service service service service service service se	pany in AME-X, AYTA Hieldings, Inc. AME-X shareholders and its senior I by AME-Y'n National Communication raid, In Tack In August 2010, AME-Y d of apply for Yybe B and Type C its to an average and the senior and the senior raid be comparises where AME-Y in autobe comparises where AME-Y on autobecomparises where AME-Y on autobecomparises where AME-Y and unitative as teamy followed the average framework Agreement of Cambridge and large. Inc. Shares to GH 5 67% is M agginstic triegtin weators in the select maneous Agreement to Senior Senior	Cur subsidiary comp meansagement level pa a Authority in Septert "had amended the "is ansea. A type 8 tailor dible. A type C falecor tithinn, the public inten astonals hold at lead of the public inten astonals hold at had another the public inten astonals hold at had another the public inten astonals hold at had a type of the public inten astonals in en astonals	any, Arifal Holdin sitions are domini- sitions are domini- ber 2018 on the lecommunication on license is for an in license is for an sentation of the resentation of the sentation of the sentation content of the time where the for foreign comp of AkTel Co., Ltd. world's second I and a vicisition of	gs. Inc. is based in A atted by AMS-Y mation segment that the tel Business License A in operator with or with operator with a net cicle consumer prote- net operator with a net at least three quarter applicant company, m it had applied for the annes with a majority i leanse and the am- signed collular market the specific committee	MS-Y, 20% of the reals AirTel Co. communications: uct No. 1500 throut has provided clon. The not the not the uset be an AMS-Y license and & of toreign endment of the 4. We believe wents and
	Annex 2-Simulated	AMS Y Schedule of Specif	c Commitmente-AFAS 9 Consolida	ited_Schedule1.pdf			
ttachment	Logical and the second s						



ASEAN Solutions for Investments, Services and Trade

WELCOME TO ASSIST

WHAT IS ASSIST?

FILE A COMPLAINT

FOLLOW A COMPLAINT

FAQ

Dalam kasus di mana tidak ditemukan solusi melalui ASSIST atau jika DCP menemukan dasar yang cukup bahwa Negara Anggota telah memenuhi komitmen ASEAN terkait dan bahwa pengaduan tersebut tidak layak, maka temuan ini dan dasar untuk temuan tersebut segera disampaikan kepada CA, yang menginformasikan pemohon pengaduan sesuai dengan itu. Pengadu dapat, jika diinginkan dan melalui Titik Kontak Asal (HCP) dan Negara Anggota pendaftaran ASEAN, merujuk kasus tersebut ke Badan Kepatuhan ASEAN (*ASEAN Compliance Body* (ACB)), Mekanisme Penyelesaian Perselisihan yang Ditingkatkan ASEAN (*Enhanced Dispute Settlement Mechanism* (*EDSM*)), mengejar litigasi nasional atau mekanisme penyelesaian sengketa alternatif (yaitu mediasi, konsiliasi, atau arbitrase) di dalam yurisdiksi nasional ASEAN.

ASSIST akan menganggap prosedur ini sebagai salah satu prosedur pengaduan yang ditolak dan belum diberikan solusi.

Perhatikanlah bahwa jangka waktu untuk menyelesaikan masalah lintas batas yang dibawa berdasarkan ASSIST tidak boleh lebih dari 40 hari kerja atau 2 bulan kalender (kecuali telah diberikan perpanjangan maksimum 20 hari kerja) dari tanggal ketika pengaduan diajukan.