



Foto Diperoleh dari: Deborah Tomasowa untuk US-ACTI

TUTORIAL ASSIST



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

Foto diperoleh dari: Deborah Tomasowa untuk US-ACTI



Foto diperoleh dari: eastspring investments

TUTORIAL LANGKAH-DEMI LANGKAH STUDI KASUS 1

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))

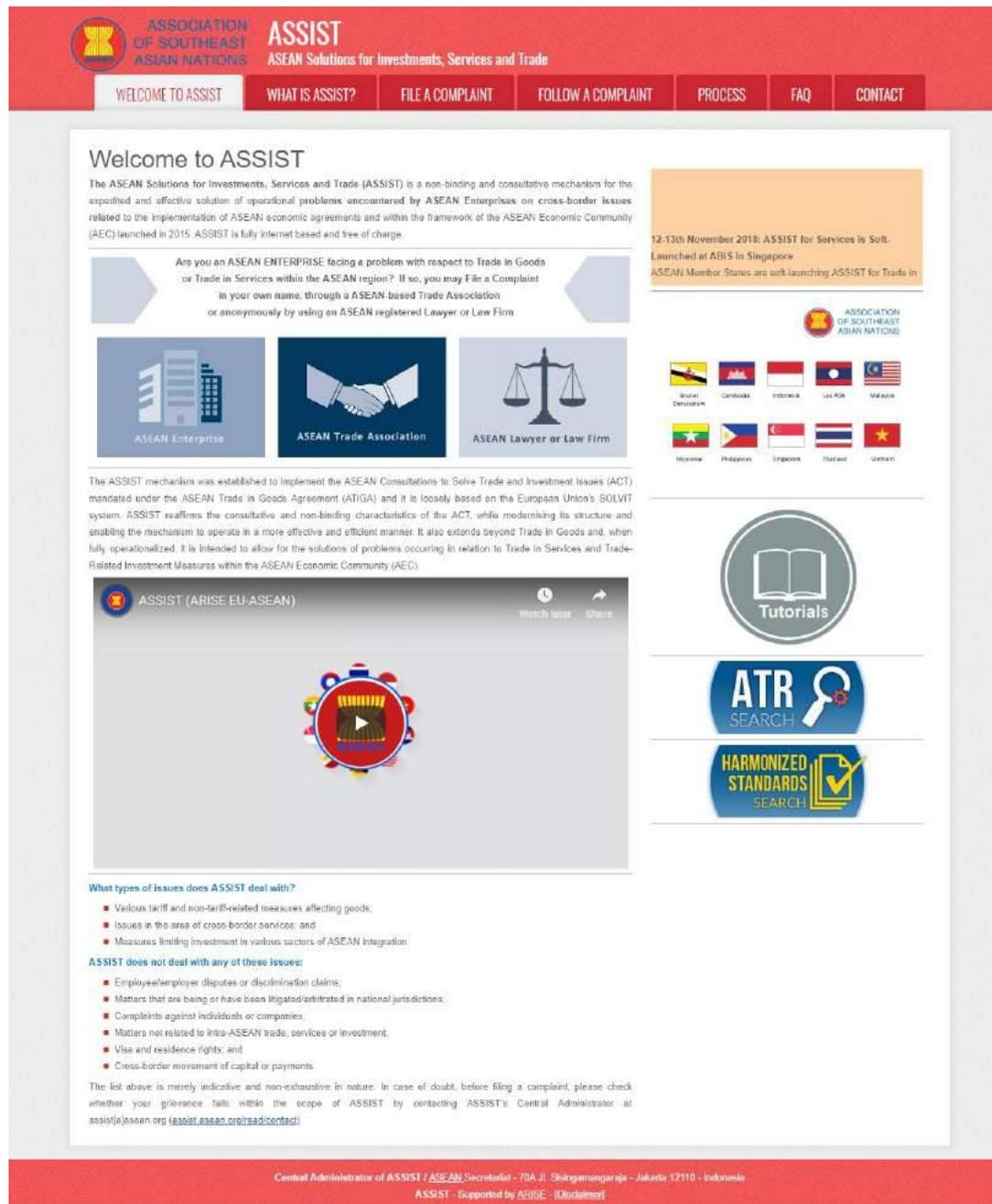
Langkah

1

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

Berikut adalah laman ('homepage') ASSIST.



The screenshot shows the ASSIST homepage with a navigation menu at the top. The main content area includes a 'Welcome to ASSIST' section with a description of the mechanism, a central question 'Are you an ASEAN ENTERPRISE facing a problem with respect to Trade in Goods or Trade in Services within the ASEAN region?', and three icons representing 'ASEAN Enterprise', 'ASEAN Trade Association', and 'ASEAN Lawyer or Law Firm'. Below this is a video player for 'ASSIST (ARISE EU-ASEAN)'. To the right, there is a 'Tutorials' section with a book icon, an 'ATR SEARCH' section with a magnifying glass icon, and a 'HARMONIZED STANDARDS SEARCH' section with a checklist icon. At the bottom, there is a footer with contact information for the Central Administrator of ASSIST in Jakarta, Indonesia.

Langkah
2

MEMILIH TAB AJUKAN PENGADUAN 'FILE A COMPLAINT' (IKON ASEAN ENTERPRISE)

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'.



ASSOCIATION OF SOUTHEAST ASIAN NATIONS

ASSIST
ASEAN Solutions for Investments, Services and Trade

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

File a Complaint

Please click on the icon of choice below and fill in the required form so as to provide ASSIST with enough information on the trade problem that you are experiencing. Fields marked with an * are mandatory fields. Please note that, if you require anonymity, your complaint may be submitted by an ASEAN-based trade association, or by any other representative entity of your choice, such as a chamber of commerce, business council, business federation, or registered lawyer or law firm. In this case, the representative entity shall use its business registration number from the ASEAN jurisdiction where it is incorporated.



ASEAN Enterprise

NON-ANONYMOUS



ASEAN Trade Association

ANONYMOUS



ASEAN Lawyer or Law Firm

ANONYMOUS

Your complaint will be processed by the Central Administrator of ASSIST within 10 working days maximum from the date of submission. In order to file a valid complaint, you shall verify your submission by replying to the automated email that you will receive from ASSIST shortly after submission. If you do not receive any such communication, please verify your email and resubmit the complaint.

The Central Administrator of ASSIST may request that you resubmit your complaint if any of the information is incomplete or incorrect. Once your complaint has been accepted by the Central Administrator of ASSIST, the Destination Contact Point will be asked to respond. If the complaint is accepted by the Destination Contact Point, you will be notified of the response and, ultimately, of the proposed solution (if any). Complaints are usually addressed and a solution proposed within 40 to 60 working days maximum from the date of acceptance of the complaint by the Destination Contact Point.

Special rules apply to complaints filed by ASEAN-based registered lawyers or law firms. In particular, ahead of submitting an ASSIST complaint on behalf of a client, which must be a duly registered ASEAN Enterprise based in one of the 10 ASEAN Member States, an ASEAN-based lawyer or law firm (i.e., a lawyer or law firm duly licensed to practice law in the ASEAN Member State where the client is based or against which the complaint is filed) must contact the ASEAN Secretariat and provide the required data on its professional registration and on the client on whose behalf the anonymous complaint is filed. In order to do so, please download the necessary form and submit it to the ASEAN Secretariat as specified on the form itself.

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

Ketika Anda meng-klik ikon 'ASEAN Enterprise', maka halaman berikut akan tampil.



ASSOCIATION OF SOUTHEAST ASIAN NATIONS

ASSIST
ASEAN Solutions for Investments, Services and Trade

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

Complaint to be Filed by an ASEAN Enterprise



ASEAN Enterprise

Please fill in the form below so as to provide ASSIST with enough information on the trade problem that you are experiencing. Fields marked with an * are mandatory fields.

Please note that, if you require anonymity, your complaint should be submitted instead by an ASEAN-based trade association, or by any other representative entity of your choice, such as a chamber of commerce, business council, business federation, or registered lawyer or law firm. Dedicated forms are available under the respective [links](#).

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

ASEAN ENTERPRISE

* ASEAN Enterprise Name

* Company Size

* Phone

Website

* Address

(300 characters remaining (300 maximum))

* City ZIP Code

* Country

CONTACT PERSON

* Gender Mr Mrs Ms

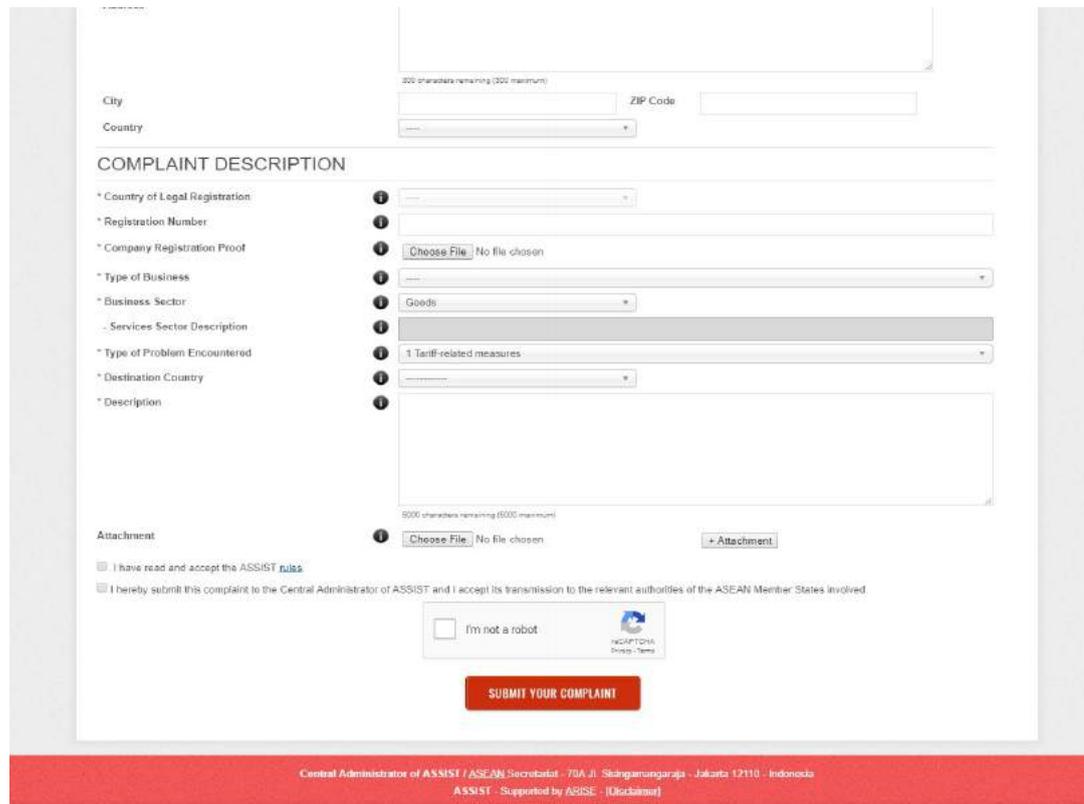
* First Name * Last Name

* Phone

* Position

* Email

Address



City ZIP Code

Country

COMPLAINT DESCRIPTION

* Country of Legal Registration

* Registration Number

* Company Registration Proof

* Type of Business

* Business Sector

Services Sector Description

* Type of Problem Encountered

* Destination Country

* Description

Attachment

I have read and accept the ASSIST rules

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

I'm not a robot

SUBMIT YOUR COMPLAINT

Central Administrator of ASSIST / ASEAN Secretariat - BIA Ji. Sategarungraja - Jakarta 12110 - Indonesia
ASSIST - Supported by ASISE - [Disclaimer]

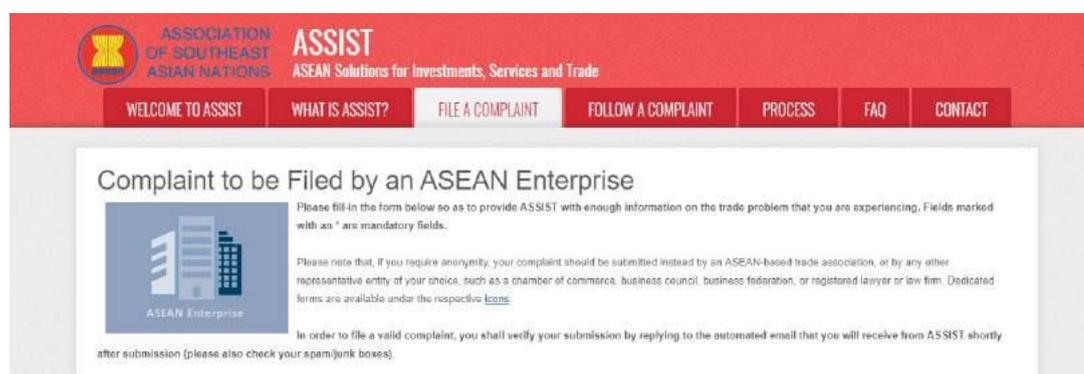
Isi formulir di atas untuk memberikan informasi yang memadai kepada ASSIST mengenai masalah perdagangan yang Anda alami. Kolom yang ditandai dengan bintang (*) wajib diisi. Jika Anda tidak yakin tentang apa yang harus diisi untuk suatu kolom, maka tersedia tombol  untuk instruksi terperinci tentang hal yang harus diisi di setiap kolom. Silakan 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 dengan hati-hati pengaduan Anda beserta argumen hukum dan bukti faktual untuk membantu CA dalam memutuskan apakah pengaduan Anda akan disetujui.

Langkah
3

MENGINISI FORMULIR PENGADUAN

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



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

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

Complaint to be Filed by an ASEAN Enterprise

Please fill-in the form below so as to provide ASSIST with enough information on the trade problem that you are experiencing. Fields marked with an * are mandatory fields.

Please note that, if you require anonymity, your complaint should be submitted instead by an ASEAN-based trade association, or by any other representative entity of your choice, such as a chamber of commerce, business council, business federation, or registered lawyer or law firm. Dedicated terms are available under the respective [links](#).

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

SUBMIT YOUR COMPLAINT



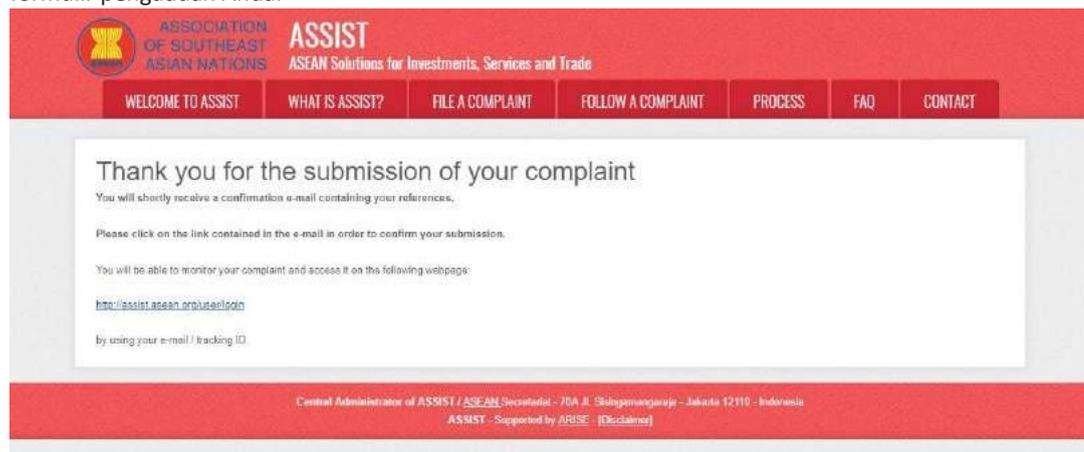
Oleh karena itu, saya ingin mengajukan pengaduan ASSIST terhadap AMS-Y, melalui perusahaan saya di AMS-X, karena telah menunda penerbitan ijin kerja saya. Dasar pengaduan saya adalah adanya Perjanjian ASEAN mengenai Perpindahan Sementara Penyedia Jasa (MNP), yang memungkinkan perpindahan orang-orang terampil secara bebas di dalam ASEAN, serta Perjanjian Kerangka Kerja ASEAN mengenai Jasa. Dengan ini saya lampirkan bisnis perusahaan terdaftar saya di AMS-X sebagai persyaratan untuk mengajukan pengaduan berdasarkan ASSIST.”

Ketika pengaduan diajukan dengan meng-klik Kirimkan pengaduan Anda (*“Submit Your Complaint”*), maka akan tampil halaman berikut pada Langkah 4:

Langkah
4

MENERIMA PEMBERITAHUAN DARI ASSIST

Segera sesuah Anda mengajukan pengaduan di situs web ASSIST, maka halaman berikut akan tampil, memberitahukan kepada Anda bahwa konfirmasi akan dikirim ke alamat email yang Anda berikan pada formulir pengaduan Anda.



Pemberitahuan di atas menunjukkan bahwa Anda harus meng-klik tautan yang diberikan dalam akun email Anda untuk mengonfirmasi pengaduan Anda dengan ASSIST.

Langkah
5

MENGKONIRMASI PENGADUAN ANDA MELALUI AKUN EMAIL 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.

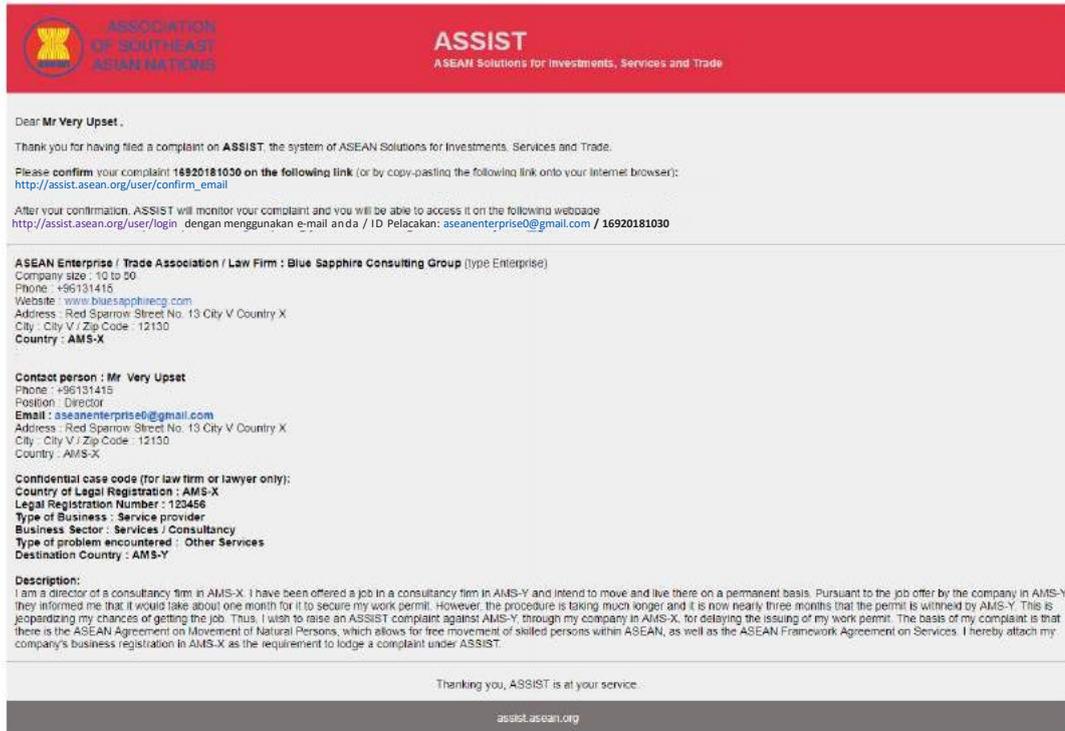


ASEAN Enterprise <aseanenterprise@gmail.com>

[ASSIST] Thanks to confirm your complaint #16920181030 submission

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

Tue, Oct 30, 2016 at 1:21 P



Dear **Mr Very Upset**,

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

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

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

ASEAN Enterprise / Trade Association / Law Firm : Blue Sapphire Consulting Group (Type Enterprise)
Company size : 10 to 20
Phone : +96131415
Website : www.bluesapphirecng.com
Address : Red Sparrow Street No. 13 City V Country X
City : City V / Zip Code : 12130
Country : **AMS-X**

Contact person : Mr Very Upset
Phone : +96131415
Position : Director
Email : aseanenterprise@gmail.com
Address : Red Sparrow Street No. 13 City V Country X
City : City V / Zip Code : 12130
Country : **AMS-X**

Confidential case code (for law firm or lawyer only):
Country of Legal Registration : **AMS-X**
Legal Registration Number : 123456
Type of Business : **Service provider**
Business Sector : **Services / Consultancy**
Type of problem encountered : **Other Services**
Destination Country : **AMS-Y**

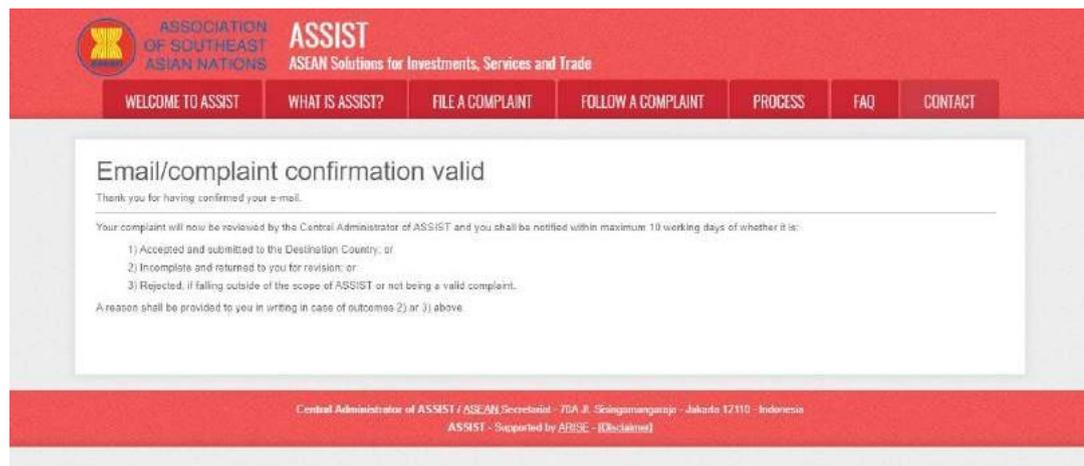
Description:
I am a director of a consultancy firm in AMS-X. I have been offered a job in a consultancy firm in AMS-Y and intend to move and live there on a permanent basis. Pursuant to the job offer by the company in AMS-Y they informed me that it would take about one month for it to secure my work permit, however, the procedure is taking much longer and it is now nearly three months that the permit is withheld by AMS-Y. This is jeopardizing my chances of getting the job. Thus, I wish to raise an ASSIST complaint against AMS-Y through my company in AMS-X, for delaying the issuing of my work permit. The basis of my complaint is that there is the ASEAN Agreement on Movement of Natural Persons, which allows for free movement of skilled persons within ASEAN, as well as the ASEAN Framework Agreement on Services. I hereby attach my company's business registration in AMS-X as the requirement to lodge a complaint under ASSIST.

Thanking you, ASSIST is at your service.

assist.asean.org

Simulated_Company_Registration_of_Blue_Sapphire_Consulting_Group.pdf
50K

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



ASSIST
ASEAN Solutions for Investments, Services and Trade

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

Email/complaint confirmation valid

Thank you for having confirmed your e-mail.

Your complaint will now be reviewed by the Central Administrator of ASSIST and you shall be notified within maximum 10 working days of whether it is:

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

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

Central Administrator of ASSIST / ASEAN Secretariat - JDA II, Senegambanjo - Jakarta 12110 - Indonesia
ASSIST - Supported by ARISC - [Disclaimer]

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:

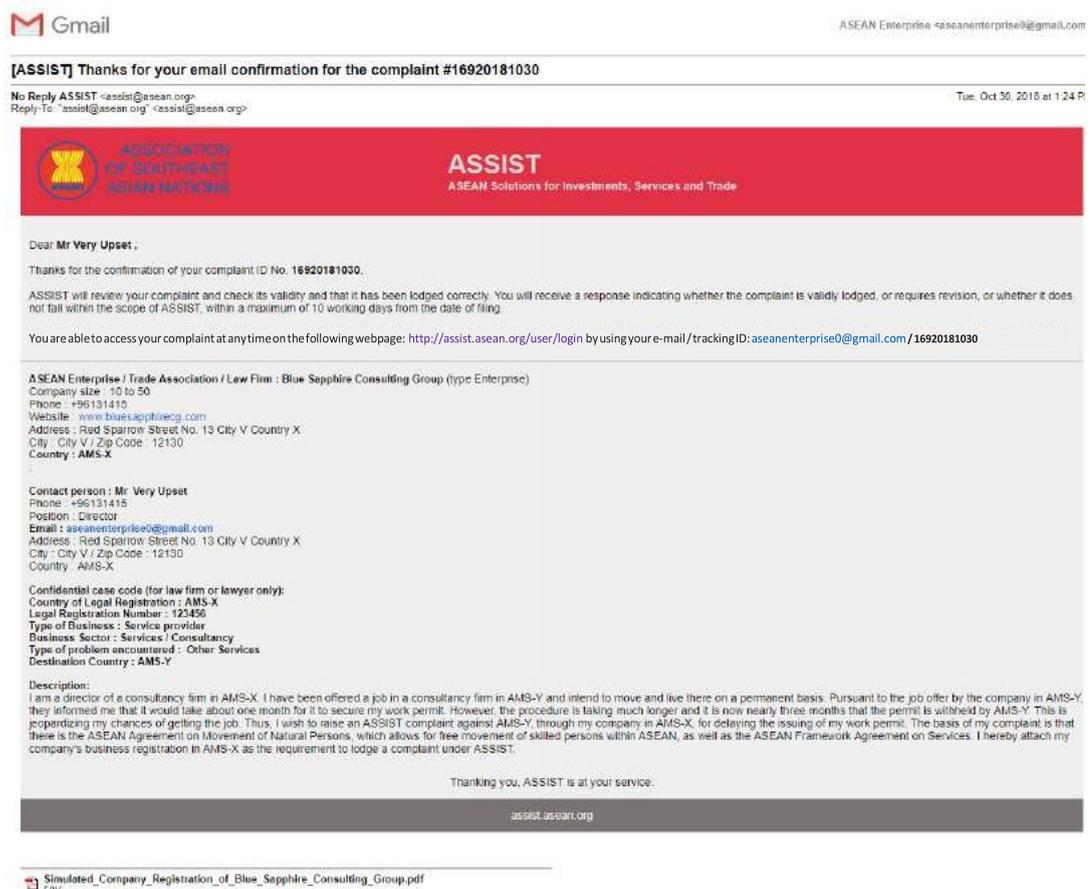
- 1) Diterima dan diserahkan kepada Negara Tujuan; atau
- 2) Tidak lengkap dan dikembalikan kepada Anda untuk direvisi; atau
- 3) Ditolak, jika tidak tercakup dalam ruang lingkup ASSIST atau merupakan pengaduan yang tidak sah.

Masuklah ke akun email Anda.

Langkah
6

MENERIMA EMAIL DARI ASSIST BAHWA ALAMAT EMAIL DAN PENGADUAN ANDA SAH

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



The screenshot shows an email from ASSIST with the following content:

[ASSIST] Thanks for your email confirmation for the complaint #16920181030

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

Tue, Oct 30, 2016 at 1:24 P

ASSIST
ASEAN Solutions for Investments, Services and Trade

Dear Mr Very Upset ,

Thanks for the confirmation of your complaint ID No. **16920181030**.

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

You are able to access your complaint at any time on the following webpage: <http://assist.asean.org/user/login> by using your e-mail/trackingID: aseanenterprise0@gmail.com / **16920181030**

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

Contact person : Mr Very Upset
Phone : +96131415
Position : Director
Email : aseanenterprise0@gmail.com
Address : Red Sparrow Street No. 13 City V Country X
City : City V / Zip Code : 12130
Country : AMS-X

Confidential case code (for law firm or lawyer only):
Country of Legal Registration : AMS-X
Legal Registration Number : 12345
Type of Business : Service provider
Business Sector : Services / Consultancy
Type of problem encountered : Other Services
Destination Country : AMS-Y

Description:
I am a director of a consultancy firm in AMS-X. I have been offered a job in a consultancy firm in AMS-Y and intend to move and live there on a permanent basis. Pursuant to the job offer by the company in AMS-Y, they informed me that it would take about one month for it to secure my work permit. However, the procedure is taking much longer and it is now nearly three months that the permit is withheld by AMS-Y. This is jeopardizing my chances of getting the job. Thus, I wish to raise an ASSIST complaint against AMS-Y, through my company in AMS-X, for delaying the issuing of my work permit. The basis of my complaint is that there is the ASEAN Agreement on Movement of Natural Persons, which allows for free movement of skilled persons within ASEAN, as well as the ASEAN Framework Agreement on Services. I hereby attach my company's business registration in AMS-X as the requirement to lodge a complaint under ASSIST.

Thanking you, ASSIST is at your service.

assist.asean.org

Simulated_Company_Registration_of_Blue_Sapphire_Consulting_Group.pdf
50K

Sebagaimana terlihat dalam email di atas, sekarang Anda dapat memantau perkembangannya dengan meng-klik tautan yang ditunjukkan yang akan diarahkan pada tab Ikuti Pengaduan Anda pada tab 'Follow a Complaint' di bar menu pada Situs web ASSIST.

Langkah
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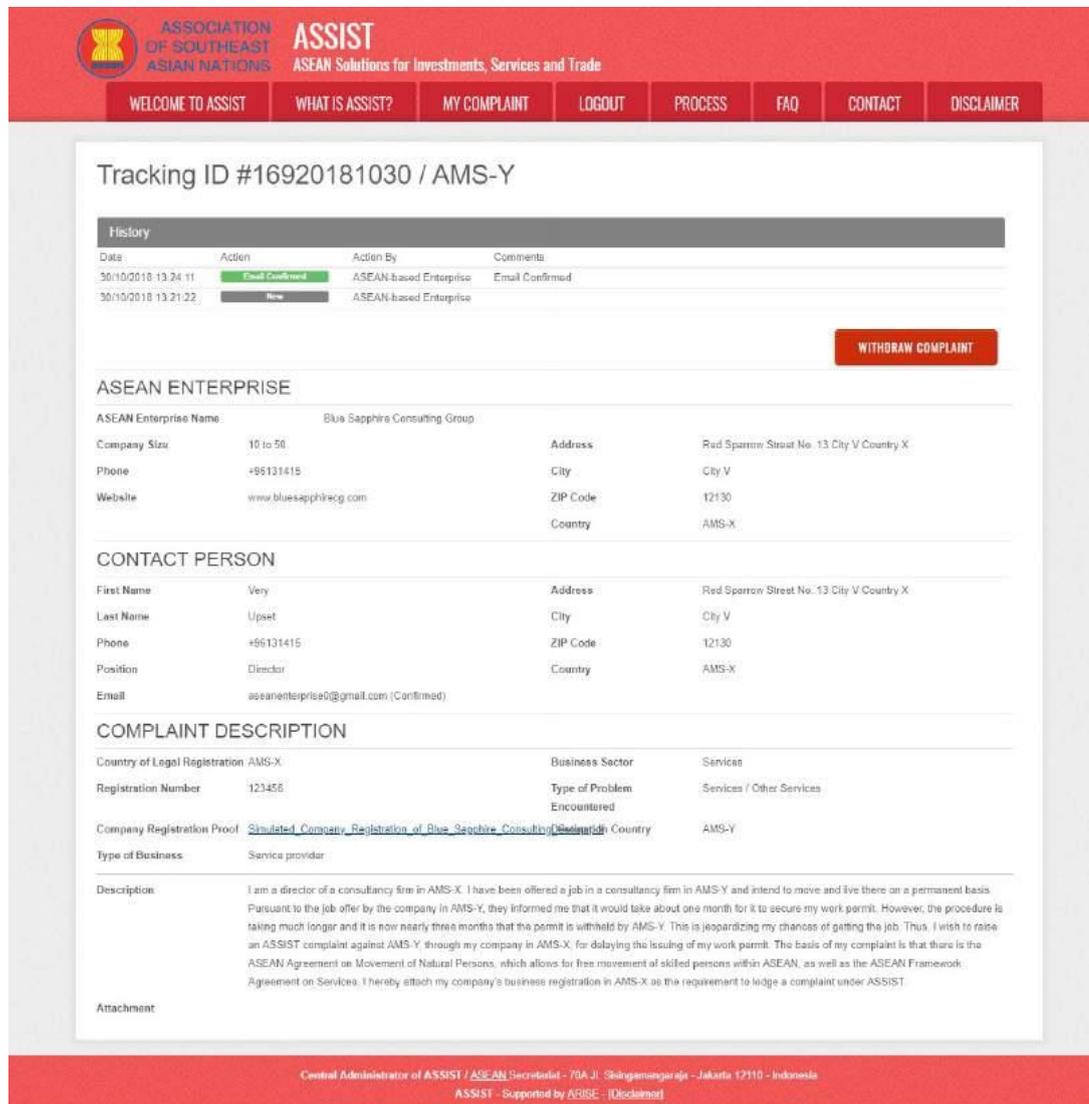
MONITOR THE PROGRESS OF YOUR

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

- (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 aseanenterprise0@gmail.com dan ID Pelacakannya ('Tracking ID') adalah **16920181030**.

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

(d) Lihat Dasbor ASSIST Anda segera setelah Anda berhasil melakukan log masuk:



The screenshot displays the ASSIST dashboard for a user. At the top, there is a navigation menu with options: WELCOME TO ASSIST, WHAT IS ASSIST?, MY COMPLAINT, LOGOUT, PROCESS, FAQ, CONTACT, and DISCLAIMER. The main content area shows the tracking ID #16920181030 / AMS-Y. Below this, there is a 'History' table with columns for Date, Action, Action By, and Comments. The table shows two entries: one with a 'Email Confirmed' action and another with a 'New' action, both performed by 'ASEAN-based Enterprise'. A 'WITHDRAW COMPLAINT' button is visible to the right. The dashboard also provides details for the 'ASEAN ENTERPRISE' (Blus Sapphirs Consulting Group) and the 'CONTACT PERSON' (Very Upset, Director). The 'COMPLAINT DESCRIPTION' section includes fields for Country of Legal Registration, Registration Number, Business Sector, Type of Problem, Company Registration Proof, and Type of Business. The description text states: 'I am a director of a consultancy firm in AMS-X. I have been offered a job in a consultancy firm in AMS-Y and intend to move and live there on a permanent basis. Pursuant to the job offer by the company in AMS-Y, they informed me that it would take about one month for it to secure my work permit. However, the procedure is taking much longer and it is now nearly three months that the permit is withheld by AMS-Y. This is jeopardizing my chances of getting the job. Thus, I wish to raise an ASSIST complaint against AMS-Y through my company in AMS-X for delaying the issuing of my work permit. The basis of my complaint is that there is the ASEAN Agreement on Movement of Natural Persons, which allows for free movement of skilled persons within ASEAN, as well as the ASEAN Framework Agreement on Services. I hereby attach my company's business registration in AMS-X as the requirement to lodge a complaint under ASSIST.'

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

Seperti Anda lihat pada dasbor, tindakan yang diambil untuk pengaduan Anda ditunjukkan dengan jelas 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.

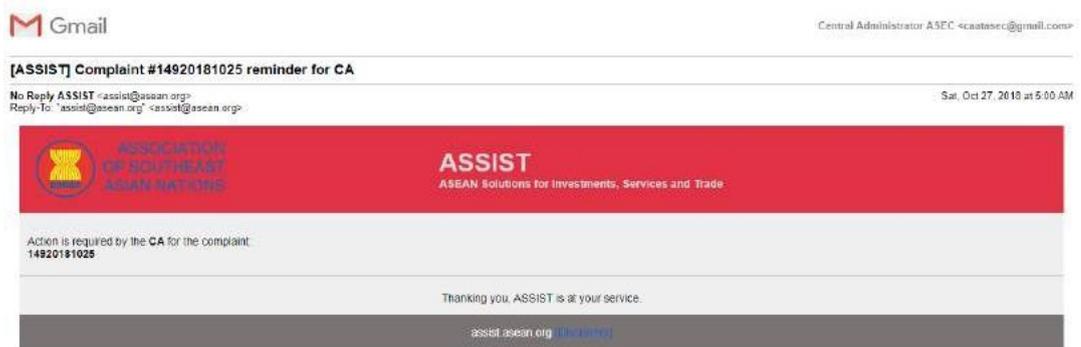
Langkah
8

CA MEMERIKSA PENGADUAN ANDA DAN MENGIRIMKAN TANGGAPAN KE EMAIL ANDA (MENERIMA, TIDAK LENGKAP ATAU MENOLAK)

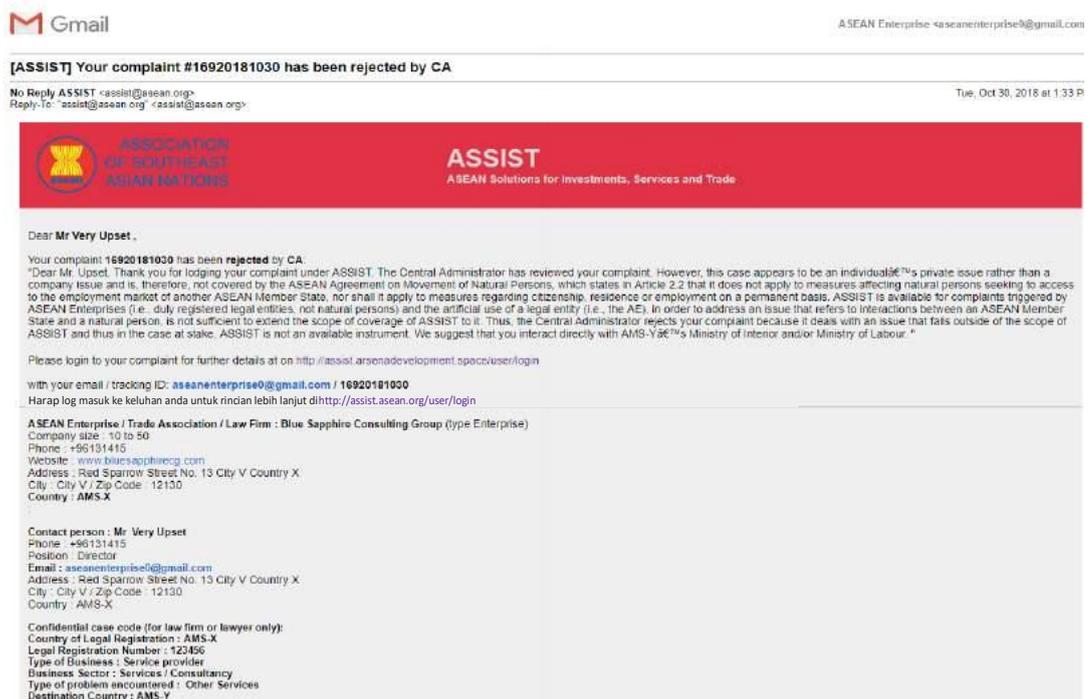
Segera setelah CA selesai memeriksa pengaduan Anda dan memutuskan baik akan menerima atau menyatakan tidak lengkap atau menolak, maka email akan dikirimkan kepada Anda, biasanya dalam 10 hari kerja sejak Anda mengajukan pengaduan.

Sementara itu, jika 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.

Email Pengingat ('Reminder') 1 untuk Pengelola Sistem (CA):



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



Description:
I am a director of a consultancy firm in AMS-X. I have been offered a job in a consultancy firm in AMS-Y and intend to move and live there on a permanent basis. Pursuant to the job offer by the company in AMS-Y, they informed me that it would take about one month for it to secure my work permit. However, the procedure is taking much longer and it is now nearly three months that the permit is withheld by AMS-Y. This is jeopardizing my chances of getting the job. Thus, I wish to raise an ASSIST complaint against AMS-Y, through my company in AMS-X, for delaying the issuing of my work permit. The basis of my complaint is that there is the ASEAN Agreement on Movement of Natural Persons, which allows for free movement of skilled persons within ASEAN, as well as the ASEAN Framework Agreement on Services. I hereby attach my company's business registration in AMS-X as the requirement to lodge a complaint under ASSIST.

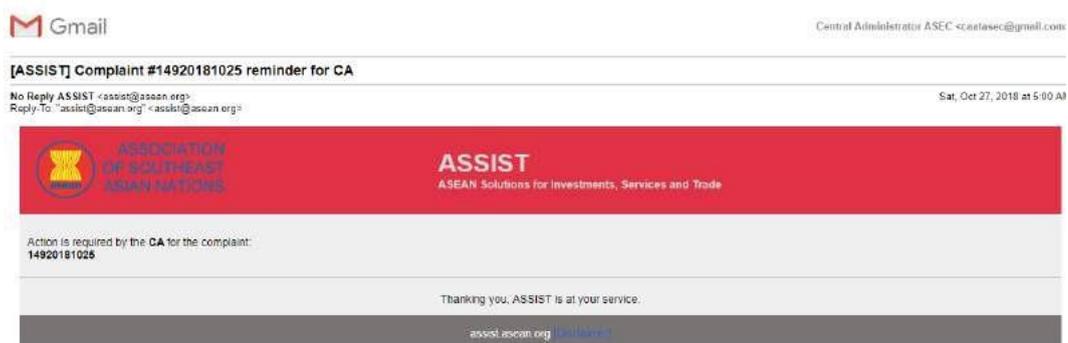
Thanking you, ASSIST is at your service.

assist.asean.org

Dalam hal ini, pengaduan Anda telah diperiksa dan **ditolak** oleh CA. CA menemukan bahwa kasus ini tampaknya lebih merupakan masalah pribadi perorangan daripada masalah perusahaan dan, oleh karena itu, tidak tercakup oleh Perjanjian ASEAN tentang Perpindahan Sementara Penyedia Jasa (MNP). ASSIST tersedia untuk pengaduan yang dipicu oleh Perusahaan ASEAN (yaitu, badan hukum yang terdaftar, bukan perseorangan) dan penggunaan artifisial dari badan hukum (yaitu, AE), untuk mengatasi masalah yang merujuk pada interaksi antara Negara Anggota ASEAN dan perseorangan, tidak cukup untuk memperluas cakupan lingkup ASSIST kepada hal itu.

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 suatu tindakan terhadap pengaduan tersebut. CA akan menerima email di bawah ini:

Email Pengingat 2 untuk Pengelola Sistem (CA):



Langkah
9

LOG MASUK KE DASBOR ASSIST ANDA DENGAN MENGGUNAKAN EMAIL ANDA DAN ID PELACAKAN UNTUK MELIHAT TANGGAPAN SEBENARNYA DARI PENGELOLA SISTEM (CA)

Jika Anda ingin melihat tanggapan CA secara lengkap, maka Anda harus log masuk ke dasbor ASSIST Anda dengan menggunakan email dan ID pelacakan Anda sebagaimana ditunjukkan dalam Langkah 7(a) dan (b) di atas.

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.



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



ASSOCIATION OF SOUTHEAST ASIAN NATIONS

ASSIST

ASEAN Solutions for Investments, Services and Trade

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

Tracking ID #16920181030 / AMS-Y

History

Date	Action	Action By	Comments
30/10/2018 13:33:22	Reported	Central Administrator of ASSIST	Dear Mr. Upset, Thank you for lodging your complaint under ASSIST. The Central Administrator has reviewed your complaint. However, this case appears to be an individual's private issue rather than a company issue and is, therefore, not covered by the ASEAN Agreement on Movement of Natural Persons .
30/10/2018 13:24:11	Email Confirmed	ASEAN-based Enterprise	Email Confirmed
30/10/2018 13:21:22	New	ASEAN-based Enterprise	

WITHDRAW COMPLAINT

ASEAN ENTERPRISE

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

CONTACT PERSON

First Name: Vey	Address: Red Sparrow Street No. 13, City V, Country X
Last Name: Upset	City: City V
Phone: +96131415	ZIP Code: 12130
Position: Director	Country: AMS-X
Email: aseanenterprise0@gmail.com (Confirmed)	

COMPLAINT DESCRIPTION

Country of Legal Registration: AMS-X	Business Sector: Services
Registration Number: 123456	Type of Problem Encountered: Services / Other Services
Company Registration Proof: Simulated_Company_Registration_of_Blue_Sapphire_Consulting_Group	Country: AMS-Y
Type of Business: Service provider	

Description: I am a director of a consultancy firm in AMS-X. I have been offered a job in a consultancy firm in AMS-Y and intend to move and live there on a permanent basis. Pursuant to the job offer by the company in AMS-Y, they informed me that it would take about one month for it to secure my work permit. However, the procedure is taking much longer and it is now nearly three months that the permit is withheld by AMS-Y. This is jeopardizing my chances of getting the job. Thus, I wish to raise an ASSIST complaint against AMS-Y, through my company in AMS-X, for delaying the issuing of my work permit. The basis of my complaint is that there is the ASEAN Agreement on Movement of Natural Persons, which allows for free movement of skilled persons within ASEAN, as well as the ASEAN Framework Agreement on Services. I hereby attach my company's business registration in AMS-X as the requirement to lodge a complaint under ASSIST.

Attachment:

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

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

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

TUTORIAL LANGKAH-DEMI LANGKAH STUDI KASUS 2 (PERDAGANGAN BARANG)

Foto diperoleh dari: Nathan Associates - PSDA Project, Myanmar

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 Negara-negara 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 langkah-langkah 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::

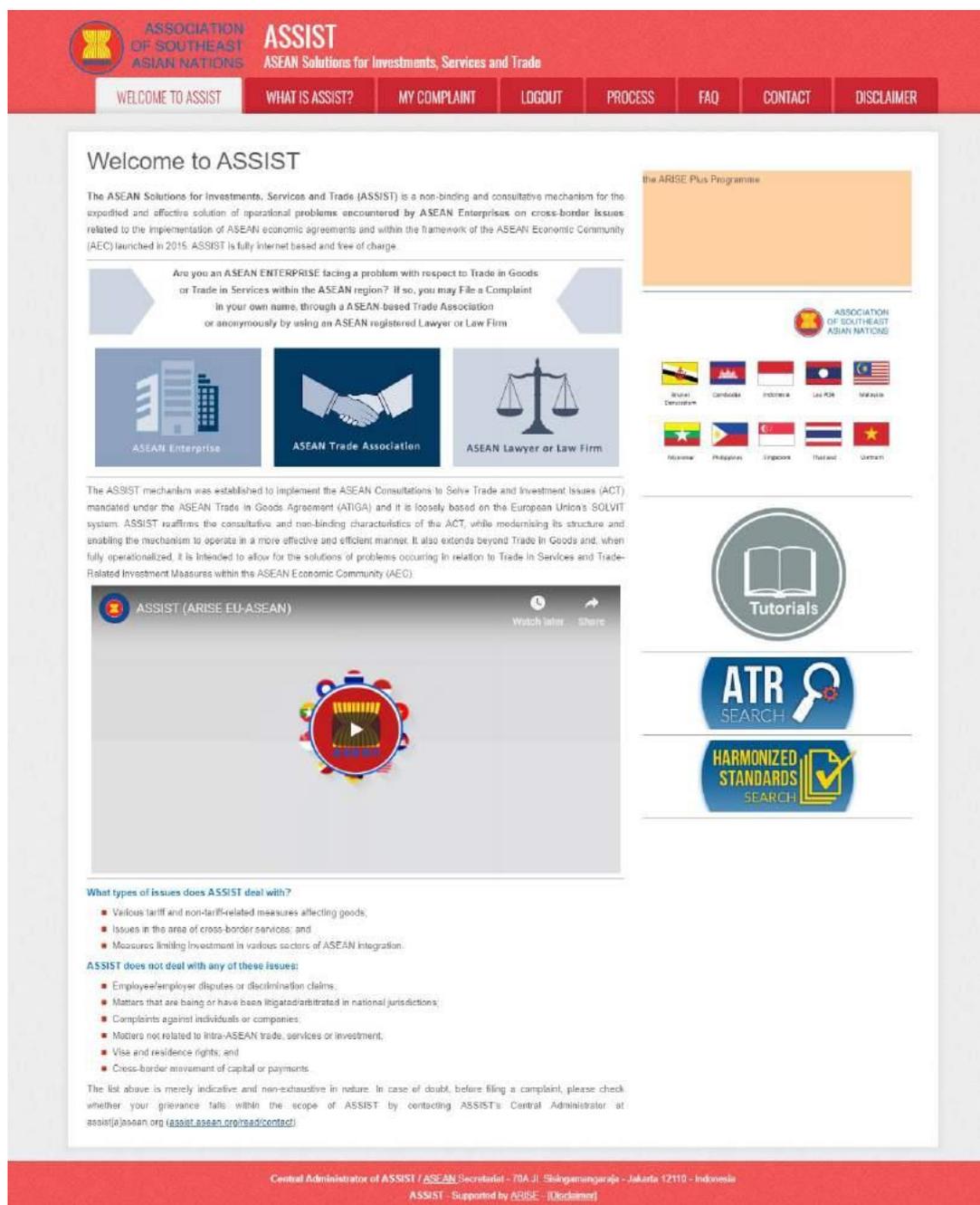
- Pemohon (*Complainant*) = Asosiasi Dagang Berbasis ASEAN (*ASEAN -Based Trade Association*)
- Sekretariat ASEAN (*ASEAN Secretariat*) = Pengelola Sistem (CA) ASSIST (*Central Administrator of ASSIST (CA)*)
- Negara Asal (*Home Country*) = Titik Kontak Asal (*Home Contact Point (HCP)*) di Negara Anggota 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)*

LANGKAH
1

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

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

Di bawah ini adalah laman (*homepage*) ASSIST.



The screenshot shows the ASSIST website homepage. At the top, there is a navigation menu with links: WELCOME TO ASSIST, WHAT IS ASSIST?, MY COMPLAINT, LOGOUT, PROCESS, FAQ, CONTACT, and DISCLAIMER. The main content area features a 'Welcome to ASSIST' section with a brief description of the service. Below this, there are three icons representing 'ASEAN Enterprise', 'ASEAN Trade Association', and 'ASEAN Lawyer or Law Firm'. A central text box asks if the user is an ASEAN ENTERPRISE facing a problem and provides instructions on how to file a complaint. To the right, there is a section for 'The ARISE Plus Programme' and a grid of ASEAN member state flags. Below the flags, there are icons for 'Tutorials', 'ATR SEARCH', and 'HARMONIZED STANDARDS SEARCH'. At the bottom, there is a list of issues ASSIST deals with and a disclaimer.

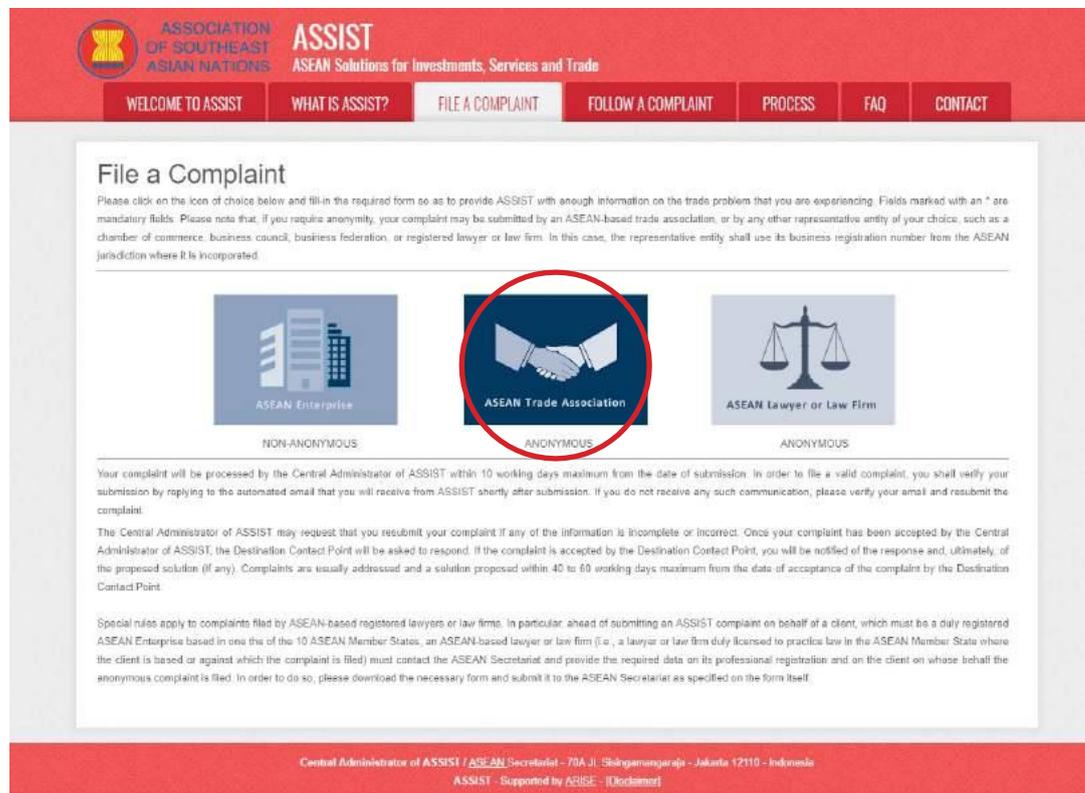
Central Administrator of ASSIST / ASEAN Secretariat - 70A Jl. Sisingamangaraja - Jakarta 12110 - Indonesia
ASSIST - Supported by ARISE - [Disclaimer]

**LANGKAH
2**

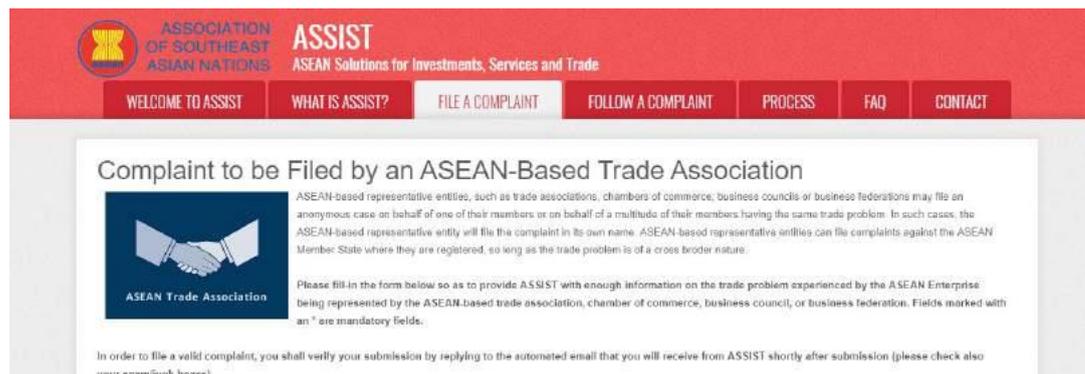
MEMILIH TAB AJUKAN PENGADUAN 'FILE A COMPLAINT' (IKON ASOSIASI DAGANG ASEAN ('ASEAN TRADE ASSOCIATION'))

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.



ASEAN-BASED TRADE ASSOCIATION

* ASEAN-based Trade Association Name

* Phone

Website

* Address

300 characters remaining (300 maximum)

* City ZIP Code

* Country

* ASEAN Jurisdiction where the Entry is Established ?

CONTACT PERSON

* Gender Mr Mrs Ms

* First Name * Last Name

* Phone

* Position

* Email

Address

300 characters remaining (300 maximum)

City ZIP Code

Country

COMPLAINT DESCRIPTION

* Country of Legal Registration ?

* Registration Number ?

* Entity Registration Proof ? No file chosen

* Type of Business ?

* Business Sector ?

Services Sector Description ?

* Type of Problem Encountered ?

* Destination Country ?

* Description ?

3000 characters remaining (3000 maximum)

Attachment ? No file chosen

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

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

I'm not a robot 

Central Administrator of ASSIST / ASEAN Secretariat - 70A Jl. Sekeloa Selatan 1 - Jakarta 12110 - Indonesia
ASSIST - Supported by ABISE - [Disclaimer]

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.

LANGKAH
3

MENGENAL FORMULIR PENGADUAN

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



ASSOCIATION OF SOUTHEAST ASIAN NATIONS

ASSIST
ASEAN Solutions for Investments, Services and Trade

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

Complaint to be Filed by an ASEAN-Based Trade Association



ASEAN Trade Association

ASEAN-based representative entities, such as trade associations, chambers of commerce, business councils or business federations may file an anonymous case on behalf of one of their members or on behalf of a multitude of their members having the same trade problem. In such cases, the ASEAN-based representative entity will file the complaint in its own name. ASEAN-based representative entities can file complaints against the ASEAN Member State where they are registered, so long as the trade problem is of a cross border nature.

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

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

ASEAN-BASED TRADE ASSOCIATION

* ASEAN-based Trade Association Name:

* Phone:

Website:

* Address:
City A:

350 characters remaining (300 maximum)

* City: ZIP Code:

* Country:

* ASEAN Jurisdiction where the Entity is Established:

CONTACT PERSON

* Gender: Mr Mrs Ms

* First Name: * Last Name:

* Phone:

* Position:

* Email:

* Address:
City A:

350 characters remaining (300 maximum)

City: ZIP Code:

Country:

COMPLAINT DESCRIPTION

* Country of Legal Registration:

* Registration Number:

* Entity Registration Proof: Annex 1-Simulat..._association.pdf

* Type of Business:

* Business Sector:

* Services Sector Description:

* Type of Problem Encountered:

* Destination Country:

* Description:

Attachment: Annex 2-Simulated F..._Scheme of AMS-Y.pdf

I have read and accept the ASSIST rules.

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

I'm not a robot



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

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

“Kami adalah Asosiasi Dagang tembakau yang mewakili perusahaan tembakau yang terdaftar di AMS-X. Kami ingin mengajukan pengaduan ASSIST terhadap AMS-Y mengenai sejumlah langkah-langkah fiskal dan bea cukai AMS-Y yang memengaruhi rokok yang diekspor dari AMS-X ke AMS-Y. Langkah-langkah tersebut termasuk praktek penilaian bea cukai AMS-Y, pajak cukai, pajak kesehatan, rejim PPN, persyaratan lisensi ritel dan jaminan impor yang dikenakan pada importir rokok.

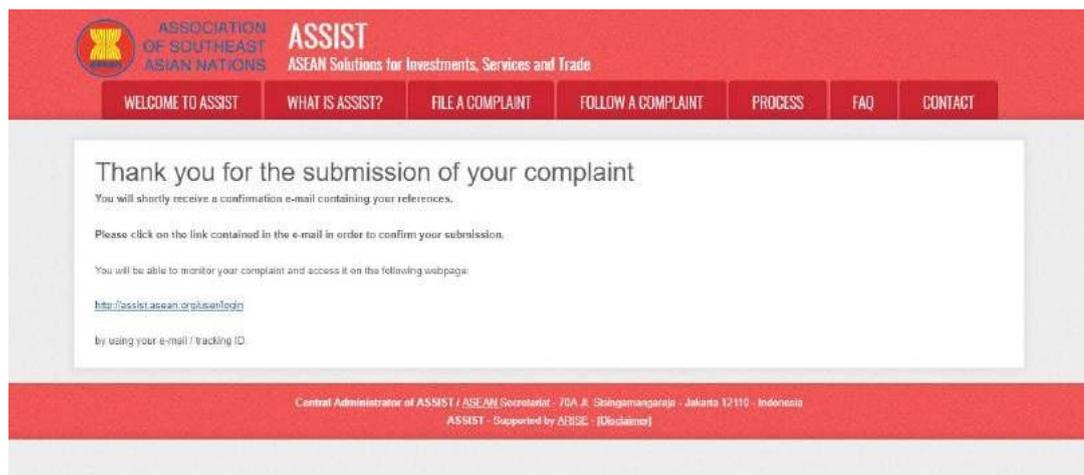
AMS-Y mengatur langkah-langkah ini secara parsial dan tidak wajar dan dengan demikian melanggar Pasal 57 Perjanjian Perdagangan Barang ASEAN (ATIGA), yang menggabungkan ke dalam ASEAN, mutatis mutandis, Perjanjian Organisasi Perdagangan Dunia (WTO) tentang Penilaian Bea Cukai. AMS-Y tidak menggunakan nilai transaksi sebagai dasar utama untuk penilaian pabean dan tidak berhasil mematuhi urutan metode penilaian yang diamanatkan oleh Pasal 57 ATIGA, melainkan menggunakan metode penilaian tanpa dasar dalam Perjanjian.

Selain itu, skema lisensi ganda AMS-Y, yang mensyaratkan bahwa pengecer tembakau dan/atau rokok memiliki lisensi terpisah untuk menjual rokok domestik dan impor, tidak sesuai dengan Pasal 6 ATIGA, memasukkan Pasal III Perjanjian Umum tentang Tarif dan Perdagangan (GATT) 1994, karena memberikan perlakuan yang kurang menguntungkan untuk produk impor dibandingkan dengan produk dalam negeri yang sejenis.”

Ketika pengaduan diajukan dengan mengklik tab ‘Kirim Pengaduan Anda’, halaman berikut pada Langkah 4 akan tampil.

LANGKAH
4

MENERIMA PEMBERITAHUAN DARI ASSIST



The screenshot shows the ASSIST website interface. At the top, there is a navigation bar with the ASSIST logo and the text 'ASSIST ASEAN Solutions for Investments, Services and Trade'. Below the navigation bar, there are several menu items: 'WELCOME TO ASSIST', 'WHAT IS ASSIST?', 'FILE A COMPLAINT', 'FOLLOW A COMPLAINT', 'PROCESS', 'FAQ', and 'CONTACT'. The main content area displays a confirmation message: 'Thank you for the submission of your complaint'. Below this message, there are instructions: 'You will shortly receive a confirmation e-mail containing your references.', 'Please click on the link contained in the e-mail in order to confirm your submission.', and 'You will be able to monitor your complaint and access it on the following webpage:'. A blue hyperlink is provided: <http://assist.asean.org/assnt/login>. At the bottom of the page, there is a footer with the text: 'Central Administrator of ASSIST / ASEAN Secretariat - JGA # Sisingamangaraja - Jakarta 12110 - Indonesia' and 'ASSIST - Supported by ARISE - [Disclaimer]'.

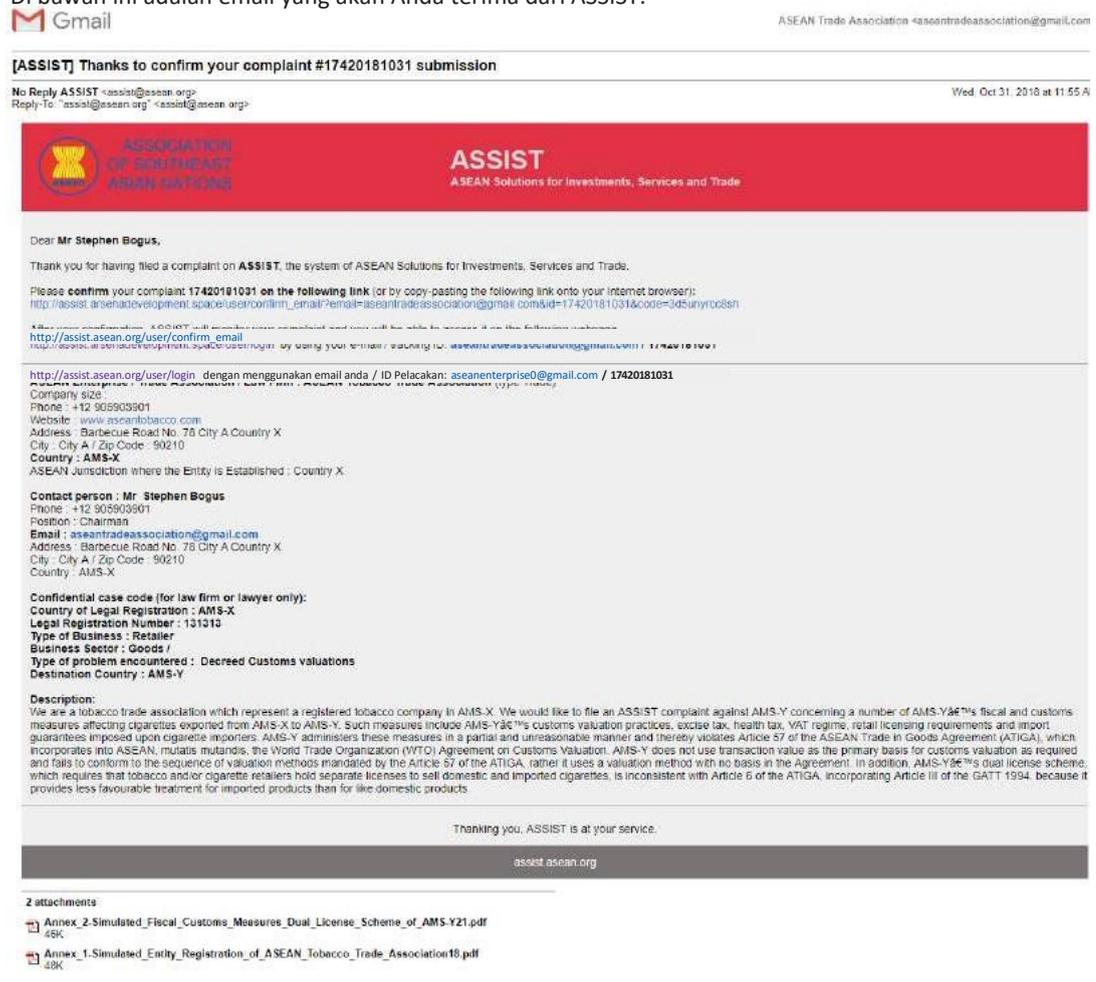
Pemberitahuan di atas menunjukkan bahwa Anda harus mengklik tautan yang tersedia di akun email Anda untuk mengonfirmasi pengaduan Anda ASSIST.

LANGKAH
5

MENINGKONFIRMASI PENGADUAN ANDA MELALUI AKUN EMAIL ANDA

- (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 disediakan atau dengan menyalin-menempelkan tautan itu ke browser Internet. Ini juga diperlukan oleh ASSIST untuk menyampaikan konfirmasi bahwa alamat email yang Anda berikan sah. Nomor pengaduan Anda juga tersedia dalam email ini. Dalam hal ini, nomor pengaduan Anda adalah **17420181031**.

Di bawah ini adalah email yang akan Anda terima dari ASSIST.



ASSIST Thanks to confirm your complaint #17420181031 submission

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

Wed, Oct 31, 2018 at 11:55 AM

ASSIST
ASEAN Solutions for Investments, Services and Trade

Dear Mr Stephen Bogus,

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

Please **confirm** your complaint: **17420181031** on the following link (or by copy-pasting the following link onto your internet browser):
http://assist.aseantradeassociation.com/user/confirm_email?email=aseantradeassociation@gmail.com&id=17420181031&code=3d5unryoc8sn

http://assist.asean.org/user/confirm_email

<http://assist.asean.org/user/login> dengan menggunakan email anda / ID Pelacakan: aseanenterprise0@gmail.com / **17420181031**

Company size:
Phone: +12 905903901
Website: www.asean-tobacco.com
Address: Barbecue Road No. 78 City A Country X
City: City A / Zip Code: 90210
Country: **AMS-X**
ASEAN Jurisdiction where the Entity is Established: Country X

Contact person : Mr Stephen Bogus
Phone: +12 905903901
Position : Chairman
Email : aseantradeassociation@gmail.com
Address : Barbecue Road No. 78 City A Country X
City : City A / Zip Code : 90210
Country : AMS-X

Confidential case code (for law firm or lawyer only):
Country of Legal Registration : **AMS-X**
Legal Registration Number : 131312
Type of Business : Retailer
Business Sector : Goods /
Type of problem encountered : Decreed Customs valuations
Destination Country : **AMS-Y**

Description:
We are a tobacco trade association which represent a registered tobacco company in AMS-X. We would like to file an ASSIST complaint against AMS-Y concerning a number of AMS-Y's fiscal and customs measures affecting cigarettes exported from AMS-X to AMS-Y. Such measures include AMS-Y's customs valuation practices, excise tax, health tax, VAT regime, retail licensing requirements and import guarantees imposed upon cigarette importers. AMS-Y administers these measures in a partial and unreasonable manner and thereby violates Article 57 of the ASEAN Trade in Goods Agreement (ATIGA), which incorporates into ASEAN, multilateral instruments, the World Trade Organization (WTO) Agreement on Customs Valuation. AMS-Y does not use transaction value as the primary basis for customs valuation as required and fails to conform to the sequence of valuation methods mandated by the Article 57 of the ATIGA, rather it uses a valuation method with no basis in the Agreement. In addition, AMS-Y's dual license scheme, which requires that tobacco and/or cigarette retailers hold separate licenses to sell domestic and imported cigarettes, is inconsistent with Article 6 of the ATIGA, incorporating Article III of the GATT 1994, because it provides less favourable treatment for imported products than for like domestic products.

Thanking you, ASSIST is at your service.

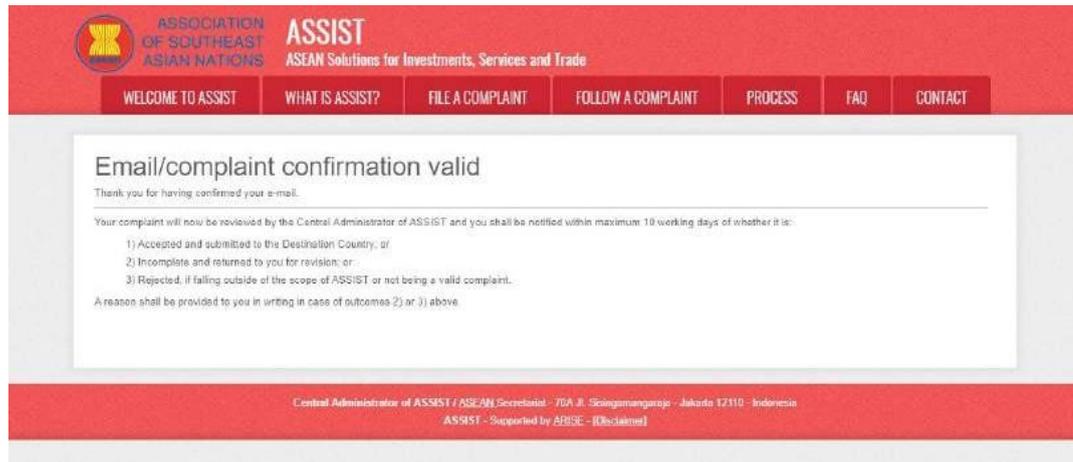
assist.asean.org

2 attachments

 Annex_2-Simulated_Fiscal_Customs_Measures_Dual_License_Scheme_of_AMS-Y21.pdf
45K

 Annex_1-Simulated_Entity_Registration_of_ASEAN_Tobacco_Trade_Association16.pdf
43K

- (b) Klik pada tautan yang diminta dalam email di atas dan halaman berikut akan tampil.



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

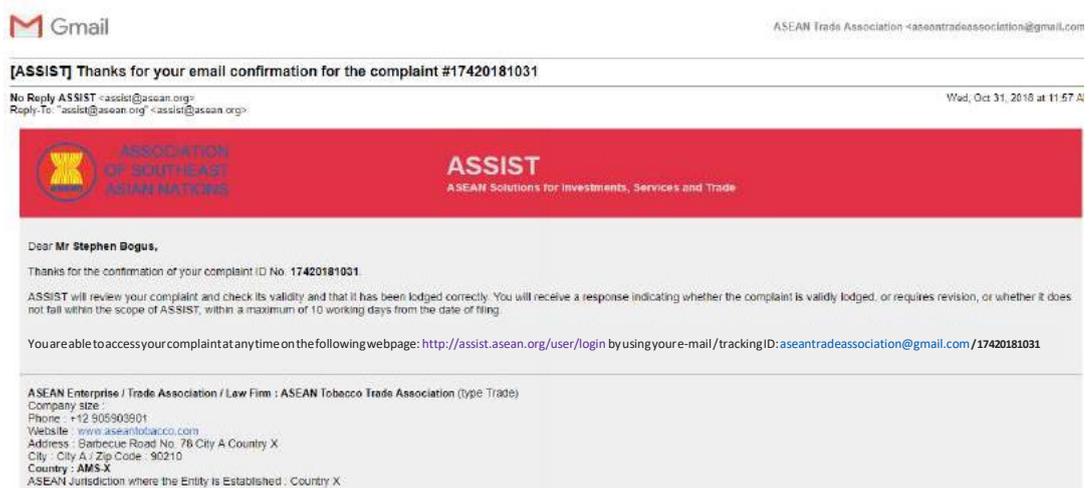
- 1) Diterima dan diserahkan ke Negara Tujuan; atau
- 2) Dinyatakan tidak lengkap dan dikembalikan kepada Anda untuk revisi; atau
- 3) Ditolak, jika tidak termasuk dalam lingkup ASSIST atau bukan merupakan pengaduan yang sah.

Buka akun email Anda.

LANGKAH
6

MENERIMA EMAIL DARI ASSIST BAHWA ALAMAT EMAIL DAN PENGADUAN ANDA SAH

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



Contact person : Mr. Stephen Bogus
 Phone : +12 905903901
 Position : Chairman
 Email : aseantradeassociation@gmail.com
 Address : Barbecue Road No. 78 City A Country X
 City : City A / Zip Code : 90210
 Country : AMS-X

Confidential case code (for law firm or lawyer only):
 Country of Legal Registration : AMS-X
 Legal Registration Number : 131313
 Type of Business : Retailer
 Business Sector : Goods /
 Type of problem encountered : Decreed Customs valuations
 Destination Country : AMS-Y

Description:
 We are a tobacco trade association which represent a registered tobacco company in AMS-X. We would like to file an ASSIST complaint against AMS-Y concerning a number of AMS-Y's fiscal and customs measures affecting cigarettes exported from AMS-X to AMS-Y. Such measures include AMS-Y's customs valuation practices, excise tax, health tax, VAT regime, retail licensing requirements and import guarantees imposed upon cigarette importers. AMS-Y administers these measures in a partial and unreasonable manner and thereby violates Article 57 of the ASEAN Trade in Goods Agreement (ATIGA), which incorporates into ASEAN, mutatis mutandis, the World Trade Organization (WTO) Agreement on Customs Valuation. AMS-Y does not use transaction value as the primary basis for customs valuation as required and fails to conform to the sequence of valuation methods mandated by the Article 57 of the ATIGA, rather it uses a valuation method with no basis in the Agreement. In addition, AMS-Y's dual license scheme, which requires that tobacco and/or cigarette retailers hold separate licenses to sell domestic and imported cigarettes, is inconsistent with Article 6 of the ATIGA, incorporating Article III of the GATT 1994, because it provides less favourable treatment for imported products than for like domestic products.

Thanking you, ASSIST is at your service.

assist.asean.org

2 attachments

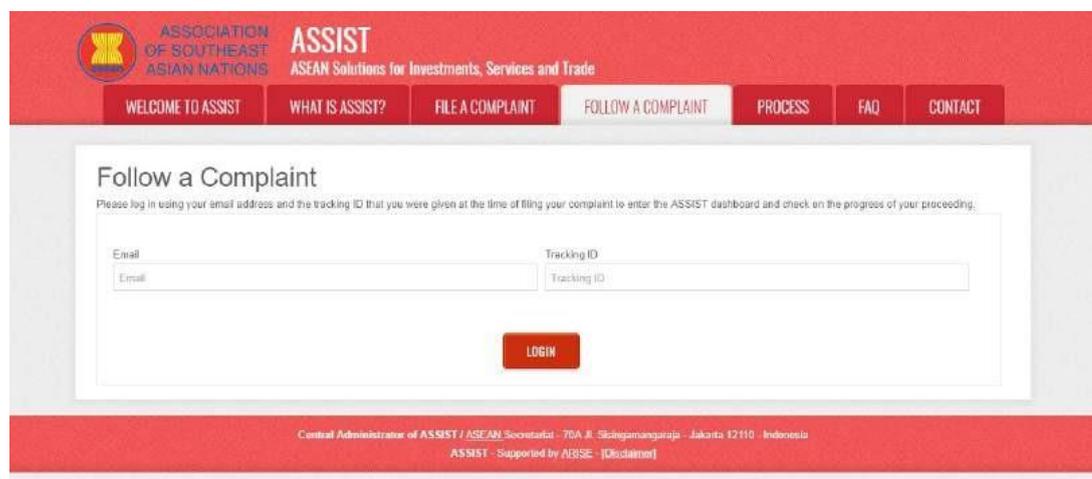
-  Annex_2-Simulated_Fiscal_Customs_Measures_Dual_License_Scheme_of_AMS-Y21.pdf
46K
-  Annex_1-Simulated_Entity_Registration_of_ASEAN_Tobacco_Trade_Association18.pdf
48K

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

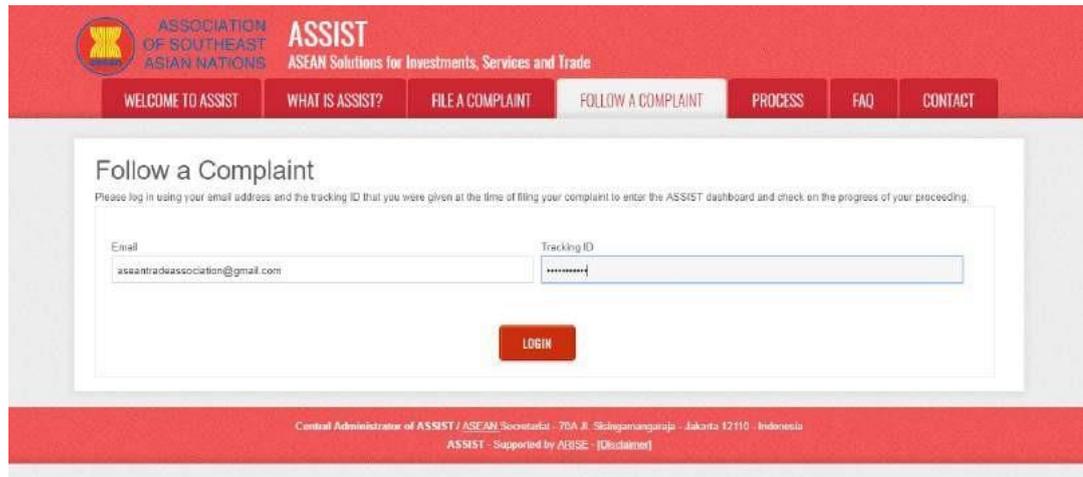
LANGKAH
7

MEMANTAU PERKEMBANGAN PENGADUAN ANDA

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

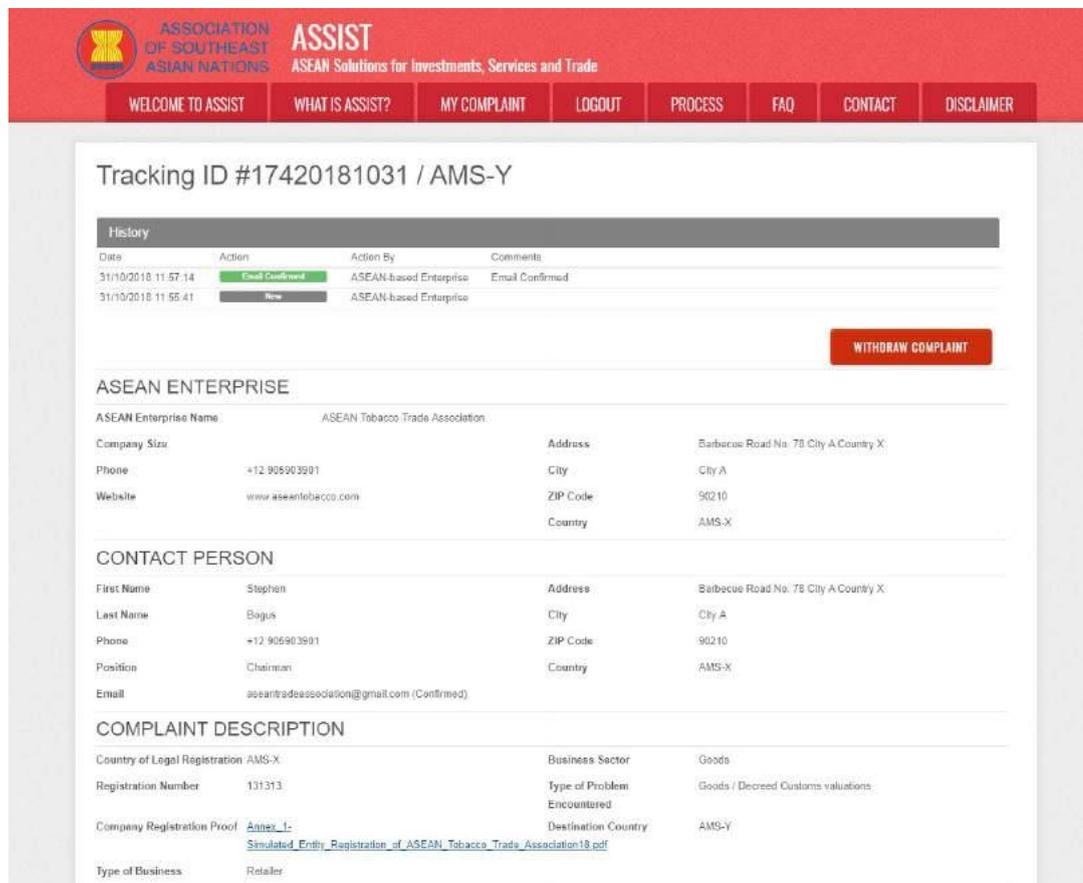


- (b) Masukkan alamat email Anda dan ID pelacakan (*Tracking ID*) (nomor pengaduan Anda) pada kolom yang disyaratkan untuk login. Dalam hal ini, **Alamat Email** adalah aseantradeassociation@gmail.com dan **ID Pelacakan** adalah **17420181031**.



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

(c) Tampilan Dasbor ASSIST Anda setelah Anda berhasil login:



History

Date	Action	Action By	Comments
31/10/2018 11:57:14	Email Confirmed	ASEAN-based Enterprise	Email Confirmed
31/10/2018 11:55:41	New	ASEAN-based Enterprise	

WITHDRAW COMPLAINT

ASEAN ENTERPRISE

ASEAN Enterprise Name: ASEAN Tobacco Trade Association

Company Size		Address	Barbecue Road No. 78 City A Country X
Phone	+12 905903901	City	City A
Website	www.aseantobacco.com	ZIP Code	90210
		Country	AMS-X

CONTACT PERSON

First Name	Stephen	Address	Barbecue Road No. 78 City A Country X
Last Name	Bagus	City	City A
Phone	+12 905903901	ZIP Code	90210
Position	Chairman	Country	AMS-X
Email	aseantradeassociation@gmail.com (Confirmed)		

COMPLAINT DESCRIPTION

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

Description	We are a tobacco trade association which represent a registered tobacco company in AMS-X. We would like to file an ASSIST complaint against AMS-Y concerning a number of AMS-Y's fiscal and customs measures affecting cigarettes exported from AMS-X to AMS-Y. Such measures include AMS-Y's customs valuation practices, excise tax, health tax, VAT regime, retail licensing requirements and import guarantees imposed upon cigarette importers. AMS-Y administers these measures in a partial and unreasonable manner and thereby violates Article 57 of the ASEAN Trade in Goods Agreement (ATIGA), which incorporates into ASEAN, mutatis mutandis, the World Trade Organization (WTO) Agreement on Customs Valuation. AMS-Y does not use transaction value as the primary basis for customs valuation as required and fails to conform to the sequence of valuation methods mandated by the Article 57 of the ATIGA, rather it uses a valuation method with no basis in the Agreement. In addition, AMS-Y's dual license scheme, which requires that tobacco and/or cigarette retailers hold separate licenses to sell domestic and imported cigarettes, is inconsistent with Article 6 of the ATIGA, incorporating Article III of the GATT 1994, because it provides less favourable treatment for imported products than for like domestic products.
Attachment	Annex 2-Simulated Fiscal Customs Measures Dual License Scheme of AMS-Y21.pdf

Central Administrator of ASSIST / ASEAN Secretariat - POA Jl. Sisinganegara - Jakarta 12110 - Indonesia
ASSIST - Supported by AEBSE - (Disclaimer)

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

LANGKAH

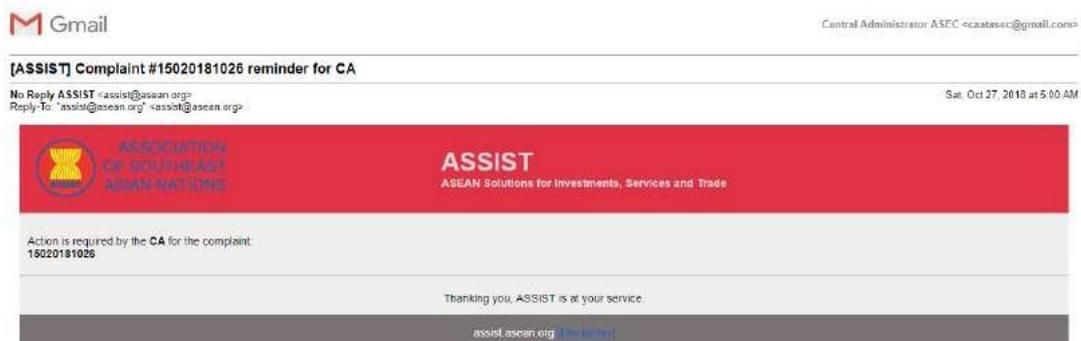
8

CA MEMERIKSA PENGADUAN ANDA DAN MENGIRIMKAN TANGGAPAN KE EMAIL ANDA (MENERIMA, MENYATAKAN KURANG LENGKAP, ATAU MENOLAK)

Setelah CA selesai memeriksa pengaduan Anda dan memutuskan apakah akan menerima/menyatakan tidak lengkap/menolak, email akan dikirimkan kepada Anda biasanya dalam 10 hari kerja sejak Anda mengajukan pengaduan.

Jika untuk sementara waktu CA tidak mengambil tindakan apapun, maka CA akan menerima pengingat otomatis di bawah ini melalui email dari sistem daring (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.

Email pengingat (Reminder) 1 untuk Pengelola Sistem (CA):



The screenshot shows an email from the Central Administrator of ASSIST (ASEAN Secretariat) with the subject "[ASSIST] Complaint #15020181026 reminder for CA". The email body contains the ASSIST logo and the text: "Action is required by the CA for the complaint: 15020181026". It concludes with "Thanking you, ASSIST is at your service." and the ASSIST website link.

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

 ASEAN Trade Association <aseantradeassociation@gmail.com>

[ASSIST] Your complaint #17420181031 is accepted by CA

No Reply ASSIST <assist@asean.org>
Reply-To: "assist@asean.org" <assist@asean.org> Wed, Oct 31, 2018 at 12:02 PM



ASSIST
ASEAN Solutions for Investments, Services and Trade

Dear Mr. Stephen Bogus,

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

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

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

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

ASEAN Enterprise / Trade Association / Law Firm : ASEAN Tobacco Trade Association (type: Trade)
Company size
Phone : +12 906909001
Website : www.aseantobacco.com
Address : Barbecue Road No. 76 City A Country X
City : City A / Zip Code : 90210
Country : **AMS-X**
ASEAN Jurisdiction where the Entity is Established : Country X

Contact person : Mr. Stephen Bogus
Phone : +12 906909001
Position : Chairman
Email : aseantradeassociation@gmail.com
Address : Barbecue Road No. 76 City A Country X
City : City A / Zip Code : 90210
Country : **AMS-X**

Confidential case code (for law firm or lawyer only):
Country of Legal Registration : **AMS-X**
Legal Registration Number : 131313
Type of Business : Retailer
Business Sector : Goods /
Type of problem encountered : Decreed Customs valuations
Destination Country : **AMS-Y**

Description:
We are a tobacco trade association which represent a registered tobacco company in AMS-X. We would like to file an ASSIST complaint against AMS-Y concerning a number of AMS-Y's fiscal and customs measures affecting cigarettes exported from AMS-X to AMS-Y. Such measures include AMS-Y's customs valuation practices, excise tax, health tax, VAT regime, retail licensing requirements and import guarantees imposed upon cigarette importers. AMS-Y administers these measures in a partial and unreasonable manner and thereby violates Article 57 of the ASEAN Trade in Goods Agreement (ATIGA), which incorporates into ASEAN, mutatis mutandis, the World Trade Organization (WTO) Agreement on Customs Valuation. AMS-Y does not use transaction value as the primary basis for customs valuation as required and fails to conform to the sequence of valuation methods mandated by the Article 57 of the ATIGA, rather it uses a valuation method with no basis in the Agreement. In addition, AMS-Y's dual license scheme, which requires that tobacco and/or cigarette retailers hold separate licenses to sell domestic and imported cigarettes, is inconsistent with Article 6 of the ATIGA, incorporating Article III of the GATT 1994, because it provides less favourable treatment for imported products than for like domestic products.

Thanking you, ASSIST is at your service.

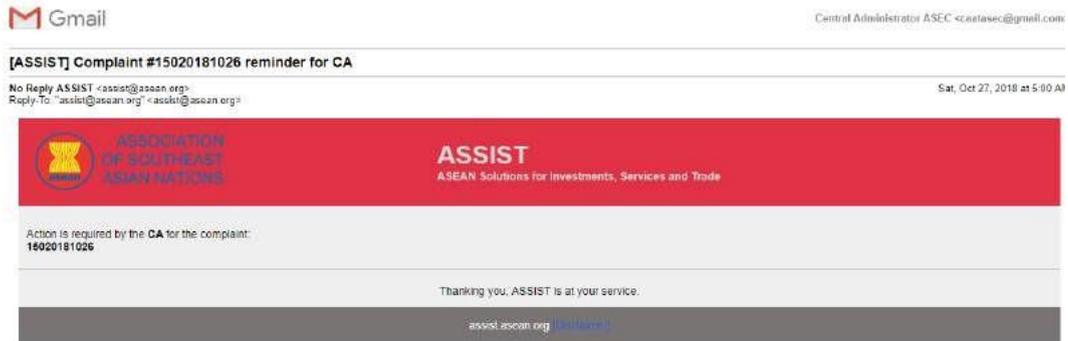
assist.asean.org

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:

Email Pengingat (Reminder) 2 untuk Pengelola Sistem (CA):



LANGKAH
9

LOG MASUK KE DASHBOARD ASSIST ANDA MELALUI EMAIL DAN ID PELACAKAN ANDA UNTUK MENGETAHUI TANGGAPAN SEBENARNYA DARI CA

Jika Anda ingin melihat tanggapan CA secara lengkap, maka Anda harus login ke dasbor ASSIST Anda melalui email dan ID pelacakan 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'/'History' Anda menunjukkan bahwa CA telah "**Menerima**" pengaduan Anda.

History			
Date	Action	Action By	Comments
31/10/2018 12.02.33	Accepted	Central Administrator of ASSIST	Dear Mr Stephen Bogus, Thank you for lodging your complaint under ASSIST. The Central Administrator has reviewed and verified your complaint and finds that it is complete. You have submitted your trade association's registration document which proves that you are an entity registered.
31/10/2018 11.57.14	Email Confirmed	ASEAN-based Enterprise	Email Confirmed
31/10/2018 11.55.41	New	ASEAN-based Enterprise	

WITHDRAW COMPLAINT

ASEAN ENTERPRISE

ASEAN Enterprise Name	ASEAN Tobacco Trade Association		
Company Size		Address	Barbecue Road No. 78 City A Country X
Phone	+12 905903801	City	City A
Website	www.aseantobacco.com	ZIP Code	90210
		Country	AMS-X

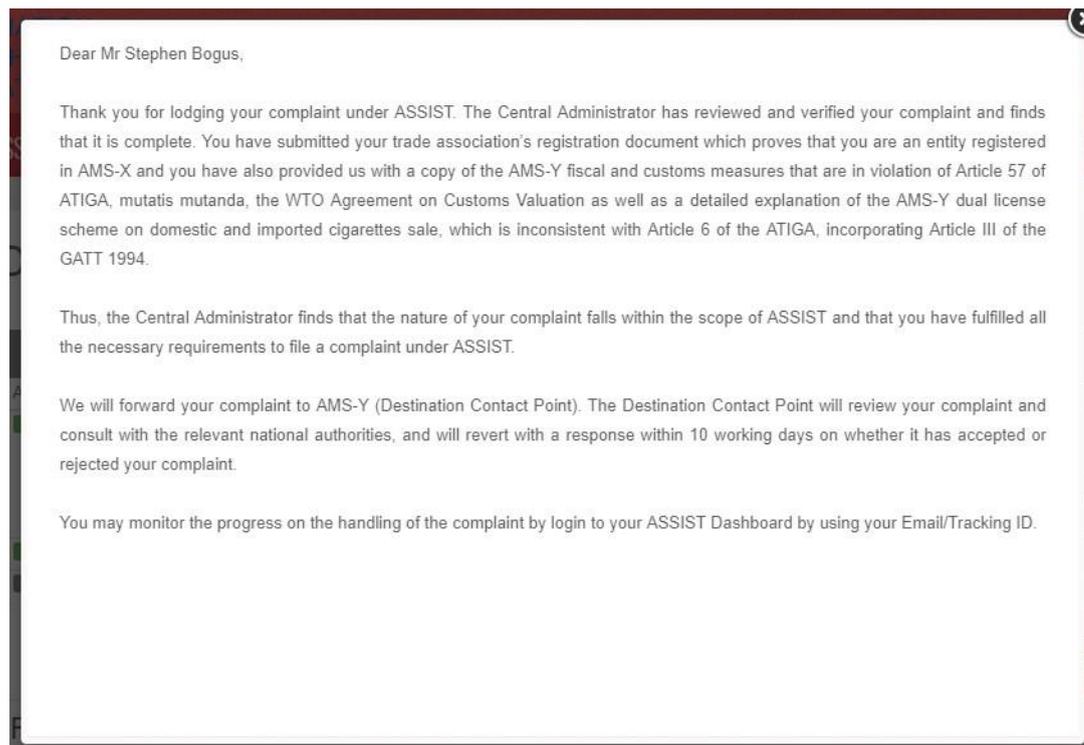
CONTACT PERSON

First Name	Stephen	Address	Barbecue Road No. 78 City A Country X
Last Name	Bogus	City	City A
Phone	+12 905903801	ZIP Code	90210
Position	Chairman	Country	AMS-X
Email	aseantredassociation@gmail.com (Confirmed)		

COMPLAINT DESCRIPTION			
Country of Legal Registration	AMS-X	Business Sector	Goods
Registration Number	131313	Type of Problem	Goods / Distorted Customs valuations
Company Registration Proof	Annex 1- Simulated Entry Registration of ASEAN Tobacco Trade Association18.pdf	Encountered	
Type of Business	Retailer	Destination Country	AMS-Y
Description	<p>We are a tobacco trade association which represent a registered tobacco company in AMS-X. We would like to file an ASSIST complaint against AMS-Y concerning a number of AMS-Y's fiscal and customs measures affecting cigarettes exported from AMS-X to AMS-Y. Such measures include AMS-Y's customs valuation practices, excise tax, health tax, VAT regime, retail licensing requirements and import guarantees imposed upon cigarette importers. AMS-Y administers these measures in a partial and unreasonable manner and thereby violates Article 57 of the ASEAN Trade In Goods Agreement (ATIGA), which incorporates into ASEAN, mutatis mutandis, the World Trade Organization (WTO) Agreement on Customs Valuation. AMS-Y does not use transaction value as the primary basis for customs valuation as required and fails to conform to the sequence of valuation methods mandated by the Article 57 of the ATIGA, rather it uses a valuation method with no basis in the Agreement. In addition, AMS-Y's dual license scheme, which requires that tobacco and/or cigarette retailers hold separate licenses to sell domestic and imported cigarettes, is inconsistent with Article 6 of the ATIGA, incorporating Article III of the GATT 1994, because it provides less favourable treatment for imported products than for like domestic products.</p>		
Attachment	Annex 2-Simulated Fiscal Customs Measures Dual License Scheme of AMS-Y21.pdf		

Central Administrator of ASSIST / ASEAN Secretariat - 70A Jl. Setiabudi Raya - Jakarta 12110 - Indonesia
ASSIST - Supported by ARISE - (Indonesia)

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



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.

LANGKAH
10

MENERIMA EMAIL PEMBERITAHUAN DARI ASSIST BAHWA AMS-Y TELAH MEMBERIKAN TANGGAPAN ATAS PENGADUAN ANDA DAN CA TELAH MENERIMANYA

- (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)

 ASEAN Trade Association <aseantradeassociation@gmail.com>

[ASSIST] Response for your #17420181031 complaint

No Reply ASSIST <assist@asean.org>
Reply-To: "assist@asean.org" <assist@asean.org> Wed, Oct 31, 2018 at 6:06 PM



ASSIST
ASEAN Solutions for Investments, Services and Trade

Dear **Mr Stephen Bogus**,

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

"The complainant's case is the same that AMS-X had brought against AMS-Y under the WTO dispute settlement mechanism. In fact, on 29 September 2008, AMS-X had requested the establishment of a panel to resolve a dispute that challenges exactly the same customs valuation regime of AMS-Y as it applied to imported cigarettes. At its meeting on 17 November 2008, the WTO Dispute Settlement Body (DSB) had established a panel, which circulated its report to the Members on 15 November 2010. On 22 February 2011, AMS-Y notified the DSB of its decision to appeal to the Appellate Body certain issues of law and legal interpretation covered in the panel report. On 17 June 2011, the Appellate Body report was circulated to Members and, at its meeting on 15 July 2011, the DSB adopted the Appellate Body report and the panel report, as modified by the Appellate Body report. On 11 August 2011, AMS-Y informed the DSB that it intended to implement the recommendations and rulings of the DSB in line with its WTO obligations and that it would need a reasonable period of time to do so. On 23 September 2011, AMS-X and AMS-Y informed the DSB that they had mutually agreed on the reasonable period of time for AMS-Y to comply with the recommendations and rulings of the DSB. At a DSB meeting on 28 January 2012, AMS-Y reported that it had completed the final outstanding steps in its implementation process. However, AMS-X did not agree that AMS-Y had fully implemented the DSB's recommendations and rulings. At the DSB meeting of 27 February 2013, AMS-X expressed concern that it had not been informed of any progress toward resolving the remaining WTO-inconsistencies and added that it would take appropriate steps shortly. At the DSB meeting on 18 June 2014, AMS-Y reported that it did not have to take any further action to implement the DSB's recommendations and rulings. AMS-X disagreed and was of the view that AMS-Y had failed to comply. Although there has not been an agreement between AMS-X and AMS-Y on whether the WTO dispute was actually resolved, the complaint lodged through ASSIST is one that AMS-Y rightfully considers as already addressed within the WTO framework, including in light of the ASEAN obligations that the complainant had referred to in its ASSIST complaint. Thus, AMS-Y rejects this complaint under ASSIST."

You can also check the status of your complaint online at <http://assist.asean.org/user/login> by using your e-mail/tracking ID.

Please kindly indicate whether you are satisfied with the answer given by the DCP and the solution provided therein. You can do so by choosing 'Yes' or 'No' below:

Yes / No

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

Contact person : Mr Stephen Bogus
Phone : +12 905903901
Position : Chairman
Email : aseantradeassociation@gmail.com
Address : Barbecue Road No. 78 City A Country X
City : City A / Zip Code : 90210
Country : AMS-X

Confidential case code (for law firm or lawyer only):
Country of Legal Registration : **AMS-X**
Legal Registration Number : 131313
Type of Business : Retailer
Business Sector : Goods /
Type of problem encountered : Decreased Customs valuations
Destination Country : **AMS-Y**

Description:
We are a tobacco trade association which represent a registered tobacco company in AMS-X. We would like to file an ASSIST complaint against AMS-Y concerning a number of AMS-Y's fiscal and customs measures affecting cigarettes exported from AMS-X to AMS-Y. Such measures include AMS-Y's customs valuation practices, excise tax, health tax, VAT regime, retail licensing requirements and import guarantees imposed upon cigarette importers. AMS-Y administers these measures in a partial and unreasonable manner and thereby violates Article 67 of the ASEAN Trade in Goods Agreement (ATIGA), which incorporates into ASEAN multilateral standards, the World Trade Organization (WTO) Agreement on Customs Valuation. AMS-Y does not use transaction value as the primary basis for customs valuation as required and fails to conform to the sequence of valuation methods mandated by the Article 57 of the ATIGA, rather it uses a valuation method with no basis in the Agreement. In addition, AMS-Y's dual license scheme, which requires that tobacco and/or cigarette retailers hold separate licenses to sell domestic and imported cigarettes, is inconsistent with Article 6 of the ATIGA, incorporating Article III of the GATT 1994, because it provides less favourable treatment for imported products than for like domestic products.

Thanking you, ASSIST is at your service.

assist.asean.org

Dalam hal pengaduan Anda diterima oleh DCP, prosesnya akan sedikit berbeda. Dalam 10 hari kerja setelah Anda menerima tanggapan dari CA bahwa pengaduan Anda diterima, Anda akan menerima email yang memberitahukan 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 memberitahu CA tentang segala perubahan yang berkaitan

dengan jangka waktu di 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 jarak waktu). Jika DCP tidak memenuhi tenggat waktu untuk mengirim solusi ke CA, sistem online akan memberitahu CA untuk menindaklanjuti dengan DCP.

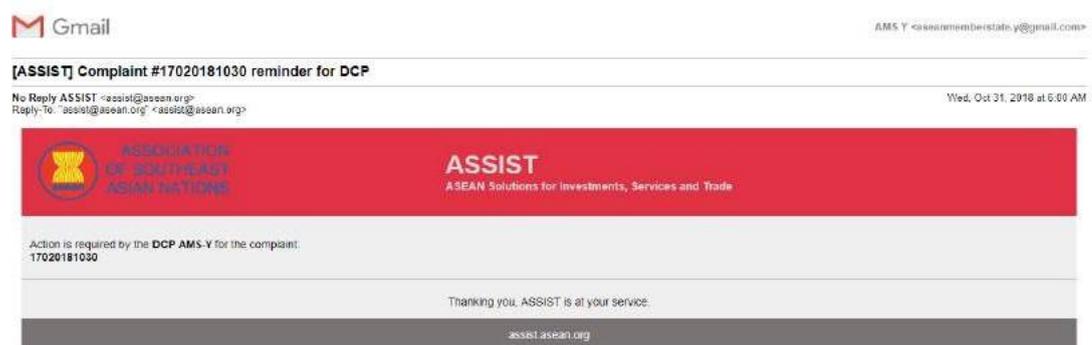
Kemudian Anda akan menerima pemberitahuan email kedua dari ASSIST bahwa DCP atau AMS-Y mengajukan solusi dan diterima oleh CA.

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.

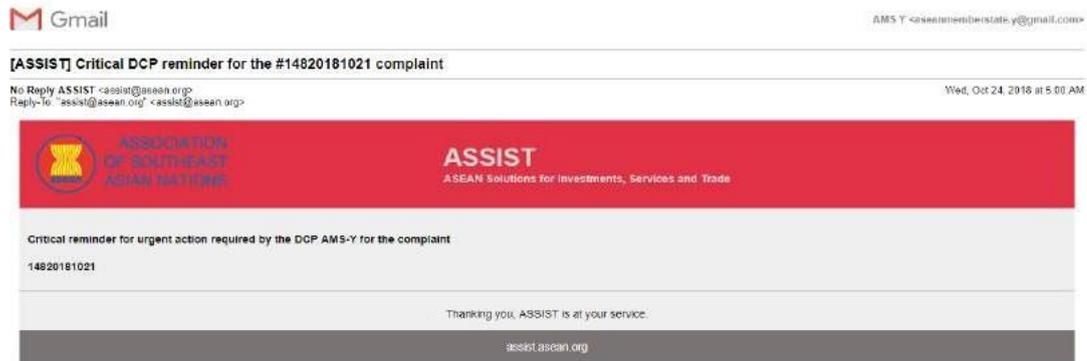
Jika untuk sementara waktu DCP tidak mengambil tindakan apapun, maka DCP akan menerima pengingat otomatis di bawah ini melalui email dari sistem online ASSIST dalam waktu 7 hari kalender setelah pengaduan diterima oleh CA. Seperti ditunjukkan di atas, DCP harus memutuskan untuk menerima atau menolak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

Email Pengingat 1 untuk Titik Kontak Tujuan (DCP):

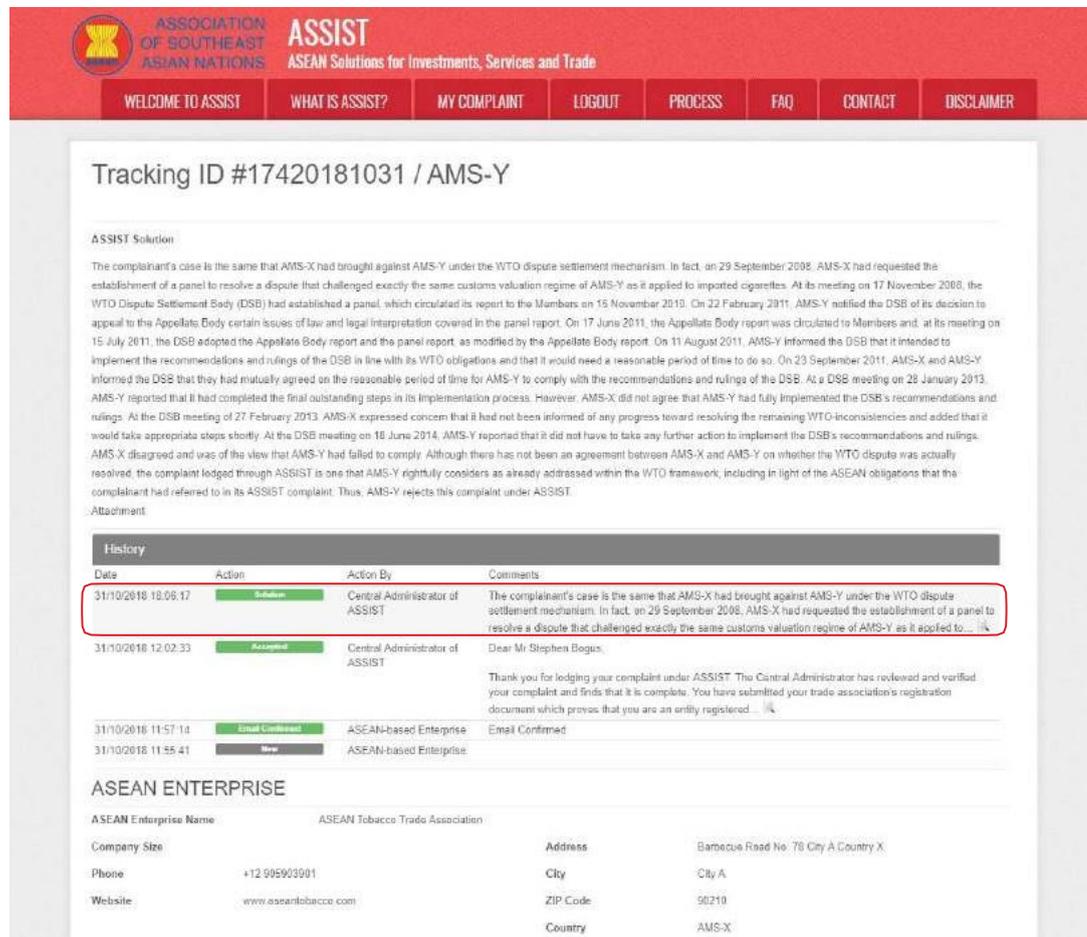


Jika Anda tidak menerima email dari ASSIST tentang tanggapan DCP dalam jangka waktu yang disyaratkan (10 hari kerja) setelah pengaduan diterima oleh CA, maka ini berarti bahwa tindakan DCP terlambat. DCP akan menerima pengingat otomatis lain melalui email (14 hari kalender setelah pengaduan diajukan)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

Email Pengingat 2 untuk Titik Kontak Tujuan (DCP):



(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.



CONTACT PERSON			
First Name	Stephen	Address	Barbecue Road No. 78 City A Country X
Last Name	Bogien	City	City A
Phone	+12 995903901	ZIP Code	80210
Position	Chairman	Country	AMS-X
Email	aseantradeassociation@gmail.com (Confirmed)		
COMPLAINT DESCRIPTION			
Country of Legal Registration	AMS-X	Business Sector	Goods
Registration Number	131313	Type of Problem Encountered	Goods / Discreet Customs valuations
Company Registration Proof	Annex 1- Simulated Entry Registration of ASEAN Tobacco Trade Association18.pdf		
Destination Country	AMS-Y		
Type of Business	Retailer		
Description	<p>We are a tobacco trade association which represent a registered tobacco company in AMS-X. We would like to file an ASSIST complaint against AMS-Y concerning a number of AMS-Y's fiscal and customs measures affecting cigarettes exported from AMS-X to AMS-Y. Such measures include AMS-Y's customs valuation practices, excise tax, health tax, VAT regime, retail licensing requirements and import guarantees imposed upon cigarette importers. AMS-Y administers these measures in a partial and unreasonable manner and thereby violates Article 57 of the ASEAN Trade in Goods Agreement (ATIGA), which incorporates into ASEAN, mutatis mutandis, the World Trade Organization (WTO) Agreement on Customs Valuation. AMS-Y does not use transaction value as the primary basis for customs valuation as required and fails to conform to the sequence of valuation methods mandated by the Article 57 of the ATIGA, rather it uses a valuation method with no basis in the Agreement. In addition, AMS-Y's dual license scheme, which requires that tobacco and/or cigarette retailers hold separate licenses to sell domestic and imported cigarettes, is inconsistent with Article 6 of the ATIGA, incorporating Article III of the GATT 1994, because it provides less favourable treatment for imported products than for like domestic products.</p>		
Attachment	Annex 2-Simulated Fiscal Customs Measures Dual License Scheme of AMS-Y21.pdf		

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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 ketidakonsistenan 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 benar-benar 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."

- (c) Di bagian bawah email dari ASSIST pada 10 (a) di atas, Anda diminta untuk menunjukkan apakah Anda setuju atau tidak dengan jawaban yang diberikan oleh DCP dan solusi yang disediakan di dalamnya. Anda dapat melakukannya dengan memilih 'Ya' atau 'Tidak' di kolom yang disediakan.

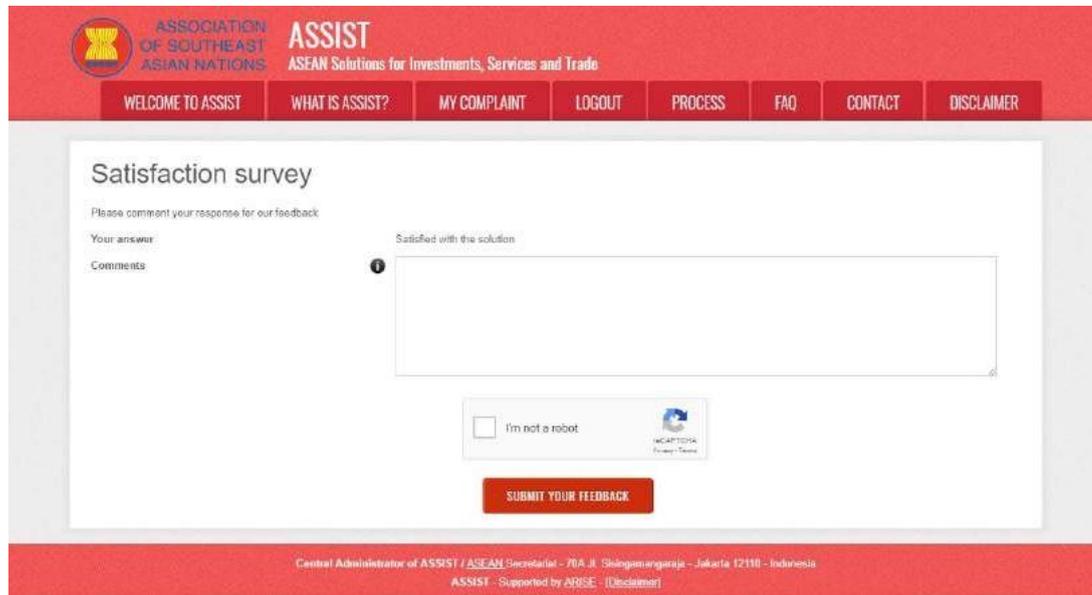
Please kindly indicate whether you are satisfied with the answer given by the DCP and the solution provided therein. You can do so by choosing 'Yes' or 'No' below:

Yes / No

Dalam hal ini, AE memilih "Ya".

**LANGKAH
11****MEMBERIKAN UMPAN BALIK ANDA PADA USULAN SOLUSI ATAU TANGGAPAN YANG DIBERIKAN OLEH AMS-Y DALAM SURVEI KEPUASAN DAN MENERIMA EMAIL PERNYATAAN PENERIMAAN DARI ASSIST**

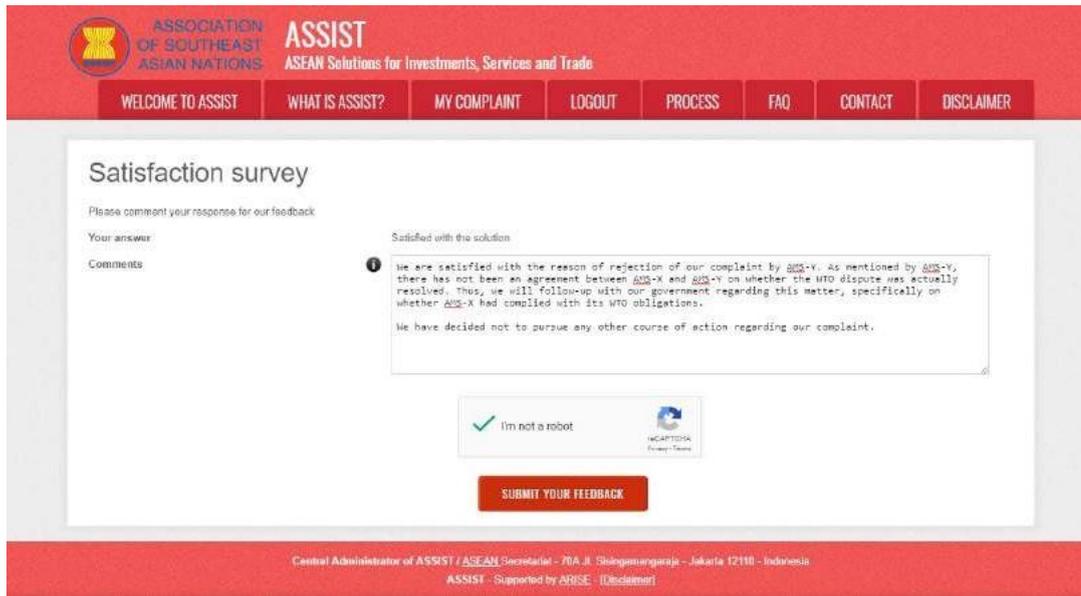
Segera setelah Anda memilih 'Ya/Tidak' pada Langkah 10 (c) di atas, Anda akan diarahkan ke halaman di bawah ini di mana Anda akan diminta untuk menjawab Survei Kepuasan dan diundang untuk memberikan komentar, terutama jika Anda tidak setuju dengan tanggapan atau solusi yang diusulkan.



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

- Header: ASSIST - ASEAN Solutions for Investments, Services and Trade
- Navigation: WELCOME TO ASSIST, WHAT IS ASSIST?, MY COMPLAINT, LOGOUT, PROCESS, FAQ, CONTACT, DISCLAIMER
- Form Title: Satisfaction survey
- Text: Please comment your response for our feedback
- Form Fields: Your answer, Comments
- Text: Satisfied with the solution
- Form Field: A large text area for comments.
- Form Field: A checkbox labeled "I'm not a robot" with a CAPTCHA logo.
- Form Field: A red button labeled "SUBMIT YOUR FEEDBACK".
- Footer: Central Administrator of ASSIST / ASEAN Secretariat - J0A Jl. Cikini, Jakarta 12110 - Indonesia. ASSIST - Supported by APSE. [Disclaimer]

- (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.



ASSIST
ASEAN Solutions for Investments, Services and Trade

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

Satisfaction survey

Please comment your response for our feedback

Your answer: Satisfied with the solution

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

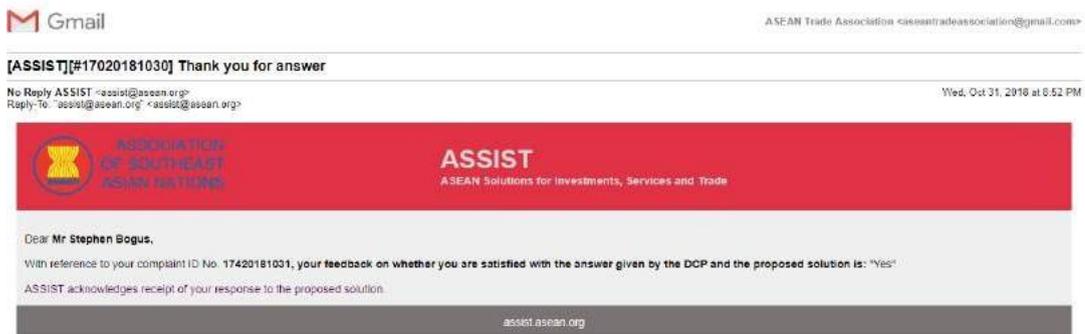
I'm not a robot 

SUBMIT YOUR FEEDBACK

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

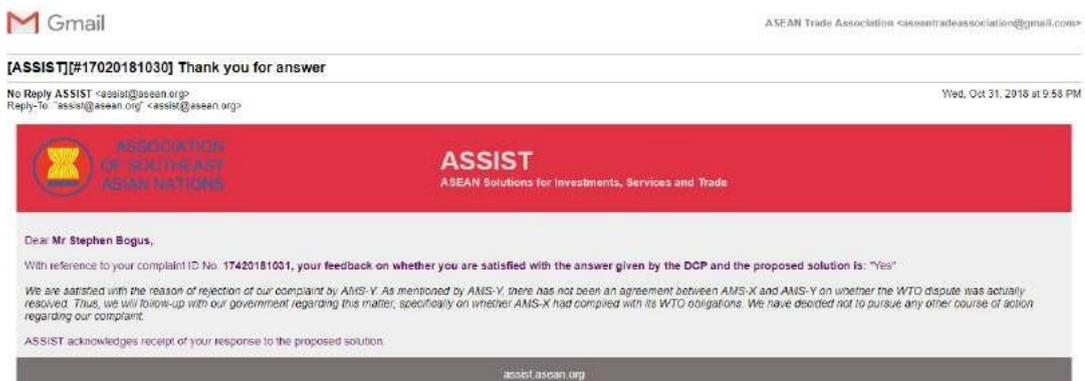
(b) Buka akun email Anda, maka Anda akan menerima satu atau dua (jika Anda telah mengisi-dalam Survei Kepuasan) email baru dari ASSIST, yang menyatakan penerimaan atas tanggapan Anda terhadap solusi yang diusulkan oleh AMS-Y. Salinan tanggapan Anda juga akan dikirim ke DCP dan HCP.

Email Pernyataan Penerimaan Pertama dari ASSIST



Email Pernyataan Penerimaan Kedua dari ASSIST

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



- (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.



ASSIST
ASEAN Solutions for Investments, Services and Trade

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

Tracking ID #17420181031 / AMS-Y

ASSIST Solution

The complainant's case is the same that AMS-X had brought against AMS-Y under the WTO dispute settlement mechanism. In fact, on 29 September 2008, AMS-X had requested the establishment of a panel to resolve a dispute that challenged exactly the same customs valuation regime of AMS-Y as it applied to imported cigarettes. At its meeting on 17 November 2009, the WTO Dispute Settlement Body (DSB) had established a panel, which circulated its report to the Members on 15 November 2010. On 22 February 2011, AMS-Y notified the DSB of its decision to appeal to the Appellate Body certain issues of law and legal interpretation covered in the panel report. On 17 June 2011, the Appellate Body report was circulated to Members and, at its meeting on 15 July 2011, the DSB adopted the Appellate Body report and the panel report, as modified by the Appellate Body report. On 11 August 2011, AMS-Y informed the DSB that it intended to implement the DSB's recommendations and rulings of the DSB in line with its WTO obligations and that it would need a reasonable period of time to do so. On 23 September 2011, AMS-X and AMS-Y informed the DSB that they had mutually agreed on the reasonable period of time for AMS-Y to comply with the recommendations and rulings of the DSB. At a DSB meeting on 28 January 2013, AMS-Y reported that it had completed the final outstanding steps in its implementation process. However, AMS-X did not agree that AMS-Y had fully implemented the DSB's recommendations and rulings. At the DSB meeting of 27 February 2013, AMS-X expressed concern that it had not been informed of any progress toward resolving the remaining WTO-inconsistencies and added that it would take appropriate steps shortly. At the DSB meeting on 18 June 2014, AMS-Y reported that it did not have to take any further action to implement the DSB's recommendations and rulings. AMS-X disagreed and was of the view that AMS-Y had failed to comply. Although there has not been an agreement between AMS-X and AMS-Y on whether the WTO dispute was actually resolved, the complaint lodged through ASSIST is one that AMS-Y rightfully considers as already addressed within the WTO framework, including in light of the ASEAN obligations that the complainant had referred to in its ASSIST complaint. Thus, AMS-Y rejects this complaint under ASSIST.

Attachment:

History			
Date	Action	Action By	Comments
31/10/2016 16:06:17	Rejected	Central Administrator of ASSIST	The complainant's case is the same that AMS-X had brought against AMS-Y under the WTO dispute settlement mechanism. In fact, on 29 September 2008, AMS-X had requested the establishment of a panel to resolve a dispute that challenged exactly the same customs valuation regime of AMS-Y as it applied to. 
31/10/2018 12:02:33	Accepted	Central Administrator of ASSIST	Dear Mr Stephen Bogus: Thank you for lodging your complaint under ASSIST. The Central Administrator has reviewed and verified your complaint and finds that it is complete. You have submitted your trade association's registration document which proves that you are an entity registered. 
31/10/2018 11:57:14	Email Confirmed	ASEAN-based Enterprise	Email Confirmed
31/10/2018 11:55:41	New	ASEAN-based Enterprise	

ASEAN ENTERPRISE

ASEAN Enterprise Name	ASEAN Tobacco Trade Association		
Company Size		Address	Barbecue Road No. 78 City A Country X
Phone	+12 995903901	City	City A
Website	www.aseantobacco.com	ZIP Code	90210
		Country	AMS-X

CONTACT PERSON

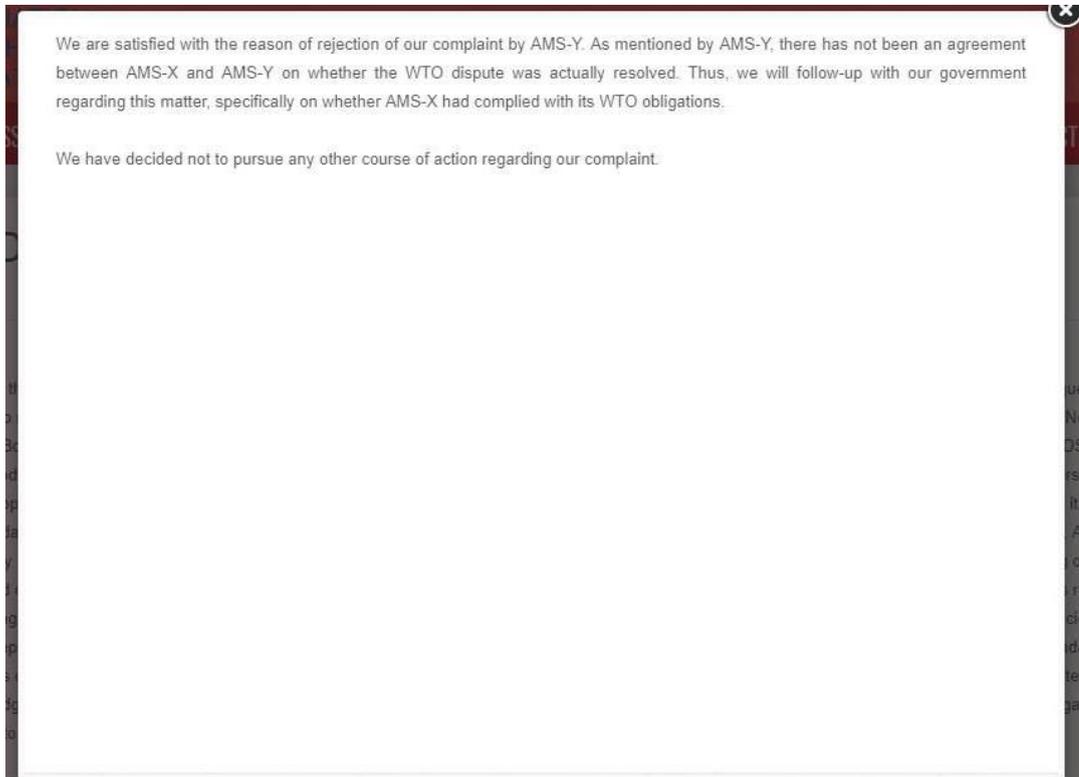
First Name	Stephen	Address	Barbecue Road No. 78 City A Country X
Last Name	Bogus	City	City A
Phone	+12 995903901	ZIP Code	90210
Position	Chairman	Country	AMS-X
Email	aseantradesassociation@gmail.com (Confirmed)		

COMPLAINT DESCRIPTION

Country of Legal Registration	AMS-X	Business Sector	Goods
Registration Number	131313	Type of Problem Encountered	Goods / Decreased Customs valuations
Company Registration Proof	Annex 1-Simulated Entity Registration of ASEAN Tobacco Trade Association16.pdf		
Type of Business	Retailer	Destination Country	AMS-Y
Description	<p>We are a tobacco trade association which represent a registered tobacco company in AMS-X. We would like to file an ASSIST complaint against AMS-Y concerning a number of AMS-Y's fiscal and customs measures affecting cigarettes exported from AMS-X to AMS-Y. Such measures include AMS-Y's customs valuation practices, excise tax, health tax, VAT regime, retail licensing requirements and import guarantees imposed upon cigarette importers. AMS-Y administers these measures in a partial and unreasonable manner and thereby violates Article 57 of the ASEAN Trade in Goods Agreement (ATIGA), which incorporates into ASEAN, mutatis mutandis, the World Trade Organization (WTO) Agreement on Customs Valuation. AMS-Y does not use transaction value as the primary basis for customs valuation as required and fails to conform to the sequence of valuation methods mandated by the Article 57 of the ATIGA, rather it uses a valuation method with no basis in the Agreement. In addition, AMS-Y's dual license scheme, which requires that tobacco and/or cigarette retailers hold separate licenses to sell domestic and imported cigarettes, is inconsistent with Article 6 of the ATIGA, incorporating Article III of the GATT 1994, because it provides less favourable treatment for imported products than for like domestic products.</p>		
Attachment	Annex 2-Simulated Fiscal Customs Measures Dual License Scheme of AMS-Y21.pdf		

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ASSIST - Supported by ABISE - (Disclaimer)

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



Dalam hal solusi melalui ASSIST tidak ditemukan atau jika DCP menemukan dasar yang cukup bahwa RA-nya 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 dipertanyakan, 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

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 mendiskriminasi 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 mendiskriminasi minyak kelapa sawit secara keseluruhan dan tidak diterapkan pada produk 'sejenis' lainnya yang diproduksi atau dijual di Negara Tujuan (yaitu, produk makanan yang mengandung lemak jenuh yang berasal dari kedelai, bunga matahari, *rapeseed*, jagung, kacang atau lemak hewani)..

Daftar Para Aktor dan Singkatan:

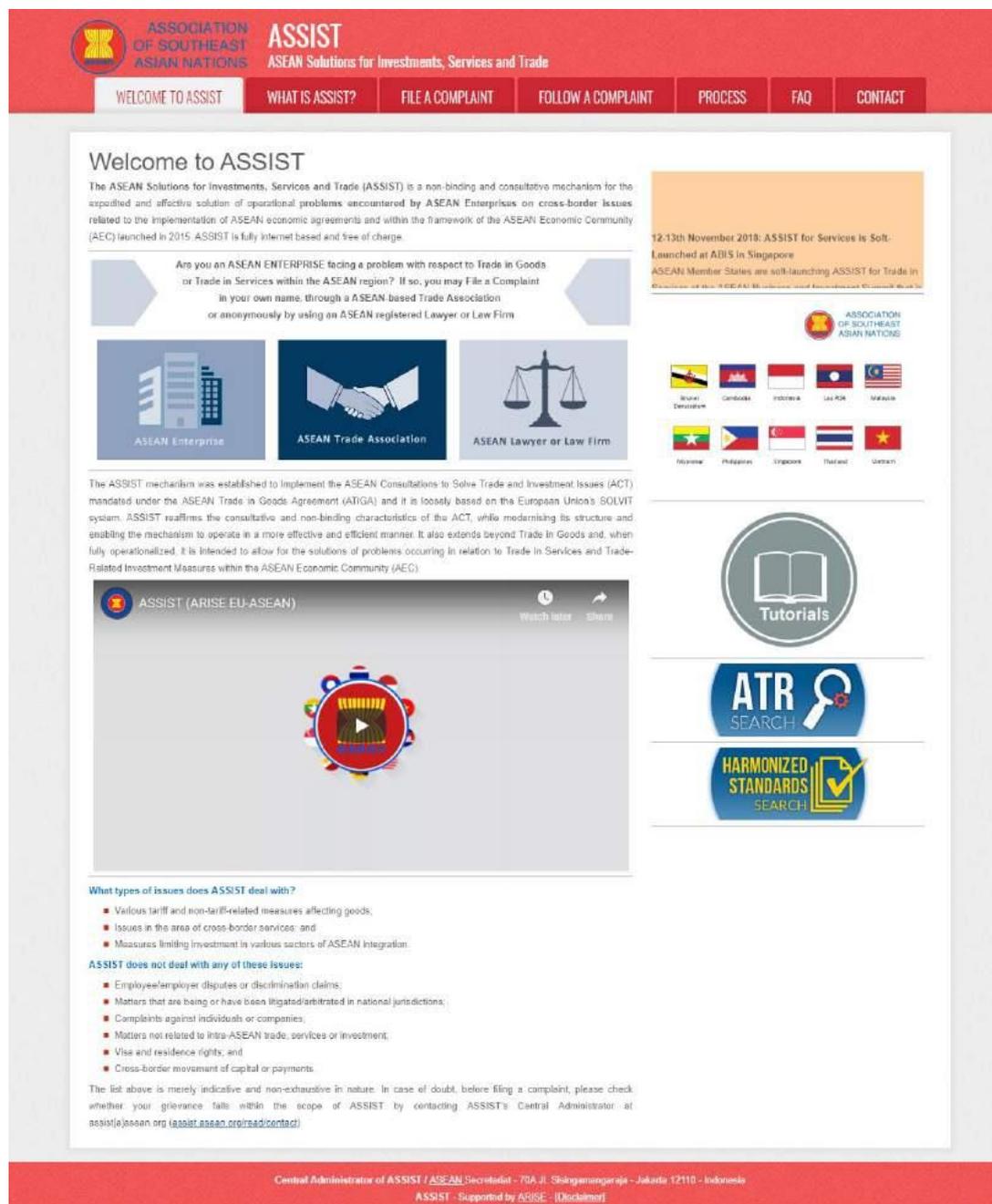
- Pemohon pengaduan (*Complainant*) = Pengacara atau Firma Hukum ASEAN
- Sekretariat ASEAN (*ASEAN Secretariat*) = Pengelola Sistem ASSIST (*Central Administrator of ASSIST (CA)*)
- Negara Asal (*Home Country*) = Titik Kontak Asal (*Home Contact Point (HCP)*) di Negara Anggota ASEAN-X (*ASEAN Member 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)*

Langkah
1

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

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

Di bawah ini adalah laman (*homepage*) ASSIST.



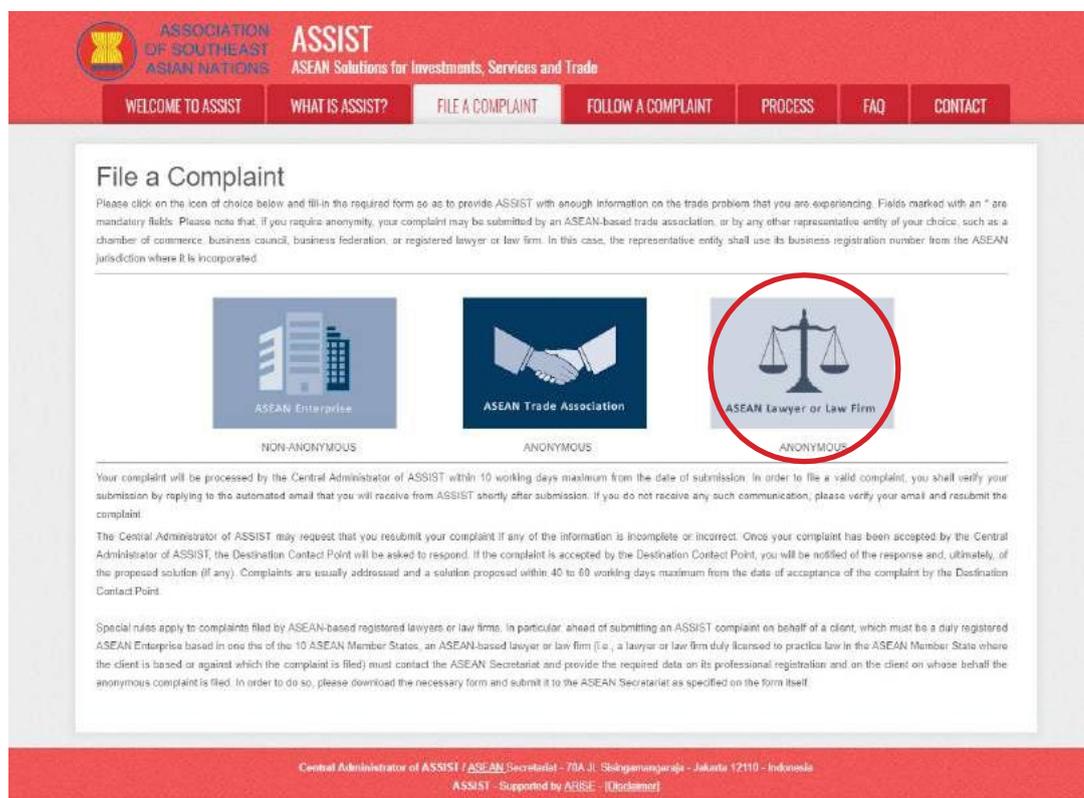
The screenshot shows the ASSIST website homepage. At the top, there is a navigation menu with the following items: WELCOME TO ASSIST, WHAT IS ASSIST?, FILE A COMPLAINT, FOLLOW A COMPLAINT, PROCESS, FAQ, and CONTACT. The main content area features a 'Welcome to ASSIST' section with a brief description of the service. Below this, there is a central question: 'Are you an ASEAN ENTERPRISE facing a problem with respect to Trade in Goods or Trade in Services within the ASEAN region? If so, you may File a Complaint in your own name, through a ASEAN based Trade Association or anonymously by using an ASEAN registered Lawyer or Law Firm.' This is accompanied by three icons: ASEAN Enterprise, ASEAN Trade Association, and ASEAN Lawyer or Law Firm. To the right, there is a news item dated 12-13th November 2018 regarding the launch of ASSIST for Services. Below the news, there are logos for various ASEAN member states: Brunei Darussalam, Cambodia, Indonesia, Lao PDR, Malaysia, Myanmar, Philippines, Singapore, Thailand, and Vietnam. Further down, there are sections for 'Tutorials', 'ATR SEARCH', and 'HARMONIZED STANDARDS SEARCH'. At the bottom, there is a list of issues ASSIST deals with and does not deal with, followed by contact information for the Central Administrator.

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

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').



File a Complaint

Please click on the icon of choice below and fill in the required form so as to provide ASSIST with enough information on the trade problem that you are experiencing. Fields marked with an * are mandatory fields. Please note that, if you require anonymity, your complaint may be submitted by an ASEAN-based trade association, or by any other representative entity of your choice, such as a chamber of commerce, business council, business federation, or registered lawyer or law firm. In this case, the representative entity shall use its business registration number from the ASEAN jurisdiction where it is incorporated.

 ASEAN Enterprise NON-ANONYMOUS	 ASEAN Trade Association ANONYMOUS	 ASEAN Lawyer or Law Firm ANONYMOUS
---	--	---

Your complaint will be processed by the Central Administrator of ASSIST within 10 working days maximum from the date of submission. In order to file a valid complaint, you shall verify your submission by replying to the automated email that you will receive from ASSIST shortly after submission. If you do not receive any such communication, please verify your email and resubmit the complaint.

The Central Administrator of ASSIST may request that you resubmit your complaint if any of the information is incomplete or incorrect. Once your complaint has been accepted by the Central Administrator of ASSIST, the Destination Contact Point will be asked to respond. If the complaint is accepted by the Destination Contact Point, you will be notified of the response and, ultimately, of the proposed solution (if any). Complaints are usually addressed and a solution proposed within 40 to 60 working days maximum from the date of acceptance of the complaint by the Destination Contact Point.

Special rules apply to complaints filed by ASEAN-based registered lawyers or law firms. In particular, ahead of submitting an ASSIST complaint on behalf of a client, which must be a duly registered ASEAN Enterprise based in one of the 10 ASEAN Member States, an ASEAN-based lawyer or law firm (i.e., a lawyer or law firm duly licensed to practice law in the ASEAN Member State where the client is based or against which the complaint is filed) must contact the ASEAN Secretariat and provide the required data on its professional registration and on the client on whose behalf the anonymous complaint is filed. In order to do so, please download the necessary form and submit it to the ASEAN Secretariat as specified on the form itself.

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

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



ASSOCIATION
OF SOUTHEAST
ASIAN NATIONS

ASSIST

ASEAN Solutions for Investments, Services and Trade

WELCOME TO ASSIST

WHAT IS ASSIST?

FILE A COMPLAINT

FOLLOW A COMPLAINT

PROCESS

FAQ

CONTACT

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



ASEAN Lawyer or Law Firm

ASEAN registered lawyers or law firms may file an anonymous case on behalf of one of their clients (i.e. the ASEAN Enterprise having the trade problem). In such cases, the lawyer or law firm, duly licensed to practice law in the ASEAN Member State where the client is based or against which the complaint is filed, must first contact the ASEAN Secretariat and provide the required data on its professional registration and on the client on whose behalf the anonymous complaint is being filed.

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

Once the ASEAN Secretariat has provided the Confidential Case Code (CCC) by email to the lawyer or law firm, the actual complaint can be filed. To do so, please fill in the form below so as to provide ASSIST with enough information on the trade problem experienced by the ASEAN Enterprise being represented. Fields marked with an * are mandatory fields. If no law firm exists, individual lawyers can insert their personal details twice (i.e. in the fields for Law Firm and Lawyer).

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

LAW FIRM

* Law Firm Name

* Phone

Website

* Address

300 characters remaining (300 maximum)

* City ZIP Code

* Country

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

LAWYER

* Gender Mr Mrs Ms

* First Name * Last Name

* Phone

* Position

* Email

Address

300 characters remaining (300 maximum)

City ZIP Code

ASEAN Jurisdiction(s) where Admitted to Practice Law

COMPLAINT DESCRIPTION

* Confidential Case Code

* Country of Legal Registration

* Legal Registration Number

* Registration Proof No file chosen

* Type of Business

* Business Sector

- Services Sector Description

* Type of Problem Encountered

* Destination Country

* Description

5000 characters remaining (5000 maximum)

Attachment No file chosen

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

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

I'm not a robot 

Central Administrator of ASSIST / ASEAN Secretariat - JBA Jl. Sudirmanegara - Jakarta 12110 - Indonesia
ASSIST - Supported by ARISE - [Disclaimer](#)

(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 terunduh di komputer Anda.

LANGKAH
3

MENGUNDUH FORMULIR PENGADUAN 'ANONIM' DARI HALAMAN PENGADUAN YANG AKAN DIAJUKAN OLEH PENGACARA ATAU FIRMA HUKUM TERDAFTAR ASEAN ('COMPLAINT TO BE FILED BY AN ASEAN LAWYER OR LAW FIRM')

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

Special rules apply to complaints filed by ASEAN-based registered lawyers or law firms. In particular, ahead of submitting an ASSIST complaint on behalf of a client, which must be a duly registered ASEAN enterprise based in one the of the 10 ASEAN Member States, an ASEAN-based lawyer or law firm (i.e., a lawyer or law firm duly licensed to practice law in the ASEAN Member State where the client is based or against which the complaint is filed) must contact the ASEAN Secretariat and provide the required data on its professional registration and on the client on whose behalf the anonymous complaint is filed. assist@asean.org

LAWYER

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

LAW FIRM

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

PROFESSIONAL LICENCE

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

DETAILS OF ASEAN ENTERPRISE

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

Isilah formulir di atas dan kirimkan melalui email ke Sekretariat ASEAN di assist@asean.org, 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.

LANGKAH
4

MENGISI FORMULIR PENGADUAN ANONIM ('ANONYMOUS')

Isilah formulir yang telah diunduh. Berikut adalah contoh formulir dari studi kasus khusus ini yang telah diisi.

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

Special rules apply to complaints filed by ASEAN-based registered lawyers or law firms. In particular, ahead of submitting an ASSIST complaint on behalf of a client, which must be a duly registered ASEAN enterprise based in one of the 10 ASEAN Member States, an ASEAN-based lawyer or law firm (i.e., a lawyer or law firm duly licensed to practice law in the ASEAN Member State where the client is based or against which the complaint is filed) must contact the ASEAN Secretariat and provide the required data on its professional registration and on the client on whose behalf the anonymous complaint is filed. assist@asean.org

LAWYER

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

LAW FIRM

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

PROFESSIONAL LICENCE

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

Professional Licence is attached as Annex 0.

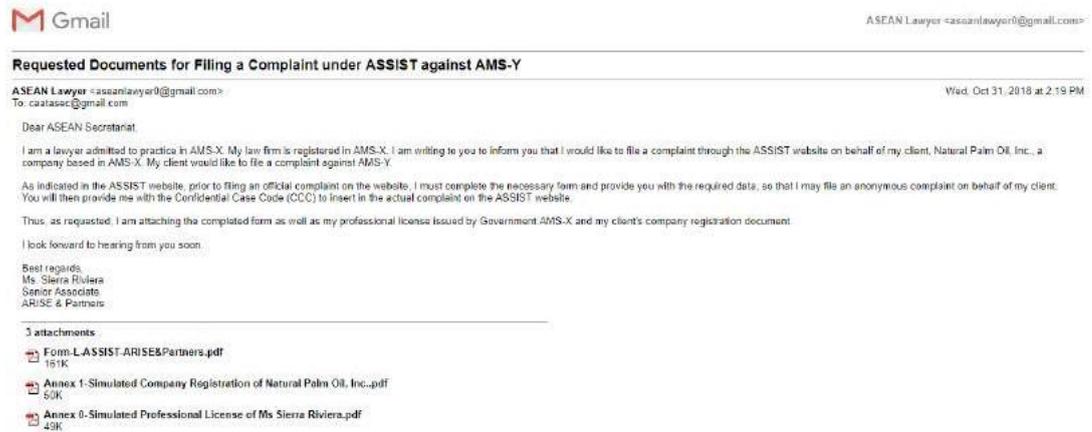
DETAILS OF ASEAN ENTERPRISE

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

LANGKAH
5

MENGIRIM FORMULIR YANG TELAH DIISI KEPADA PENGELOLA SISTEM (CA)/SEKRETARIAT ASEAN ASSIST MELALUI EMAIL

Seperti ditentukan dalam formulir, kirimkan formulir yang telah diisi ke Sekretariat ASEAN/ Pengelola Sistem (CA) ASSIST di assist@asean.org, bersama dengan dokumen-dokumen lain yang diperlukan sebagaimana ditunjukkan pada Langkah 3 di atas. Di bawah ini adalah contoh email yang dikirim dari Pengacara ASEAN ke Sekretariat ASEAN untuk studi kasus khusus ini.



LANGKAH
6

AKUN EMAIL ANDA MENERIMA TANGGAPAN DARI SEKRETARIAT ASEAN ATAU PENGELOLA SISTEM (CA)

(a) Sekretariat ASEAN atau CA akan membalas email Anda untuk memberitahukan kepada Anda apakah dokumen yang Anda kirimkan memenuhi persyaratan dan lengkap atau tidak. Dalam contoh di bawah ini, Pengacara ASEAN telah menyerahkan semua dokumen yang diperlukan.

Sekretariat ASEAN atau CA juga akan memberi Anda Kode Kasus Rahasia (*Confidential Case Code* (CCC)) untuk dimasukkan dalam formulir pengaduan yang sebenarnya, di situs web ASSIST.



- (b) Segera setelah Sekretariat ASEAN memberi Anda Kode Kasus Rahasia (CCC) dan memberi tahu Anda bahwa Anda dapat memproses pengaduan yang sebenarnya, bukalah kembali halaman web ASSIST dan pilih Tab Ajukan Pengaduan 'File a Complaint' (Pengacara ASEAN atau Firma Hukum). Formulir pengaduan kosong pada Langkah 2 (b) akan tampil lagi. Dalam hal ini, CCC Anda adalah **ASSIST-X-001-2018**.

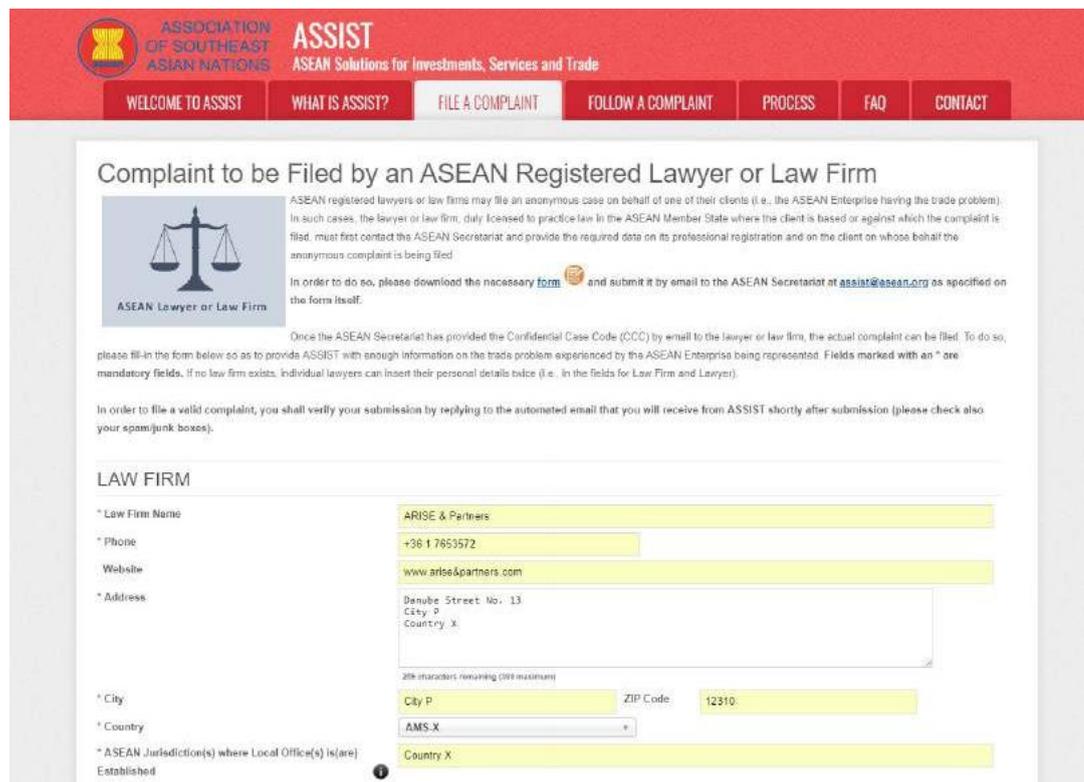
LANGKAH
7

MENGENAL FORMULIR PENGADUAN YANG AKAN DIAJUKAN OLEH PENGACARA ATAU FIRMA HUKUM TERDAFTAR ASEAN

Isi formulir kosong pada Langkah 2 (b) untuk memberikan ASSIST informasi yang cukup tentang masalah perdagangan yang dialami klien Anda. Kolom yang ditandai dengan tanda bintang (*) wajib diisi. Jika Anda tidak yakin tentang apa yang harus diisi dalam suatu kolom, maka tersedia tombol ⓘ untuk instruksi ⓘ terperinci tentang apa yang harus diisi di setiap kolom. Silakan klik tombol ⓘ untuk memastikan bahwa Anda mengisi informasi dalam formulir dengan benar. Jika tidak adalah firma hukum, maka masing-masing pengacara dapat memasukkan rincian pribadi mereka dua kali (mis., di bidang Firma Hukum dan Pengacara).

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.

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



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

ASEAN registered lawyers or law firms may file an anonymous case on behalf of one of their clients (i.e., the ASEAN Enterprise having the trade problem). In such cases, the lawyer or law firm, duly licensed to practice law in the ASEAN Member State where the client is based or against which the complaint is filed, must first contact the ASEAN Secretariat and provide the required data on its professional registration and on the client on whose behalf the anonymous complaint is being filed.

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

Once the ASEAN Secretariat has provided the Confidential Case Code (CCC) by email to the lawyer or law firm, the actual complaint can be filed. To do so, please fill in the form below so as to provide ASSIST with enough information on the trade problem experienced by the ASEAN Enterprise being represented. Fields marked with an * are mandatory fields. If no law firm exists, individual lawyers can insert their personal details twice (i.e., in the fields for Law Firm and Lawyers).

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

LAW FIRM

* Law Firm Name: ARISE & Partners

* Phone: +36 1 7853572

Website: www.arise&partners.com

* Address: Danube Street No. 13
City P
Country X

258 characters remaining (500 maximum)

* City: City P ZIP Code: 12310

* Country: AMS-X

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

LAWYER

* Gender: Mr Mrs Ms

* First Name: * Last Name:

* Phone:

* Position:

* Email:

* Address:
City: Country:

250 characters remaining (250 maximum)

City: ZIP Code:

ASEAN Jurisdiction(s) where Admitted to Practice Law:

COMPLAINT DESCRIPTION

* Confidential Case Code:

* Country of Legal Registration:

* Legal Registration Number:

* Registration Proof:

* Type of Business:

* Business Sector:

* Services Sector Description:

* Type of Problem Encountered:

* Destination Country:

* Description:

3000 characters remaining (3000 maximum)

Attachment:

I have read and accept the ASSIST rules.

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

I'm not a robot 

Central Administrator of ASSIST / ASEAN Secretariat - 78A-J, Sisingamangaraja - Jakarta 12110 - Indonesia
ASSIST - Supported by AEOSE - [\[Click here\]](#)

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.

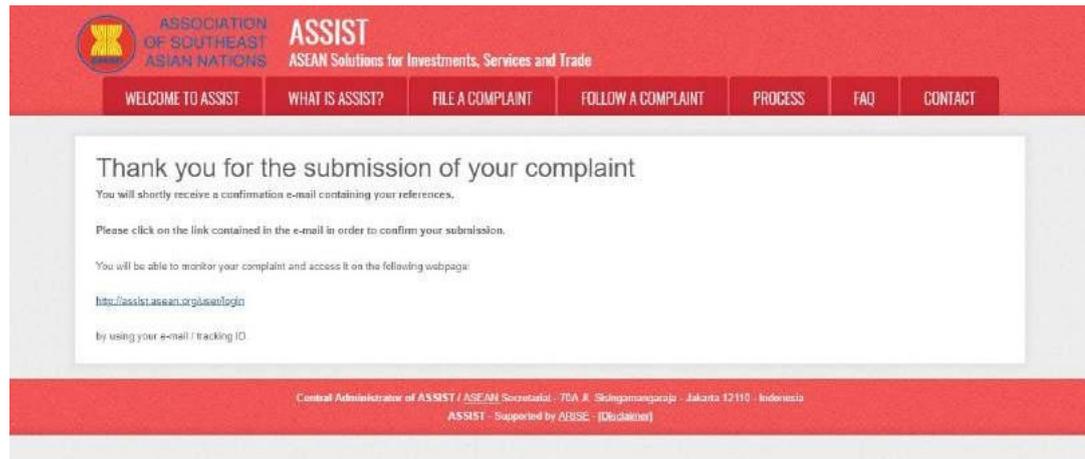
Kami berpandangan bahwa langkah AMS-Y secara tegas menargetkan minyak sawit dan bukan hanya komponen lemak jenuh dari minyak sawit dan produk-produk yang mengandung minyak sawit, sehingga mendiskriminasi minyak sawit dan menjadikan produk sebagai keseluruhan, alih-alih hanya mengurangi konsumsi berlebihan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

Ketika pengaduan sudah diajukan dengan meng-klik tab Kirimkan Pengaduan Anda ('*Submit Your Complaint*'), maka halaman Langkah 8 berikut akan tampil:

LANGKAH
8

MENERIMA PEMBERITAHUAN DARI ASSIST



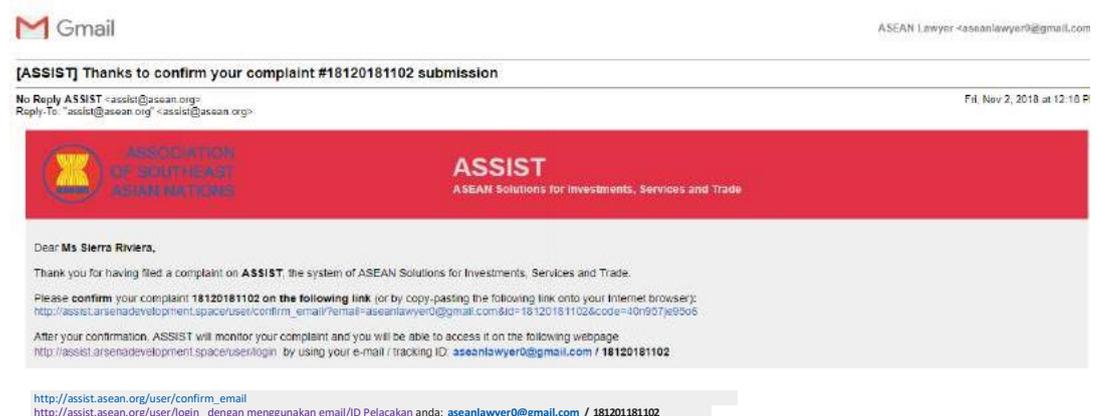
Pemberitahuan di atas menunjukkan bahwa Anda harus meng-klik tautan yang diberikan di akun email Anda untuk mengonfirmasi pengaduan Anda dengan ASSIST.

LANGKAH
9

MENKONFIRMASI PENGADUAN ANDA DARI AKUN EMAIL ANDA

- (a) Buka akun email yang Anda berikan di 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 penjelajah (*browser*) Internet. Ini juga diperlukan oleh ASSIST untuk mengonfirmasi bahwa alamat email yang Anda berikan sah. Nomor pengaduan Anda juga tersedia dalam email ini. Dalam hal ini, nomor pengaduan Anda adalah **18120181102**.

Berikut adalah email yang akan Anda terima dari ASSIST.



Enter your email address below to receive your complaint and you will be able to track the progress of your complaint.

<http://assist.aseandevelopment.spaceuser/login> by using your e-mail / tracking ID : aseanlawyer0@gmail.com / 16120161102

ASEAN Enterprise / Trade Association / Law Firm : ARISE & Partners (type Law)
Company size
Phone : +66 1 7653572
Website : www.ariseapartners.com
Address : Danube Street No. 13 City P Country X
City : City P / Zip Code : 12310
Country : **AMS-X**
ASEAN Jurisdiction(s) where Local Office(s) is(are) Established : Country X

Contact person : Ms. Sierra Riviera
Phone : +36 7676157686
Position : Senior Associate
Email : aseanlawyer0@gmail.com
Address : Danube Street No. 13 City P Country X
City : City P / Zip Code : 12310
Country : AMS-X

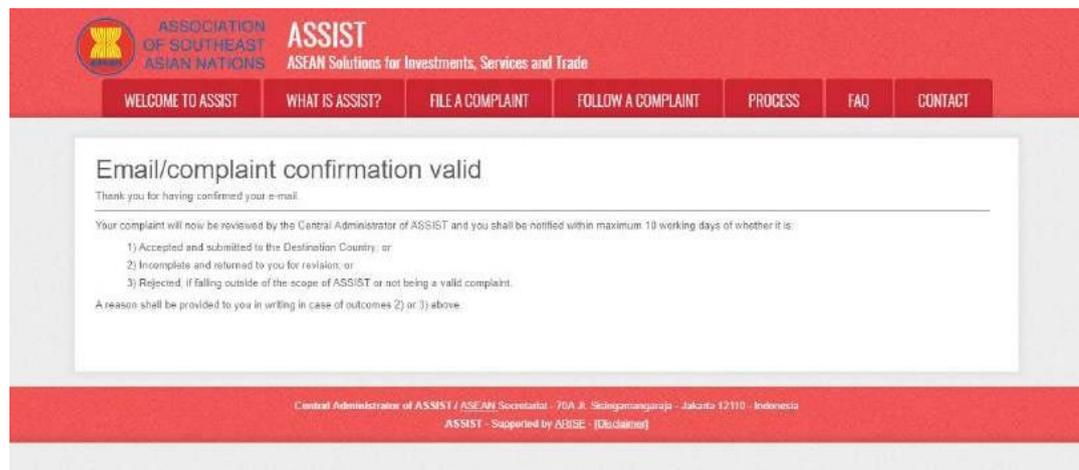
Confidential case code (for law firm or lawyer only): ASSIST-X-001-2018
Country of Legal Registration : AMS-X
Legal Registration Number : 137911
Type of Business : Export/Import
Business Sector : Goods /
Type of problem encountered : Internal taxes and charges levied on imports
Destination Country :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

Description:
We are a registered law firm in AMS-X filing a complaint under ASSIST on behalf of our client, a duly registered palm oil company in AMS-X. The complaint is in relation to the new excise duty imposed by AMS-Y (the Destination Contact Point or DCP) on palm oil and food products containing palm oil under its Ministry of Health's Food Regulation Chapter 1000, Section 100 of 2015. The measure adopted by AMS-Y introduced taxes on foods high in sugar and saturated fat as part of a strategy for addressing the rising problem of obesity in AMS-Y. We are of the view that AMS-Y's measure expressly targeted palm oil and not just the saturated fat component of palm oil and of products containing palm oil, thereby discriminating against palm oil and demonizing the product as a whole instead of just discouraging excessive consumption of products containing saturated fats, independently of the vegetable or animal origin of the fats. Thus, we find the measure adopted and applied by AMS-Y is contrary to Article 6 of the ATIGA (on National Treatment on Internal Taxation and Regulation), in as much as it discriminates against palm oil as a whole and is not applied to other "like" products manufactured or sold in AMS-Y (i.e., food products containing saturated fats deriving from soy, sunflower, rapeseed, corn, peanut or animal fat).

Thanking you, ASSIST is at your service.

assist.asean.org

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



The screenshot shows the ASSIST website header with the logo and navigation menu. The main content area displays the following text:

Email/complaint confirmation valid

Thank you for having confirmed your e-mail.

Your complaint will now be reviewed by the Central Administrator of ASSIST and you shall be notified within maximum 10 working days of whether it is:

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

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

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

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:

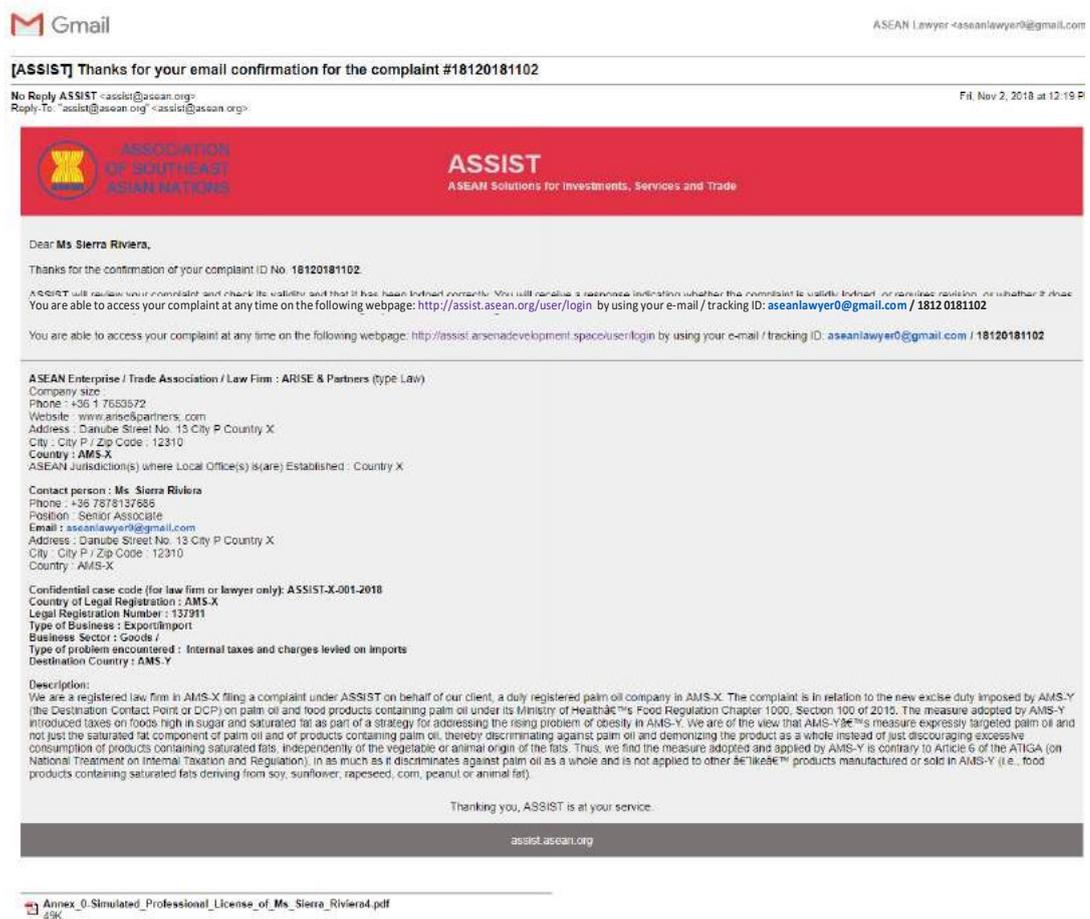
- 1) Diterima dan diserahkan ke Negara Tujuan; atau
- 2) Tidak lengkap dan dikembalikan untuk direvisi; atau
- 3) Dinyatakan tidak lengkap dan dikembalikan kepada Anda untuk revisi; atau

Buka akun email Anda.

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.

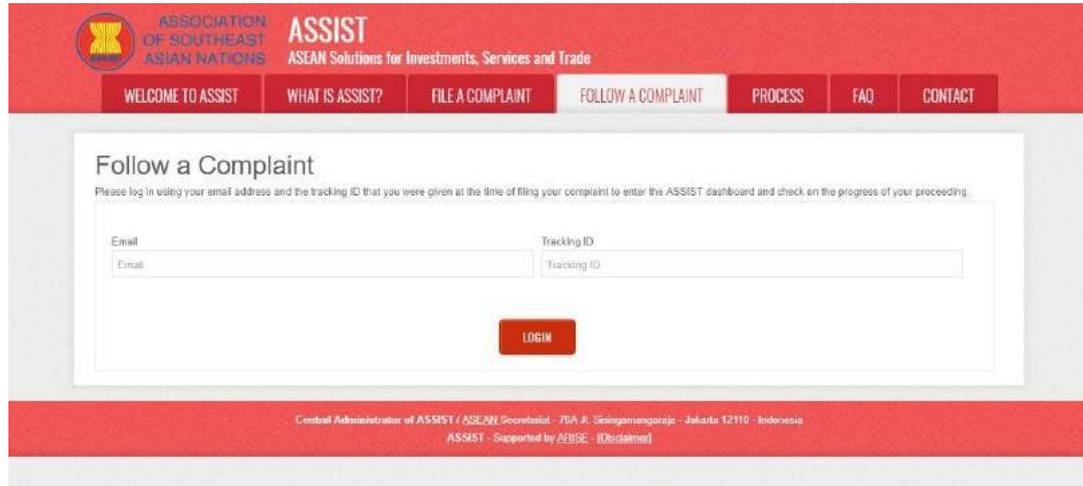


Seperti ditunjukkan dalam email di atas, sekarang Anda dapat memantau perkembangannya dengan mengklik tautan yang ditunjukkan yang akan diarahkan ke tab Ikuti Pengaduan ('Follow a Complaint') pada bar menu di Situs web ASSIST.

LANGKAH
11

MEMANTAU PERKEMBANGAN PENGADUAN ANDA

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



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

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

Follow a Complaint

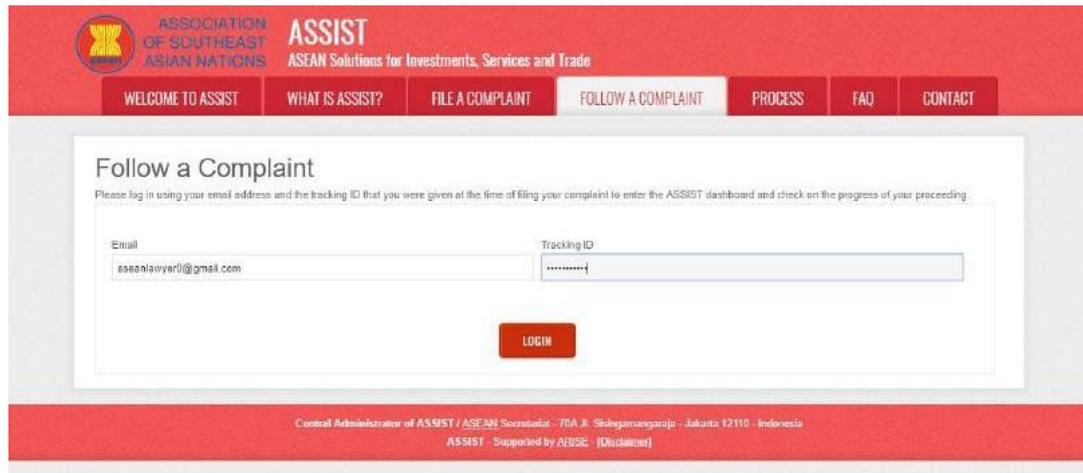
Please log in using your email address and the tracking ID that you were given at the time of filing your complaint to enter the ASSIST dashboard and check on the progress of your proceeding.

Email Tracking ID

LOGIN

Central Administrator of ASSIST / ASEAN Secretariat - 70A Jl. Salengmanggaja - Jakarta 12110 - Indonesia
ASSIST - Supported by ARISE - (Disclaimer)

(b) Masukkan alamat email Anda dan ID pelacakan (nomor pengaduan Anda) di kolom yang diharuskan untuk login. Dalam hal ini, **Alamat Email** adalah aseanlawyer0@gmail.com dan ID pelacakannya (**Tracking ID**) adalah **18120181102**.



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

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

Follow a Complaint

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

Email Tracking ID

LOGIN

Central Administrator of ASSIST / ASEAN Secretariat - 70A Jl. Salengmanggaja - Jakarta 12110 - Indonesia
ASSIST - Supported by ARISE - (Disclaimer)

Segera setelah Anda login, Anda akan melihat dasbor ASSIST di mana Anda dapat memantau perkembangan pengaduan Anda.

(c) Lihat Dasbor ASSIST Anda segera setelah Anda berhasil melakukan login:



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

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

Tracking ID #18120181102 / AMS-Y

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

[WITHDRAW COMPLAINT](#)

ASEAN ENTERPRISE

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

CONTACT PERSON

First Name: Sierra	Address: Danube Street No. 13 City P. Country X
Last Name: Riviera	City: City P
Phone: +36 7878137696	ZIP Code: 12310
Position: Senior Associate	Country: AMS-X
Email: sierrariviera9@gmail.com (Confirmed)	

COMPLAINT DESCRIPTION

Country of Legal Registration: AMS-X	Business Sector: Goods
Registration Number: 137911	Type of Problem: Goods / Internal taxes and charges levied on imports Encountered
Company Registration Proof: Annex D - Simulated Professional License of Ms. Sierra Riviera.pdf	Destination Country: AMS-Y
Type of Business: Export/Import	

Description: We are a registered law firm in AMS-X filing a complaint under ASSIST on behalf of our client, a duly registered palm oil company in AMS-X. The complaint is in relation to the new excise duty imposed by AMS-Y (the Destination Contact Point or DCP) on palm oil and food products containing palm oil under its Ministry of Health's Food Regulation Chapter 1000, Section 100 of 2015. The measure adopted by AMS-Y introduced taxes on foods high in sugar and saturated fat as part of a strategy for addressing the rising problem of obesity in AMS-Y. We are of the view that AMS-Y's measure expressly targeted palm oil and not just the saturated fat component of palm oil and of products containing palm oil, thereby discriminating against palm oil and demonizing the product as a whole instead of just discouraging excessive consumption of products containing saturated fats, independently of the vegetable or animal origin of the fats. Thus, we find the measure adopted and applied by AMS-Y is contrary to Article 6 of the ATIGA (an National Treatment on Internal Taxation and Regulation) in as much as it discriminates against palm oil as a whole and is not applied to other like products manufactured or sold in AMS-Y (i.e. food products containing saturated fats deriving from soy, sunflower, rapeseed, corn, peanut or animal fat).

Attachment:

Central Administration of ASSIST / ASEAN Secretariat - 70A Jl. Sisingamangaraja - Jakarta 12110 - Indonesia
ASSIST - Supported by ARISE - (Disclaimer)

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.

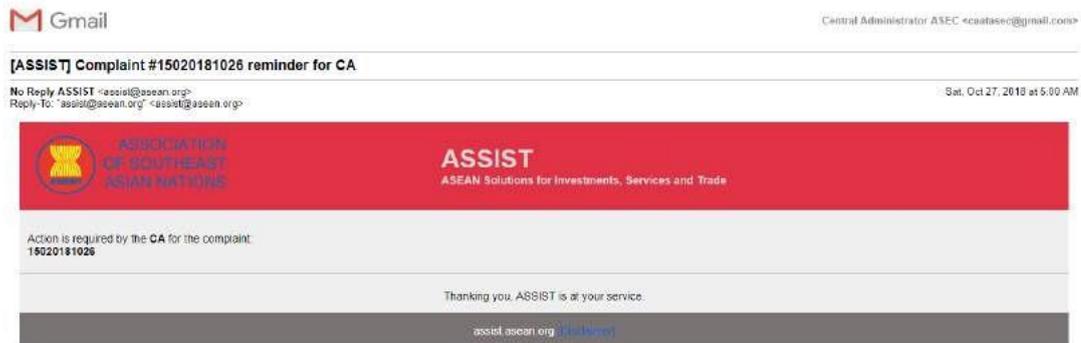
**LANGKAH
12**

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

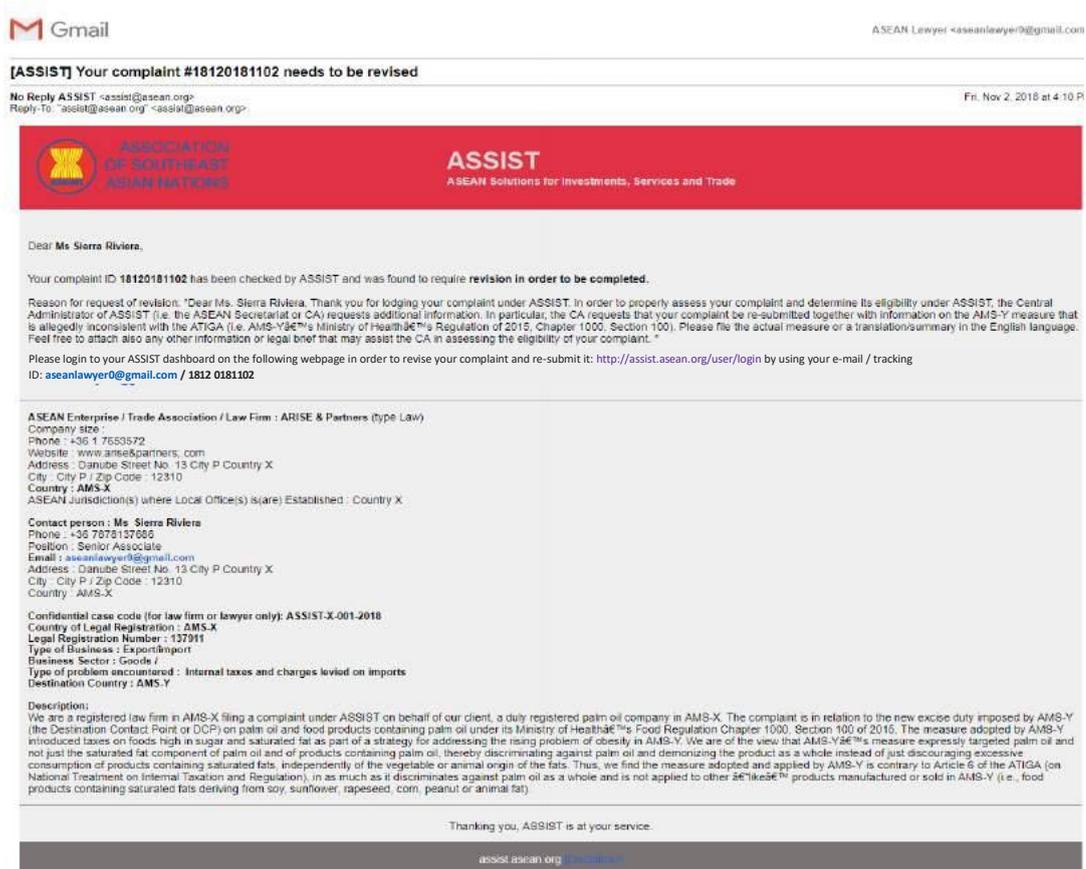
Saat Pengelola Sistem (CA) telah selesai melakukan kaji ulang atas keluhan anda dan memutuskan menerima/kembalikan karena tidak lengkap/tolak, anda akan dikirim email dalam jangka waktu 10 hari kerja sejak anda mengajukan keluhan.

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.

Email Pengingat (Reminder) 1 untuk Pengelola Sistem (CA):



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

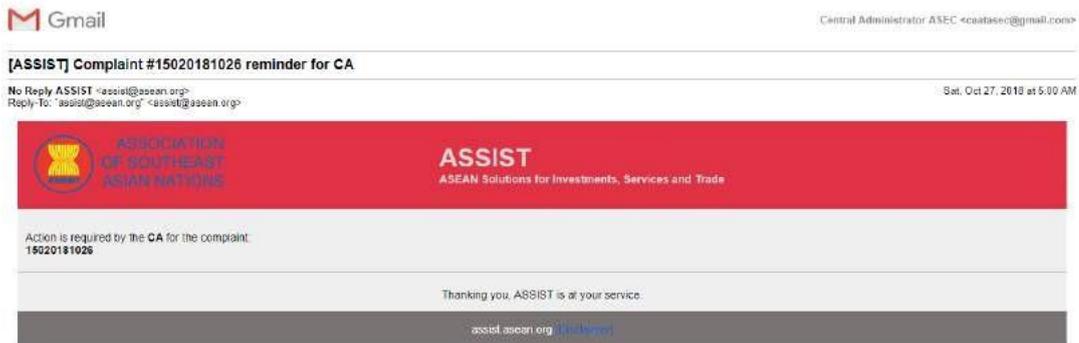


Dalam hal ini, CA memeriksa formulir dan menemukan bahwa formulir tersebut **Tidak lengkap**. CA membutuhkan informasi tambahan dari Anda karena Anda hanya menyerahkan dokumen Lisensi Profesional Anda. Dengan demikian, CA mengirimkan tanggapan email kepada Anda yang meminta Anda untuk mengirimkan kembali 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.

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

Email Pengingat (Reminder) 2 untuk Pengelola Sistem (CA):

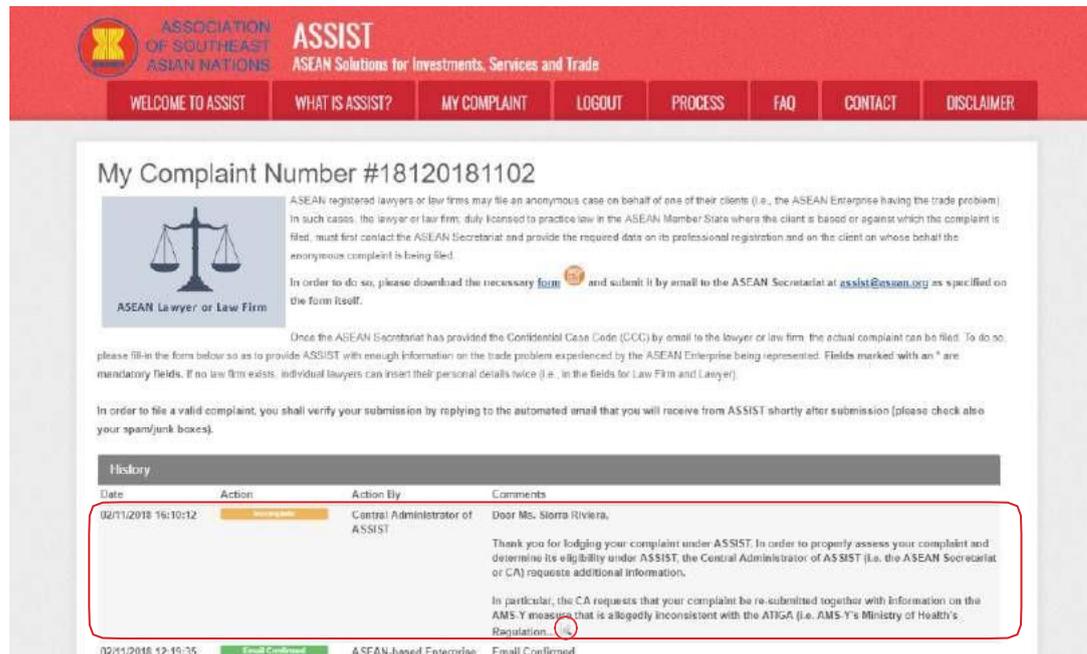


LANGKAH
13

LOGIN KE DASBOR ASSIST ANDA MELALUI EMAIL DAN ID PELACAKAN ANDA UNTUK MELIHAT TANGGAPAN CA SEBENARNYA DAN UNTUK MEREVISI PENGADUAN ANDA YANG 'TIDAK LENGKAP'

- (a) Jika Anda ingin melihat tanggapan CA secara lengkap, maka Anda harus masuk ke dasbor ASSIST Anda melalui email dan ID pelacakan sebagaimana ditunjukkan pada Langkah 11 (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 CA telah menunjukkan bahwa pengaduan Anda "Tidak Lengkap" ('Incomplete').



02/11/2018 12:18:02
ASEAN-based Enterprise

WITHDRAW COMPLAINT

LAW FIRM

* Law Firm Name:

* Phone:

Website:

* Address:

* City: ZIP Code:

* Country:

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

LAWYER

* Gender: Mr. Mrs. Ms.

* First Name: * Last Name:

* Phone:

* Position:

* Email:

Address:

City: ZIP Code:

ASEAN Jurisdiction(s) where Admitted to Practice Law:

COMPLAINT DESCRIPTION

* Confidential Case Code:

* Country of Legal Registration:

* Legal Registration Number:

* Registration Proof:

* Type of Business:

* Business Sector:

* Services Sector Description:

* Type of Problem Encountered:

* Destination Country:

* Description:

Attachment:

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

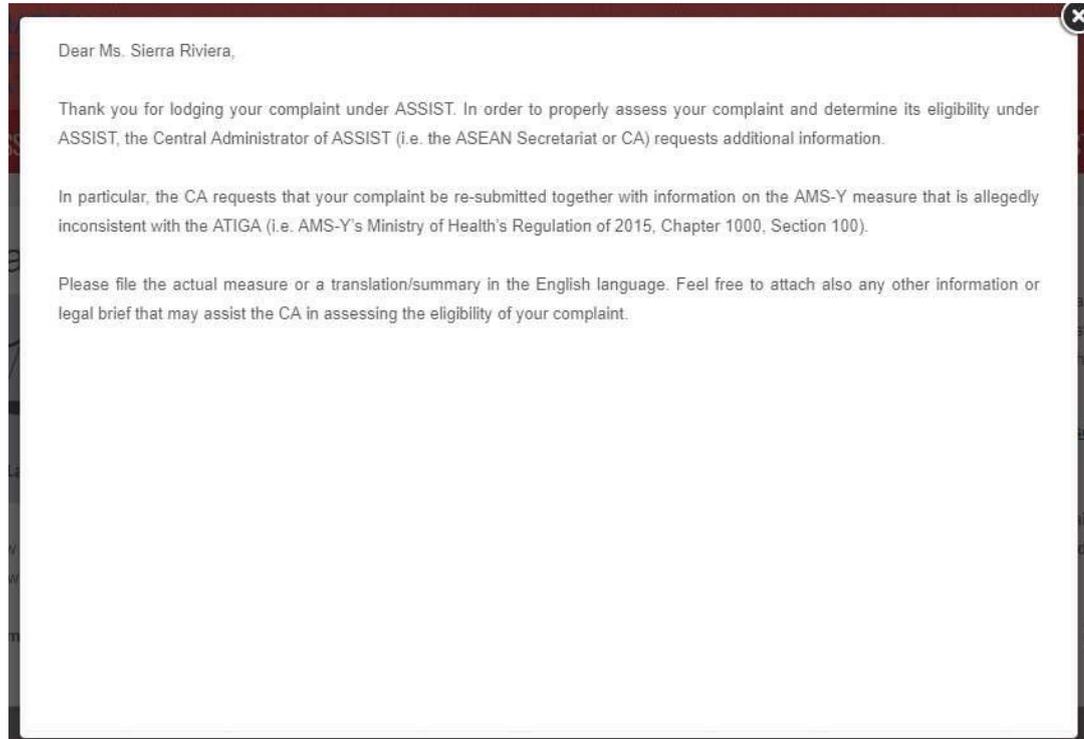
I hereby submit this complaint to the Central Administrator of ASSIST and I accept its transmission to the relevant authorities of the ASEAN Member States involved.



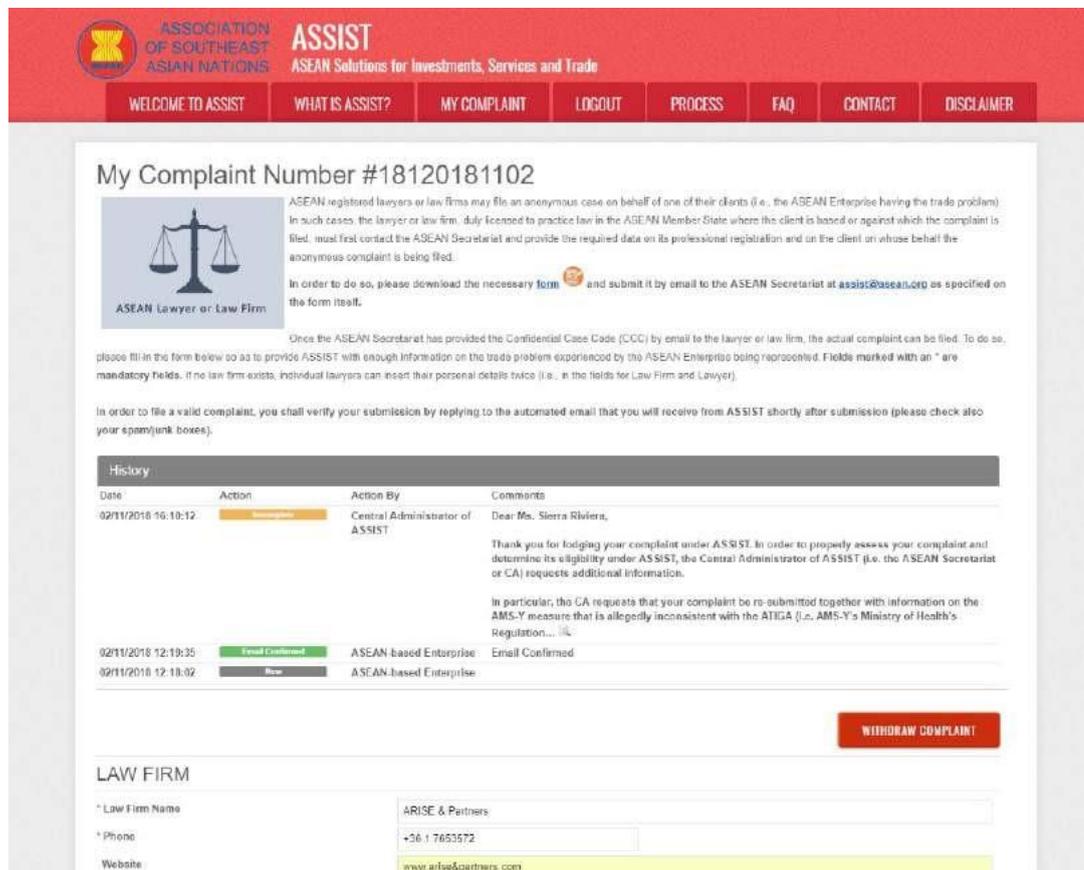
SUBMIT YOUR COMPLAINT

Central Administrator of ASSIST / ASEAN Secretariat - RBA Ji, Szingmangstraja - Jakarta 12110 - Indonesia
 ASSIST - Supported by ASEAN - [Disclaimer]

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



- (c) Lampirkan dokumen tambahan yang diminta oleh CA dan kirimkan kembali pengaduan Anda melalui dasbor Anda, mis. Peraturan AMS-Y atau tindakan yang dipermasalahkan serta ringkasan hukumnya.



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

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

My Complaint Number #18120181102

ASEAN registered lawyers or law firms may file an anonymous case on behalf of one of their clients (i.e., the ASEAN Enterprise having the trade problem). In such cases, the lawyer or law firm, duly licensed to practice law in the ASEAN Member State where the client is based or against which the complaint is filed, must first contact the ASEAN Secretariat and provide the required data on its professional registration and on the client on whose behalf the anonymous complaint is being filed.

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

Once the ASEAN Secretariat has provided the Confidential Case Code (CCC) by email to the lawyer or law firm, the actual complaint can be filed. To do so, please fill in the form below so as to provide ASSIST with enough information on the trade problem experienced by the ASEAN Enterprise being represented. Fields marked with an * are mandatory fields. If no law firm exists, individual lawyers can insert their personal details twice (i.e., in the fields for Law Firm and Lawyer).

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

History			
Date	Action	Action By	Comments
02/11/2018 16:10:12		Central Administrator of ASSIST	Dear Ms. Sierra Riviera, Thank you for lodging your complaint under ASSIST. In order to properly assess your complaint and determine its eligibility under ASSIST, the Central Administrator of ASSIST (i.e. the ASEAN Secretariat or CA) requests additional information. In particular, the CA requests that your complaint be re-submitted together with information on the AMS-Y measure that is allegedly inconsistent with the ATIGA (i.e. AMS-Y's Ministry of Health's Regulation...
02/11/2018 12:18:35		ASEAN-based Enterprise	Email Confirmed
02/11/2018 12:18:02		ASEAN-based Enterprise	

[WITHDRAW COMPLAINT](#)

LAW FIRM

* Law Firm Name:

* Phone:

Website:

* Address
Denube Street No. 13
City P
Country X

* City
City P
ZIP Code 12310

* Country
AMS-X

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

LAWYER

* Gender
 Mr Mrs Ms

* First Name
Sierra * Last Name
Riviera

* Phone
+36 7878137686

* Position
Senior Associate

* Email
sierraniviera@gmail.com

Address
Denube Street No. 13
City P
Country X

City
City P
ZIP Code 12310

ASEAN Jurisdiction(s) where Admitted to Practice Law
AMS-X

COMPLAINT DESCRIPTION

* Confidential Case Code
ASSIST-X-001-2018

* Country of Legal Registration
AMS-X

* Legal Registration Number
137911

* Registration Proof
Choose File No file chosen
Annex 0-Simulated Professional License of Ms. Sierra Riviera.pdf

* Type of Business
Export/Import

* Business Sector
Goods

* Services Sector Description

* Type of Problem Encountered
3.6.7 Internal taxes and charges levied on imports

* Destination Country
AMS-Y

* Description
We are a registered law firm in AMS-X filing a complaint under ASSIST on behalf of our client, a duly registered palm oil company in AMS-X. The complaint is in relation to the new excise duty imposed by AMS-Y (the Destination Contract Point or DCP) on palm oil and food products containing palm oil under its Ministry of Health's Food Regulation Chapter 1000, Section 100 of 2015. The measure adopted by AMS-Y introduced taxes on foods high in sugar and saturated fat as part of a strategy for addressing the rising problem of obesity in AMS-Y.
We are of the view that AMS-Y's measure expressly targeted palm oil and not just the returned tax component of palm oil and of products containing palm oil, thereby discriminating against palm oil and products containing palm oil in AMS-Y's market and thus discriminating against AMS-X.

Attachment
Choose File Annex 2-Simulated Registration of AMS-Y.pdf Attachment
Choose File Annex 3-Simulated Ls. RISE & Pannon.pdf Remove

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

I'm not a robot

SUBMIT YOUR COMPLAINT

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

(d) Terimalah pemberitahuan dari ASSIST tentang pengajuan revisi pengaduan Anda.

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

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

Thank you for the submission of your complaint
You will shortly receive a confirmation e-mail containing your references.

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

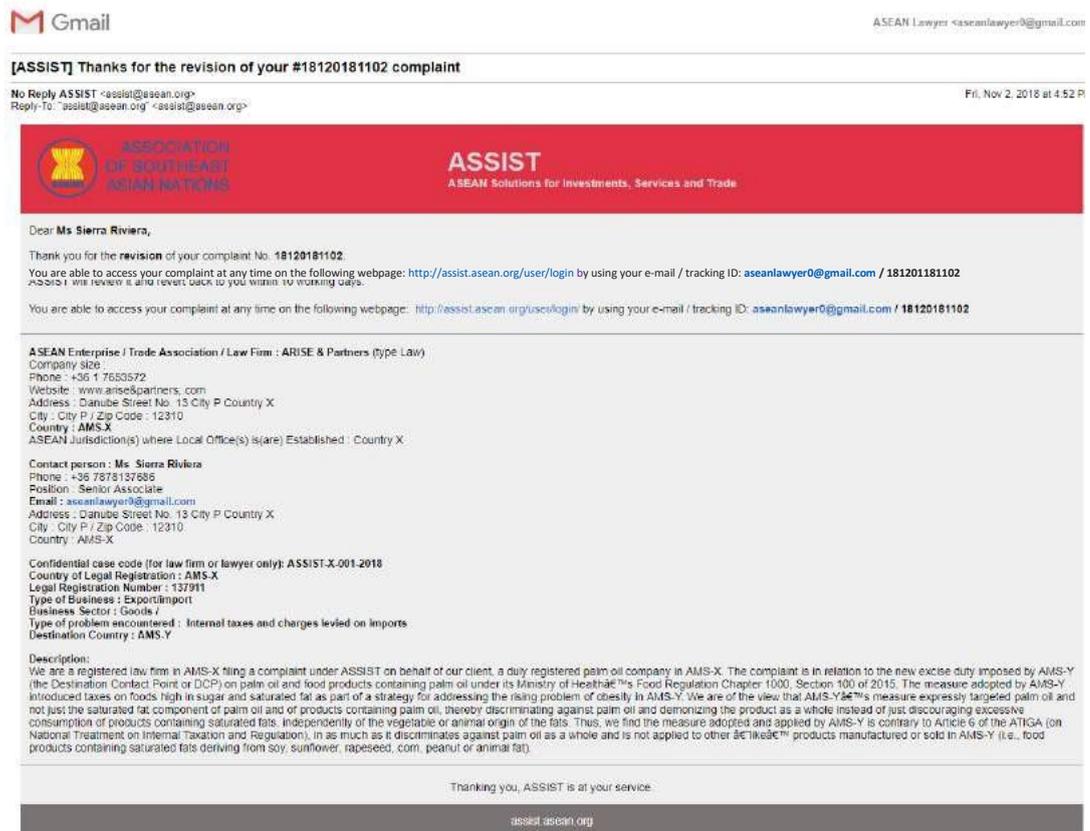
You will be able to monitor your complaint and access it on the following webpage:
<http://assist.asean.org/user/login>
by using your e-mail / tracking ID

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

LANGKAH
14

MENERIMA EMAIL DARI ASSIST MENGENAI PENGADUAN ANDA YANG TELAH DIREVISI

Buka akun email Anda dan Anda akan melihat email baru dari ASSIST. Email ini menunjukkan bahwa pengaduan Anda yang telah direvisi telah diterima dan bahwa ASSIST akan memeriksanya dan kembali dengan tanggapan yang menunjukkan apakah pengaduan tersebut diterima, dinyatakan tidak lengkap, atau ditolak dalam 10 hari kerja.



The screenshot shows an email from ASSIST with the subject "[ASSIST] Thanks for the revision of your #18120181102 complaint". The email body includes the ASSIST logo, a greeting to Ms Sierra Riviera, and a thank you for the revision of her complaint. It provides instructions on how to access the complaint via a web portal and lists the contact information for ARISE & Partners, the law firm representing the complainant. The email also contains detailed case information, including the company size, legal registration, and a description of the complaint regarding a new excise duty on palm oil products.

Jika untuk sementara waktu CA tidak mengambil tindakan apapun, maka CA akan menerima email pengingat otomatis dari sistem daring online sebagaimana ditunjukkan pada Langkah 12 di atas.

Periksa akun email Anda secara teratur dalam 10 hari kerja dan pada akhirnya Anda akan menerima email baru dari ASSIST.

LANGKAH
15

CA MEMERIKSA PENGADUAN ANDA YANG TELAH DIREVISI DAN MENGIRIMKAN TANGGAPAN KE EMAIL ANDA

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.



ASEAN Lawyer <aseanlawyer@gmail.com>

[ASSIST] Your complaint #18120181102 is accepted by CA

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

Fri, Sep 21, 2016 at 2:07 PM



ASSIST
ASEAN Solutions for Investments, Services and Trade

Dear **Ms Sierra Riviera**,

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

You are able to access your complaint at any time on the following webpage: <http://assist.asean.org/user/login> by using your e-mail / tracking ID.

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

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

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

Contact person : Ms Sierra Riviera
Phone : +36 7878137886
Position : Senior Associate
Email : aseanlawyer@gmail.com
Address : Danube Street No. 13 City P Country X
City : City P / Zip Code : 12310
Country : AMS-X

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

Description:
The complaint is in relation to the new excise duty imposed by AMS-Y (the Destination Contact Point or DCP) on palm oil and food products containing palm oil under its Ministry of Health's Food Regulation Chapter 1000, Section 100 of 2015. The measure adopted by AMS-Y introduced taxes on foods high in sugar and saturated fat as part of a strategy for addressing the rising problem of obesity in AMS-Y. We are of the view that AMS-Y's measure expressly targeted palm oil and not just the saturated fat component of palm oil and of products containing palm oil, thereby discriminating against palm oil and demonizing the product as a whole instead of just discouraging excessive consumption of products containing saturated fats, independently of the vegetable or animal origin of the fats. Thus, we find the measure adopted and applied by AMS-Y is contrary to Article 6 of the ATIGA (on National Treatment on Internal Taxation and Regulation), in as much as it discriminates against palm oil as a whole and is not applied to other "like" products manufactured or sold in AMS-Y (i.e., food products containing saturated fats deriving from soy, sunflower, rapeseed, corn, peanut or animal fat).

Thanking you, ASSIST is at your service.

assist.asean.org

Email di atas menunjukkan bahwa pengaduan Anda yang telah direvisi **telah diterima** oleh CA. Ini juga menunjukkan bahwa pengaduan Anda sekarang akan dikirim ke Titik Kontak Tujuan (DCP), yang merupakan agen pemerintah (ASSIST Focal Point) di AMS-Y tempat Anda menghadapi masalah perdagangan dan 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 Fokus ASSIST) di AMS-X (negara asal Anda) juga telah diberitahu bahwa pengaduan Anda diajukan.

LANGKAH
16

LOGIN KE DASHBOARD ASSIST ANDA MELALUI EMAIL DAN ID PELACAKAN ANDA UNTUK MELIHAT TANGGAPAN CA YANG SEBENARNYA

Jika Anda ingin melihat tanggapan CA secara lengkap, maka Anda harus login ke dasbor ASSIST Anda melalui email dan ID pelacakan sebagaimana ditunjukkan pada Langkah 11 (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 pengaduan Anda telah Diterima ('Accepted') oleh CA.



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

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

Tracking ID #18120181102 / AMS-Y

History

Date	Action	Action By	Comments
02/11/2018 16:31:54	Completed	Central Administrator of ASSIST	Thank you for the completion or revision of your complaint. The Central Administrator has verified that the complaint is now complete, with the submission of the following documents: (i) AMS-Y's Ministry of Health's Regulation of 2015, Chapter 1000, Section 100, and (ii) Legal Brief on the Complaint. Thus, the Central Administrator finds that the nature of your complaint falls within the scope of ASSIST and that you have fulfilled all the necessary requirements to file a complaint under ASSIST. 
02/11/2018 16:52:15	Revised	ASEAN-based Enterprise	
02/11/2018 16:10:12	Incomplete	Central Administrator of ASSIST	Dear Ms. Sierra Riviera, Thank you for lodging your complaint under ASSIST. In order to properly assess your complaint and determine its eligibility under ASSIST, the Central Administrator of ASSIST (i.e. the ASEAN Secretariat or CA) requests additional information. In particular, the CA requests that your complaint be re-submitted together with information on the AMS-Y measure that is allegedly inconsistent with the ATIGA (i.e. AMS-Y's Ministry of Health's Regulation...
02/11/2018 12:19:35	Email Confirmed	ASEAN-based Enterprise	Email Confirmed
02/11/2018 12:18:02	New	ASEAN-based Enterprise	

WITHDRAW COMPLAINT

ASEAN ENTERPRISE

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

CONTACT PERSON

First Name: Sierra	Address: Danube Street No. 13 City P Country X
Last Name: Riviera	City: City P
Phone: +36 7878137666	ZIP Code: 12310
Position: Senior Associate	Country: AMS-X
Email: aseanlawyer0@gmail.com (Confirmed)	

COMPLAINT DESCRIPTION

Country of Legal Registration: AMS-X	Business Sector: Goods
Registration Number: 137911	Type of Problem Encountered: Goods / Internal taxes and charges levied on imports
Company Registration Proof: Annex 0 - Simulated Professional License of Ms. Sierra Riviera.pdf	Destination Country: AMS-Y
Type of Business: Export/Import	
Description:	We are a registered law firm in AMS-X filing a complaint under ASSIST on behalf of our client, a duly registered palm oil company in AMS-X. The complaint is in relation to the new excise duty imposed by AMS-Y (the Destination Contact Point or DCP) on palm oil and food products containing palm oil under its Ministry of Health's Food Regulation Chapter 1000, Section 100 of 2015. The measure adopted by AMS-Y introduced taxes on foods high in sugar and saturated fat as part of a strategy for addressing the rising problem of obesity in AMS-Y. We are of the view that AMS-Y's measure expressly targeted palm oil and not just the saturated fat component of palm oil and of products containing palm oil, thereby discriminating against palm oil and demoting 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 Internal Taxation and Regulation), in as much as it discriminates against palm oil as a whole and is not applied to other like products manufactured or sold in AMS-Y (i.e. food products containing saturated fats deriving from soy, sunflower, rapeseed, corn, peanut or animal fat).
Attachment:	Annex 2-Simulated Regulation of AMS-Y1.pdf Annex 3-Simulated Legal Brief ARISE Partners1.pdf

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

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

Thank you for the completion or revision of your complaint. The Central Administrator has verified that the complaint is now complete, with the submission of the following documents: (i) AMS-Y's Ministry of Health's Regulation of 2015, Chapter 1000, Section 100; and (ii) Legal Brief on the Complaint. Thus, the Central Administrator finds that the nature of your complaint falls within the scope of ASSIST and that you have fulfilled all the necessary requirements to file a complaint under ASSIST.

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

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

Sebagaimana diinformasikan pada Langkah 15, setelah pengaduan telah diterima oleh CA, pengaduan akan dikirim ke Titik Kontak Tujuan (DCP) di AMS-Y di mana Anda menghadapi masalah perdagangan. DCP di AMS-Y akan diberi 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 memberikan tanggapan, email akan dikirimkan kepada Anda dari ASSIST untuk memberitahukan kepada Anda apakah pengaduan Anda telah diterima atau ditolak oleh DCP di AMS-Y.

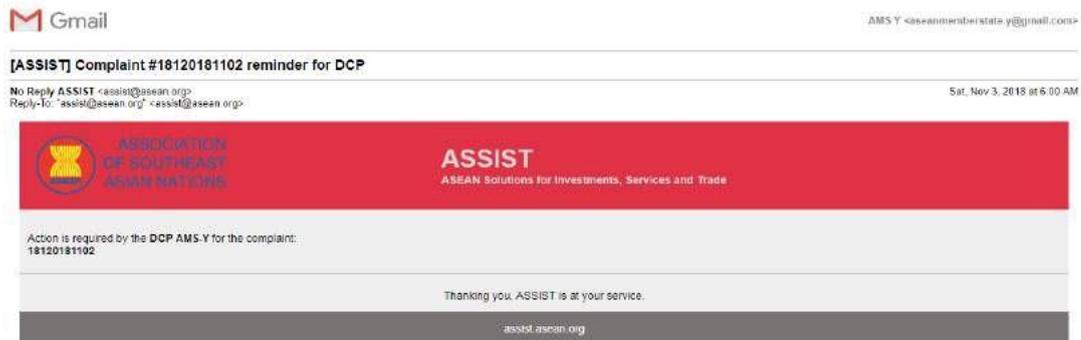
Periksalah akun email Anda secara teratur dalam 10 hari kerja setelah tanggapan dari CA bahwa pengaduan Anda diterima. Akhirnya Anda akan menerima email baru dari ASSIST

**LANGKAH
17****MENERIMA PEMBERITAHUAN EMAIL DARI ASSIST MENGENAI APAKAH PENGADUAN ANDA DITERIMA ATAU DITOLAK OLEH TITIK KONTAK TUJUAN DI AMS-Y**

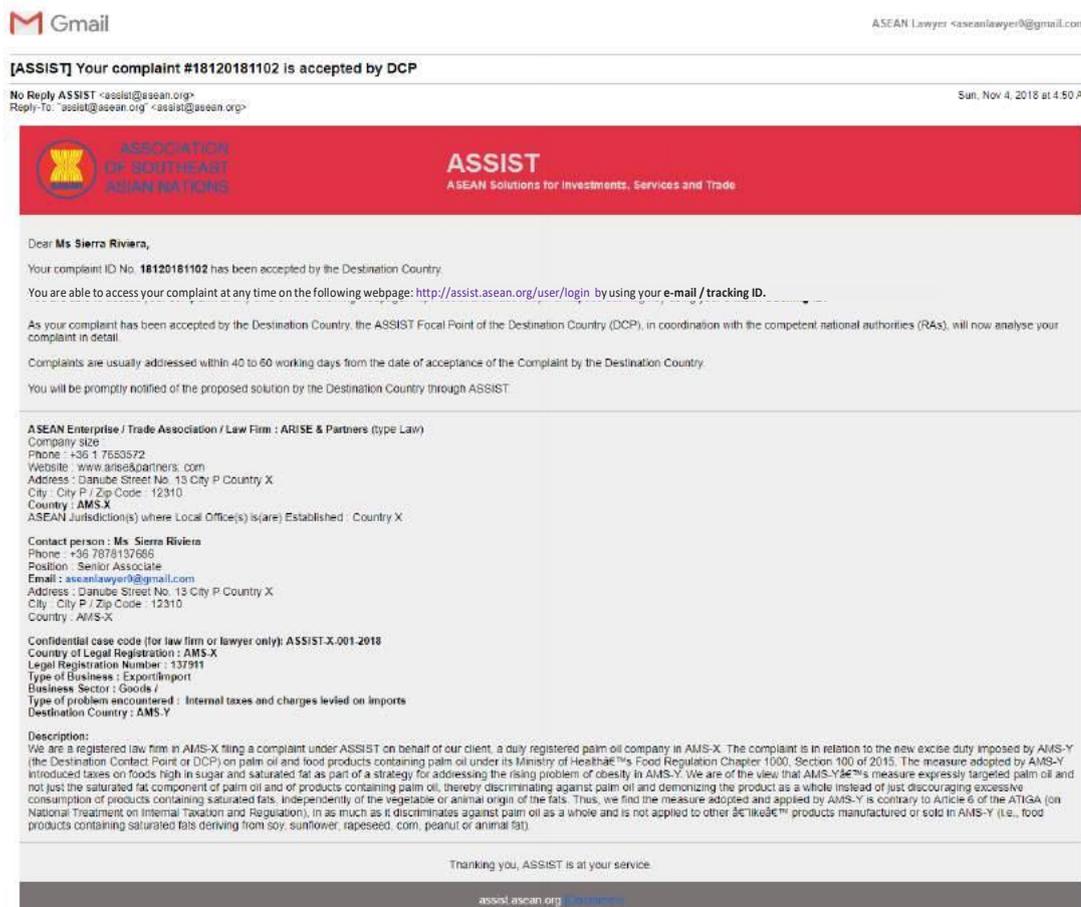
Dalam 10 hari kerja setelah tanggapan dari CA bahwa pengaduan Anda diterima, maka Anda akan menerima email di bawah ini yang menginformasikan bahwa pengaduan Anda telah diterima atau ditolak oleh DCP di AMS-Y.

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.

Email Peningkat 1 untuk Titik Kontak Tujuan (DCP):



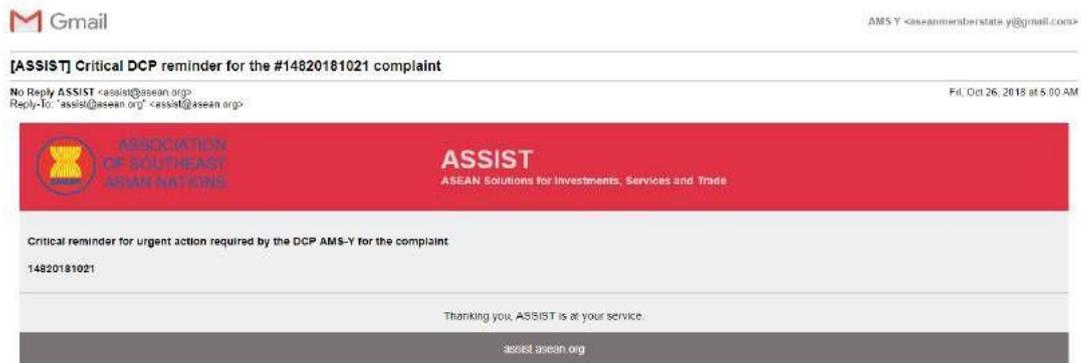
Periksa akun email Anda secara teratur dalam 10 hari kerja setelah tanggapan dari CA bahwa pengaduan Anda diterima. Akhirnya Anda akan menerima email baru dari ASSIST.



Dalam hal ini, pengaduan telah **diterima** oleh DCP sebagaimana dapat dilihat di atas.

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 peringatan otomatis lain melalui email (14 hari kalender setelah pengaduan diajukan) bahwa DCP sangat perlu melakukan suatu tindakan terhadap pengaduan tersebut.

Email Pengingat 2 untuk Titik Kontak Tujuan (DCP):



Setelah DCP menerima pengaduan, masalah tersebut diteruskan ke Otoritas Penanggung Jawab (RA) untuk mendapat masukan. Setelah RA menyelesaikan upaya mereka, DCP harus memeriksa solusi dan memberikannya kepada CA dalam tenggat waktu 40 hari kerja. 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 dengan jangka waktu antara itu 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 jarak waktu). Jika DCP tidak memenuhi tenggat waktu untuk mengirim solusi ke CA, maka sistem online akan memberitahu CA untuk menindaklanjuti dengan DCP.

Periksa email Anda secara teratur dalam 40 + 20 hari kerja setelah Anda diberitahu bahwa DCP telah menerima pengaduan Anda. Akhirnya Anda akan menerima email baru dari ASSIST yang menunjukkan solusi yang diusulkan oleh DCP.

LANGKAH
18

MENERIMA EMAIL PEMBERITAHUAN DARI ASSIST BAHWA SOLUSI DIAJUKAN OLEH AMS-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 Lawyer <aseanlawyer@gmail.com>

[ASSIST] Response for your #18120181102 complaint

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

Sun, Nov 4, 2018 at 5:21 A



ASSOCIATION
OF SOUTHEAST
ASIAN NATIONS

ASSIST

ASEAN Solutions for Investments, Services and Trade

Dear **Ms Sierra Riviera**,

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

"Upon internal discussions between the DCP and the RAe, it emerges that, indeed, the measure adopted by AMS-Y imposing increased excise duties to a range of foods high in sugar and saturated fat, is aimed at discouraging excessive consumption of substances considered dangerous under AMS-Y's strategy for addressing the rising problem of obesity among its citizens. This is in line with similar actions taken by several countries around the world and with the World Health Organization's Global Action Plan for the Prevention and Control of Non-Communicable Diseases 2013-2020, such as diabetes and obesity. However, AMS-Y recognizes that the measure did single-out certain products (i.e. Inter alia, palm oil) and did not target, in a 'neutral manner', the substances (i.e. saturated fats) that the Government considers dangerous (if consumed in excess) from a dietary and health policy perspective. Therefore, the DCP, in coordination with AMS-Y's RA, proposes the immediate suspension of the measure contained in its Ministry of Health's Food Regulation of 2015, Chapter 1000, Section 100, pending its amendment to delete any express reference to specific products and application only to products containing saturated fats, irrespective of their vegetable or animal origin. AMS-Y underlined that its measure was never intended to have, de jure or de facto, any discriminatory effect or objective, being justified in science and in light of its health protection purpose and applying to all 'like' products containing saturated fats."

You can also check the status of your complaint online at <http://assist.aseandevelopment.space/userlogin> by using your email / tracking ID.

Please kindly indicate whether you are satisfied with the answer given by the DCP and the solution provided therein. You can do so by choosing 'Yes' or 'No' below:

Yes / No

ASEAN Enterprise / Trade Association / Law Firm : ARISE & Partners (type: Law)

Company size
Phone : +66 1 7650572
Website : www.arisepartners.com
Address : Danube Street No. 13 City P Country X
City : City P / Zip Code : 12310
Country : AMS-X
ASEAN Jurisdiction(s) where Local Office(s) is(are) Established : Country X

Contact person : Ms Sierra Riviera
Phone : +66 7878137686
Position : Senior Associate
Email : aseanlawyer@gmail.com
Address : Danube Street No. 13 City P Country X
City : City P / Zip Code : 12310
Country : AMS-X

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

Description:
We are a registered law firm in AMS-X filing a complaint under ASSIST on behalf of our client, a duly registered palm oil company in AMS-X. The complaint is in relation to the new excise duty imposed by AMS-Y (the Destination Contact Point or DCP) on palm oil and food products containing palm oil under its Ministry of Health's Food Regulation Chapter 1000, Section 100 of 2015. The measure adopted by AMS-Y introduced taxes on foods high in sugar and saturated fat as part of a strategy for addressing the rising problem of obesity in AMS-Y. We are of the view that AMS-Y's measure expressly targeted palm oil and not just the saturated fat component of palm oil and of products containing palm oil, thereby discriminating against palm oil and demonizing the product as a whole instead of just discouraging excessive consumption of products containing saturated fats, independently of the vegetable or animal origin of the fats. Thus, we find the measure adopted and applied by AMS-Y is contrary to Article 6 of the ATIGA (on National Treatment on Internal Taxation and Regulation), in as much as it discriminates against palm oil as a whole and is not applied to other 'like' products manufactured or sold in AMS-Y (i.e. food products containing saturated fats deriving from soy, sunflower, rapeseed, corn, peanut or animal fat).

Thanking you, ASSIST is at your service.

assist.asean.org

- (b) Login ke dasbor ASSIST Anda melalui email dan ID pelacakan Anda seperti yang ditunjukkan pada Langkah 11 (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 tersedia pada paragraf pertama dasbor Anda.



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WELCOME TO ASSIST

WHAT IS ASSIST?

MY COMPLAINT

LOGOUT

PROCESS

FAQ

CONTACT

DISCLAIMER

Tracking ID #18120181102 / AMS-Y

ASSIST Solution

Upon internal discussions between the DCP and the RAe, it emerges that, indeed, the measure adopted by AMS-Y imposing increased excise duties to a range of foods high in sugar and saturated fat, is aimed at discouraging excessive consumption of substances considered dangerous under AMS-Y's strategy for addressing the rising problem of obesity among its citizens. This is in line with similar actions taken by several countries around the world and with the World Health Organization's Global Action Plan for the Prevention and Control of Non-Communicable Diseases 2013-2020, such as diabetes and obesity. However, AMS-Y recognizes that the measure did single-out certain products (i.e. Inter alia, palm oil) and did not target, in a 'neutral manner', the substances (i.e. saturated fats) that the Government considers dangerous (if consumed in excess) from a dietary and health policy perspective. Therefore, the DCP, in coordination with AMS-Y's RA, proposes the immediate suspension of the measure contained in its Ministry of Health's Food Regulation of 2015, Chapter 1000, Section 100, pending its amendment to delete any express reference to specific products and application only to products containing saturated fats, irrespective of their vegetable or animal origin. AMS-Y underlined that its measure was never intended to have, de jure or de facto, any discriminatory effect or objective, being justified in science and in light of its health protection purpose and applying to all 'like' products containing saturated fats.

Attachment

History			
Date	Action	Action By	Comments
04/11/2018 05:21:40	Solved	Central Administrator of ASSIST	Upon internal discussions between the DCP and the RAs, it emerges that, indeed, the measure adopted by AMS-Y imposing increased excise duties to a range of foods high in sugar and saturated fat, is aimed at discouraging excessive consumption of substances considered dangerous under AMS-Y's strategy for addressing the rising problem of obesity among its citizens. This is in line with similar actions taken by several countries around the world and with the World Health Organization's Global Action link
02/11/2018 18:31:54	Resolved	Central Administrator of ASSIST	Thank you for the completion or revision of your complaint. The Central Administrator has verified that the complaint is now complete, with the submission of the following documents: (i) AMS-Y's Ministry of Health's Regulation of 2015, Chapter 1000, Section 100, and (ii) Legal Brief on the Complaint. Thus, the Central Administrator finds that the nature of your complaint falls within the scope of ASSIST and that you have fulfilled all the necessary requirements to file a complaint under ASSIST! link
02/11/2018 16:52:15	Received	ASEAN-based Enterprise	
02/11/2018 16:10:12	Unresponsive	Central Administrator of ASSIST	Dear Ms. Sierra Riviera, Thank you for lodging your complaint under ASSIST. In order to properly assess your complaint and determine its eligibility under ASSIST, the Central Administrator of ASSIST (i.e. the ASEAN Secretariat or CA) requests additional information. In particular, the CA requests that your complaint be re-submitted together with information on the AMS-Y measure that is allegedly inconsistent with the ATIGA (i.e. AMS-Y's Ministry of Health's Regulation... link
02/11/2018 12:19:35	Email Confirmed	ASEAN-based Enterprise	Email Confirmed
02/11/2018 12:18:02	New	ASEAN-based Enterprise	

ASEAN ENTERPRISE

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

CONTACT PERSON

First Name: Sierra	Address: Danube Street No. 13 City P. Country X
Last Name: Riviera	City: City P
Phone: +36 7878137886	ZIP Code: 12310
Position: Senior Associate	Country: AMS-X
Email: aseanlawyer0@gmail.com (Confirmed)	

COMPLAINT DESCRIPTION

Country of Legal Registration: AMS-X	Business Sector: Goods
Registration Number: 137911	Type of Problem Encountered: Goods / Internal taxes and charges levied on imports
Company Registration Proof: Annex 0 - Simulated Professional License of Ms. Sierra Riviera.pdf	Destination Country: AMS-Y
Type of Business: Export/Import	
Description:	We are a registered law firm in AMS-X filing a complaint under ASSIST on behalf of our client, a duly registered palm oil company in AMS-X. The complaint is in relation to the new excise duty imposed by AMS-Y (the Destination Contact Point or DCP) on palm oil and food products containing palm oil under its Ministry of Health's Food Regulation Chapter 1000, Section 100 of 2015. The measure adopted by AMS-Y introduced taxes on foods high in sugar and saturated fat as part of a strategy for addressing the rising problem of obesity in AMS-Y. We are of the view that AMS-Y's measure expressly targeted palm oil and not just the saturated fat component of palm oil and of products containing palm oil, thereby discriminating against palm oil and demonizing the product as a whole instead of just discouraging excessive consumption of products containing saturated fats, independently of the vegetable or animal origin of the fats. Thus, we find the measure adopted and applied by AMS-Y is contrary to Article 6 of the ATIGA (on National Treatment on Internal Taxation and Regulation), in as much as it discriminates against palm oil as a whole and is not applied to other 'like' products manufactured or sold in AMS-Y (i.e. food products containing saturated fats deriving from soy, sunflower, rapeseed, corn, peanut or animal fat).
Attachment:	Annex 2 Simulated Regulation of AMS-Y1.pdf Annex 3 Simulated Legal Brief-ARISE-Partners1.pdf

Central Administrator of ASSIST / ASEAN Secretariat - TDA Jl. Sisingamangaraja - Jakarta 12110 - Indonesia
ASSIST - Supported by ARISE - [IDisclosure](#)

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, berkoordinasi dengan AMS-Y's RA, mengusulkan penangguhan segera langkah yang terkandung dalam Peraturan Pangan Kementerian Kesehatan tahun 2015, Bab 1000, Bagian 100, sambil menunggu amandemen untuk menghapus referensi tersurat untuk produk dan aplikasi tertentu. hanya untuk produk yang mengandung lemak jenuh, terlepas dari sayuran atau hewani asalnya. AMS-Y menggarisbawahi bahwa langkah tersebut tidak pernah dimaksudkan untuk, secara de jure atau de facto, akan memberikan dampak atau bertujuan diskriminatif apapun, dengan dibenarkannya dalam sains dan mengingat tujuan perlindungan kesehatannya dan menerapkannya untuk semua produk "serupa" yang mengandung lemak jenuh."

(c) Di bagian bawah email dari ASSIST pada 18 (a) di atas, Anda diminta untuk menunjukkan apakah Anda puas atau tidak dengan jawaban yang diberikan oleh DCP dan solusi yang tersedia di dalamnya. Anda dapat melakukannya dengan memilih 'Ya' atau Tidak' di pilihan yang disediakan.

Please kindly indicate whether you are satisfied with the answer given by the DCP and the solution provided therein. You can do so by choosing 'Yes' or 'No' below:

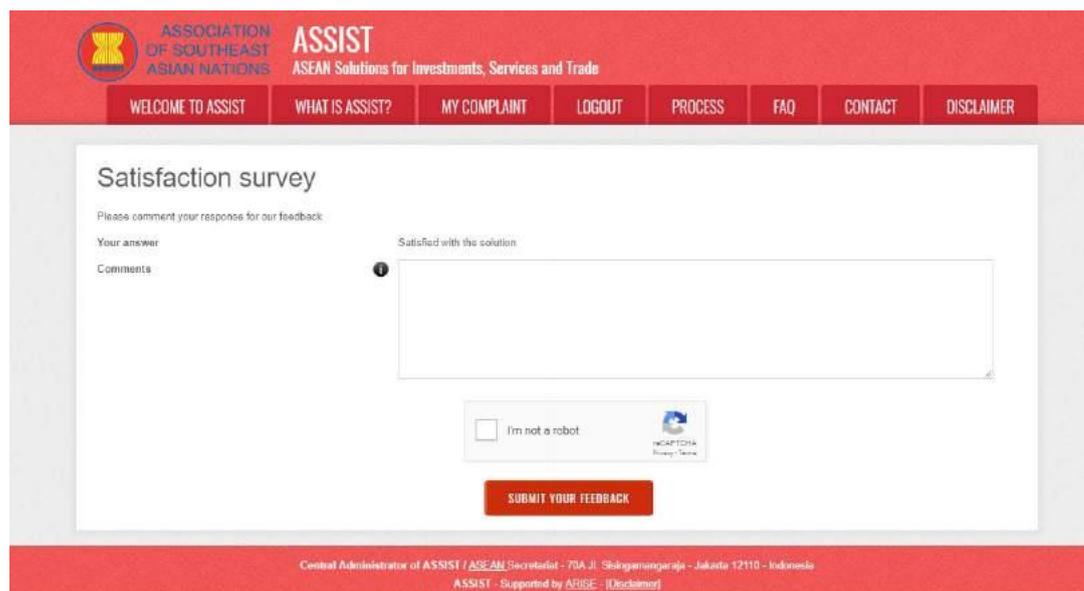
Yes / No

Dalam hal ini, AE memilih "Ya".

LANGKAH
19

MEMBERIKAN UMPAN BALIK ANDA PADA SOLUSI YANG DIAJUKAN YANG DIBERIKAN OLEH AMS-Y DALAM SURVEI KEPUASAN DAN MENERIMA EMAIL PERNYATAAN PENERIMAAN DARI ASSIST

Setelah Anda memilih 'Ya/Tidak' pada Langkah 18 (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 Anda tidak puas dengan solusi yang diusulkan.



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

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

Satisfaction survey

Please comment your responses for our feedback:

Your answer: Satisfied with the solution

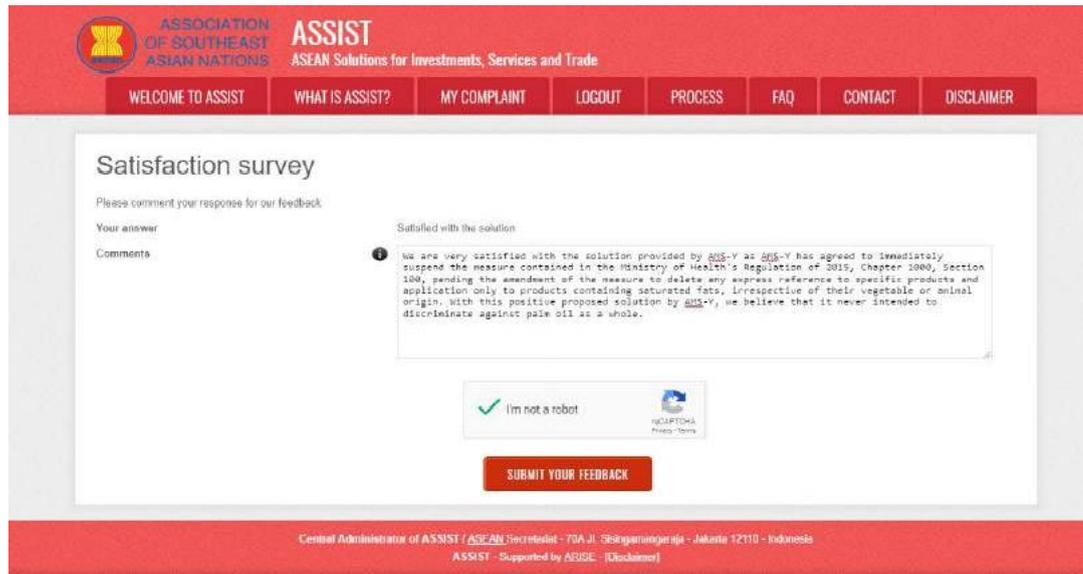
Comments: [Text Area]

I'm not a robot

SUBMIT YOUR FEEDBACK

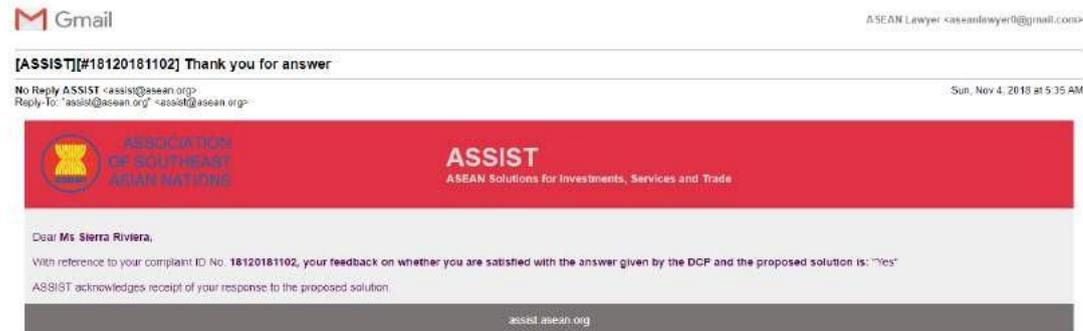
Central Administrator of ASSIST / ASEAN Secretariat - 70A Jl. Setiabudi Raya - Jakarta 12110 - Indonesia
ASSIST - Supported by ARISE - [Disclaimer]

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



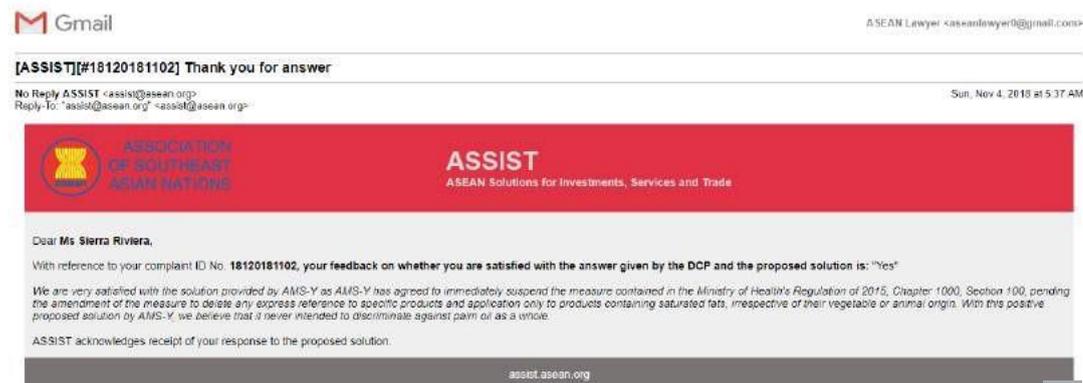
(b) Buka akun email Anda. Anda akan menerima satu atau dua (jika Anda telah mengisi Survei Kepuasan) email-email baru dari ASSIST, yang menyatakan penerimaan atas tanggapan Anda terhadap solusi yang diajukan oleh AMS-Y. Salinan tanggapan Anda juga akan dikirim ke DCP dan HCP.

Email Pernyataan Penerimaan Pertama dari ASSIST

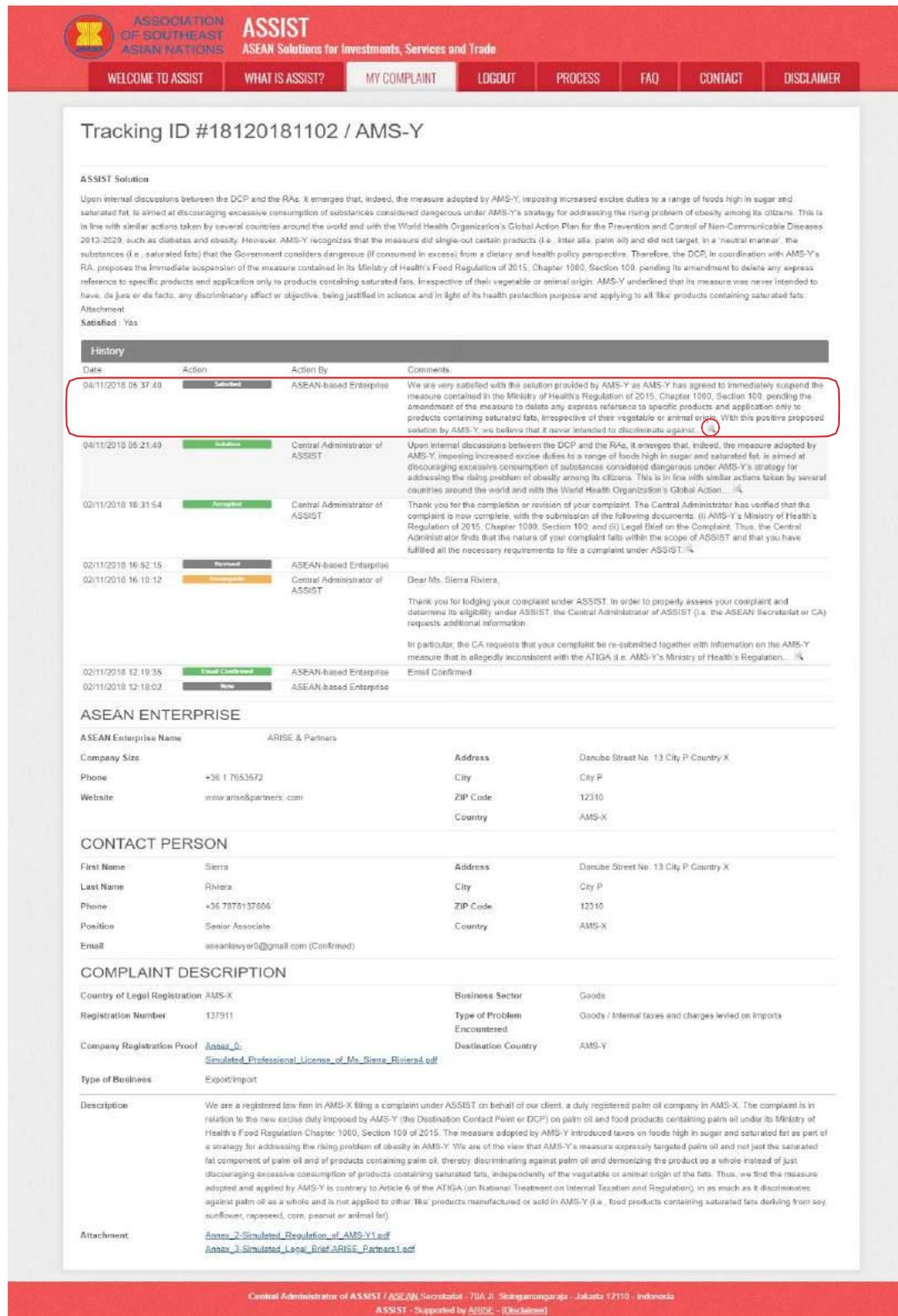


Email Pernyataan Penerimaan Kedua dari ASSIST

Jika Anda memberikan komentar tentang Survei Kepuasan, Anda akan menerima email kedua di bawah ini, yang menyatakan telah menerima tanggapan Anda dan solusi yang diajukan akan dikirimkan oleh ASSIST kepada Anda, DCP dan HCP.



- (c) Login ke dasbor ASSIST Anda melalui email dan ID pelacakan Anda seperti ditunjukkan pada Langkah 11 (a) dan (b) di atas. Tampilan akhir dasbor Anda dapat dilihat di bawah. Seperti yang Anda lihat, tindakan lain telah ditambahkan ke 'Riwayat'/'History' Anda yang menunjukkan bahwa Anda telah menunjukkan kepuasan terhadap solusi yang diusulkan oleh ASSIST.



Tracking ID #18120181102 / AMS-Y

ASSIST Solution

Upon internal discussions between the DCP and the RA, it emerges that, indeed, the measure adopted by AMS-Y, imposing increased excise duties to a range of foods high in sugar and saturated fat, is aimed at discouraging excessive consumption of substances considered dangerous under AMS-Y's strategy for addressing the rising problem of obesity among its citizens. This is in line with similar actions taken by several countries around the world and with the World Health Organization's Global Action Plan for the Prevention and Control of Non-Communicable Diseases 2013-2020, such as diabetes and obesity. However, AMS-Y recognizes that the measure did single-out certain products (i.e., inter alia, palm oil) and did not target, in a 'neutral manner', the substances (i.e., saturated fats) that the Government considers dangerous (if consumed in excess) from a dietary and health policy perspective. Therefore, the DCP, in coordination with AMS-Y's RA, proposes the immediate suspension of the measure contained in its Ministry of Health's Food Regulation of 2015, Chapter 1000, Section 100, pending its amendment to delete any express reference to specific products and application only to products containing saturated fats, irrespective of their vegetable or animal origin. AMS-Y underlined that its measure was never intended to have, de jure or de facto, any discriminatory affect or objective, being justified in science and in light of its health protection purpose and applying to all like products containing saturated fats.

Attachment:
Satisfied : Yes

History				
Date	Action	Action By	Comments	
04/11/2018 05:37:49	Satisfied	ASEAN-based Enterprise	We are very satisfied with the solution provided by AMS-Y as AMS-Y has agreed to immediately suspend the measure contained in the Ministry of Health's Regulation of 2015, Chapter 1000, Section 100, pending the amendment of the measure to delete any express reference to specific products and application only to products containing saturated fats, irrespective of their vegetable or animal origin. With this positive proposed solution by AMS-Y, we believe that it never intended to discriminate against...	
04/11/2018 05:21:49	Solution	Central Administrator of ASSIST	Upon internal discussions between the DCP and the RA, it emerges that, indeed, the measure adopted by AMS-Y, imposing increased excise duties to a range of foods high in sugar and saturated fat, is aimed at discouraging excessive consumption of substances considered dangerous under AMS-Y's strategy for addressing the rising problem of obesity among its citizens. This is in line with similar actions taken by several countries around the world and with the World Health Organization's Global Action...	
02/11/2018 18:31:54	Accepted	Central Administrator of ASSIST	Thank you for the completion or revision of your complaint. The Central Administrator has verified that the complaint is now complete, with the submission of the following documents: (i) AMS-Y's Ministry of Health's Regulation of 2015, Chapter 1000, Section 100, and (ii) Legal Brief on the Complaint. Thus, the Central Administrator finds that the nature of your complaint falls within the scope of ASSIST and that you have fulfilled all the necessary requirements to file a complaint under ASSIST.	
02/11/2018 16:52:15	Revised	ASEAN-based Enterprise		
02/11/2018 16:10:12	Incomplete	Central Administrator of ASSIST	Dear Ms. Sierra Riviera, Thank you for lodging your complaint under ASSIST. In order to properly assess your complaint and determine its eligibility under ASSIST, the Central Administrator of ASSIST (i.e. the ASEAN Secretariat or CA) requests additional information. In particular, the CA requests that your complaint be re-submitted together with information on the AMS-Y measure that is allegedly inconsistent with the ATIGA (i.e. AMS-Y's Ministry of Health's Regulation...	
02/11/2018 12:19:35	Email Confirmed	ASEAN-based Enterprise	Email Confirmed	
02/11/2018 12:18:02	New	ASEAN-based Enterprise		

ASEAN ENTERPRISE

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

CONTACT PERSON

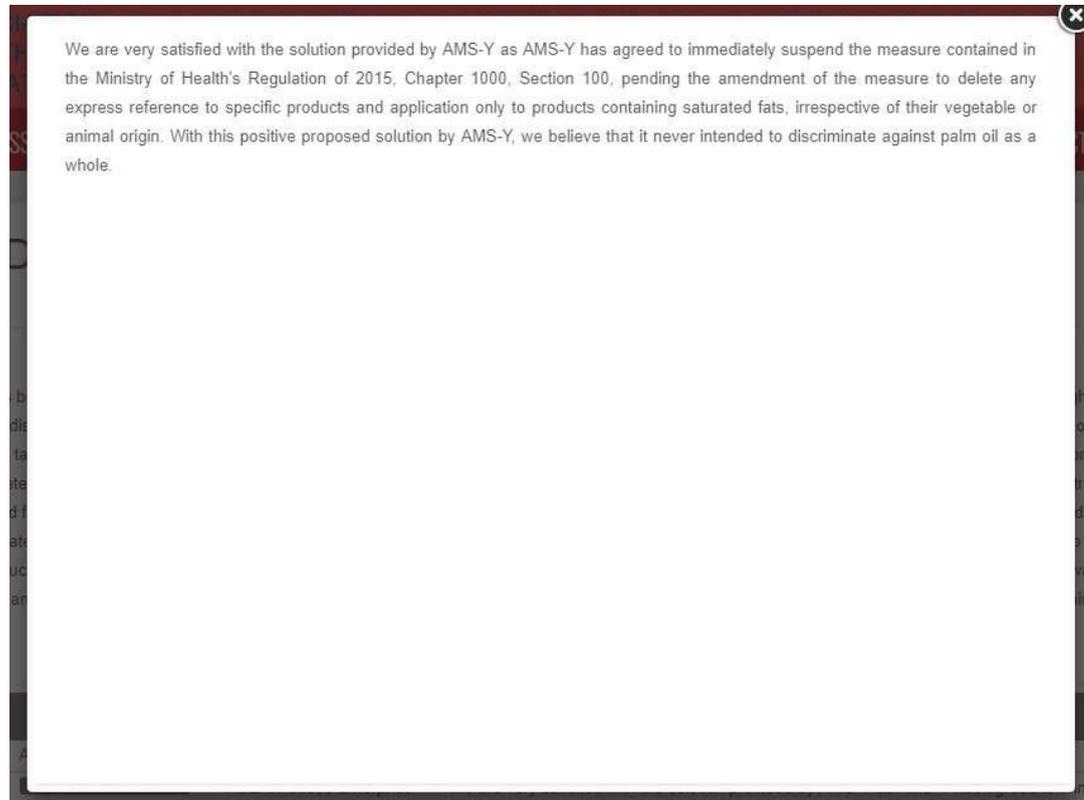
First Name	Sierra	Address	Danube Street No. 13 City P Country X
Last Name	Riviera	City	City P
Phone	+36 7878137666	ZIP Code	12310
Position	Senior Associate	Country	AMS-X
Email	sierralawyer@gmail.com (Confirmed)		

COMPLAINT DESCRIPTION

Country of Legal Registration	AMS-X	Business Sector	Goods
Registration Number	137911	Type of Problem Encountered	Goods / Internal taxes and charges levied on Imports
Company Registration Proof	Annex 0: Simulated Professional License of Ms Sierra Riviera.pdf	Destination Country	AMS-Y
Type of Business	Export/Import		
Description	We are a registered law firm in AMS-X filing a complaint under ASSIST on behalf of our client, a duly registered palm oil company in AMS-X. The complaint is in relation to the new excise duty imposed by AMS-Y (the Destination Contact Point or DCP) on palm oil and food products containing palm oil under its Ministry of Health's Food Regulation Chapter 1000, Section 100 of 2015. The measure adopted by AMS-Y introduced taxes on foods high in sugar and saturated fat as part of a strategy for addressing the rising problem of obesity in AMS-Y. We are of the view that AMS-Y's measure expressly targeted palm oil and not just the saturated fat component of palm oil and of products containing palm oil, thereby discriminating against palm oil and demonizing the product as a whole instead of just discouraging excessive consumption of products containing saturated fats, independently of the vegetable or animal origin of the fats. Thus, we find the measure adopted and applied by AMS-Y is contrary to Article 6 of the ATIGA (on National Treatment on Internal Taxation and Regulation), in as much as it discriminates against palm oil as a whole and is not applied to other like products manufactured or sold in AMS-Y (i.e., food products containing saturated fats deriving from soy sunflower, rapeseed, corn, peanut or animal fat).		
Attachment	Annex_2-Simulated_Regulation_of_AMS-Y1.pdf Annex_3-Simulated_Legal_Brief_ARISE_Partners1.pdf		

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

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



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).

ASSIST

TUTORIAL LANGKAH-DEMI-LANGKAH

STUDI KASUS 4

(PERDAGANGAN JASA)

Foto Diperoleh dari: Rio Lecatompesny on Unsplash

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 undang-undang 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)*

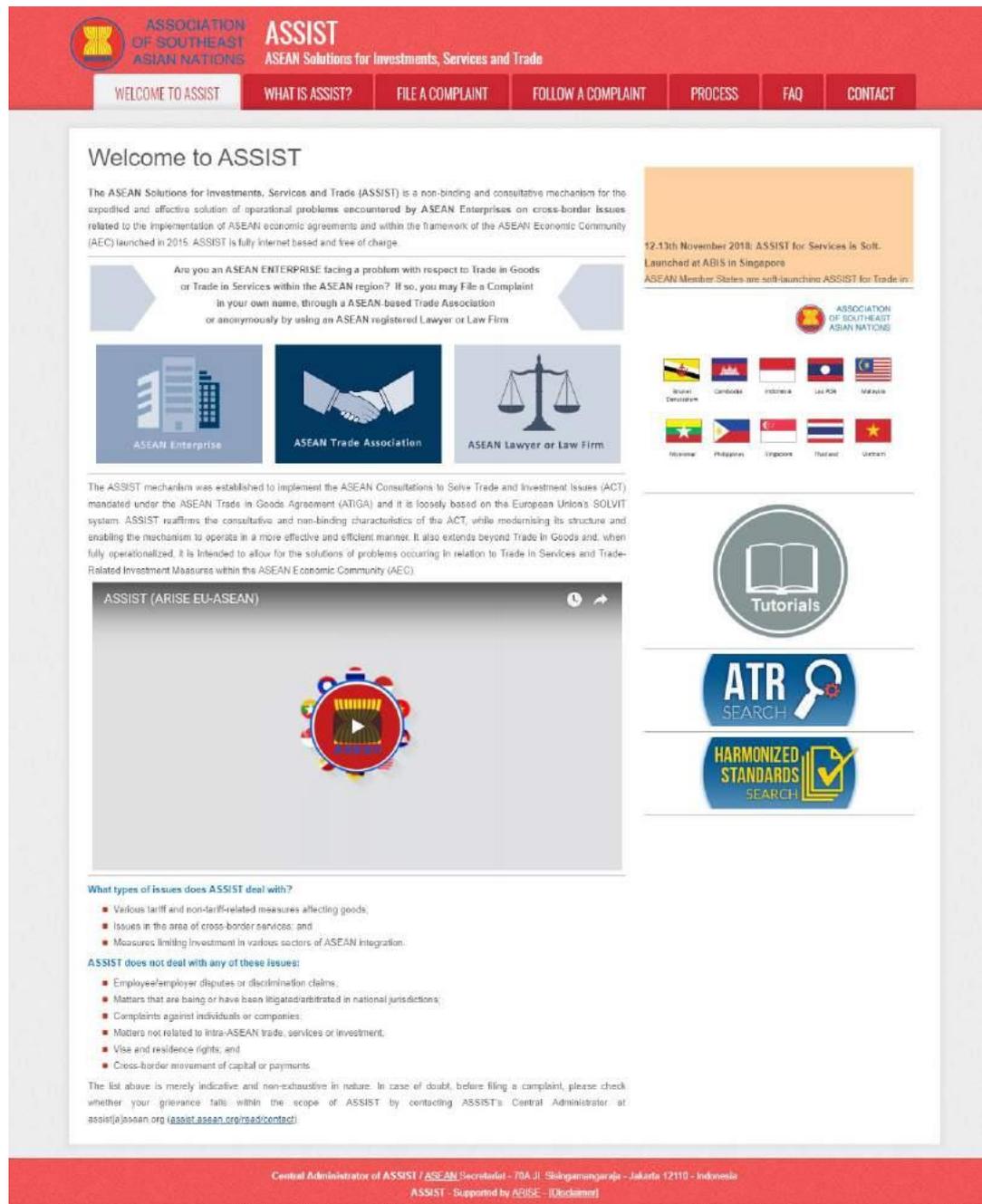
LANGKAH

1

BUKA SITUS WEB ASSIST ([HTTP://ASSIST.ASEAN.ORG](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>.

Berikut ini adalah laman (*homepage*) ASSIST.

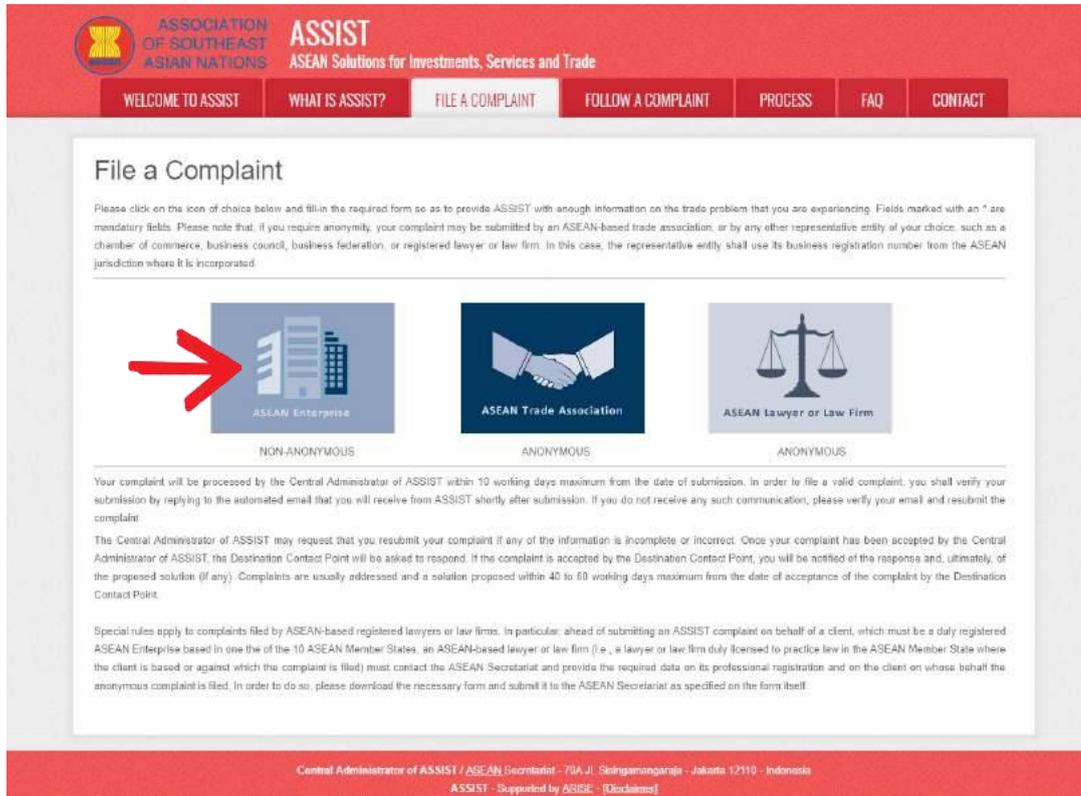


The screenshot shows the ASSIST homepage with a navigation menu at the top. The main content area includes a 'Welcome to ASSIST' section with a description of the mechanism, a central question 'Are you an ASEAN ENTERPRISE facing a problem with respect to Trade in Goods or Trade in Services within the ASEAN region?', and three icons representing 'ASEAN Enterprise', 'ASEAN Trade Association', and 'ASEAN Lawyer or Law Firm'. Below this is a video player for 'ASSIST (ARISE EU-ASEAN)'. To the right, there are sections for 'Tutorials', 'ATR SEARCH', and 'HARMONIZED STANDARDS SEARCH'. At the bottom, contact information for the Central Administrator is provided.

LANGKAH
2

MEMILIH TAB AJUKAN PENGADUAN "FILE A COMPLAINT" (IKON ASEAN ENTERPRISE)

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').



File a Complaint

Please click on the icon of choice below and fill in the required form so as to provide ASSIST with enough information on the trade problem that you are experiencing. Fields marked with an * are mandatory fields. Please note that, if you require anonymity, your complaint may be submitted by an ASEAN-based trade association, or by any other representative entity of your choice, such as a chamber of commerce, business council, business federation, or registered lawyer or law firm. In this case, the representative entity shall use its business registration number from the ASEAN jurisdiction where it is incorporated.



NON-ANONYMOUS



ANONYMOUS



ANONYMOUS

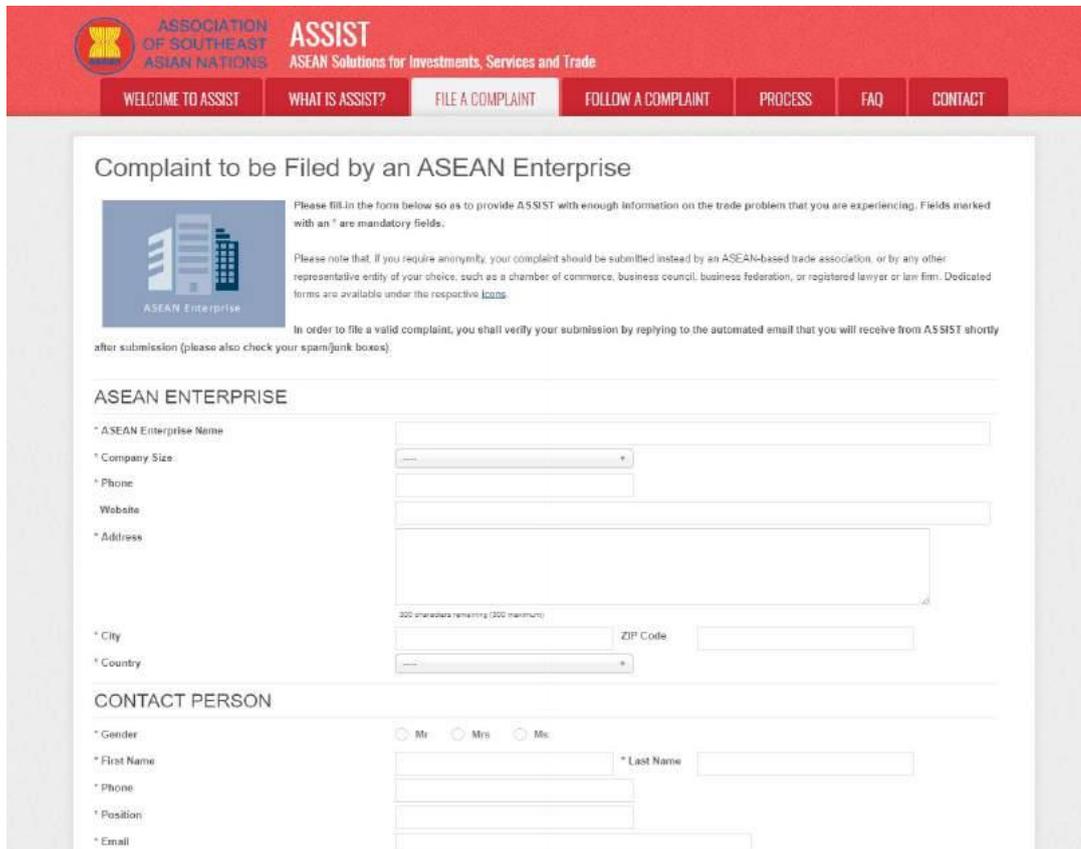
Your complaint will be processed by the Central Administrator of ASSIST within 10 working days maximum from the date of submission. In order to file a valid complaint, you shall verify your submission by replying to the automated email that you will receive from ASSIST shortly after submission. If you do not receive any such communication, please verify your email and resubmit the complaint.

The Central Administrator of ASSIST may request that you resubmit your complaint if any of the information is incomplete or incorrect. Once your complaint has been accepted by the Central Administrator of ASSIST, the Destination Contact Point will be asked to respond. If the complaint is accepted by the Destination Contact Point, you will be notified of the response and, ultimately, of the proposed solution (if any). Complaints are usually addressed and a solution proposed within 40 to 60 working days maximum from the date of acceptance of the complaint by the Destination Contact Point.

Special rules apply to complaints filed by ASEAN-based registered lawyers or law firms. In particular, ahead of submitting an ASSIST complaint on behalf of a client, which must be a duly registered ASEAN Enterprise based in one of the 10 ASEAN Member States, an ASEAN-based lawyer or law firm (i.e., a lawyer or law firm duly licensed to practice law in the ASEAN Member State where the client is based or against which the complaint is filed) must contact the ASEAN Secretariat and provide the required data on its professional registration and on the client on whose behalf the anonymous complaint is filed. In order to do so, please download the necessary form and submit it to the ASEAN Secretariat as specified on the form itself.

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

Ketika Anda mengklik ikon Perusahaan ASEAN ('ASEAN Enterprise'), maka halaman berikut akan tampil.



Complaint to be Filed by an ASEAN Enterprise

Please fill in the form below so as to provide ASSIST with enough information on the trade problem that you are experiencing. Fields marked with an * are mandatory fields.

Please note that, if you require anonymity, your complaint should be submitted instead by an ASEAN-based trade association, or by any other representative entity of your choice, such as a chamber of commerce, business council, business federation, or registered lawyer or law firm. Dedicated forms are available under the respective [links](#).

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

ASEAN ENTERPRISE

* ASEAN Enterprise Name

* Company Size:

* Phone:

Website:

* Address:

300 characters remaining (300 maximum)

* City: ZIP Code:

* Country:

CONTACT PERSON

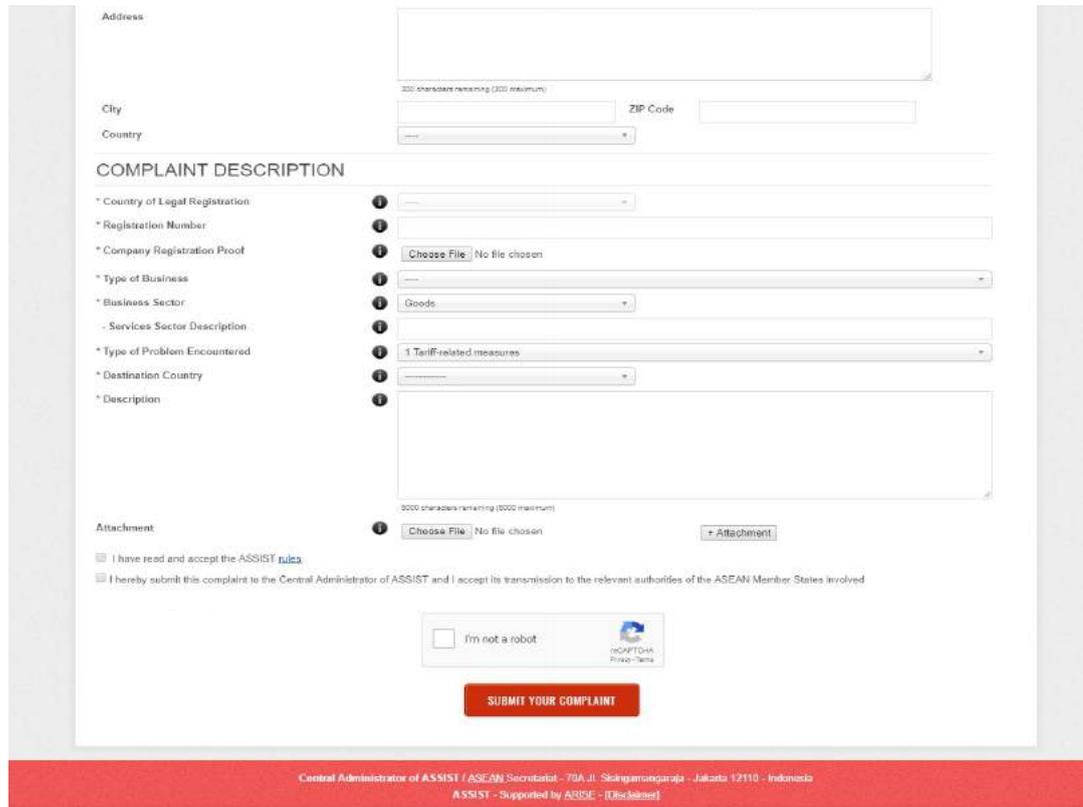
* Gender: Mr. Mrs. Ms.

* First Name: * Last Name:

* Phone:

* Position:

* Email:



Address

City

Country

ZIP Code

COMPLAINT DESCRIPTION

* Country of Legal Registration

* Registration Number

* Company Registration Proof

* Type of Business

* Business Sector

- Services Sector Description

* Type of Problem Encountered

* Destination Country

* Description

Attachment

I have read and accept the ASSIST rules.

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

I'm not a robot

SUBMIT YOUR COMPLAINT

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

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  untuk instruksi terperinci tentang apa yang harus diisi untuk setiap kolom. Silakan 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. 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.

LANGKAH
3

MENGENAL FORMULIR PENGADUAN

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



ASSOCIATION OF SOUTHEAST ASIAN NATIONS

ASSIST
ASEAN Solutions for Investments, Services and Trade

WELCOME TO ASSIST

WHAT IS ASSIST?

FILE A COMPLAINT

FOLLOW A COMPLAINT

PROCESS

FAQ

CONTACT

Complaint to be Filed by an ASEAN Enterprise

Please fill in the form below so as to provide ASSIST with enough information on the trade problem that you are experiencing. Fields marked with an * are mandatory fields.

Please note that, if you require anonymity, your complaint should be submitted instead by an ASEAN-based trade association, or by any other representative entity of your choice, such as a chamber of commerce, business council, business federation, or registered lawyer or law firm. Dedicated forms are available under the respective [links](#).

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

ASEAN ENTERPRISE

* ASEAN Enterprise Name:

* Company Size:

* Phone:

Website:

* Address:

* City: ZIP Code:

* Country:

CONTACT PERSON

* Gender: Mr Mrs Ms

* First Name: * Last Name:

* Phone:

* Position:

* Email:

Address:

* City: ZIP Code:

* Country:

COMPLAINT DESCRIPTION

* Country of Legal Registration:

* Registration Number:

* Company Registration Proof:

* Type of Business:

* Business Sector:

* Services Sector Description:

* Type of Problem Encountered:

* Destination Country:

* Description:

Attachment:

I have read and accept the ASSIST rules

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

I'm not a robot 

Central Administrator of ASSIST / ASEAN Secretariat - 70A Jl. Senikamangaraja - Jakarta 12110 - Indonesia
ASSIST - Supported by ABISE - [Reclaim]

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

“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

dalam konsumsi bahan bakar dan tenaga kerja dengan cara bermuatan pengiriman penuh baik dalam perjalanan ke dalam (*inbound*) maupun ke luar (*outbound*), sehingga mampu memberikan jasa yang hemat biaya dan kompetitif secara lintas batas kepada pelanggan yang berbasis baik di AMS-X maupun di AMS-Y.

Baru-baru ini kami mengetahui bahwa AMS-Y telah mengeluarkan undang-undang pengiriman baru, yaitu Undang-Undang Kemendag 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 undang-undang pengiriman yang baru ini. Undang-undang baru ini tentunya akan mengakibatkan kerugian finansial bagi bisnis kami dan mencegah kami menyediakan jasa pengiriman maritim antara AMS-X dan AMS-Y. Kami sangat khawatir bahwa pengembangan legislatif ini bertentangan dengan perdagangan bebas, dengan semangat Masyarakat Ekonomi ASEAN (MEA) dan, kemungkinan, bertentangan dengan komitmen dan kewajiban khusus AMS-Y berdasarkan perjanjian ekonomi ASEAN yang relevan (misalnya, Kerangka Perjanjian ASEAN tentang Jasa, atau AFAS).

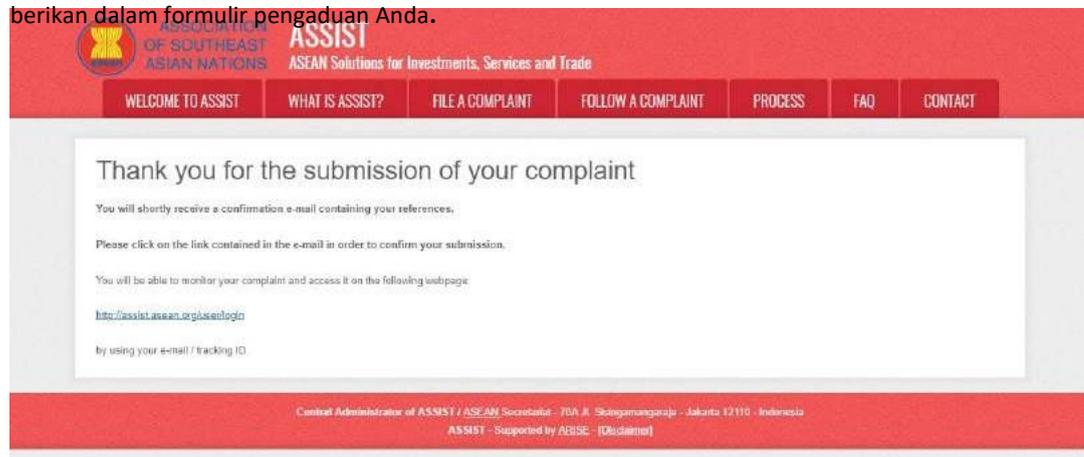
Kami berpandangan bahwa undang-undang baru ini adalah jelas merupakan langkah proteksionisme dan tidak sesuai dengan prinsip-prinsip perdagangan bebas dan hukum adat mengenai jasa maritim internasional, yang akan berdampak serius pada perusahaan pelayaran AMS-X yang menawarkan jasa transportasi laut lintas batas dalam kaitannya dengan komoditas yang terkena dampak undang-undang ini. Selain itu, langkah baru AMS-Y ini jelas merupakan pelanggaran terhadap komitmen yang dibuat oleh AMS-Y kepada Organisasi Perdagangan Dunia dan jelas merupakan pelanggaran terhadap Jadwal Komitmen Khusus AMS-Y di bawah AFAS, di mana AMS-Y telah berkomitmen untuk mengizinkan perusahaan pelayaran asing yang menawarkan jasa angkutan lintas batas di dalam ASEAN untuk beroperasi di perairannya tanpa batasan akses pasar dan perlakuan nasional. Karena itu, kami ingin meminta AMS-Y untuk mencabut atau mengubah undang-undang baru ini."

Ketika pengaduan diajukan dengan mengklik Kirim Pengaduan Anda (*'Submit your Complaint'*), halaman berikut pada Langkah 4 akan tampil.

LANGKAH
4

MENERIMA PEMBERITAHUAN DARI ASSIST

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



The screenshot shows the ASSIST website header with navigation tabs. The main content area displays a confirmation message: "Thank you for the submission of your complaint". Below this, it states: "You will shortly receive a confirmation e-mail containing your references. Please click on the link contained in the e-mail in order to confirm your submission. You will be able to monitor your complaint and access it on the following webpage: <http://assist.asean.org/asean/login> by using your e-mail / tracking ID." At the bottom, it provides contact information: "Central Administrator of ASSIST / ASEAN Secretariat - JDA # Solemponegara - Jakarta 12110 - Indonesia" and "ASSIST - Supported by AEBSE - [Dusaster]".

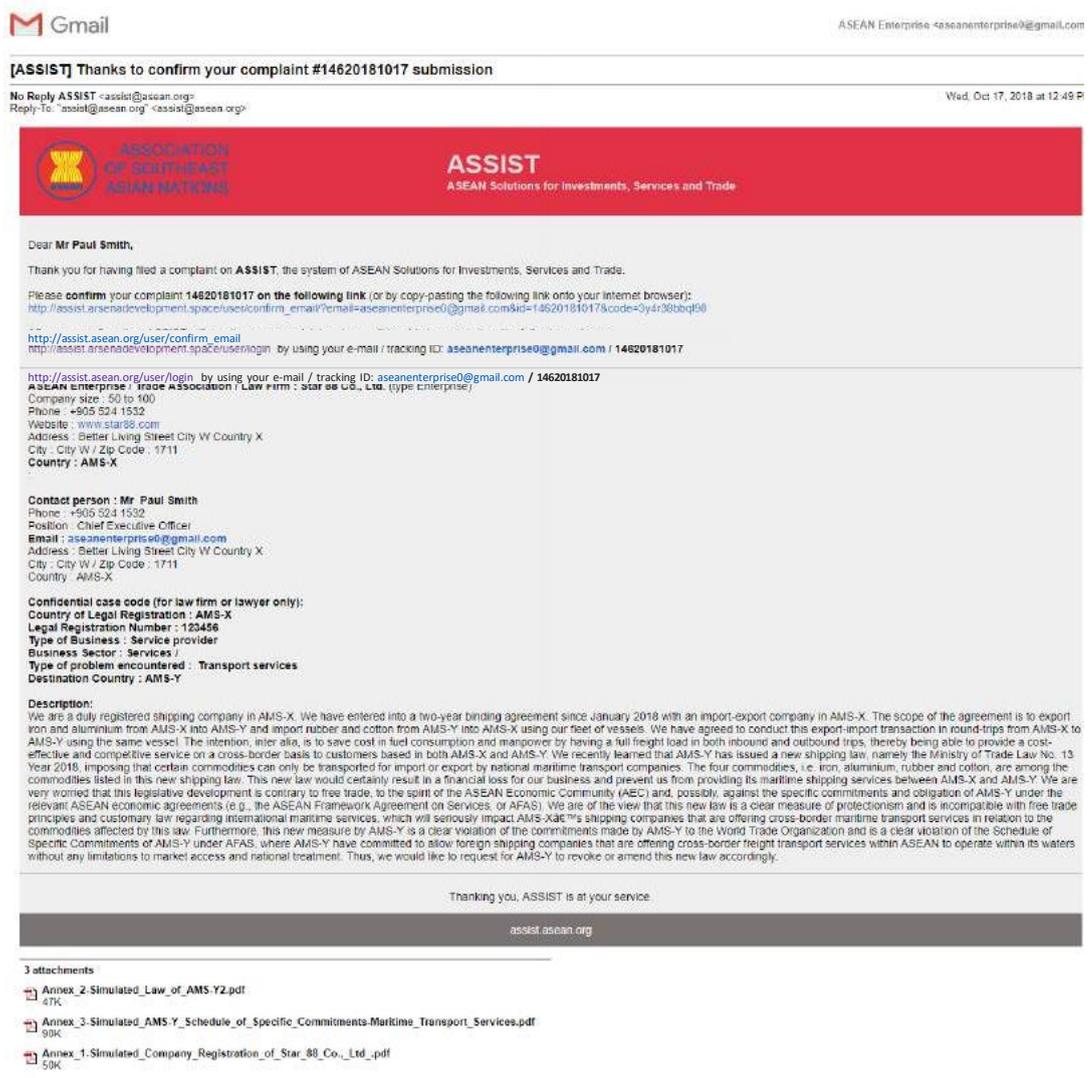
Pemberitahuan di atas menunjukkan bahwa Anda harus mengklik tautan yang diberikan di akun email Anda untuk mengonfirmasi pengaduan Anda dengan ASSIST

LANGKAH
5

MENGONFIRMASI PENGADUAN ANDA DARI AKUN EMAIL ANDA

- (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 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 **14620181017**.

Berikut adalah email yang akan Anda terima dari ASSIST.



Gmail ASEAN Enterprise <aseanenterprise@gmail.com>

[ASSIST] Thanks to confirm your complaint #14620181017 submission

No Reply ASSIST <assist@asean.org>
Reply-To: "assist@asean.org" <assist@asean.org> Wed, Oct 17, 2018 at 12:49 P



ASSOCIATION
OF SOUTHEAST
ASIAN NATIONS



ASSIST
ASEAN Solutions for Investments, Services and Trade

Dear **Mr Paul Smith**,

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

Please **confirm** your complaint **14620181017** on the following link (or by copy-pasting the following link onto your Internet browser):
http://assist.aseandevelopment.space/confirm_email?email=aseanenterprise@gmail.com&id=14620181017&code=5y4r38t8q6j90

http://assist.asean.org/user/confirm_email
<http://assist.aseandevelopment.space/user/login> by using your e-mail / tracking ID: aseanenterprise@gmail.com / **14620181017**

<http://assist.asean.org/user/login> by using your e-mail / tracking ID: aseanenterprise@gmail.com / **14620181017**

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

Contact person : Mr Paul Smith
 Phone : +905 524 1532
 Position : Chief Executive Officer
 Email : aseanenterprise@gmail.com
 Address : Better Living Street City W Country X
 City : City W / Zip Code : 1711
 Country : **AMS-X**

Confidential case code (for law firm or lawyer only):
 Country of Legal Registration : **AMS-X**
 Legal Registration Number : 122456
 Type of Business : **Service provider**
 Business Sector : **Services /**
 Type of problem encountered : **Transport services**
 Destination Country : **AMS-Y**

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

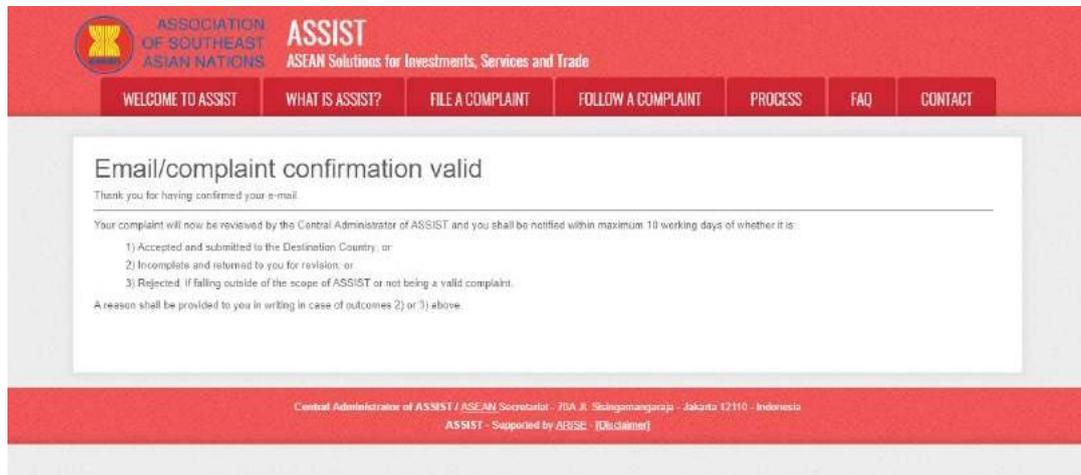
Thanking you, ASSIST is at your service

assist.asean.org

3 attachments

-  [Annex_2-Simulated_Law_of_AMS_Y2.pdf](#)
47K
-  [Annex_3-Simulated_AMS_Y_Schedule_of_Specific_Commitments-Maritime_Transport_Services.pdf](#)
90K
-  [Annex_1-Simulated_Company_Registration_of_Star_88_Co.,Ltd_.pdf](#)
50K

(b) Klik pada tautan sebagaimana diminta dalam email di atas dan halaman berikut akan tampil:



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

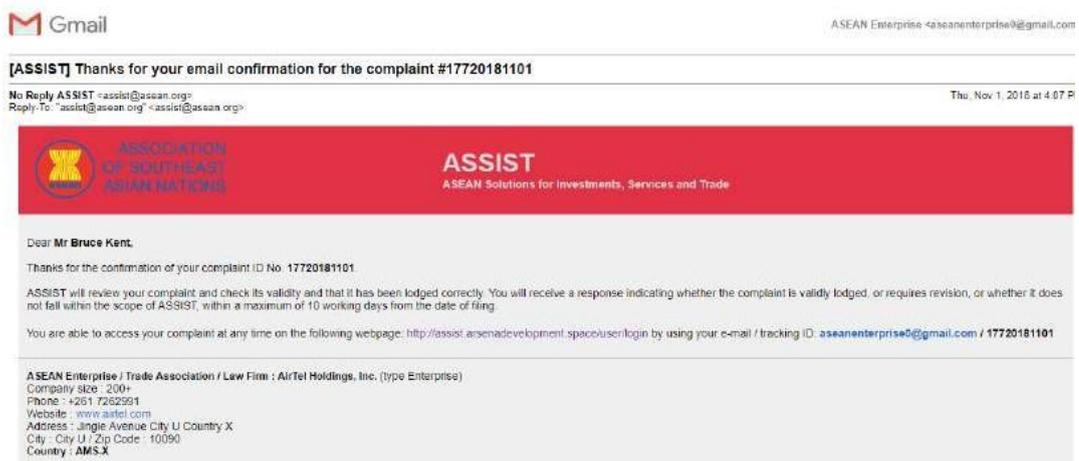
- 1) Diterima dan diserahkan ke Negara Tujuan; atau
- 2) Tidak lengkap dan dikembalikan kepada Anda untuk revisi; atau
- 3) Ditolak, jika tidak tercakup dalam lingkup ASSIST atau tidak menjadi pengaduan yang sah.

Buka akun email Anda.

LANGKAH
6

MENERIMA EMAIL DARI ASSIST YANG MEMBERITAHUKAN BAHWA AKUN EMAIL DAN PENGADUAN ANDA SAH

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



Contact person : Mr. Bruce Kent
Phone : +261 8159255399
Position : President
Email : aseanenterprise0@gmail.com
Address : Jingle Avenue City U Country X
City : City U / Zip Code : 10090
Country : AMS-X

Confidential case code (for law firm or lawyer only):
Country of Legal Registration : AMS-X
Legal Registration Number : 123456
Type of Business : Service provider
Business Sector : Services / Telecommunication
Type of problem encountered : Communication Services
Destination Country : AMS-Y

Description:

We are a duly registered telecommunications company in AMS-X, AirTel Holdings, Inc. Our subsidiary company, AirTel Holdings, Inc. is based in AMS-Y. 80% of the total shares issued by AirTel Co., Ltd. is owned by AMS-X shareholders and its senior management level positions are dominated by AMS-Y nationals. AirTel Co., Ltd.'s operating license has recently been revoked by AMS-Y's National Communication Authority in September 2018 on the argument that the telecommunications license possessed by AirTel Co., Ltd. is no longer valid. In fact, in August 2018, AMS-Y had amended the Telecommunications Business License Act No. 1500, whereby foreign operators were no longer permitted to apply for Type B and Type C licenses. A type B telecom license is for an operator with or without its own network, but provides services targeting a segment or even several segments of the public. A type C telecom license is for an operator with a network that provides services to the general public, or services that cause a significant impact on fair competition, the public interest, or require special consumer protection. The applicant applying for Type B and Type C licenses must be companies where AMS-Y nationals hold at least 51% shares and at least three quarters of the applicant's senior level management and the person authorized to sign any binding commitments, as a representation of the applicant company, must be an AMS-Y national. We feel that AirTel Co., Ltd. has been treated unfairly as it simply followed the government process at the time when it had applied for the license and it was not given any notification by AMS-Y on this new development. It has also complied with the requirement for foreign companies with a majority of foreign shareholders, which is obtaining a Foreign Business License from the Ministry of Commerce. The revoking of AirTel Co., Ltd.'s license and the amendment of the business license regulation has caused AirTel Holdings, Inc., shares to fall 5.67% in AMS-X as AMS-Y is the world's second biggest cellular market. We believe that the revoking of its license is a discrimination against foreign investors in the telecommunications sector and a violation of the specific commitments and obligations of AMS-Y under the relevant ASEAN Framework Agreement on Services (AFAS).

Thanking you, ASSIST is at your service.

assist.asean.org

4 attachments

-  Annex_2_Simulated_AMS-Y_Schedule_of_Specific_Commitments-AFAS_9_Consolidated_Schedule1.pdf
91K
-  Annex_3_Simulated_Law_of_AMS-Y1.pdf
47K
-  Annex_4_Simulated_Amendment_Law_of_AMS-Y1.pdf
47K
-  Annex_4_Simulated_Corporate_Governance_of_AirTel_Holdings_Indo.pdf
47K

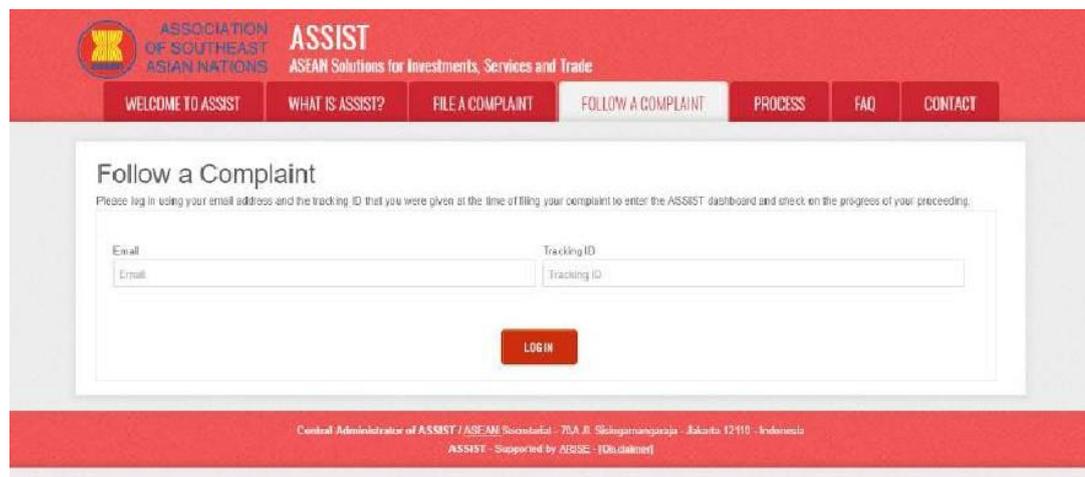
Seperti yang ditunjukkan dalam email di atas, sekarang Anda dapat memantau perkembangannya dengan mengklik tautan yang ditunjukkan yang akan diarahkan ke tab Ikuti Pengaduan (*'Follow a Complaint'*) pada bar menu di situs web ASSIST.

LANGKAH

7

MEMANTAU PERKEMBANGAN PENGADUAN ANDA

- (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.



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

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

Follow a Complaint

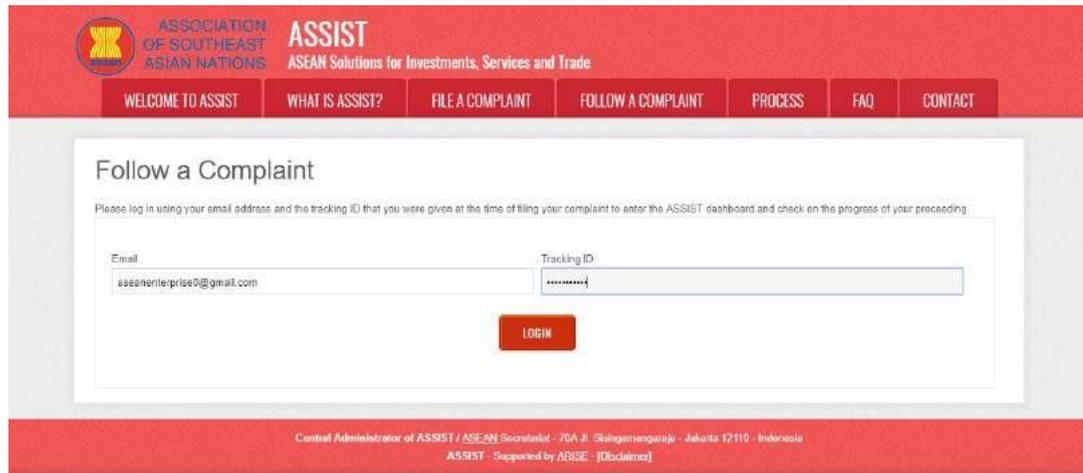
Please log in using your email address and the tracking ID that you were given at the time of filing your complaint to enter the ASSIST dashboard and check on the progress of your proceeding.

Email Tracking ID

LOGIN

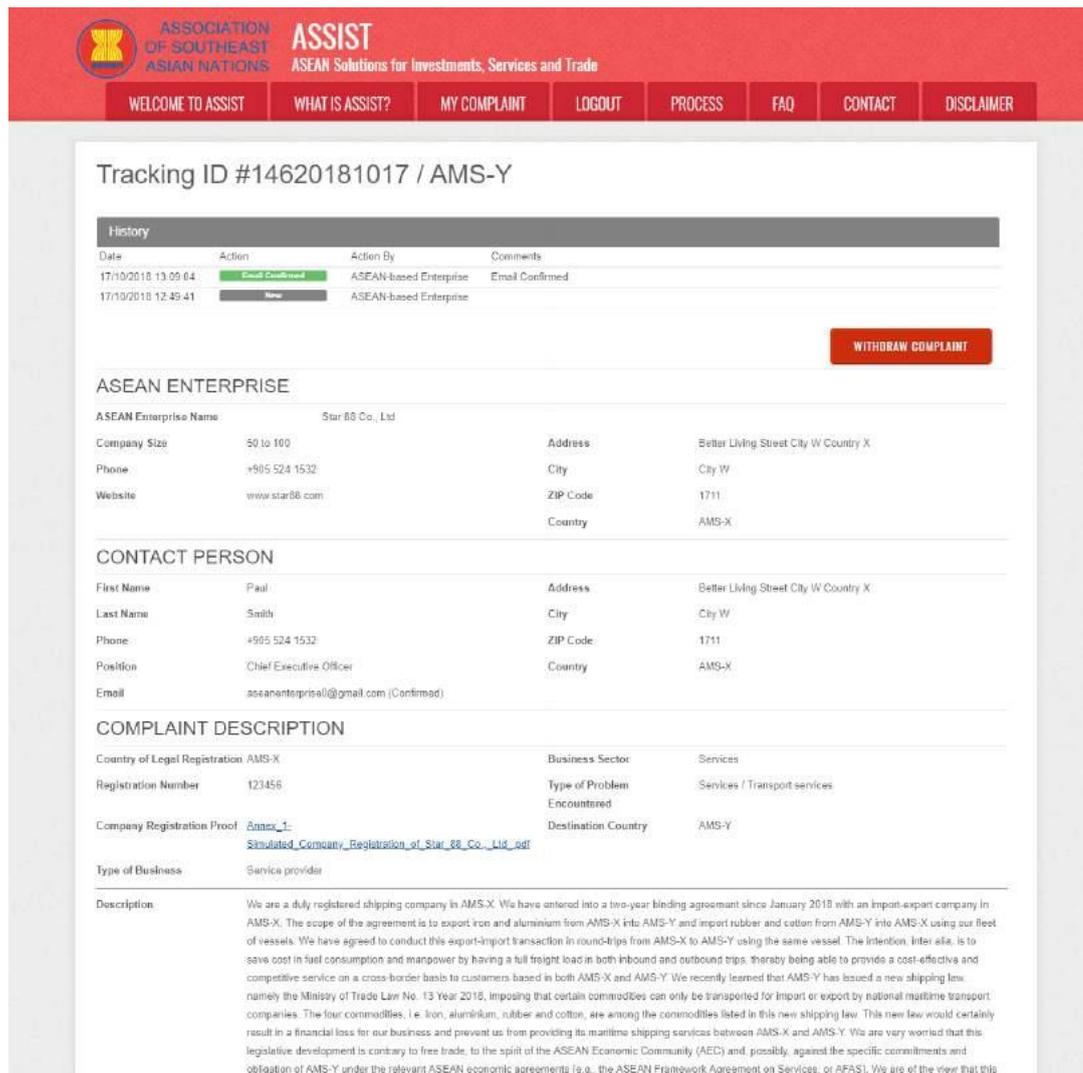
Central Administrator of ASSIST / ASE-AM, Rosmalda - JVA B. Singsingmanjaya - Jakarta 12110 - Indonesia
ASSIST - Supported by ASEAN [Indonesia]

- (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**.



Setelah log masuk, Anda akan melihat dasbor ASSIST di mana Anda dapat memantau perkembangan pengaduan Anda.

(c) Lihat Dasbor ASSIST Anda setelah Anda berhasil log masuk:



Tracking ID #14620181017 / AMS-Y

History			
Date	Action	Action By	Comments
17/10/2018 13:09:04	Email Confirmed	ASEAN-based Enterprise	Email Confirmed
17/10/2018 12:49:41	New	ASEAN-based Enterprise	

ASEAN ENTERPRISE

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

CONTACT PERSON

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

COMPLAINT DESCRIPTION

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

Description

We are a duly registered shipping company in AMS-X. We have entered into a two-year binding agreement since January 2018 with an import-export company in AMS-X. The scope of the agreement is to export iron and aluminium from AMS-X into AMS-Y and import rubber and cotton from AMS-Y into AMS-X using our fleet of vessels. We have agreed to conduct this export-import transaction in round-trips from AMS-X to AMS-Y using the same vessel. The intention, inter alia, is to save cost in fuel consumption and manpower by having a full freight load in both inbound and outbound trips, thereby being able to provide a cost-effective and competitive service on a cross-border basis to customers based in both AMS-X and AMS-Y. We recently learned that AMS-Y has issued a new shipping law, namely the Ministry of Trade Law No. 13 Year 2018, imposing that certain commodities can only be transported for import or export by national maritime transport companies. The four commodities, i.e. iron, aluminium, rubber and cotton, are among the commodities listed in this new shipping law. This new law would certainly result in a financial loss for our business and prevent us from providing its maritime shipping services between AMS-X and AMS-Y. We are very worried that this legislative development is contrary to free trade, to the spirit of the ASEAN Economic Community (AEC) and, possibly, against the specific commitments and obligation of AMS-Y under the relevant ASEAN economic agreements (e.g., the ASEAN Framework Agreement on Services, or AFAS). We are of the view that this



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

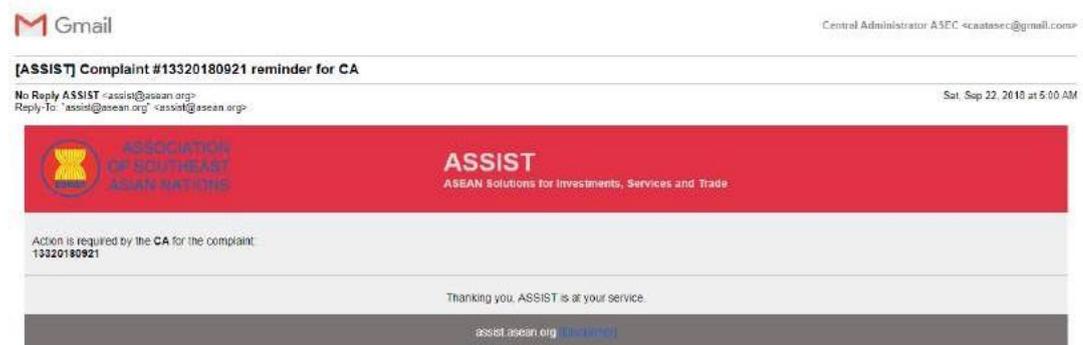
LANGKAH
8

CA MEMERIKSA PENGADUAN ANDA DAN MENGIRIMKAN TANGGAPAN KE EMAIL ANDA (MENERIMA, MENYATAKAN TIDAK LENGKAP, ATAU MENOLAK)

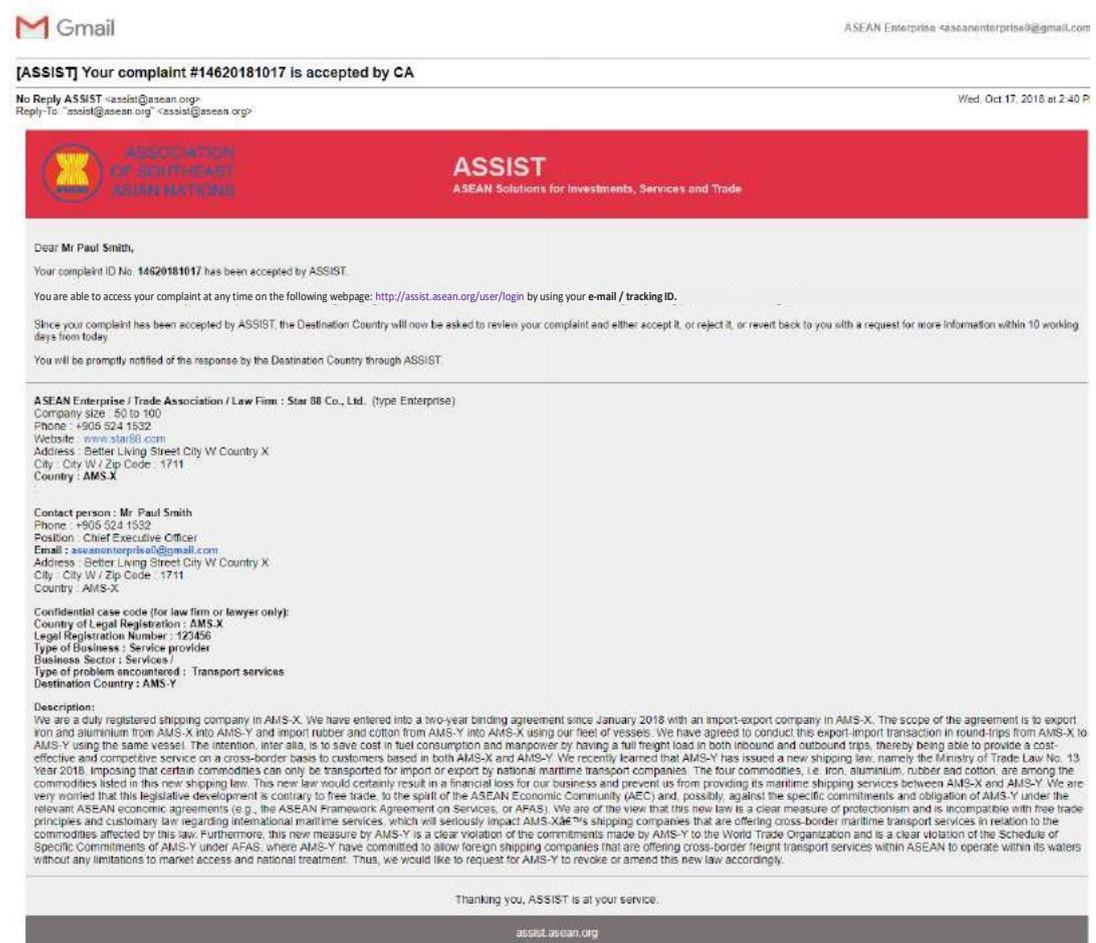
Setelah CA selesai memeriksa pengaduan Anda dan memutuskan apakah akan menerima/ menyatakan tidak lengkap/menolak, email akan dikirimkan kepada Anda biasanya dalam 10 hari kerja sejak Anda mengajukan pengaduan.

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.

Email pengingat (reminder) 1 untuk Pengelola Sistem(CA):



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

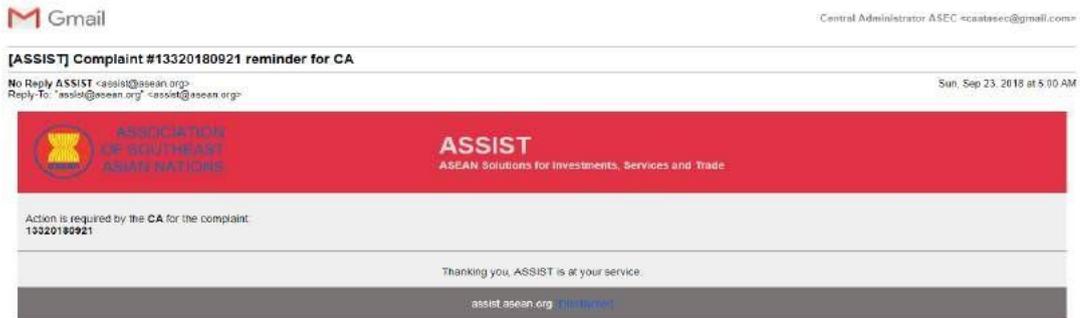


Dalam hal ini, email di atas menunjukkan bahwa pengaduan Anda telah **diterima** oleh CA. Email tersebut juga memberi tahu Anda bahwa pengaduan Anda sekarang akan dikirim ke Titik Kontak Tujuan (DCP), yang merupakan agen pemerintah (Titik Kontak Utama ASSIST) di AMS-Y tempat Anda menghadapi masalah perdagangan 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:

Email pengingat 2 untuk Pengelola Sistem (CA) :



LANGKAH 9

LOG MASUK KE DASHBOARD ASSIST ANDA MELALUI EMAIL DAN ID PELACAKAN ANDA UNTUK MELIHAT TANGGAPAN AKTUAL DARI ADMINISTRATOR PUSAT

Jika Anda ingin melihat tanggapan CA secara lengkap, maka Anda harus masuk ke dasbor ASSIST Anda menggunakan email dan ID pelacakan seperti yang 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 menunjukkan bahwa CA telah Menerima ('**Accepted**') pengaduan Anda.

Tracking ID #14620181017 / AMS-Y

History			
Date	Action	Action By	Comments
17/10/2018 14:40:40	Accepted	Central Administrator of ASSIST	Dear Mr Paul Smith, Thank you for lodging your complaint under ASSIST. The Central Administrator has reviewed and verified your complaint and finds that it is complete. You have submitted your company registration document which proves that you are a business registered in AMS-X and you.
17/10/2018 13:09:04	Email Confirmed	ASEAN-based Enterprise	Email Confirmed
17/10/2018 12:49:41	New	ASEAN-based Enterprise	

ASEAN ENTERPRISE

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

CONTACT PERSON

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

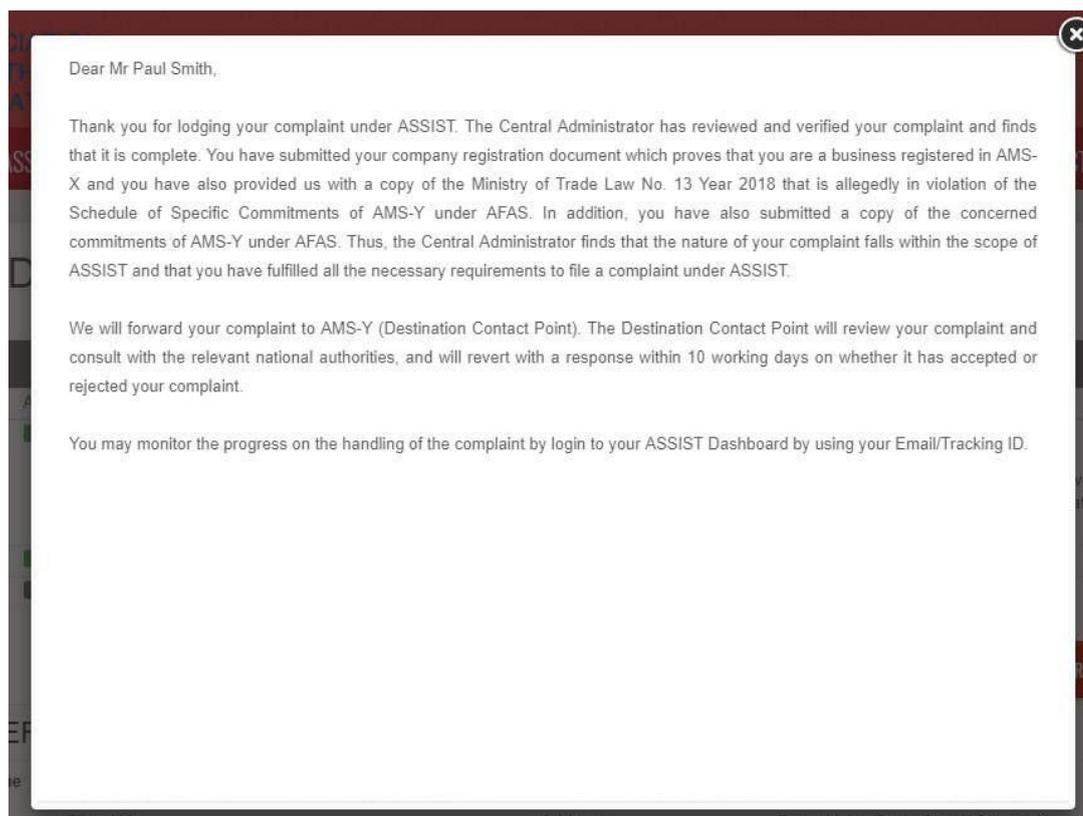
COMPLAINT DESCRIPTION

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

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

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

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



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.

LANGKAH
10

MENERIMA EMAIL PEMBERITAHUAN DARI ASSIST TENTANG APAKAH PENGADUAN ANDA DITERIMA ATAU DITOLAK OLEH TITIK KONTAK TUJUAN DI AMS-Y

Dalam 10 hari kerja setelah tanggapan dari CA bahwa pengaduan Anda diterima, Anda akan menerima email di bawah ini untuk menyampaikan informasi 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.

Email pengingat 1 untuk Titik Kontak Tujuan (DCP):

AMS Y <aseanmemberstate.y@gmail.com>

[ASSIST] Complaint #14620181017 reminder for DCP

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



ASSIST
ASEAN Solutions for Investments, Services and Trade

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

Thanking you, ASSIST is at your service.

assist.asean.org

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

ASEAN Enterprise <aseanenterprise@gmail.com>

[ASSIST] Your complaint #14620181017 is accepted by DCP

No Reply ASSIST <assist@asean.org> Thu, Oct 18, 2018 at 12:07 PM
 Reply-To: "assist@asean.org" <assist@asean.org>



ASSIST
ASEAN Solutions for Investments, Services and Trade

Dear **Mr Paul Smith**,

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

You are able to access your complaint at any time on the 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 | Trade Association / Law Firm : Star 88 Co., Ltd. (type Enterprise)
 Company size : 50 to 100
 Phone : +906 524 1532
 Website : www.star88.com
 Address : Better Living Street City W Country X
 City : City W / Zip Code : 1711
 Country : AMS-X

Contact person : Mr Paul Smith
 Phone : +906 524 1532
 Position : Chief Executive Officer
 Email : aseanenterprise@gmail.com
 Address : Better Living Street City W Country X
 City : City W / Zip Code : 1711
 Country : AMS-X

Confidential case code (for law firm or lawyer only):
Country of Legal Registration : AMS-X
Legal Registration Number : 123456
Type of Business : Service provider
Business Sector : Services I
Type of problem encountered : Transport services
Destination Country : AMS-Y

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

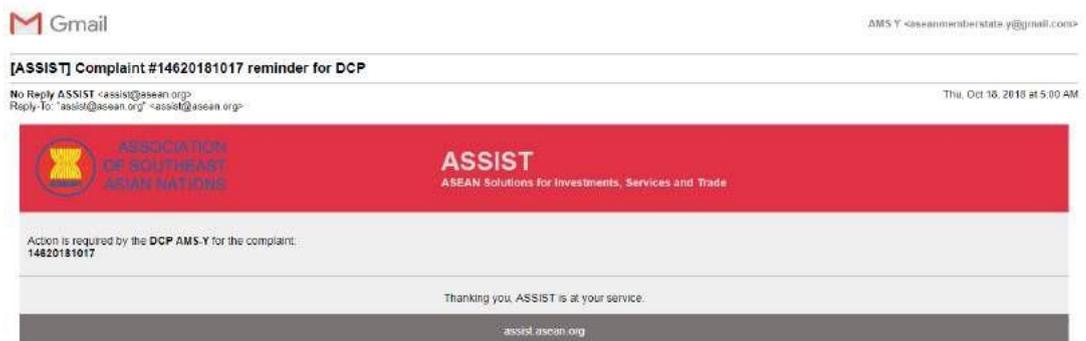
Thanking you, ASSIST is at your service.

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

Dalam hal ini, pengaduan telah diterima oleh DCP sebagaimana dapat dilihat di atas.

Jika Anda tidak menerima email dari ASSIST pada 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 suatu tindakan sangat dibutuhkan oleh DCP untuk pengaduan tersebut.

Email pengingat 2 untuk DCP:



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

[ASSIST] Complaint #14620181017 reminder for DCP

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

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

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

Thanking you, ASSIST is at your service.

assist.asean.org

Setelah DCP menerima pengaduan, masalah tersebut diteruskan ke Otoritas Penanggung Jawab (*Responsible Authorities (RA)*) untuk mendapat masukan. Setelah RA menyelesaikan upaya mereka, DCP harus memeriksa solusi dan memberikannya kepada CA dalam tenggat waktu 40 hari kerja. Dengan demikian, untuk memenuhi tenggat waktu ini, DCP harus menetapkan batas waktu agar RA dapat menemukan solusi. DCP bertanggungjawab untuk memberitahukan kepada CA mengenai setiap perubahan yang berkaitan dengan jangka waktu antara DCP dan otoritas nasional.

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

Periksa email Anda secara teratur dalam 40 + 20 hari kerja setelah Anda diberitahu bahwa DCP telah menerima pengaduan Anda. Pada akhirnya Anda akan menerima email baru dari ASSIST yang menunjukkan solusi yang diusulkan oleh DCP.

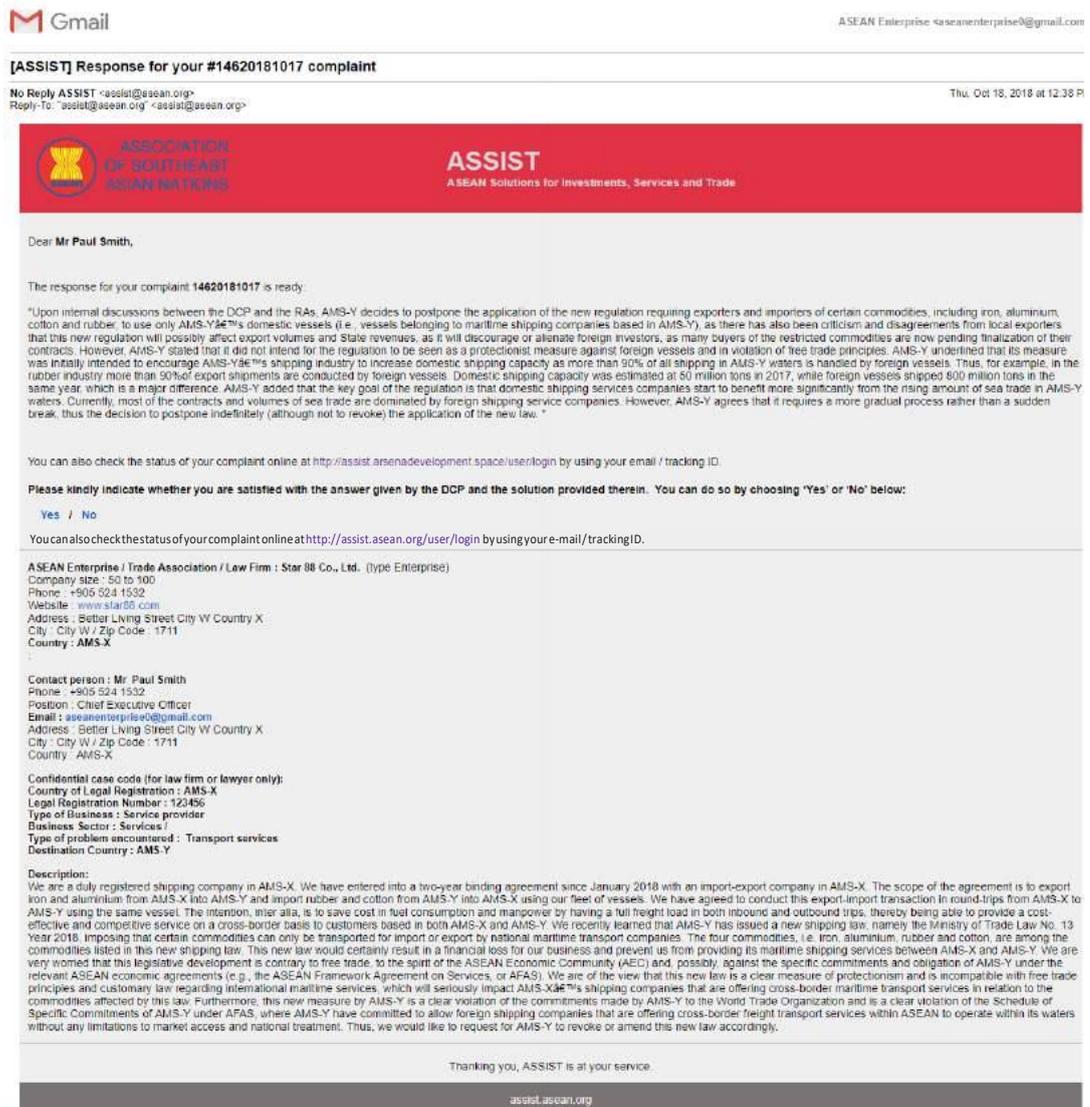
LANGKAH
11

MENERIMA EMAIL PEMBERITAHUAN DARI ASSIST BAHWA AMS-Y TELAH MENGAJUKAN SOLUSI DAN DITERIMA OLEH CA

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

CA akan: (i) memeriksa solusi dalam konteks pengaduan asli; (ii) mendaftarkan solusi tersebut dan mengirimkannya ke AE melalui email; dan (iii) menyalin solusi untuk HCP/ HCP di AMS-X (negara asal Anda).

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



ASSIST
ASEAN Solutions for Investments, Services and Trade

Dear **Mr Paul Smith**,

The response for your complaint **14620181017** is ready.

"Upon internal discussions between the DCP and the RAs, AMS-Y decides to postpone the application of the new regulation requiring exporters and importers of certain commodities, including iron, aluminum, cotton and rubber, to use only AMS-Y's domestic vessels (i.e., vessels belonging to maritime shipping companies based in AMS-Y), as there has also been criticism and disagreements from local exporters that this new regulation will possibly affect export volumes and State revenues, as it will discourage or alienate foreign investors, as many buyers of the restricted commodities are now pending finalization of their contracts. However, AMS-Y stated that it did not intend for the regulation to be seen as a protectionist measure against foreign vessels and in violation of free trade principles. AMS-Y underlined that its measure was initially intended to encourage AMS-Y's shipping industry to increase domestic shipping capacity as more than 90% of all shipping in AMS-Y waters is handled by foreign vessels. Thus, for example, in the rubber industry more than 90% of export shipments are conducted by foreign vessels. Domestic shipping capacity was estimated at 50 million tons in 2017, while foreign vessels shipped 800 million tons in the same year, which is a major difference. AMS-Y added that the key goal of the regulation is that domestic shipping services companies start to benefit more significantly from the rising amount of sea trade in AMS-Y waters. Currently, most of the contracts and volumes of sea trade are dominated by foreign shipping service companies. However, AMS-Y agrees that it requires a more gradual process rather than a sudden break, thus the decision to postpone indefinitely (although not to revoke) the application of the new law."

You can also check the status of your complaint online at <http://assist.arsenadevelopment.space/user/login> by using your email / tracking ID.

Please kindly indicate whether you are satisfied with the answer given by the DCP and the solution provided therein. You can do so by choosing 'Yes' or 'No' below:

Yes / No

You can also check the status of your complaint online at <http://assist.asean.org/user/login> by using your e-mail / tracking ID.

ASEAN Enterprise / Trade Association / Law Firm : Star 88 Co., Ltd. (Type Enterprise)
Company size : 50 to 900
Phone : +905 524 1532
Website : www.star88.com
Address : Better Living Street City W Country X
City : City W / Zip Code : 1711
Country : AMS-X

Contact person : Mr Paul Smith
Phone : +905 524 1532
Position : Chief Executive Officer
Email : aseanenterprise@gmail.com
Address : Better Living Street City W Country X
City : City W / Zip Code : 1711
Country : AMS-X

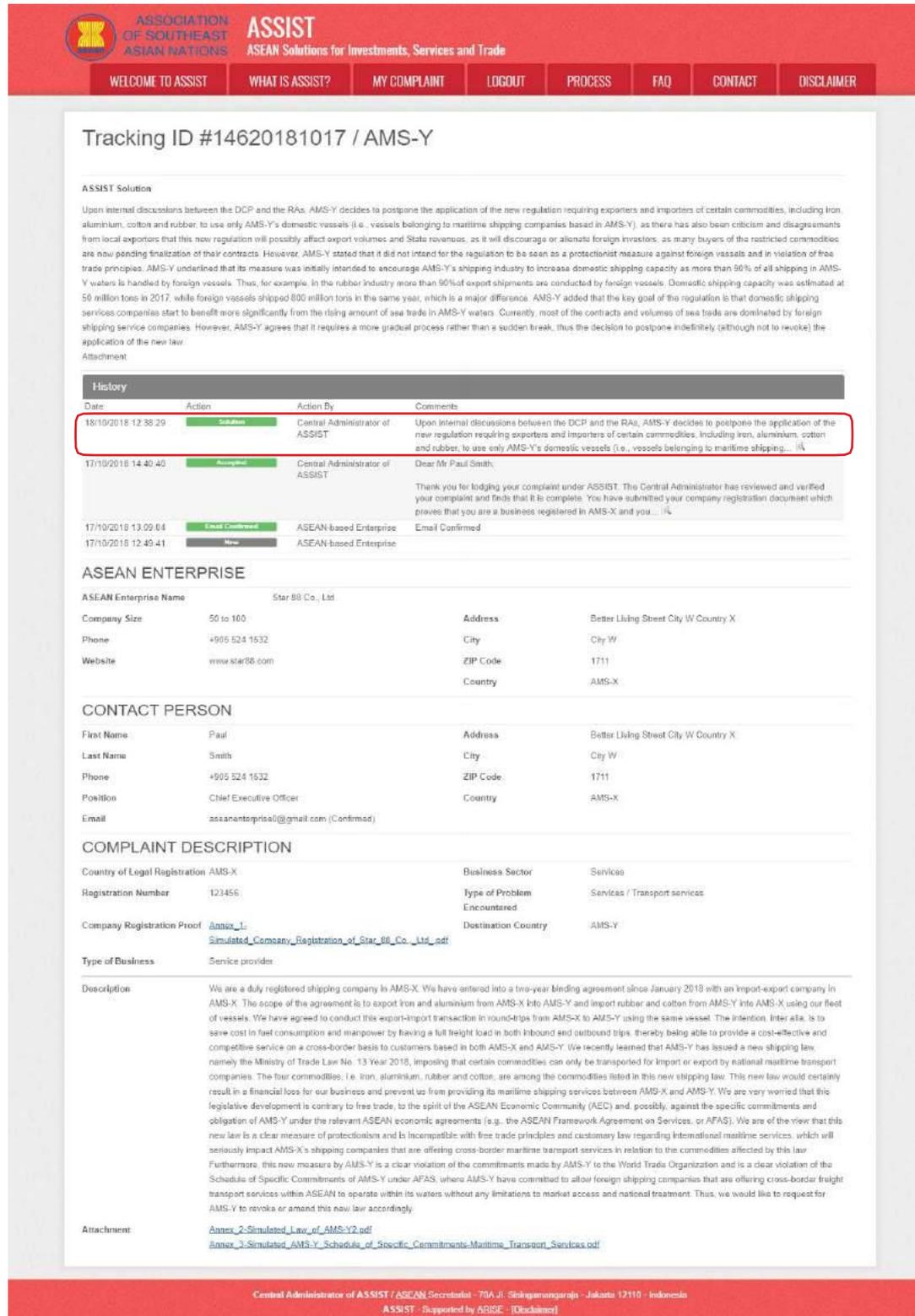
Confidential case code (for law firm or lawyer only):
Country of Legal Registration : AMS-X
Legal Registration Number : 120456
Type of Business : Service provider
Business Sector : Services /
Type of problem encountered : Transport services
Destination Country : AMS-Y

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

Thanking you, ASSIST is at your service.

assist.asean.org

- (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.



Tracking ID #14620181017 / AMS-Y

ASSIST Solution

Upon internal discussions between the DCP and the RAs, AMS-Y decides to postpone the application of the new regulation requiring exporters and importers of certain commodities, including iron, aluminium, cotton and rubber, to use only AMS-Y's domestic vessels (i.e., vessels belonging to maritime shipping companies based in AMS-Y), as there has also been criticism and disagreements from local exporters that this new regulation will possibly affect export volumes and State revenues, as it will discourage or alienate foreign investors, as many buyers of the restricted commodities are now pending finalization of their contracts. However, AMS-Y stated that it did not intend for the regulation to be seen as a protectionist measure against foreign vessels and in violation of free trade principles. AMS-Y underlined that its measure was initially intended to encourage AMS-Y's shipping industry to increase domestic shipping capacity as more than 90% of all shipping in AMS-Y waters is handled by foreign vessels. Thus, for example, in the rubber industry more than 90% of export shipments are conducted by foreign vessels. Domestic shipping capacity was estimated at 50 million tons in 2017, while foreign vessels shipped 800 million tons in the same year, which is a major difference. AMS-Y added that the key goal of the regulation is that domestic shipping services companies start to benefit more significantly from the rising amount of sea trade in AMS-Y waters. Currently, most of the contracts and volumes of sea trade are dominated by foreign shipping service companies. However, AMS-Y agrees that it requires a more gradual process rather than a sudden break, thus the decision to postpone indefinitely (although not to revoke) the application of the new law.

Attachment

Date	Action	Action By	Comments
18/10/2018 12:38:29	Confirmed	Central Administrator of ASSIST	Upon internal discussions between the DCP and the RAs, AMS-Y decides to postpone the application of the new regulation requiring exporters and importers of certain commodities, including iron, aluminium, cotton and rubber, to use only AMS-Y's domestic vessels (i.e., vessels belonging to maritime shipping...
17/10/2018 14:40:40	Received	Central Administrator of ASSIST	Dear Mr Paul Smith, Thank you for lodging your complaint under ASSIST. The Central Administrator has reviewed and verified your complaint and finds that it is complete. You have submitted your company registration document which proves that you are a business registered in AMS-X and you...
17/10/2018 13:09:04	Lead Confirmed	ASEAN-based Enterprise	Email Confirmed
17/10/2018 12:49:41	New	ASEAN-based Enterprise	

ASEAN ENTERPRISE

ASEAN Enterprise Name: Star 88 Co., Ltd

Company Size: 50 to 100

Phone: +905 524 1532

Website: www.star88.com

Address: Better Living Street City W Country X

City: City W

ZIP Code: 1711

Country: AMS-X

CONTACT PERSON

First Name: Paul

Last Name: Smith

Phone: +905 524 1532

Position: Chief Executive Officer

Email: aseanentopriadi@gmail.com (Confirmed)

Address: Better Living Street City W Country X

City: City W

ZIP Code: 1711

Country: AMS-X

COMPLAINT DESCRIPTION

Country of Legal Registration: AMS-X

Registration Number: 123456

Company Registration Proof: [Annex 1: Simulated Company Registration of Star 88 Co., Ltd.pdf](#)

Type of Business: Service provider

Business Sector: Services

Type of Problem Encountered: Services / Transport services

Destination Country: AMS-Y

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

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

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

Di bawah ini adalah solusi yang diajukan dari DCP:

"Setelah mengadakan diskusi internal antara DCP dan RA, AMS-Y memutuskan untuk menunda 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.

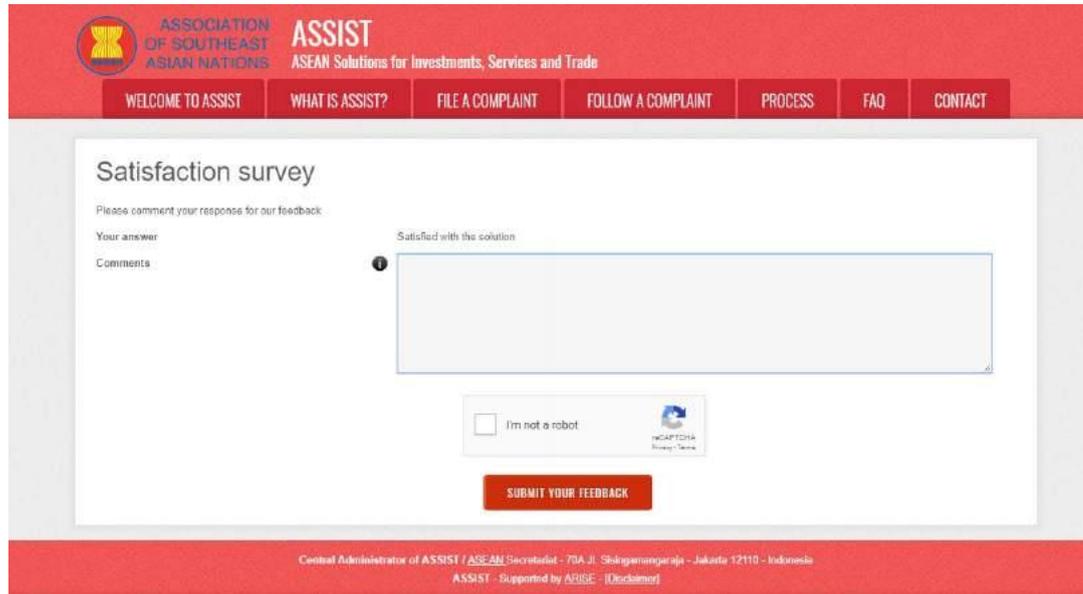
Please kindly indicate whether you are satisfied with the answer given by the DCP and the solution provided therein. You can do so by choosing 'Yes' or 'No' below:

Yes / No

Dalam hal ini, AE memilih "Ya".

**LANGKAH
12****MEMBERIKAN UMPAN BALIK TERHADAP SOLUSI YANG DIBERIKAN OLEH AMS-Y DALAM SURVEI 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.



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

Satisfaction survey

Please comment your responses for our feedback

Your answer: Satisfied with the solution

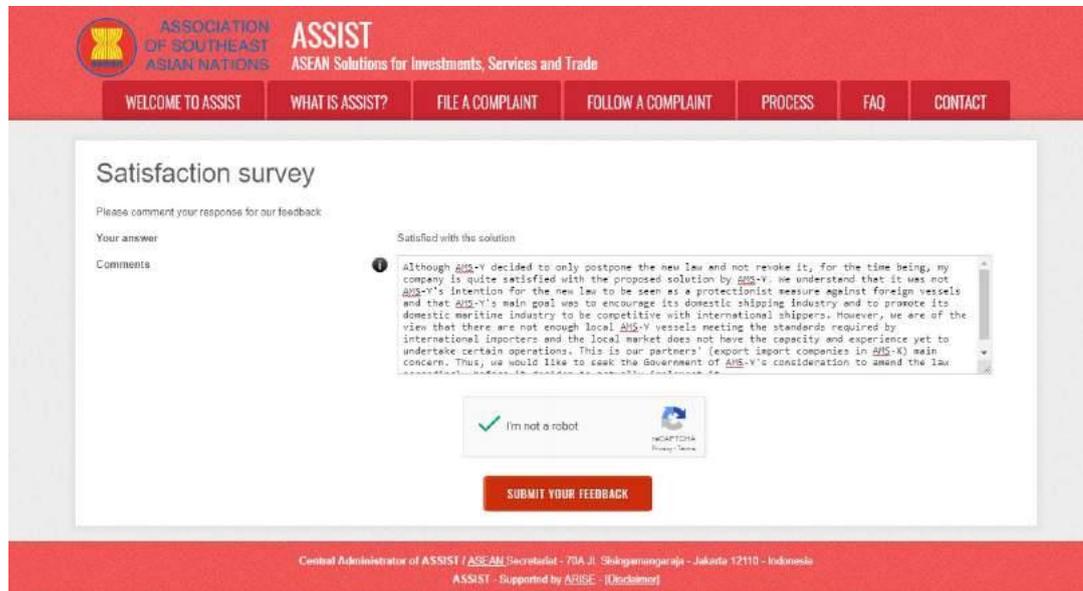
Comments: [Empty text area]

I'm not a robot 

SUBMIT YOUR FEEDBACK

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

(a) Isi Survei Kepuasan. Dalam hal ini, AE puas dengan solusi yang disediakan oleh ASSIST dan menunjukkannya sesuai dengan itu.



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

Satisfaction survey

Please comment your responses for our feedback

Your answer: Satisfied with the solution

Comments: 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-K) main concern. Thus, we would like to seek the Government of AMS-Y's consideration to amend the law

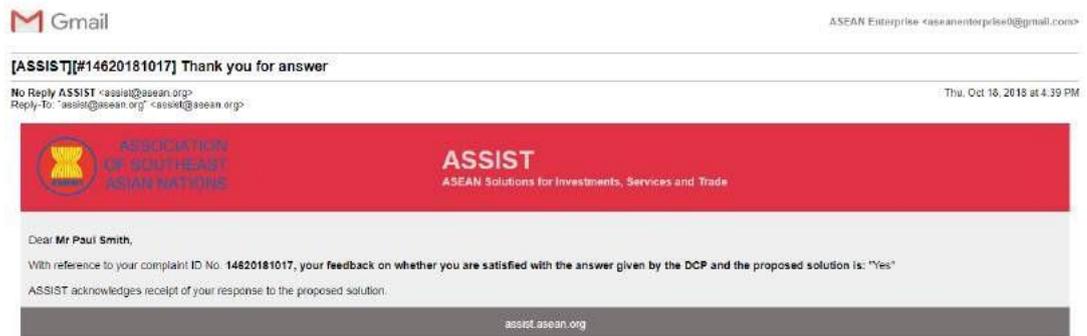
I'm not a robot 

SUBMIT YOUR FEEDBACK

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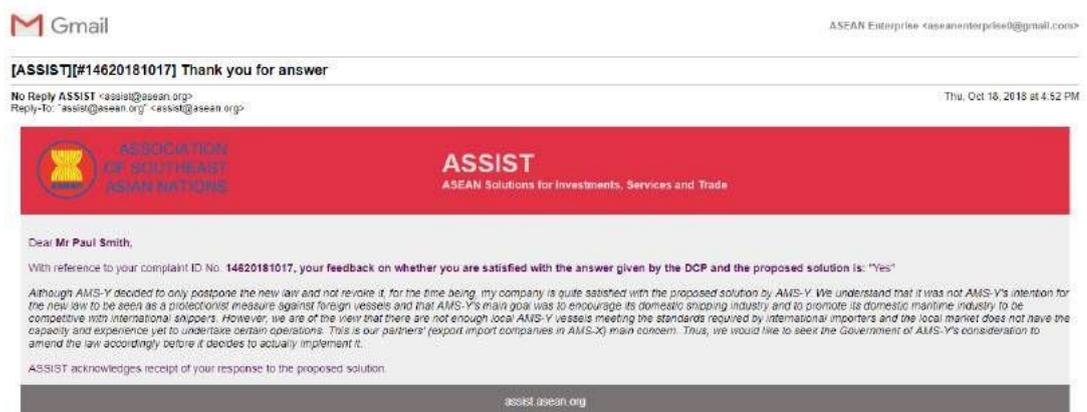
(b) Buka akun email Anda. Anda akan menerima satu atau dua (jika Anda telah mengisi Survei Kepuasan) email-email baru dari ASSIST, yang menyatakan tanda terima atas tanggapan Anda terhadap solusi yang diusulkan oleh AMS-Y. Salinan tanggapan Anda juga akan dikirim ke DCP dan HCP.

Email Pernyataan Penerimaan Pertama dari ASSIST



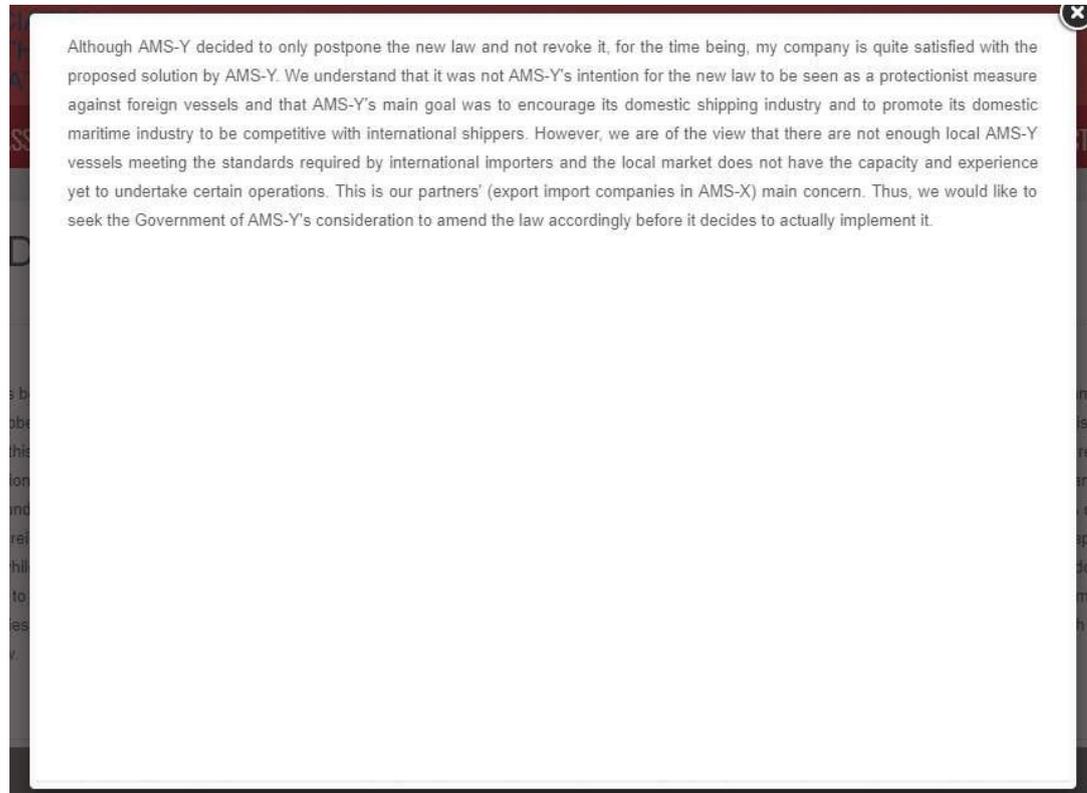
Email Pernyataan Penerimaan Kedua dari ASSIST

Jika Anda memberikan komentar tentang Survei Kepuasan, maka Anda akan menerima email kedua di bawah ini, yang menyatakan telah menerima tanggapan Anda terhadap solusi yang diajukan dan akan dikirimkan oleh ASSIST kepada Anda, DCP dan HCP.



- (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.

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



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

TUTORIAL LANGKAH-DEMI-LANGKAH STUDI KASUS 5 (PERDAGANGAN JASA)

Foto Diperoleh dari: Nathan Associates - PSDA Project, Myanmar

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 diadakan, 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 mengizinkan 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)*

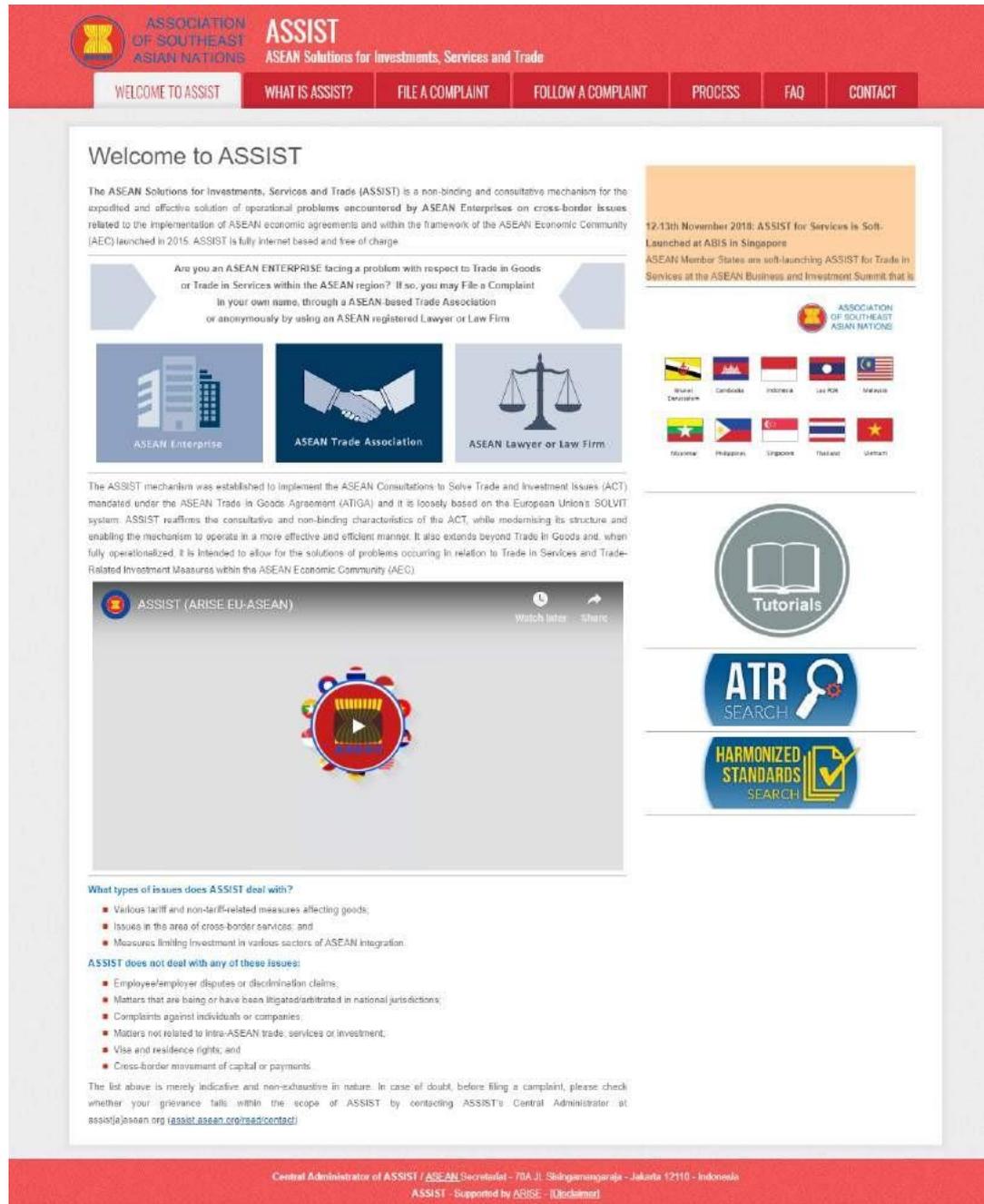
LANGKAH

1

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>.

Di bawah ini adalah laman (*homepage*) ASSIST.

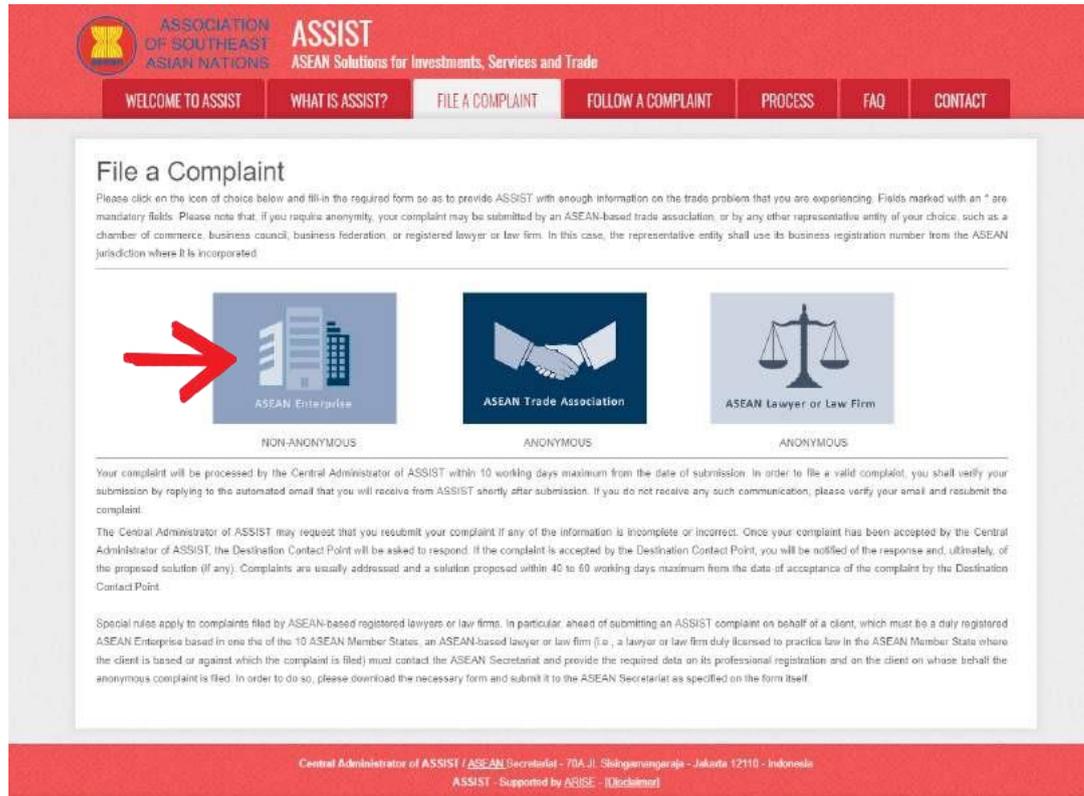


The screenshot shows the ASSIST homepage with a navigation menu at the top. The main content area includes a 'Welcome to ASSIST' section with a brief description of the organization's mission. Below this, there are three main service options: 'ASEAN Enterprise', 'ASEAN Trade Association', and 'ASEAN Lawyer or Law Firm'. A central video player displays the ASSIST logo. To the right, there are several informational boxes, including one about the 12.13th November 2018 launch of ASSIST for Services in Singapore. At the bottom, there are search tools for 'ATR SEARCH' and 'HARMONIZED STANDARDS SEARCH'. The footer contains contact information for the Central Administrator of ASSIST in Jakarta, Indonesia.

LANGKAH
2

MEMILIH TAB AJUKAN PENGADUAN 'FILE A COMPLAINT' (IKON 'ASEAN ENTERPRISE')

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*.



File a Complaint

Please click on the icon of choice below and fill in the required form so as to provide ASSIST with enough information on the trade problem that you are experiencing. Fields marked with an * are mandatory fields. Please note that, if you require anonymity, your complaint may be submitted by an ASEAN-based trade association, or by any other representative entity of your choice, such as a chamber of commerce, business council, business federation, or registered lawyer or law firm. In this case, the representative entity shall use its business registration number from the ASEAN jurisdiction where it is incorporated.



NON-ANONYMOUS



ANONYMOUS



ANONYMOUS

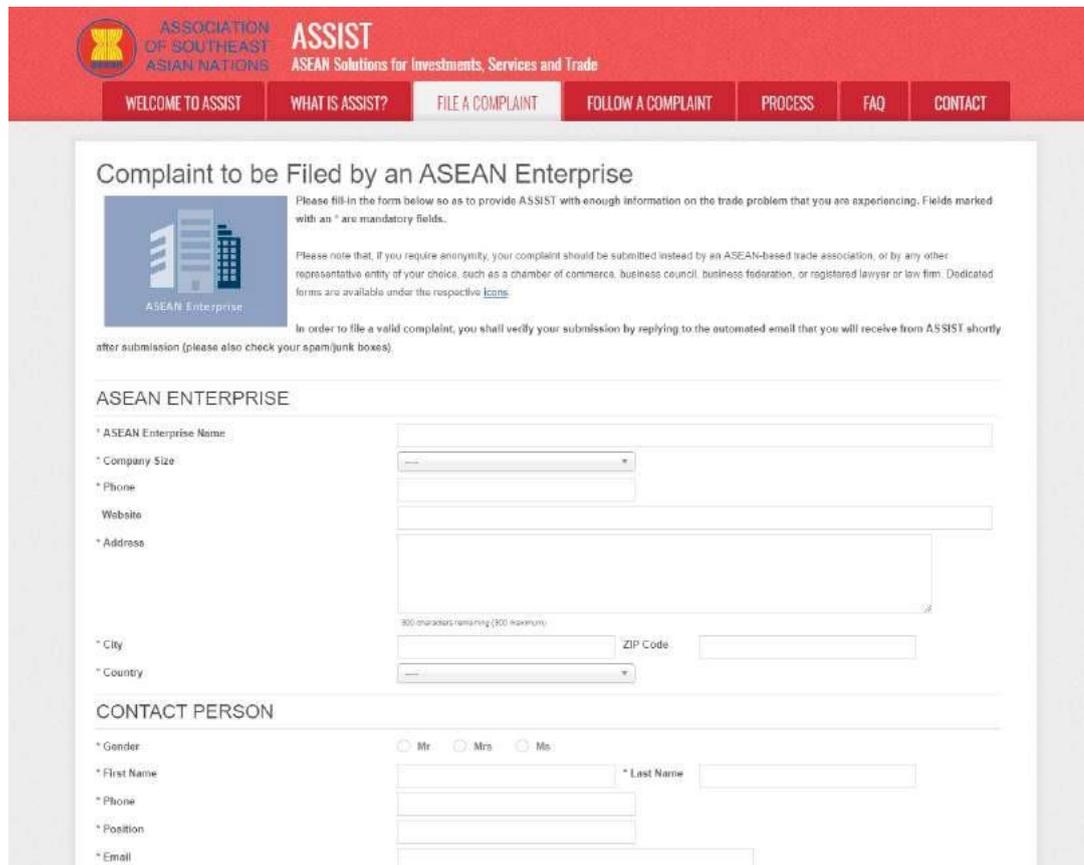
Your complaint will be processed by the Central Administrator of ASSIST within 10 working days maximum from the date of submission. In order to file a valid complaint, you shall verify your submission by replying to the automated email that you will receive from ASSIST shortly after submission. If you do not receive any such communication, please verify your email and resubmit the complaint.

The Central Administrator of ASSIST may request that you resubmit your complaint if any of the information is incomplete or incorrect. Once your complaint has been accepted by the Central Administrator of ASSIST, the Destination Contact Point will be asked to respond. If the complaint is accepted by the Destination Contact Point, you will be notified of the response and, ultimately, of the proposed solution (if any). Complaints are usually addressed and a solution proposed within 40 to 60 working days maximum from the date of acceptance of the complaint by the Destination Contact Point.

Special rules apply to complaints filed by ASEAN-based registered lawyers or law firms. In particular, ahead of submitting an ASSIST complaint on behalf of a client, which must be a duly registered ASEAN Enterprise based in one of the 10 ASEAN Member States, an ASEAN-based lawyer or law firm (i.e., a lawyer or law firm duly licensed to practice law in the ASEAN Member State where the client is based or against which the complaint is filed) must contact the ASEAN Secretariat and provide the required data on its professional registration and on the client on whose behalf the anonymous complaint is filed. In order to do so, please download the necessary form and submit it to the ASEAN Secretariat as specified on the form itself.

Central Administrator of ASSIST / ASEAN Secretariat - 70A Jl. Sudirmanpuncak - Jakarta 12110 - Indonesia
ASSIST - Supported by ARISE - |@kchalmers

Ketika Anda mengklik ikon 'ASEAN Enterprise', maka halaman berikut akan tampil.



Complaint to be Filed by an ASEAN Enterprise

Please fill in the form below so as to provide ASSIST with enough information on the trade problem that you are experiencing. Fields marked with an * are mandatory fields.

Please note that, if you require anonymity, your complaint should be submitted instead by an ASEAN-based trade association, or by any other representative entity of your choice, such as a chamber of commerce, business council, business federation, or registered lawyer or law firm. Dedicated forms are available under the respective [icons](#).

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

ASEAN ENTERPRISE

* ASEAN Enterprise Name

* Company Size

* Phone

Website

* Address

300 characters remaining (300 maximum)

* City ZIP Code

* Country

CONTACT PERSON

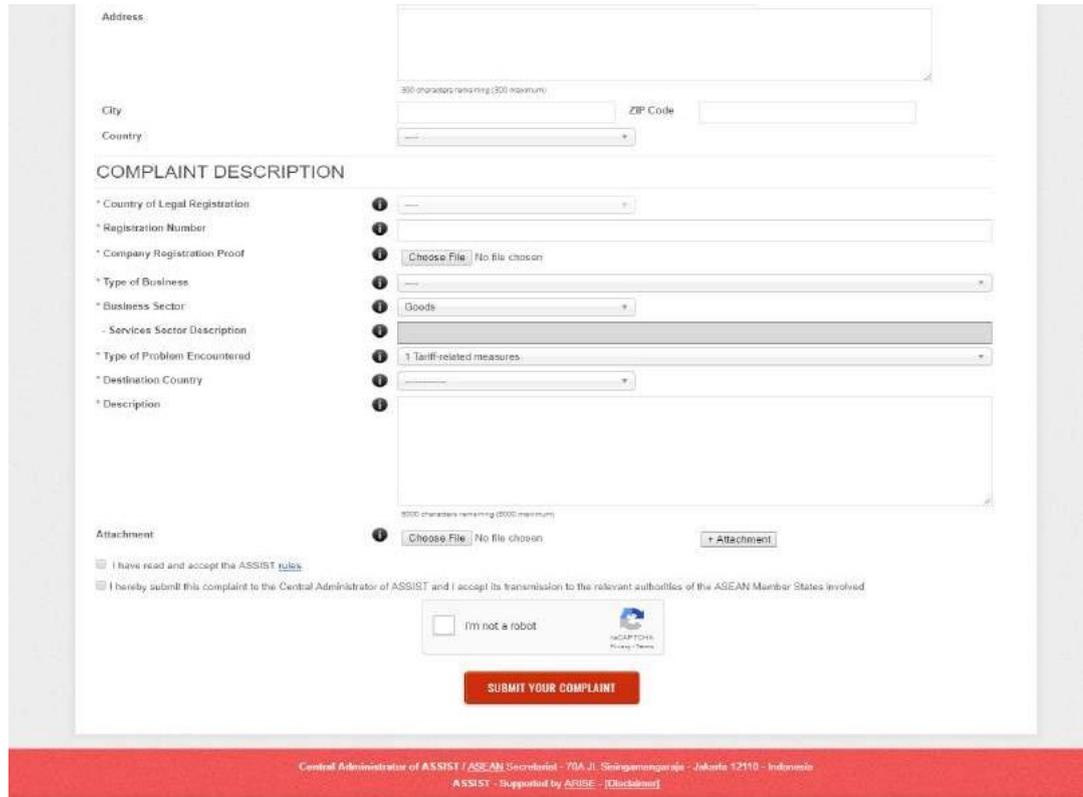
* Gender Mr Mrs Ms

* First Name * Last Name

* Phone

* Position

* Email



Address:

City: ZIP Code:

Country:

COMPLAINT DESCRIPTION

* Country of Legal Registration:

* Registration Number:

* Company Registration Proof: Choose File: No file chosen

* Type of Business:

* Business Sector: Goods

- Services Sector Description:

* Type of Problem Encountered: 1 Tariff-related measures

* Destination Country:

* Description:

Attachment: Choose File: No file chosen

I have read and accept the ASSIST rules.

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

I'm not a robot 

Central Administrator of ASSIST / ASEAN Secretariat - TIA, Jl. Senopati No.1 - Jakarta 12110 - Indonesia
ASSIST - Supported by APRISE - [Indonesia]

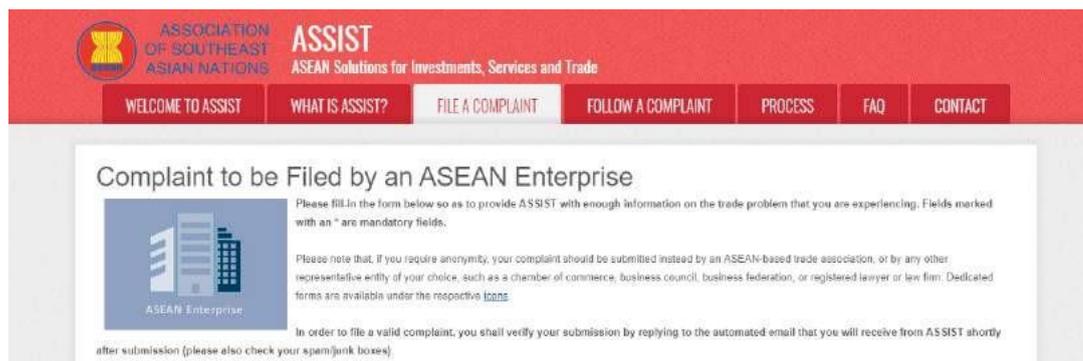
Isilah formulir di atas untuk memberikan ASSIST cukup informasi mengenai masalah perdagangan yang Anda alami. Kolom yang ditandai dengan tanda bintang (*) wajib diisi. Jika Anda tidak yakin mengenai apa yang harus diisi untuk suatu kolom, tersedia tombol  untuk instruksi terperinci tentang apa yang harus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

LANGKAH
3

ISILAH FORMULIR PENGADUAN

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



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

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

Complaint to be Filed by an ASEAN Enterprise

Please fill in the form below so as to provide ASSIST with enough information on the trade problem that you are experiencing. Fields marked with an * are mandatory fields.

Please note that, if you require anonymity, your complaint should be submitted instead by an ASEAN-based trade association, or by any other representative entity of your choice, such as a chamber of commerce, business council, business federation, or registered lawyer or law firm. Dedicated forms are available under the respective [links](#).

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

ASEAN ENTERPRISE

* ASEAN Enterprise Name:

* Company Size:

* Phone:

Website:

* Address:
City:
Country:

* City: ZIP Code:

* Country:

CONTACT PERSON

* Gender: Mr. Mrs. Ms.

* First Name: * Last Name:

* Phone:

* Position:

* Email:

* Address:
City:
Country:

* City: ZIP Code:

* Country:

COMPLAINT DESCRIPTION

* Country of Legal Registration:

* Registration Number:

* Company Registration Proof:

* Type of Business:

* Business Sector:

* Services Sector Description:

* Type of Problem Encountered:

* Destination Country:

* Description:

* Attachment:

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

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

I'm not a robot 

SUBMIT YOUR COMPLAINT

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

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

“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

Ijin Usaha Telekomunikasi No. 1500, di mana operator asing tidak lagi diijinkan untuk mengajukan lisensi Tipe B dan Tipe C.

Lisensi telekomunikasi tipe B adalah untuk operator dengan atau tanpa jaringannya sendiri, tetapi menyediakan jasa yang menargetkan segmen atau bahkan beberapa segmen publik. Lisensi telekomunikasi tipe C adalah untuk operator dengan jaringan yang menyediakan jasa kepada masyarakat umum, atau jasa yang menyebabkan dampak signifikan pada persaingan yang sehat, kepentingan publik, atau memerlukan perlindungan konsumen khusus. Pemohon pengaduan yang mengajukan lisensi untuk Tipe B dan Tipe C haruslah perusahaan di mana warga negara AMS-Y memiliki setidaknya 51% saham dan sekurang-kurangnya tiga perempat dari manajemen tingkat senior pemohon pengaduan dan orang yang berwenang untuk menandatangani komitmen yang mengikat, sebagai perwakilan dari perusahaan pemohon pengaduan, harus warga negara AMS-Y. Kami merasa bahwa AirTel Co., Ltd. telah diperlakukan tidak adil karena hanya mengikuti proses pemerintah pada saat perusahaan ini telah mengajukan lisensi dan tidak ada pemberitahuan oleh AMS-Y mengenai perkembangan baru ini. Perusahaan ini juga telah memenuhi persyaratan untuk perusahaan asing dengan mayoritas pemegang saham asing, yang memperoleh Ijin Usaha Asing dari Kementerian Perdagangan.

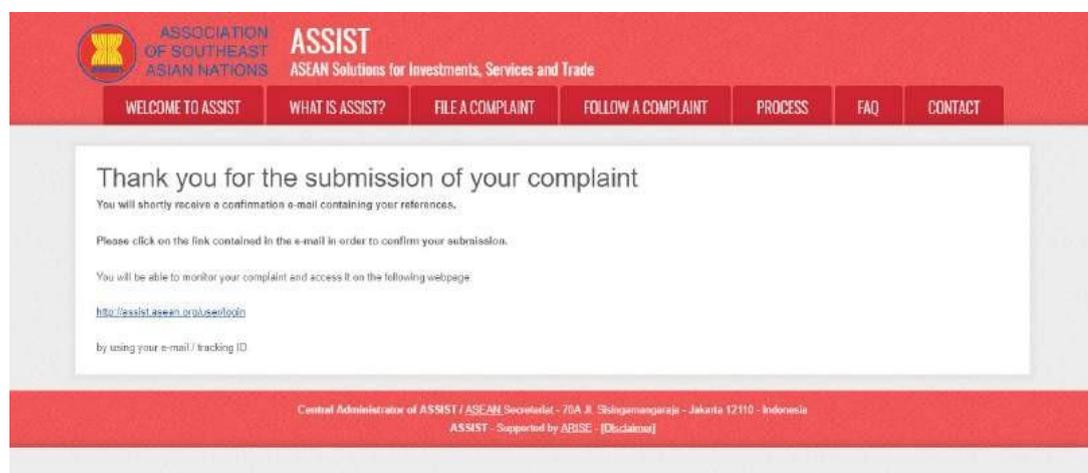
Pencabutan lisensi AirTel Co., Ltd. dan amandemen peraturan lisensi bisnis telah menyebabkan saham AirTel Holdings, Inc. turun 5,67% di AMS-X karena AMS-Y adalah pasar seluler terbesar kedua di dunia. Kami yakin bahwa pencabutan ijinnya adalah diskriminasi terhadap investor asing di sektor telekomunikasi dan pelanggaran terhadap komitmen dan kewajiban spesifik AMS-Y berdasarkan Perjanjian Kerangka Kerja ASEAN tentang Jasa (AFAS) yang relevan."

Ketika pengaduan diajukan dengan mengklik 'Kirim Pengaduan Anda (*'Submit Your Complaint'*)', halaman berikut pada Langkah 4 akan tampil.

LANGKAH
4

MIENERIMA PEMBERITAHUAN DARI ASSIST

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.



The screenshot shows the ASSIST website interface. At the top, there is a navigation menu with the following items: WELCOME TO ASSIST, WHAT IS ASSIST?, FILE A COMPLAINT, FOLLOW A COMPLAINT, PROCESS, FAQ, and CONTACT. The main content area displays a confirmation message: "Thank you for the submission of your complaint". Below this, it states: "You will shortly receive a confirmation e-mail containing your references." and "Please click on the link contained in the e-mail in order to confirm your submission." It also mentions: "You will be able to monitor your complaint and access it on the following webpage:" followed by a blue hyperlink: <http://assist.asean.org/aseanlogin>. At the bottom of the message, it says "by using your e-mail / tracking ID". The footer of the website contains the text: "Central Administrator of ASSIST / ASEAN Secretariat - 70A Jl. Sisingamangaraja - Jakarta 12110 - Indonesia" and "ASSIST - Supported by ARISE - [Disclaimer]".

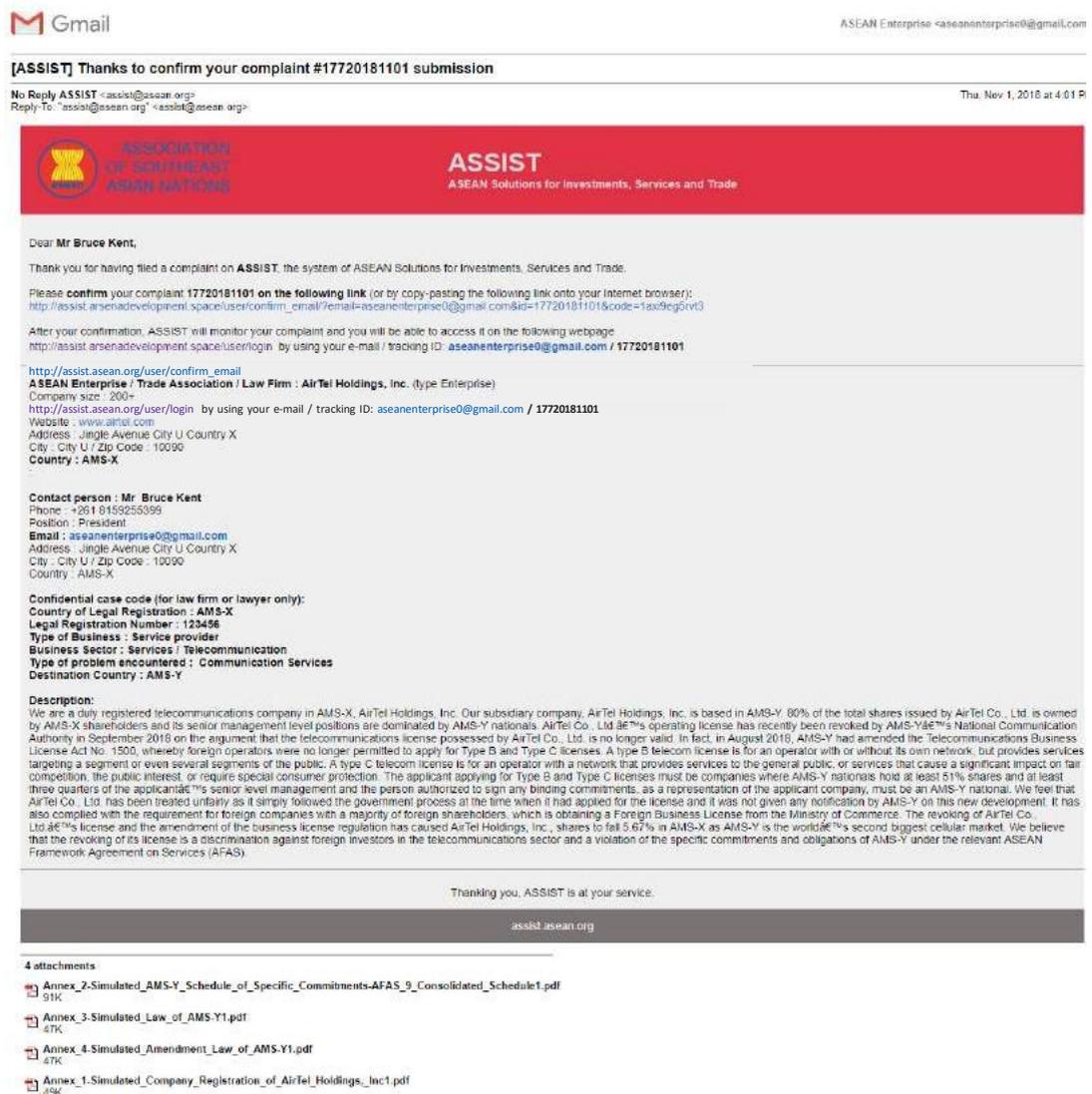
Pemberitahuan di atas menunjukkan bahwa Anda harus mengklik tautan yang tersedia di akun email Anda untuk mengonfirmasi pengaduan Anda dengan ASSIST.

LANGKAH
5

MENKONFIRMASI PENGADUAN ANDA MELALUI AKUN EMAIL ANDA

- (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.



Gmail ASEAN Enterprise <aseanenterprise@gmail.com>

[ASSIST] Thanks to confirm your complaint #17720181101 submission

No Reply ASSIST <assist@asean.org> Thu, Nov 1, 2016 at 4:01 PM
Reply-To: "assist@asean.org" <assist@asean.org>

ASSIST
ASEAN Solutions for Investments, Services and Trade

Dear **Mr Bruce Kent**,

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

Please **confirm** your complaint **17720181101** on the following link (or by copy-pasting the following link onto your internet browser):
http://assist.aseandevelopment.space/user/confirm_email?email=aseanenterprise0@gmail.com&id=17720181101&code=1ax9eg5vrv3

After your confirmation, ASSIST will monitor your complaint and you will be able to access it on the following webpage:
<http://assist.aseandevelopment.space/user/login> by using your e-mail / tracking ID: aseanenterprise0@gmail.com / **17720181101**

http://assist.asean.org/user/confirm_email
ASEAN Enterprise / Trade Association / Law Firm : AirTel Holdings, Inc. (type Enterprise)
 Company size : 200+
<http://assist.asean.org/user/login> by using your e-mail / tracking ID: aseanenterprise0@gmail.com / **17720181101**
 Website : www.airtel.com
 Address : Jingle Avenue City U Country X
 City : City U / Zip Code : 10090
 Country : **AMS-X**

Contact person : Mr Bruce Kent
 Phone : +261 8159255399
 Position : President
 Email : aseanenterprise0@gmail.com
 Address : Jingle Avenue City U Country X
 City : City U / Zip Code : 10090
 Country : **AMS-X**

Confidential case code (for law firm or lawyer only):
 Country of Legal Registration : **AMS-X**
 Legal Registration Number : **123456**
 Type of Business : **Service provider**
 Business Sector : **Services / Telecommunication**
 Type of problem encountered : **Communication Services**
 Destination Country : **AMS-Y**

Description:
 We are a duly registered telecommunications company in AMS-X, AirTel Holdings, Inc. Our subsidiary company, AirTel Holdings, Inc. is based in AMS-Y. 80% of the total shares issued by AirTel Co., Ltd. is owned by AMS-X shareholders and its senior management level positions are dominated by AMS-Y nationals. AirTel Co., Ltd.'s operating license has recently been revoked by AMS-Y's National Communication Authority in September 2016 on the argument that the telecommunications license possessed by AirTel Co., Ltd. is no longer valid. In fact, in August 2016, AMS-Y had amended the Telecommunications Business License Act No. 1500, whereby foreign operators were no longer permitted to apply for Type B and Type C licenses. A type B telecom license is for an operator with or without its own network, but provides services targeting a segment or even several segments of the public. A type C telecom license is for an operator with a network that provides services to the general public, or services that cause a significant impact on fair competition, the public interest, or require special consumer protection. The applicant applying for Type B and Type C licenses must be companies where AMS-Y nationals hold at least 51% shares and at least three quarters of the applicant's senior level management and the person authorized to sign any binding commitments, as a representation of the applicant company, must be an AMS-Y national. We feel that AirTel Co., Ltd. has been treated unfairly as it simply followed the government process at the time when it had applied for the license and it was not given any notification by AMS-Y on this new development. It has also complied with the requirement for foreign companies with a majority of foreign shareholders, which is obtaining a Foreign Business License from the Ministry of Commerce. The revoking of AirTel Co., Ltd.'s license and the amendment of the business license regulation has caused AirTel Holdings, Inc.'s shares to fall 5.67% in AMS-X as AMS-Y is the world's second biggest cellular market. We believe that the revoking of its license is a discrimination against foreign investors in the telecommunications sector and a violation of the specific commitments and obligations of AMS-Y under the relevant ASEAN Framework Agreement on Services (AFAS).

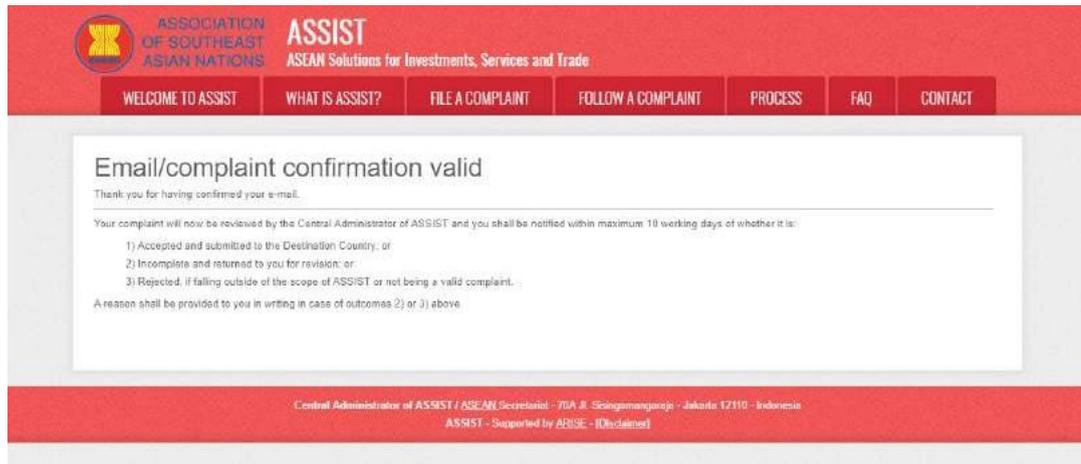
Thanking you, ASSIST is at your service.

assist.asean.org

4 attachments

-  [Annex_2-Simulated_AMS-Y_Schedule_of_Specific_Commitments-AFAS_9_Consolidated_Schedule1.pdf](#)
51K
-  [Annex_3-Simulated_Law_of_AMS-Y1.pdf](#)
47K
-  [Annex_4-Simulated_Amendment_Law_of_AMS-Y1.pdf](#)
47K
-  [Annex_1-Simulated_Company_Registration_of_AirTel_Holdings_Inc1.pdf](#)
49K

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



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

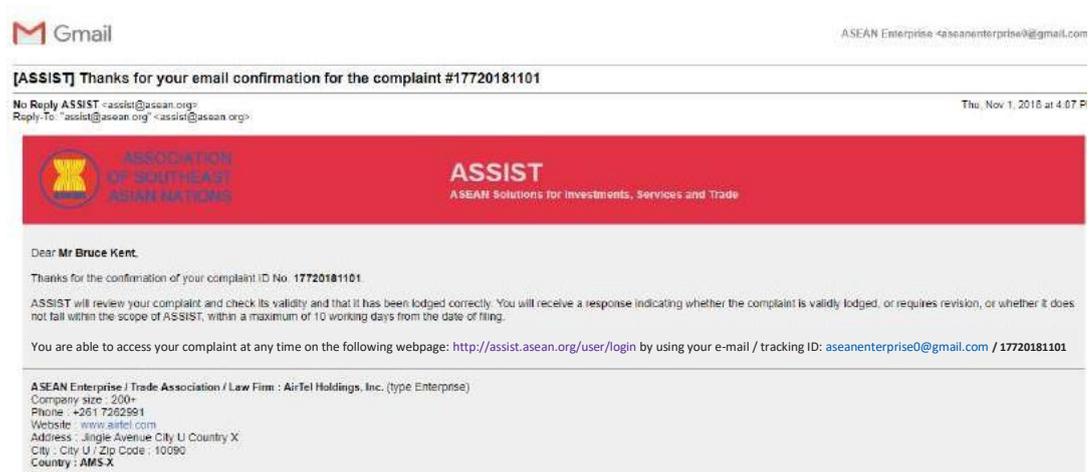
- 1) Diterima dan diserahkan ke Negara Tujuan; atau
- 2) Tidak lengkap dan dikembalikan kepada Anda untuk revisi; atau
- 3) Ditolak, jika tidak tercakup dalam lingkup ASSIST atau bukan merupakan pengaduan yang sah.

Buka akun email Anda.

LANGKAH
6

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

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



Contact person : Mr. Bruce Kent
Phone : +261 8159256399
Position : President
Email : aseanenterprise0@gmail.com
Address : Jingle Avenue City U Country X
City : City U / Zip Code : 10090
Country : AMS-X

Confidential case code (for law firm or lawyer only):
Country of Legal Registration : AMS-X
Legal Registration Number : 123456
Type of Business : Service provider
Business Sector : Services / Telecommunication
Type of problem encountered : Communication Services
Destination Country : AMS-Y

Description:
We are a duly registered telecommunications company in AMS-X, AirTel Holdings, Inc. Our subsidiary company, AirTel Holdings, Inc. is based in AMS-Y. 80% of the total shares issued by AirTel Co., Ltd. is owned by AMS-X shareholders and its senior management level positions are dominated by AMS-Y nationals. AirTel Co., Ltd.'s operating license has recently been revoked by AMS-Y's National Communication Authority in September 2018 on the argument that the telecommunications license possessed by AirTel Co., Ltd. is no longer valid. In fact, in August 2018, AMS-Y had amended the Telecommunications Business License Act No. 1500, whereby foreign operators were no longer permitted to apply for Type B and Type C licenses. A type B telecom license is for an operator with or without its own network, but provides services targeting a segment or even several segments of the public. A type C telecom license is for an operator with a network that provides services to the general public, or services that cause a significant impact on fair competition, the public interest, or require special consumer protection. The applicant applying for Type B and Type C licenses must be companies where AMS-Y nationals hold at least 51% shares and at least three quarters of the applicant's senior level management and the person authorized to sign any binding commitments, as a representation of the applicant company, must be an AMS-Y national. We feel that AirTel Co., Ltd. has been treated unfairly as it simply followed the government process at the time when it had applied for the license and it was not given any notification by AMS-Y on this new development. It has also complied with the requirement for foreign companies with a majority of foreign shareholders, which is obtaining a Foreign Business License from the Ministry of Commerce. The revoking of AirTel Co., Ltd.'s license and the amendment of the business license regulation has caused AirTel Holdings, Inc. shares to fall 5.67% in AMS-X as AMS-Y is the world's second biggest cellular market. We believe that the revoking of its license is a discrimination against foreign investors in the telecommunications sector and a violation of the specific commitments and obligations of AMS-Y under the relevant ASEAN Framework Agreement on Services (AFAS).

Thanking you, ASSIST is at your service.

assist.asean.org

4 attachments

-  Annex_2-Simulated_AMS-Y_Schedule_of_Specific_Commitments-AFAS_9_Consolidated_Schedule1.pdf
51K
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47K
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47K
-  Annex_1-Simulated_Company_Registration_of_AirTel_Holdings_Inc1.pdf
49K

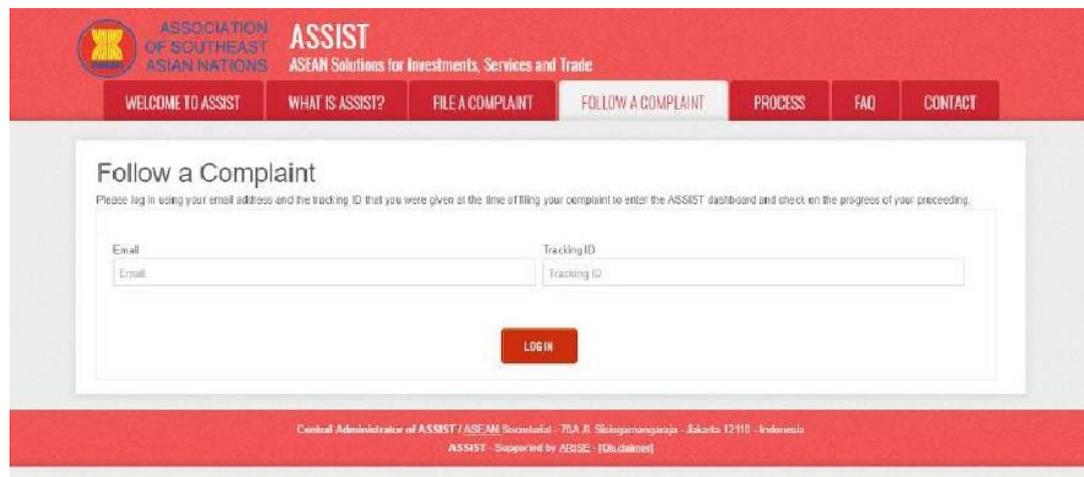
Seperti yang ditunjukkan dalam email di atas, Anda sekarang dapat memantau perkembangan dengan mengklik tautan yang ditunjukkan yang akan diarahkan ke tab 'Follow a Complaint' pada kolom menu di Situs ASSIST.

LANGKAH

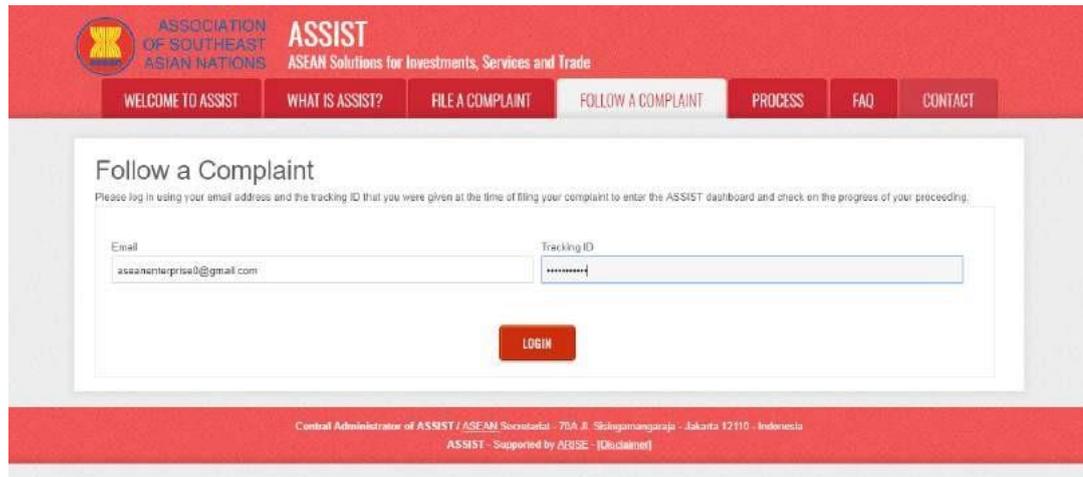
7

MEMANTAU PERKEMBANGAN PENGADUAN ANDA

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

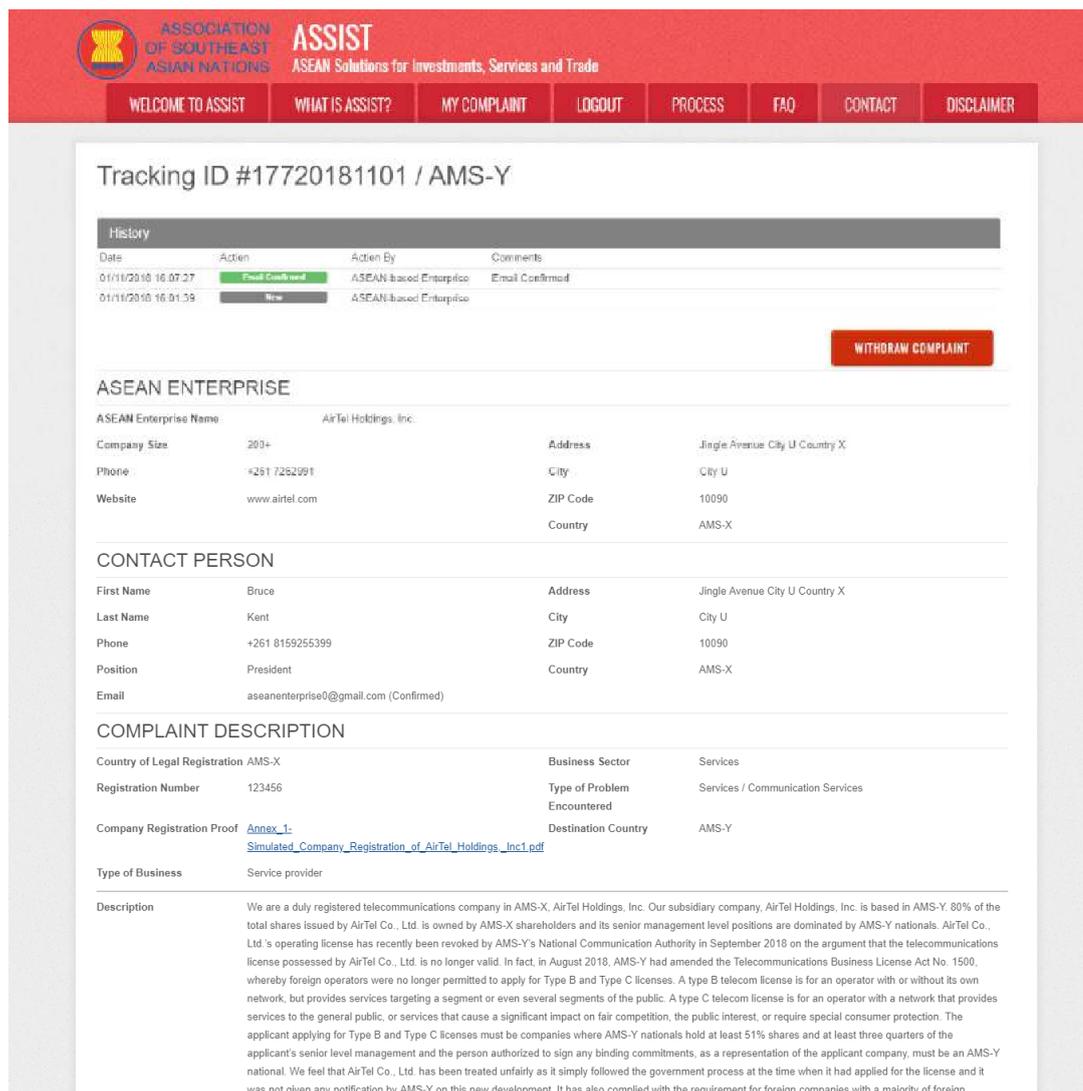


- (b) Masukkan alamat email Anda dan ID pelacakan ('tracking ID') (nomor pengaduan Anda) di kolom yang disyaratkan untuk log masuk. Dalam hal ini, **Alamat Email** aseanenterprise0@gmail.com dan **ID Pelacakan** adalah **17720181101**.



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

(c) Lihatlah Dasbor ASSIST Anda segera setelah Anda berhasil log masuk:



Tracking ID #17720181101 / AMS-Y

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

ASEAN ENTERPRISE

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

CONTACT PERSON

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

COMPLAINT DESCRIPTION

Country of Legal Registration:	AMS-X	Business Sector:	Services
Registration Number:	123456	Type of Problem Encountered:	Services / Communication Services
Company Registration Proof:	Annex 1- Simulated Company Registration of AirTel Holdings_Incl1.pdf	Destination Country:	AMS-Y
Type of Business:	Service provider		

Description

We are a duly registered telecommunications company in AMS-X, AirTel Holdings, Inc. Our subsidiary company, AirTel Holdings, Inc. is based in AMS-Y. 80% of the total shares issued by AirTel Co., Ltd. is owned by AMS-X shareholders and its senior management level positions are dominated by AMS-Y nationals. AirTel Co., Ltd.'s operating license has recently been revoked by AMS-Y's National Communication Authority in September 2018 on the argument that the telecommunications license possessed by AirTel Co., Ltd. is no longer valid. In fact, in August 2018, AMS-Y had amended the Telecommunications Business License Act No. 1500, whereby foreign operators were no longer permitted to apply for Type B and Type C licenses. A type B telecom license is for an operator with or without its own network, but provides services targeting a segment or even several segments of the public. A type C telecom license is for an operator with a network that provides services to the general public, or services that cause a significant impact on fair competition, the public interest, or require special consumer protection. The applicant applying for Type B and Type C licenses must be companies where AMS-Y nationals hold at least 51% shares and at least three quarters of the applicant's senior level management and the person authorized to sign any binding commitments, as a representation of the applicant company, must be an AMS-Y national. We feel that AirTel Co., Ltd. has been treated unfairly as it simply followed the government process at the time when it had applied for the license and it was not given any notification by AMS-Y on this new development. It has also complied with the requirement for foreign companies with a majority of foreign



Seperti dapat Anda lihat di dasbor, tindakan yang diambil untuk pengaduan Anda ditunjukkan dengan jelas 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.

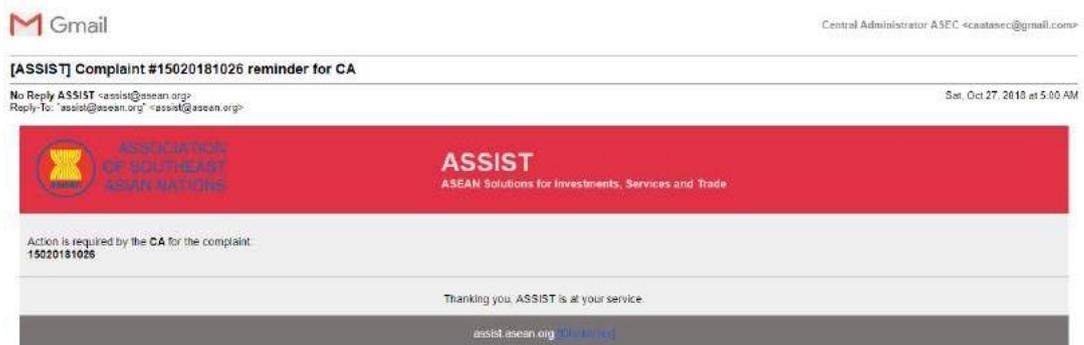
LANGKAH
8

CA AKAN MEMERIKSA PENGADUAN ANDA DAN MENKIRIMKAN TANGGAPAN KE EMAIL ANDA (MENERIMA, MENYATAKAN TIDAK LENGKAP, ATAU MENOLAK)

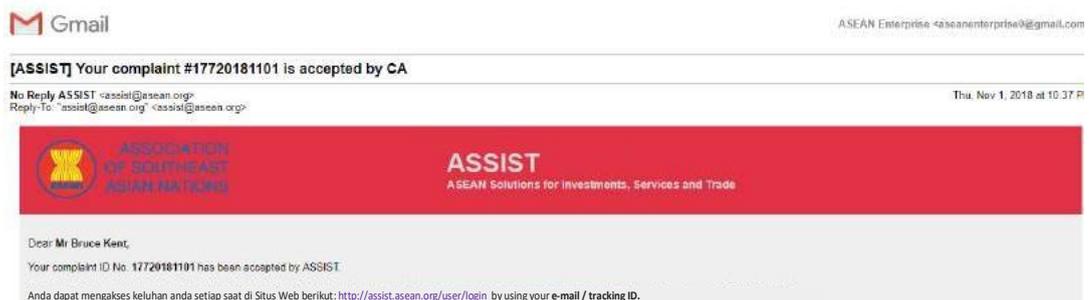
Setelah CA selesai memeriksa pengaduan Anda dan memutuskan apakah akan menerima/ menyatakan tidak lengkap/menolak, email akan dikirimkan kepada Anda biasanya dalam 10 hari kerja sejak Anda mengajukan pengaduan.

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.

Email Pengingat 1 untuk CA:



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



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

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

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

Contact person : Mr. Bruce Kent
 Phone : +261 815925399
 Position : President
 Email : aseanenterprise@gmail.com
 Address : Jingle Avenue City U Country X
 City : City U / Zip Code : 10090
 Country : AMS-X

Confidential case code (for law firm or lawyer only):
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Thanking you, ASSIST is at your service.

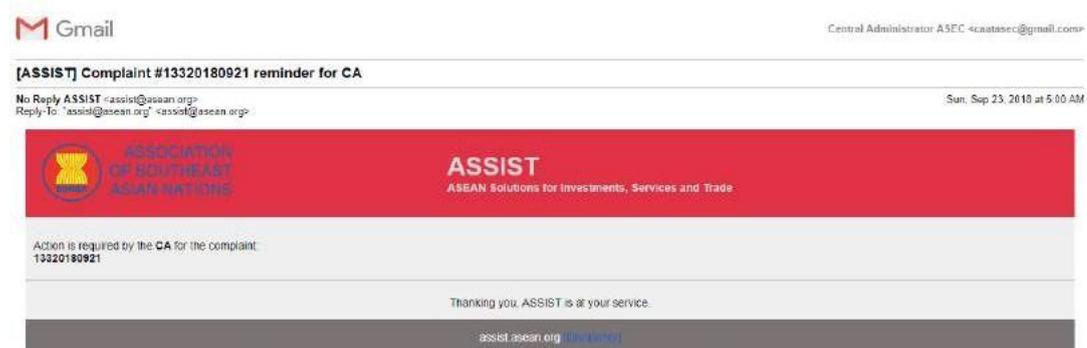
assist.asean.org

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 ASECC caatasec@gmail.com

[ASSIST] Complaint #13320180921 reminder for CA

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

Sun, Sep 23, 2018 at 5:00 AM

 ASSOCIATION OF SOUTHEAST ASIAN NATIONS

ASSIST
ASEAN Solutions for Investments, Services and Trade

Action is required by the CA for the complaint:
13320180921

Thanking you, ASSIST is at your service.

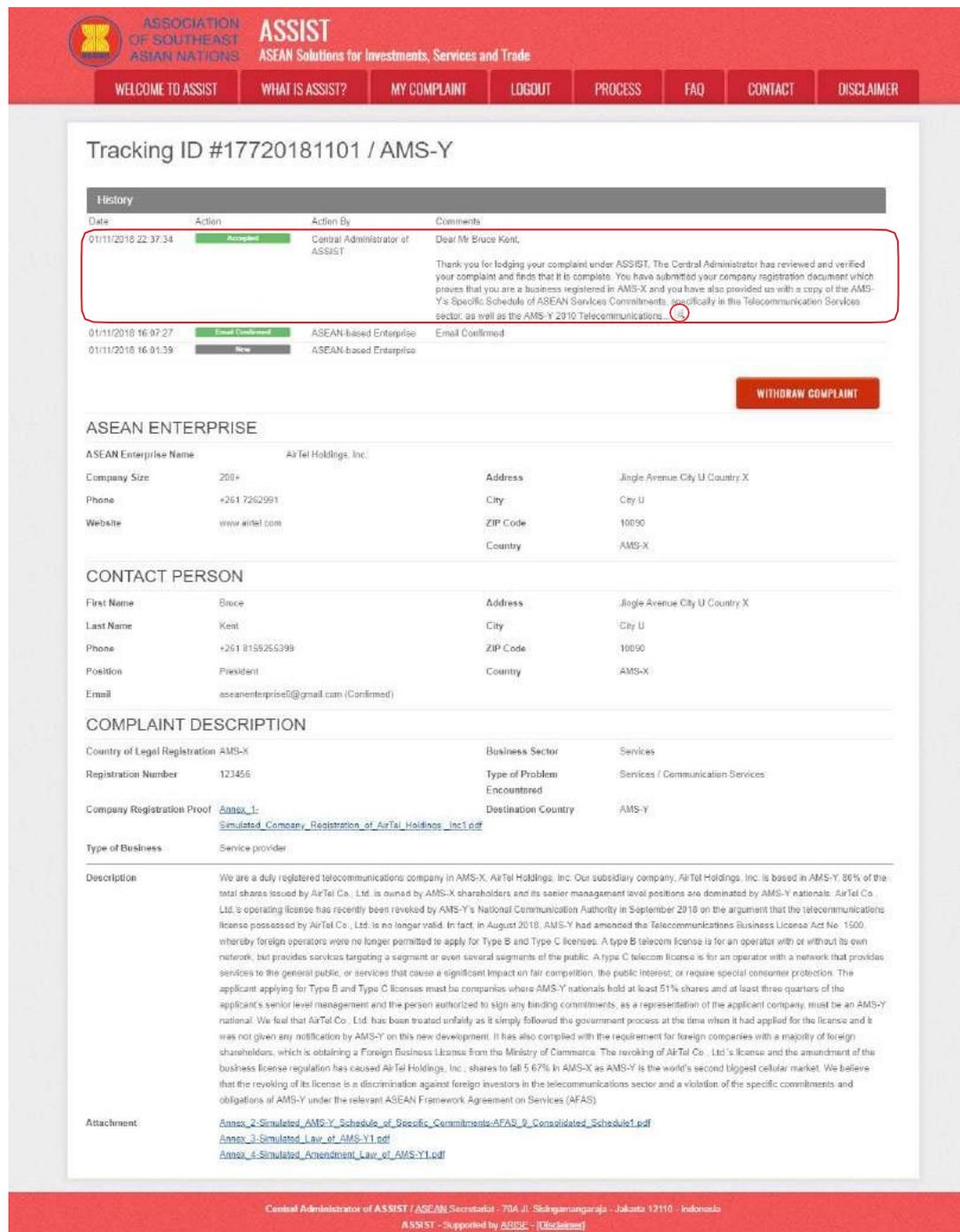
assist.asean.org

LANGKAH
9

LOG MASUK KE DASHBOARD ASSIST ANDA MELALUI EMAIL ANDA DAN ID PELACAKAN UNTUK MELIHAT TANGGAPAN SEBENARNYA DARI PENGELOLA SISTEM (CA)

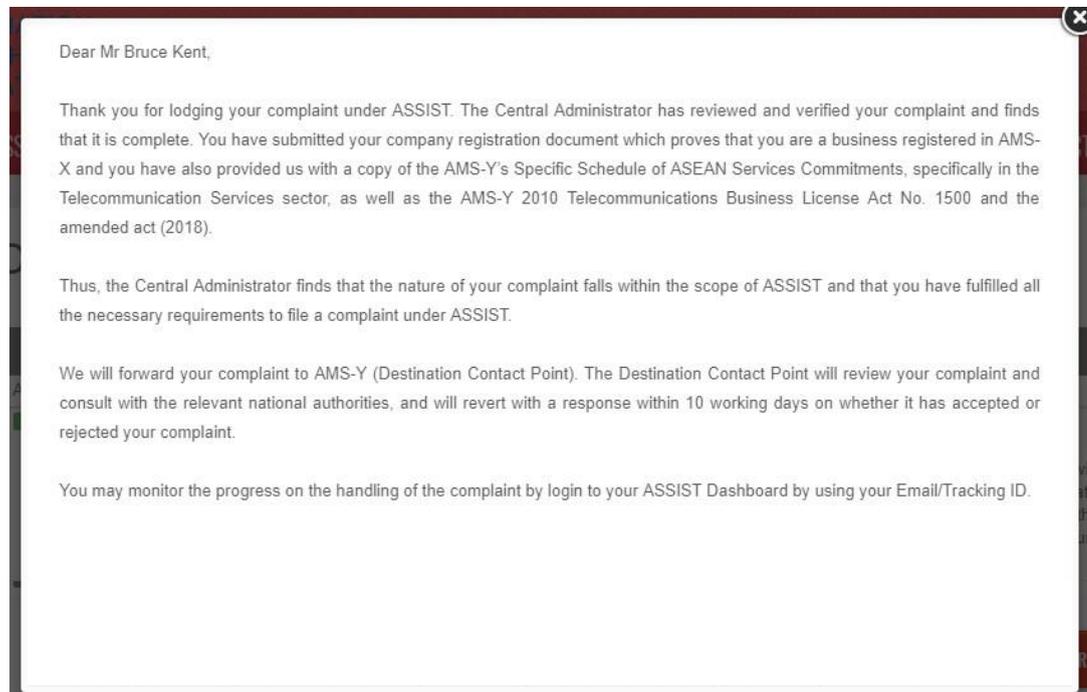
Jika Anda ingin melihat tanggapan CA secara lengkap, maka Anda harus masuk ke dasbor ASSIST Anda melalui email dan ID pelacakan Anda seperti ditunjukkan pada Langkah 7 (a) dan (b) di atas.

Tampilan lengkap dasbor Anda dapat dilihat di bawah. Seperti yang Anda lihat, tindakan lain telah ditambahkan ke 'Riwayat' Anda menunjukkan bahwa CA telah **menerima ('Accepted')** pengaduan Anda.



The screenshot displays the ASSIST dashboard interface. At the top, there is a navigation bar with the ASSIST logo and menu items: WELCOME TO ASSIST, WHAT IS ASSIST?, MY COMPLAINT, LOGOUT, PROCESS, FAQ, CONTACT, and DISCLAIMER. The main content area is titled "Tracking ID #17720181101 / AMS-Y". Below this, there is a "History" table with columns for Date, Action, Action By, and Comments. The first entry, dated 01/11/2018 22:37:34, shows a "Received" action by the Central Administrator of ASSIST, with a comment stating that the complaint is complete and verified. This entry is highlighted with a red box. Other entries show "Email Confirmed" and "New" actions. A "WITHDRAW COMPLAINT" button is visible on the right. Below the history table, there are sections for "ASEAN ENTERPRISE" and "CONTACT PERSON" with their respective details. The "COMPLAINT DESCRIPTION" section provides a detailed account of the issue, including the company registration details and a description of the problem. The description mentions that the applicant is a duly registered telecommunications company in AMS-X, but its license in AMS-Y was revoked by the National Communication Authority in September 2018. The applicant is seeking a Type B or Type C license in AMS-Y, which is being denied, leading to a complaint. The description also mentions that the applicant's senior level management and the person authorized to sign any binding commitments, as a representation of the applicant company, must be an AMS-Y national. The applicant believes that the revoking of its license is a discrimination against foreign investors in the telecommunications sector and a violation of the specific commitments and obligations of AMS-Y under the relevant ASEAN Framework Agreement on Services (AFAS). Attachments include simulated AMS-Y schedules, laws, and amendments.

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

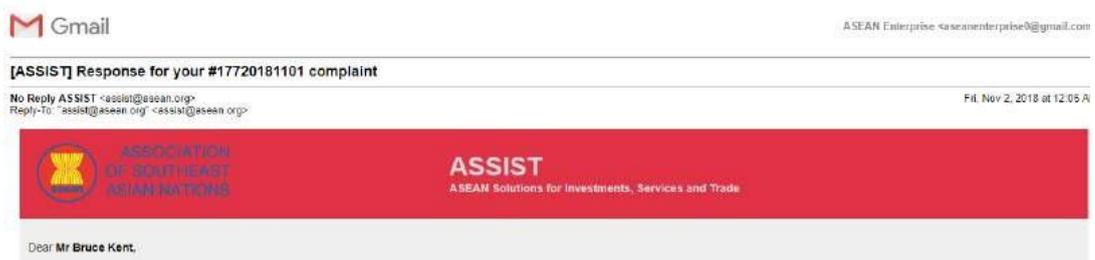


Sebagaimana diinformasikan dalam Langkah 8, setelah pengaduan telah diterima oleh CA, pengaduan akan dikirim ke Titik Kontak Tujuan (DCP) di AMS-Y di mana Anda menghadapi masalah perdagangan. DCP di AMS-Y akan diberikan 10 hari kerja untuk meninjau pengaduan Anda dan menerima atau menolaknya. Ini dimaksudkan 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 memberi tahu Anda apakah pengaduan Anda telah diterima atau ditolak oleh DCP di AMS-Y.

LANGKAH
10

MENERIMA EMAIL PEMBERITAHUAN DARI ASSIST BAHWA TANGGAPAN AMS-Y ATAS PENGADUAN ANDA TELAH DIBERIKAN DAN DITERIMA OLEH CA

- (a) Buka akun email Anda. Anda akan menerima email baru dari ASSIST menunjukkan tanggapan terhadap pengaduan Anda dari DCP. Dalam hal ini, pengaduan Anda telah ditolak (**'Rejected'**) oleh DCP (AMS-Y).



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

"AMS-Y finds sufficient basis that AMS-Y has complied with its relevant ASEAN commitments and that the complaint lacks merit. It argues that, although under the AFAS Schedule of Specific Commitments, AMS-Y has no limitations on foreign ownership, it is stated in its Horizontal Commitments that, as a limitation to market access, the Commercial Presence of the foreign service provider(s) may be in the form of a joint venture and/or representative office, which should meet the following requirements: (i) not more than 49% of the capital share of the company may be owned by foreign partner(s); (ii) at least three quarters of the company's senior level management and the person authorized to sign any binding commitments as a representation of the company must be AMS-Y nationals. Thus, the amendment of the 2018 Telecommunications Business License Act No. 1500 is not in violation of AMS-Y's Schedule of Services Commitments. The AMS-Y AFAS Horizontal Commitments is attached for ease of reference. In response to the complainant's claim that it has not received any notification from AMS-Y on the new amendment, AMS-Y responded that the Government of AMS-Y has promulgated the amendment of the law through official government websites and local newspapers after it has been approved on 1 September 2018."

You can also check the status of your complaint online at <http://assist.asean.org/user/login> by using your e-mail / tracking ID.

Please kindly indicate whether you are satisfied with the answer given by the DCP and the solution provided therein. You can do so by choosing 'Yes' or 'No' below:

Yes / No

ASEAN Enterprise / Trade Association / Law Firm : AirTel Holdings, Inc. (type Enterprise)

Company size : 200+
Phone : +261 7262991
Website : www.airtel.com
Address : Jingle Avenue City U Country X
City : City U / Zip Code : 10090
Country : AMS-X

Contact person : Mr Bruce Kent
Phone : +261 815925399
Position : President
Email : aseanenterprise@gmail.com
Address : Jingle Avenue City U Country X
City : City U / Zip Code : 10090
Country : AMS-X

Confidential case code (for law firm or lawyer only):
Country of Legal Registration : AMS-X
Legal Registration Number : 123456
Type of Business : Service provider
Business Sector : Services / Telecommunication
Type of problem encountered : Communication Services
Destination Country : AMS-Y

Description:
We are a duly registered telecommunications company in AMS-X, AirTel Holdings, Inc. Our subsidiary company, AirTel Holdings, Inc. is based in AMS-Y. 80% of the total shares issued by AirTel Co., Ltd. is owned by AMS-X shareholders and its senior management level positions are dominated by AMS-Y nationals. AirTel Co., Ltd.'s operating license has recently been revoked by AMS-Y's National Communication Authority in September 2018 on the argument that the telecommunications license possessed by AirTel Co., Ltd. is no longer valid. In fact, in August 2018, AMS-Y had amended the Telecommunications Business License Act No. 1500, whereby foreign operators were no longer permitted to apply for Type B and Type C licenses. A type B telecom license is for an operator with or without its own network, but provides services targeting a segment or even several segments of the public. A type C telecom license is for an operator with a network that provides services to the general public, or services that cause a significant impact on fair competition, the public interest, or require special consumer protection. The applicant applying for Type B and Type C licenses must be companies where AMS-Y nationals hold at least 51% shares and at least three quarters of the applicant's senior level management and the person authorized to sign any binding commitments, as a representation of the applicant company, must be an AMS-Y national. We feel that AirTel Co., Ltd. has been treated unfairly as it simply followed the government process at the time when it had applied for the license and it was not given any notification by AMS-Y on this new development. It has also complied with the requirement for foreign companies with a majority of foreign shareholders, which is obtaining a Foreign Business License from the Ministry of Commerce. The revoking of AirTel Co., Ltd.'s license and the amendment of the business license regulation has caused AirTel Holdings, Inc., shares to fall 5.67% in AMS-X as AMS-Y is the world's second biggest cellular market. We believe that the revoking of its license is a discrimination against foreign investors in the telecommunications sector and a violation of the specific commitments and obligations of AMS-Y under the relevant ASEAN Framework Agreement on Services (AFAS).

Thanking you, ASSIST is at your service.

assist.asean.org

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.

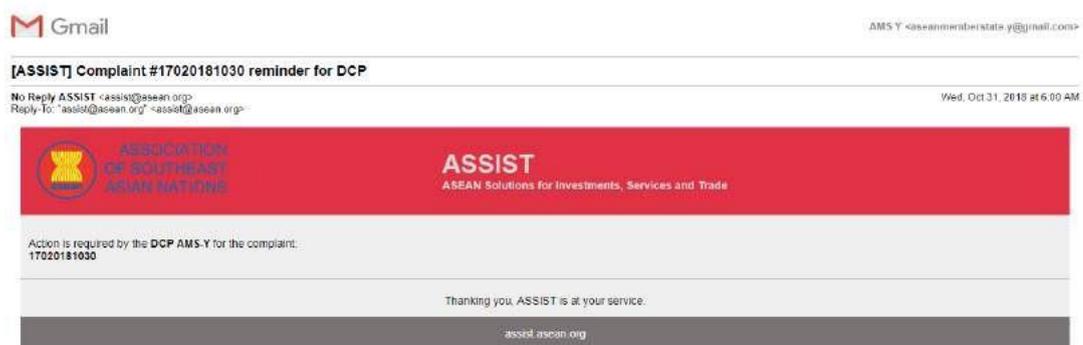
Kemudian Anda akan menerima pemberitahuan email kedua dari ASSIST bahwa solusi diajukan oleh DCP/AMS-Y dan diterima oleh CA.

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.

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

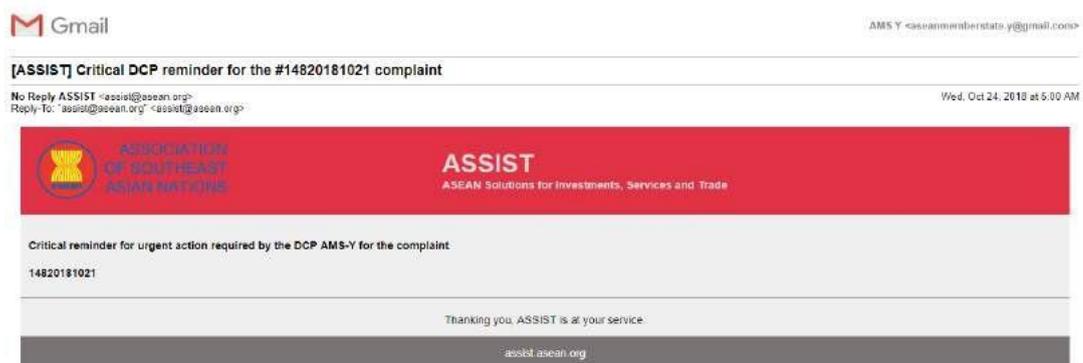
Jika untuk sementara waktu DCP tidak mengambil tindakan, maka DCP akan menerima pengingat otomatis di bawah ini melalui email dari sistem online ASSIST dalam waktu 7 hari kalender setelah pengaduan diterima oleh CA. Seperti ditunjukkan di atas, DCP harus memutuskan untuk menerima atau menolak pengaduan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

Email Pengingat pertama untuk Titik Kontak Tujuan (DCP):



Jika Anda tidak menerima email dari ASSIST tentang 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 suatu tindakan sangat dibutuhkan oleh DCP untuk pengaduan tersebut.

Email Pengingat kedua untuk Titik Kontak Tujuan (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.



ASSOCIATION OF SOUTHEAST ASIAN NATIONS

ASSIST

ASEAN Solutions for Investments, Services and Trade

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

Tracking ID #17720181101 / AMS-Y

ASSIST Solution

AMS-Y finds sufficient basis that AMS-Y has complied with its relevant ASEAN commitments and that the complaint lacks merit. It argues that, although under the AFAS Schedule of Specific Commitments, AMS-Y has no limitations on foreign ownership. It is stated in its Horizontal Commitments that, as a limitation to market access, the Commercial Presence of the foreign service provider(s) may be in the form of a joint venture and/or representative office, which should meet the following requirements: (i) not more than 49% of the capital share of the company may be owned by foreign partner(s); (ii) at least three quarters of the company's senior level management and the person authorized to sign any binding commitments as a representation of the company must be AMS-Y nationals. Thus, the amendment of the 2018 Telecommunications Business License Act No. 1500 is not in violation of AMS-Y's Schedule of Services Commitments. The AMS-Y AFAS Horizontal Commitments is attached for ease of reference. In response to the AE's claim that it has not received any notification from AMS-Y on the new amendment, AMS-Y responded that the Government of AMS-Y has promulgated the amendment of the law through official government websites and local newspapers after it has been approved on 1 September 2018.

Attachment

History			
Date	Action	Action By	Comments
02/11/2018 06:05:11	Solved	Central Administrator of ASSIST	AMS-Y finds sufficient basis that AMS-Y has complied with its relevant ASEAN commitments and that the complaint lacks merit. It argues that, although under the AFAS Schedule of Specific Commitments, AMS-Y has no limitations on foreign ownership. It is stated in its Horizontal Commitments that, as a limitation to market access, the Commercial Presence of the foreign service provider(s) may be in the form of a joint venture and/or representative office, which should meet the following requirements: ...
01/11/2018 22:37:34	Resolved	Central Administrator of ASSIST	Dear Mr Bruce Kent, Thank you for lodging your complaint under ASSIST. The Central Administrator has reviewed and verified your complaint and finds that it is complete. You have submitted your company registration document which proves that you are a business registered in AMS-X and you have also provided us with a copy of the AMS-Y's Specific Schedule of ASEAN Services Commitments, specifically in the Telecommunications Services sector, as well as the AMS-Y 2010 Telecommunications ...
01/11/2018 16:07:27	Email Confirmed	ASEAN-based Enterprise	Email Confirmed
01/11/2018 16:01:39	New	ASEAN-based Enterprise	

ASEAN ENTERPRISE

ASEAN Enterprise Name	AiTel Holdings, Inc.		
Company Size	200+	Address	Jinglo Avenue City U Country X
Phone	+261 72622911	City	City U
Website	www.aitele.com	ZIP Code	10000
		Country	AMS-X

CONTACT PERSON

First Name	Bruce	Address	Jinglo Avenue City U Country X
Last Name	Kent	City	City U
Phone	+261 8159255399	ZIP Code	10000
Position	President	Country	AMS-X
Email	aeeanentprise0@gmail.com (Confirmed)		

COMPLAINT DESCRIPTION

Country of Legal Registration	AMS-X	Business Sector	Services
Registration Number	123456	Type of Problem Encountered	Services / Communication Services
Company Registration Proof	Annex 1: Simulated Company Registration of AiTel Holdings, Inc1.pdf	Destination Country	AMS-Y
Type of Business	Service provider		
Description	<p>We are a duly registered telecommunications company in AMS-X. AiTel Holdings, Inc. Our subsidiary company AiTel Holdings, Inc. is based in AMS-Y. 86% of the total shares issued by AiTel Co., Ltd. is owned by AMS-X shareholders and its senior management level positions are dominated by AMS-Y nationals. AiTel Co. Ltd.'s operating license has recently been revoked by AMS-Y's National Communication Authority in September 2018 on the argument that the telecommunications license possessed by AiTel Co., Ltd. is no longer valid. In fact, in August 2018, AMS-Y had amended the Telecommunications Business License Act No. 1500, whereby foreign operators were no longer permitted to apply for Type B and Type C licenses. A type B telecom license is for an operator with or without its own network, but provides services targeting a segment or even several segments of the public. A type C telecom license is for an operator with a network that provides services to the general public, or services that cause a significant impact on fair competition, the public interest, or require special consumer protection. The applicant applying for Type B and Type C licenses must be companies where AMS-Y nationals hold at least 51% shares and at least three quarters of the applicant's senior level management and the person authorized to sign any binding commitments, as a representation of the applicant company, must be an AMS-Y national. We feel that AiTel Co., Ltd. has been treated unfairly as it simply followed the government process at the time when it had applied for the license and it was not given any notification by AMS-Y on this new development. It has also complied with the requirement for foreign companies with a majority of foreign shareholders, which is obtaining a Foreign Business License from the Ministry of Commerce. The revoking of AiTel Co., Ltd.'s license and the amendment of the business license regulation has caused AiTel Holdings, Inc., shares to fall 5.67% in AMS-X as AMS-Y is the world's second biggest cellular market. We believe that the revoking of its license is a discrimination against foreign investors in the telecommunications sector and a violation of the specific commitments and obligations of AMS-Y under the relevant ASEAN Framework Agreement on Services (AFAS).</p>		
Attachment	Annex 2-Simulated_AMS-Y_Schedule_of_Specific_Commitments-AFAS_9_Consolidated_Schedule1.pdf Annex 3-Simulated_Law_of_AMS-Y1.pdf Annex 4-Simulated_Amendment_Law_of_AMS-Y1.pdf		

Central Administrator of ASSIST / ASEAN Secretariat - JDA, Jl. Setiabudi Saragaja - Jakarta 12110 - Indonesia
 ASSIST - Supported by AEGISE - (Disclaimer)

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,

sebagai batasan untuk akses pasar, Keberadaan Komersial dari penyedia jasa asing dapat dalam bentuk perusahaan patungan dan/atau kantor perwakilan, yang harus memenuhi persyaratan berikut: (i) tidak lebih dari 49% dari saham modal perusahaan dapat dimiliki oleh mitra asing; (ii) setidaknya tiga perempat dari manajemen tingkat senior perusahaan dan orang yang berwenang untuk menandatangani komitmen yang mengikat sebagai perwakilan perusahaan haruslah warga negara AMS-Y. Dengan demikian, amandemen Undang-Undang Ijin Usaha Telekomunikasi 2018 No. 1500 tidak melanggar Komitmen Jadwal Jasa AMS-Y.

Menanggapi klaim AE bahwa pihaknya belum menerima pemberitahuan dari AMS-Y tentang amandemen baru, AMS-Y menjawab bahwa Pemerintah AMS-Y telah mengumumkan perubahan undang-undang tersebut melalui situs web resmi pemerintah dan surat kabar lokal setelah disetujui pada 1 September 2018. "

(c) Di bagian bawah email dari ASSIST dalam 10 (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.

Please kindly indicate whether you are satisfied with the answer given by the DCP and the solution provided therein. You can do so by choosing 'Yes' or 'No' below:

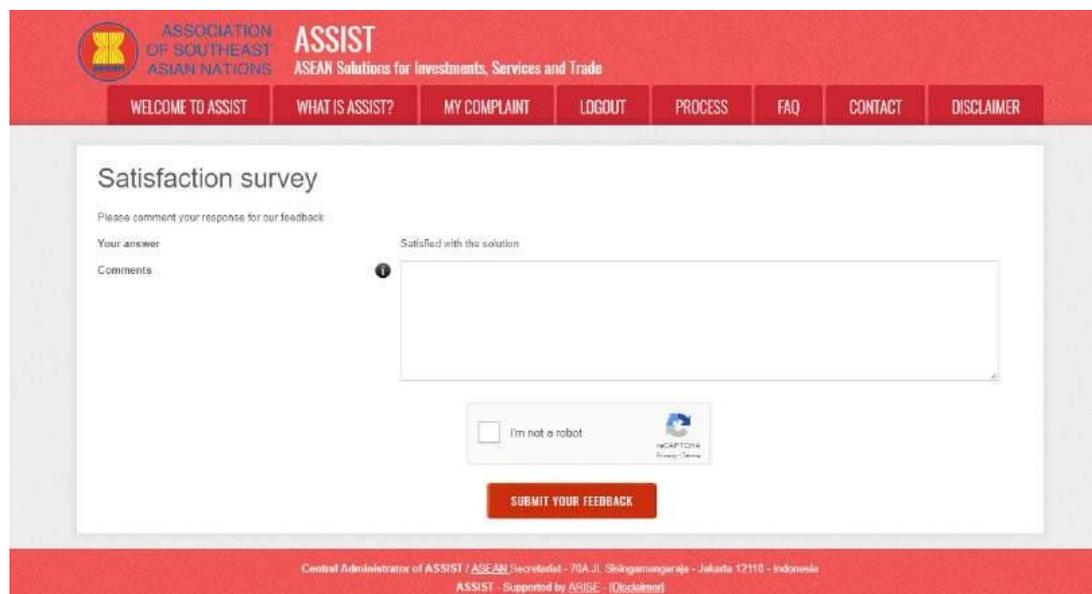
Yes / No

Dalam hal ini, AE memilih "Ya".

**LANGKAH
11**

MEMBERIKAN UMPAN BALIK ANDA TERHADAP USULAN SOLUSI/TANGGAPAN YANG DIBERIKAN OLEH AMS-Y DALAM SURVEI KEPUASAN DAN TERIMA EMAIL PERNYATAAN PENERIMAAN DARI ASSIST

Setelah Anda memilih 'Ya/Tidak' pada Langkah 10(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 Anda tidak puas dengan tanggapan/solusi yang diajukan.



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

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

Satisfaction survey

Please comment your response for our feedback

Your answer: Satisfied with the solution

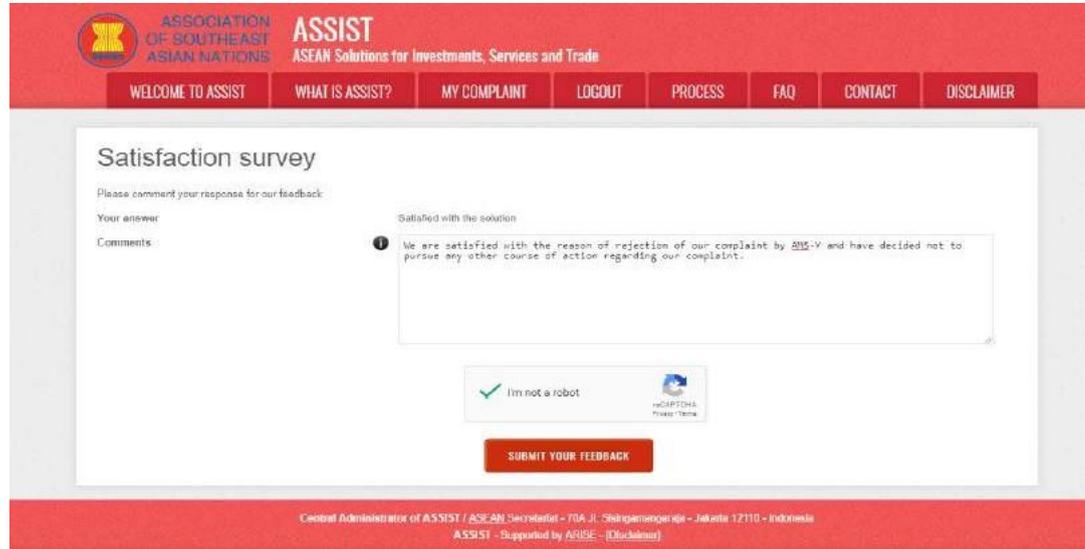
Comments: [Text Area]

I'm not a robot [CAPTCHA]

SUBMIT YOUR FEEDBACK

Central Administrator of ASSIST / ASEAN Secretariat - 70A Jl. Sisingamangaraja - Jakarta 12110 - Indonesia
ASSIST - Supported by ASISE - (Disclaimer)

- (a) Setelah Anda memilih 'Ya/Tidak' pada Langkah 10(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 Anda tidak puas dengan tanggapan/solusi yang diajukan.



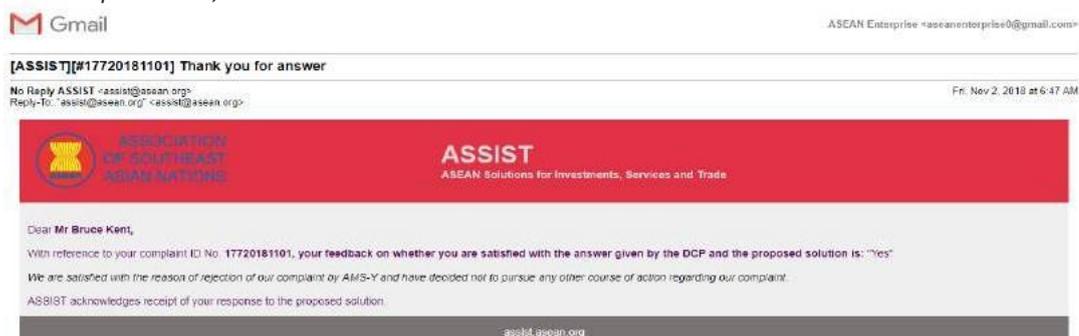
- (b) Buka akun email Anda. Anda akan menerima satu atau dua (jika Anda telah mengisi Survei Kepuasan) email-email baru dari ASSIST, yang menyatakan tanda terima atas tanggapan Anda terhadap solusi yang diajukan oleh AMS-Y. Salinan balasan Anda juga akan dikirim ke DCP dan HCP.

Email tanda terima pertama dari ASSIST



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.



- (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').



ASSIST
ASEAN Solutions for Investments, Services and Trade

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

Tracking ID #17720181101 / AMS-Y

ASSIST Solution

AMS-Y finds sufficient basis that AMS-Y has complied with its relevant ASEAN commitments and that the complaint lacks merit. It argues that, although under the AFAS Schedule of Specific Commitments, AMS-Y has no limitations on foreign ownership, it is stated in its Horizontal Commitments that, as a limitation to market access, the Commercial Presence of the foreign service provider(s) may be in the form of a joint venture and/or representative office, which should meet the following requirements: (i) not more than 49% of the capital share of the company may be owned by foreign partner(s), (ii) at least three quarters of the company's senior level management and the person authorized to sign any binding commitments as a representation of the company must be AMS-Y nationals. Thus, the amendment of the 2018 Telecommunications Business License Act No. 1500 is not in violation of AMS-Y's Schedule of Services Commitments. The AMS-Y AFAS Horizontal Commitments is attached for ease of reference. In response to the AE's claim that it has not received any notification from AMS-Y on the new amendment, AMS-Y responded that the Government of AMS-Y has promulgated the amendment of the law through official government websites and local newspapers after it has been approved on 1 September 2018.

Attachment
Satisfied - Yes

History			
Date	Action	Action By	Comments
02/11/2018 06:47:04	Satisfied	ASEAN-based Enterprise	We are satisfied with the reason of rejection of our complaint by AMS-Y and have decided not to pursue any other course of action regarding our complaint.
02/11/2018 06:05:11	Solution	Central Administrator of ASSIST	AMS-Y finds sufficient basis that AMS-Y has complied with its relevant ASEAN commitments and that the complaint lacks merit. It argues that, although under the AFAS Schedule of Specific Commitments, AMS-Y has no limitations on foreign ownership, it is stated in its Horizontal Commitments that, as a limitation to market access, the Commercial Presence of the foreign service provider(s) may be in the form of a joint venture and/or representative office, which should meet the following requirements: ... 14
01/11/2018 22:37:34	Assigned	Central Administrator of ASSIST	Dear Mr Bruce Kent, Thank you for lodging your complaint under ASSIST. The Central Administrator has reviewed and verified your complaint and finds that it is complete. You have submitted your company registration document which proves that you are a business registered in AMS-X and you have also provided us with a copy of the AMS-Y's Specific Schedule of ASEAN Services Commitments, specifically in the Telecommunication Services sector, as well as the AMS-Y 2010 Telecommunications ... 14
01/11/2018 16:07:27	Case Confirmed	ASEAN-based Enterprise	Email Confirmed
01/11/2018 16:01:39	New	ASEAN-based Enterprise	

ASEAN ENTERPRISE

ASEAN Enterprise Name: AirTel Holdings, Inc.

Company Size	200+	Address	Jingle Avenue City U Country X
Phone	+251 7252991	City	City U
Website	www.airtel.com	ZIP Code	10090
		Country	AMS-X

CONTACT PERSON

First Name	Bruce	Address	Jingle Avenue City U Country X
Last Name	Kent	City	City U
Phone	+251 8155253399	ZIP Code	10090
Position	President	Country	AMS-X
Email	assanentoprte0@gmail.com (Confirmed)		

COMPLAINT DESCRIPTION

Country of Legal Registration	AMS-X	Business Sector	Services
Registration Number	123456	Type of Problem Encountered	Services / Communication Services
Company Registration Proof	Annex 1: Simulated Company Registration of AirTel Holdings, Inc1.pdf		
Type of Business	Service provider		
Description	<p>We are a duly registered telecommunications company in AMS-X, AirTel Holdings, Inc. Our subsidiary company, AirTel Holdings, Inc. is based in AMS-Y 80% of the total shares issued by AirTel Co., Ltd. is owned by AMS-X shareholders and its senior management level positions are dominated by AMS-Y nationals. AirTel Co., Ltd.'s operating license has recently been revoked by AMS-Y's National Communication Authority in September 2018 on the argument that the telecommunications license possessed by AirTel Co., Ltd. is no longer valid. In fact, in August 2018, AMS-Y had amended the Telecommunications Business License Act No. 1500, whereby foreign operators were no longer permitted to apply for Type B and Type C licenses. A type B (wireless) license is for an operator with or without its own network, but provides services targeting a segment or even several segments of the public. A type C license is for an operator with a network that provides services to the general public, or services that cause a significant impact on fair competition, the public interest, or require special consumer protection. The applicant applying for Type B and Type C licenses must be companies where AMS-Y nationals hold at least 51% shares and at least three quarters of the applicant's senior level management and the person authorized to sign any binding commitments, as a representation of the applicant company, must be an AMS-Y national. We feel that AirTel Co., Ltd. has been treated unfairly as it simply followed the government process at the time when it had applied for the license and it was not given any notification by AMS-Y on this new development. It has also complied with the requirement for foreign companies with a majority of foreign shareholders, which is obtaining a Foreign Business License from the Ministry of Commerce. The revoking of AirTel Co., Ltd.'s license and the amendment of the business license regulation has caused AirTel Holdings, Inc. shares to fall 5.67% in AMS-X as AMS-Y is the world's second biggest cellular market. We believe that the revoking of its license is a discrimination against foreign investors in the telecommunications sector and a violation of the specific commitments and obligations of AMS-Y under the relevant ASEAN Framework Agreement on Services (AFAS).</p>		
Attachment	Annex 2-Simulated_AMS-Y_Schedule_of_Specific_Commitments-AFAS_9_Consolidated_Schedule1.pdf Annex 3-Simulated_Law_of_AMS-Y1.pdf Annex 4-Simulated_Amendment_Law_of_AMS-Y1.pdf		

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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.

