



Photo credit: Deborah Tomasowa for US-ACFI

មេរៀនអំពី **ASSIST**



មេរៀននេះក៏មាននៅលើគេហទំព័រ ASSIST
<https://assist.asean.org/read/proces/20>



មេរៀនមួយជំហានម្តងៗសម្រាប់ ករណីសិក្សាទី ១

Image credit: eastspring investments

បណ្តឹងដែលធ្វើឡើងដោយសហគ្រាសអាស៊ាន ហើយត្រូវបាន រដ្ឋបាលកណ្តាលច្រានចោល

បរិយាយសង្ខេបអំពីសំណុំរឿង៖ សេណារីយ៉ូនេះ បង្ហាញអំពី បណ្តឹងដែលត្រូវបានច្រានចោលដោយរដ្ឋបាលកណ្តាល (CA) របស់ ASSIST ដោយសារបណ្តឹងនោះបានធ្វើឡើងមិន ត្រឹមត្រូវ ដោយដើមបណ្តឹង។ ក្នុងករណីនេះ ការច្រានចោលបានកើត ឡើងដោយសារតែកម្មវត្ថុនៃបណ្តឹងនោះ ស្ថិតនៅក្រៅដែន សមត្ថកិច្ចរបស់ ASSIST។

បណ្តឹងនេះមានពាក់ព័ន្ធនឹងការពន្យារពេលប័ណ្ណការងាររបស់ ដើមបណ្តឹងនៅក្នុងប្រទេសគោលដៅ។ ដើមបណ្តឹងគឺជា នាយកក្រុមហ៊ុនប្រឹក្សាយោបល់នៅក្នុងប្រទេសដើមដែលមាន សញ្ញាបត្រអនុបណ្ឌិតផ្នែកសេដ្ឋកិច្ច និងដែលត្រូវបានផ្តល់ ការងារនៅក្នុងក្រុមហ៊ុនប្រឹក្សាយោបល់មួយនៅក្នុង

ប្រទេសគោលដៅ ហើយមានគោលបំណងចង់ផ្លាស់ទៅរស់នៅ ទីនោះជាអចិន្ត្រៃយ៍តែម្តង។ ប៉ុន្តែនីតិវិធីនេះត្រូវចំណាយពេល វេលាយូរ ហើយបច្ចុប្បន្ន ប្រទេសគោលដៅបានដកហូតប័ណ្ណ ការងារអស់រយៈពេលជិត ៣ ខែ។ បញ្ហានេះកំពុងធ្វើឱ្យដើម បណ្តឹងខូចខាតឱកាសក្នុងការទទួលបានការងារ។ ដូច្នេះ គាត់ ចង់ដាក់ពាក្យបណ្តឹងទៅ ASSIST ប្រឆាំងទៅនឹងប្រទេស គោលដៅ តាមរយៈក្រុមហ៊ុនរបស់គាត់នៅក្នុងប្រទេសដើម លើករណីពន្យារពេលចេញប័ណ្ណការងារដល់រូបគាត់។ មូលដ្ឋាន នៃបណ្តឹងរបស់លោកដែលមិនសប្បាយចិត្ត គឺ កិច្ចព្រមព្រៀង អាស៊ានស្តីពីបង្គោលទីរបស់រូបវត្ថុបុគ្គល ដែលអនុញ្ញាតការផ្លាស់ ទីដោយសេរីនៃបុគ្គលដែលមានជំនាញ នៅក្នុងអាស៊ាន ព្រម ទាំងកិច្ចព្រមព្រៀងក្របខ័ណ្ឌ អាស៊ានស្តីពីសេវាកម្ម (AFAS)

បញ្ជីតួអង្គ និងអក្សរកាត់

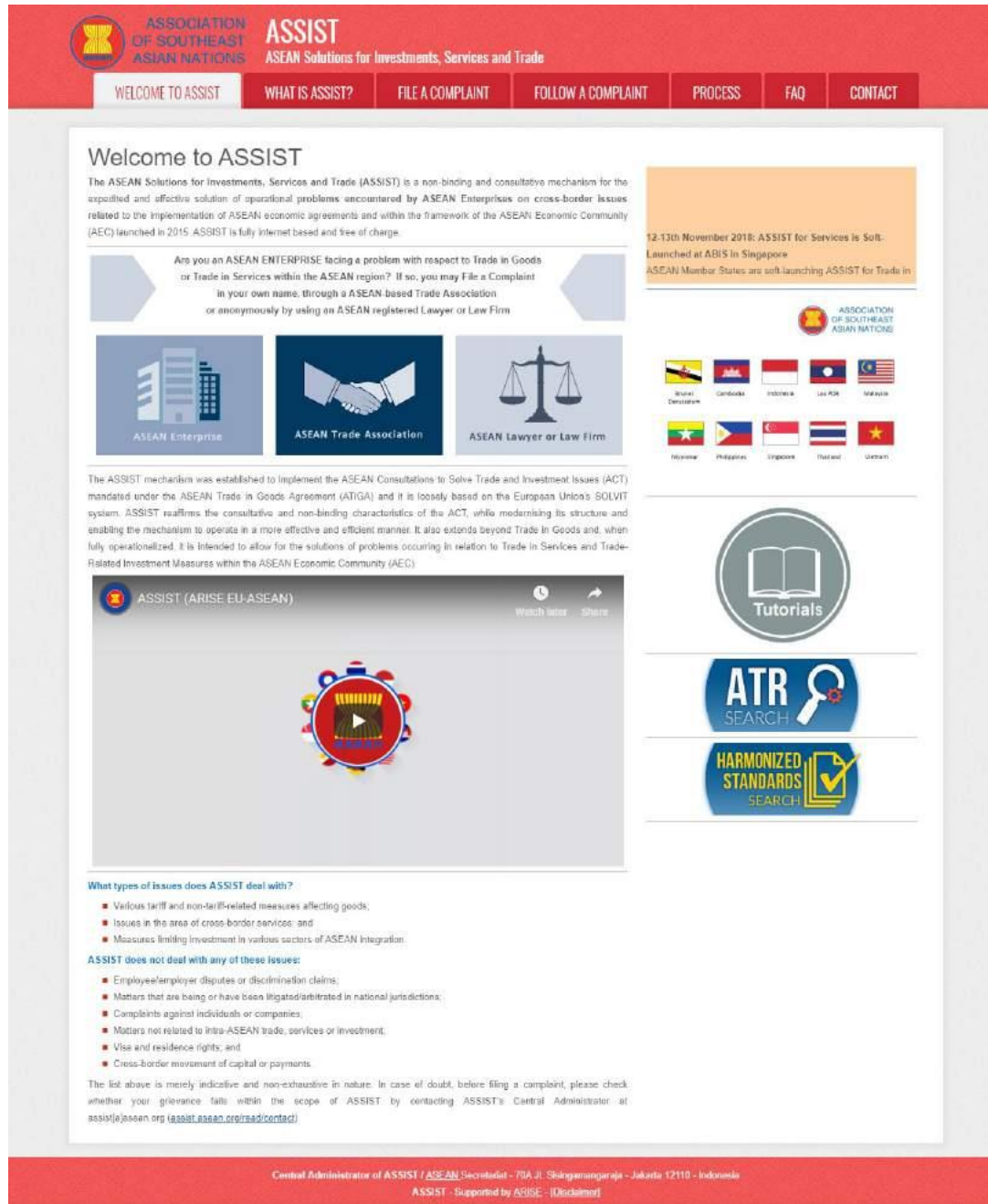
- ដើមបណ្តឹង = សហគ្រាសអាស៊ាន (AE)
- លេខាធិការដ្ឋានអាស៊ាន = រដ្ឋបាលកណ្តាលរបស់ ASSIST (CA)
- ប្រទេសដើម = ចំណុចទំនាក់ទំនងនៅក្នុងប្រទេសដើម (HCP) នៅក្នុងរដ្ឋសមាជិកអាស៊ាន X (AMS-X)
- ប្រទេសគោលដៅ = ចំណុចទំនាក់ទំនងនៅប្រទេសគោលដៅ (DCP) នៅក្នុងរដ្ឋសមាជិកអាស៊ាន Y (AMS-Y)

ជំហាន
1

ចូលទៅគេហទំព័រ ASSIST (<http://ASSIST.ASeAn.orG>)

ប្រសិនបើអ្នកគិតថាករណីរបស់អ្នកជាបញ្ហាដែលពាក់ព័ន្ធនឹងពាណិជ្ជកម្មឆ្លងដែនអាស៊ាន អ្នកជា ក្រុមហ៊ុនដែលចុះបញ្ជីនៅក្នុងរដ្ឋសមាជិកអាស៊ាន ហើយអ្នកត្រូវការសេវាពិគ្រោះយោបល់ឥតគិតថ្លៃ ដោយមិនចងកាតព្វកិច្ច និងទទួលបានដំណោះស្រាយលឿន និងមានប្រសិទ្ធភាព សូមចូលទៅមើល គេហទំព័រនេះ៖ <http://assist.asean.org>

ខាងក្រោមនេះគឺជាគេហទំព័ររបស់ ASSIST។



The screenshot shows the ASSIST website homepage. At the top is the ASEAN logo and the text 'ASSOCIATION OF SOUTHEAST ASIAN NATIONS'. Below this is the 'ASSIST' logo and the tagline 'ASEAN Solutions for Investments, Services and Trade'. A navigation bar contains links: 'WELCOME TO ASSIST', 'WHAT IS ASSIST?', 'FILE A COMPLAINT', 'FOLLOW A COMPLAINT', 'PROCESS', 'FAQ', and 'CONTACT'. The main content area has a 'Welcome to ASSIST' section explaining the mechanism. It includes a flowchart showing the process: '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'. Below this are icons for 'ASEAN Enterprise', 'ASEAN Trade Association', and 'ASEAN Lawyer or Law Firm'. A text block describes the ASSIST mechanism's establishment and purpose. A video player for 'ASSIST (ARISE EU-ASEAN)' is shown. On the right, there's a section for '12-13th November 2018: ASSIST for Services is Soft-Launched at ABI S in Singapore' and a list of ASEAN member states with their flags. Below that are icons for 'Tutorials', 'ATR SEARCH', and 'HARMONIZED STANDARDS SEARCH'. A list of issues ASSIST deals with and does not deal with is provided. At the bottom, contact information for the Central Administrator is listed.

ប្រសិនបើអ្នកដាក់ពាក្យបណ្តឹងក្រោមឈ្មោះក្រុមហ៊ុនរបស់អ្នកផ្ទាល់ (បណ្តឹងមិនមែនអនាមិក) ហើយអ្នកពុំត្រូវបានគំរាមដោយសហគមន៍ពាណិជ្ជកម្ម ដែលមានមូលដ្ឋាននៅក្នុងអាស៊ានទេ ឬដោយអង្គការគំរាមផ្សេងទៀតណាមួយដែលអ្នកជ្រើសរើស ដូចជា សភាពាណិជ្ជកម្ម ក្រុមប្រឹក្សាធុរកិច្ច សហព័ន្ធជុំវិញ ឬមេធាវី ឬក្រុមហ៊ុនមេធាវីដែលមានចុះបញ្ជីទេ ចូរអ្នកចុចលើសញ្ញា “ASEAN Enterprise” នៅលើផ្ទាំង “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.



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. Sisinganegara - Jakarta 12110 - Indonesia
ASSIST - Supported by ARIBE - [Disclaimer]

ពេលលោកអ្នកចុចនៅលើរូបសញ្ញា “ASEAN Enterprise” ទំព័រខាងក្រោមនឹងបង្ហាញឡើង។



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

ZIP Code

CONTACT PERSON

* Gender

* First Name

* Phone

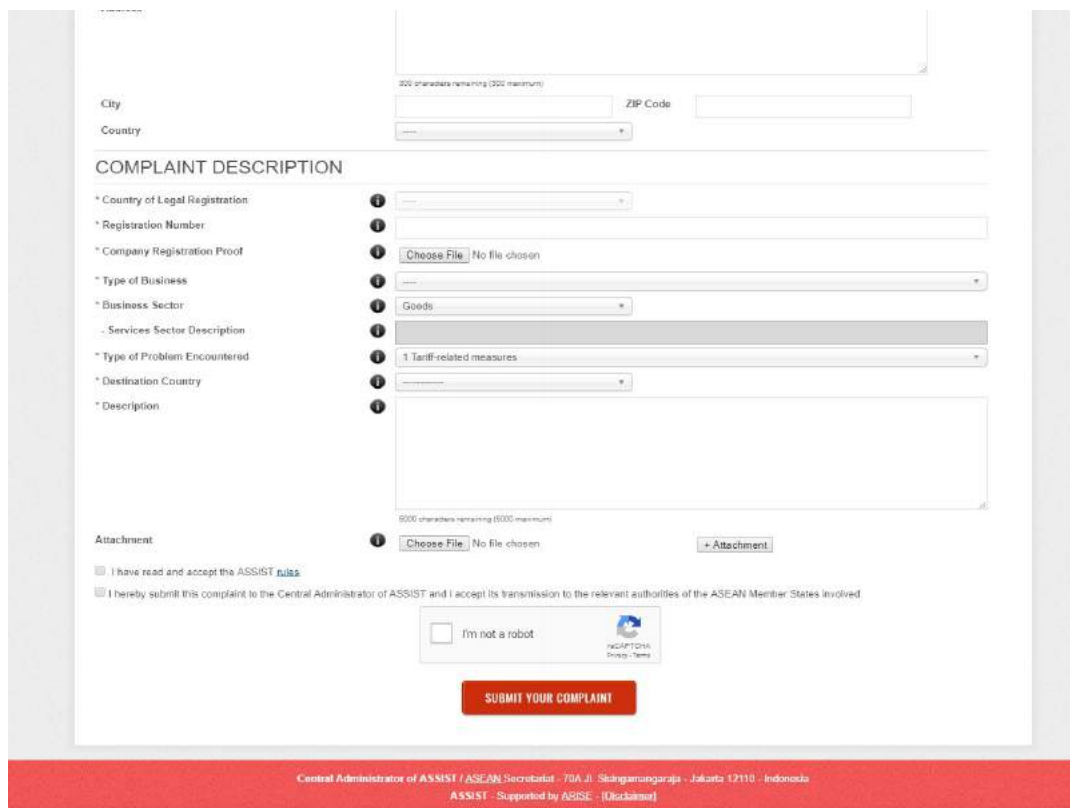
* Position

* Email

Address

☐ Mr ☐ Mrs ☐ Ms

* Last Name



ចូរបំពេញទម្រង់ខាងលើដើម្បីផ្តល់ដល់ ASSIST នូវព័ត៌មានគ្រប់គ្រាន់អំពីបញ្ហាពាណិជ្ជកម្មដែលអ្នកកំពុងជួបប្រទះ។ ក្នុងកន្លែងណាដែលសម្គាល់ដោយសញ្ញា (*) គឺជាត្រូវបំពេញជាចាំបាច់។ ប្រសិនបើអ្នកមិនយល់ច្បាស់ថាត្រូវបំពេញអ្វីនៅក្នុងកន្លែងនីមួយៗ គឺមានប៊ូតុងនៅក្បែរដែលអាចចុចមើលការណែនាំលម្អិតអំពីចំណុចដែលត្រូវបំពេញ។ ចូរបំពេញប៊ូតុងនោះ ដើម្បីឱ្យប្រាកដថា អ្នកបំពេញព័ត៌មានបានត្រឹមត្រូវ នៅក្នុងទម្រង់នីមួយៗ។

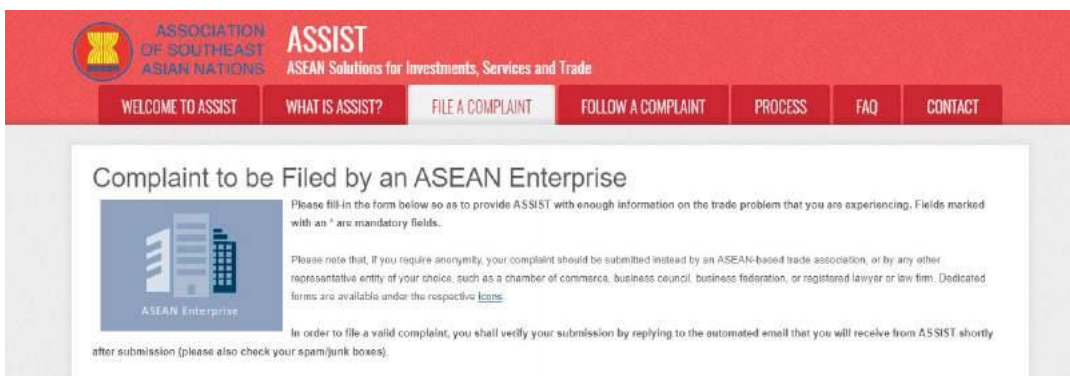
អ្វីដែលសំខាន់ខ្លាំងគឺត្រូវបំពេញនៅក្នុងកន្លែង “បរិយាយ” ឬ “Description”។ CA នឹងត្រូវផ្ទៀងផ្ទាត់ថាបរិយាយដែលផ្តល់ឱ្យនៅក្នុងបណ្តឹង គ្រប់គ្រាន់ដើម្បីកំណត់បញ្ហានៅក្នុងបរិបទនៃកិច្ចព្រមព្រៀងវិស័យនានាដែរឬទេ ដូច្នេះចូរបំពេញបណ្តឹងរបស់អ្នកឱ្យបានហ្មត់ចត់ដោយមានអង្គហេតុ និងភស្តុតាងជាក់ស្តែងច្បាស់លាស់ ដើម្បីជួយ CA ក្នុងការសម្រេចចិត្ត ថាគេគួរទទួល ឬមិនទទួលបណ្តឹងនោះ។

ជំហាន

3

បំពេញទម្រង់ពាក្យបណ្តឹង

ខាងក្រោមនេះគឺជាឧទាហរណ៍នៃទម្រង់ដែលបំពេញរួចរាល់សម្រាប់ករណីសិក្សាជាក់លាក់មួយនេះ។



ASEAN ENTERPRISE

* ASEAN Enterprise Name

Blue Sapphire Consulting Group

* Company Size

10 to 50

* Phone

+96131415

Website

www.bluesapphirecg.com

* Address

Red Sparrow Street No. 13
City V
Country X

254 characters remaining (500 maximum)

* City

City V

ZIP Code

12130

* Country

AMS-X

CONTACT PERSON

* Gender

☒ Mr
 ☐ Mrs
 ☐ Ms

* First Name

Vary

* Last Name

Upset

* Phone

+96131415

* Position

Director

* Email

aseanenterprise@gmail.com

* Address

Red Sparrow Street No. 13
City V
Country X

254 characters remaining (500 maximum)

* City

City V

ZIP Code

12130

* Country

AMS-X

* Country of Legal Registration

AMS-X

* Registration Number

123456

* Company Registration Proof

Choose File | Simulated Comp...ing Group.pdf

* Type of Business

Service provider

* Business Sector

Services

* Services Sector Description

Consultancy

* Type of Problem Encountered

12 Other Services

* Destination Country

AMS-Y

* Description

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

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

Thus, I wish to raise an ASSIST complaint against AMS-Y, through my company in AMS-X, for 4007 characters remaining (5000 maximum)

* Attachment

Choose File | No file chosen

+ Attachment

☒ I have read and accept the ASSIST rules

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

☒ I'm not a robot

reCAPTCHA

SUBMIT YOUR COMPLAINT

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

ASSIST - Supported by ASEAN - (Disclaimers)

ខាងក្រោមនេះគឺជាបរិយាយរបស់ AE អំពីបណ្តឹងរបស់ខ្លួននៅក្នុងករណីសិក្សានេះ ៖

“ខ្ញុំគឺជានាយកក្រុមហ៊ុនប្រឹក្សាយោបល់មួយនៅក្នុង AMS-X។ ខ្ញុំត្រូវបានក្រុមហ៊ុនប្រឹក្សាយោបល់មួយនៅក្នុង AMS-Y ជ្រើសរើសឱ្យបំពេញការងារ ហើយខ្ញុំមានបំណងផ្លាស់ទីទៅរស់នៅទីនោះជាអចិន្ត្រៃយ៍។ យោងតាមកិច្ចសន្យាការងារដែលក្រុមហ៊ុននៅក្នុង AMS-Y ពួកគេបានប្រាប់ខ្ញុំថាដំណើរការនេះនឹងត្រូវចំណាយពេលប្រហែល ១ខែ ដើម្បីឱ្យក្រុមហ៊ុនអាចស្នើសុំប័ណ្ណការងារឱ្យរួចរាល់បាន ប៉ុន្តែ នីតិវិធីនេះចំណាយពេលយូរជាងនេះ ហើយឥឡូវនេះត្រូវចំណាយពេលជិត ៣ ខែហើយ ដែល AMS-Y នៅតែមិនទាន់ចេញប័ណ្ណការងារឱ្យខ្ញុំទៀត។ កត្តានេះកំពុងធ្វើឱ្យមានប៉ះពាល់ដល់ឱកាសទទួលបានការងាររបស់ខ្ញុំ។

ដូច្នេះខ្ញុំចង់ដាក់ពាក្យបណ្តឹងនេះមកកាន់ ASSIST ដើម្បីតវ៉ាចំពោះ AMS-Y តាមរយៈក្រុមហ៊ុនរបស់ខ្ញុំនៅ AMS-X ចំពោះការអូសបន្លាយពេលក្នុងការចេញប័ណ្ណការងារឱ្យរបស់ខ្ញុំ។ មូលដ្ឋាននៃបណ្តឹងរបស់ខ្ញុំ គឺ កិច្ចព្រមព្រៀងអាស៊ានស្តីពីបង្គោលទីនៃរូបវន្តបុគ្គល ដែលអនុញ្ញាតឱ្យមានបង្គោលទីដោយសេរីនៃរូបវន្តបុគ្គលដែលមានជំនាញនៅក្នុងអាស៊ាន ព្រមទាំងកិច្ចព្រមព្រៀងក្របខ័ណ្ឌអាស៊ានស្តីពីសេវាកម្មផងដែរ។ ជាមួយគ្នានេះ ខ្ញុំសូមភ្ជាប់ជាមួយនូវលិខិតចុះបញ្ជីពាណិជ្ជកម្មរបស់ក្រុមហ៊ុនខ្ញុំនៅក្នុង AMS-X ដែលជាលក្ខខណ្ឌតម្រូវសម្រាប់ការដាក់ពាក្យបណ្តឹងនៅក្រោម ASSIST”។

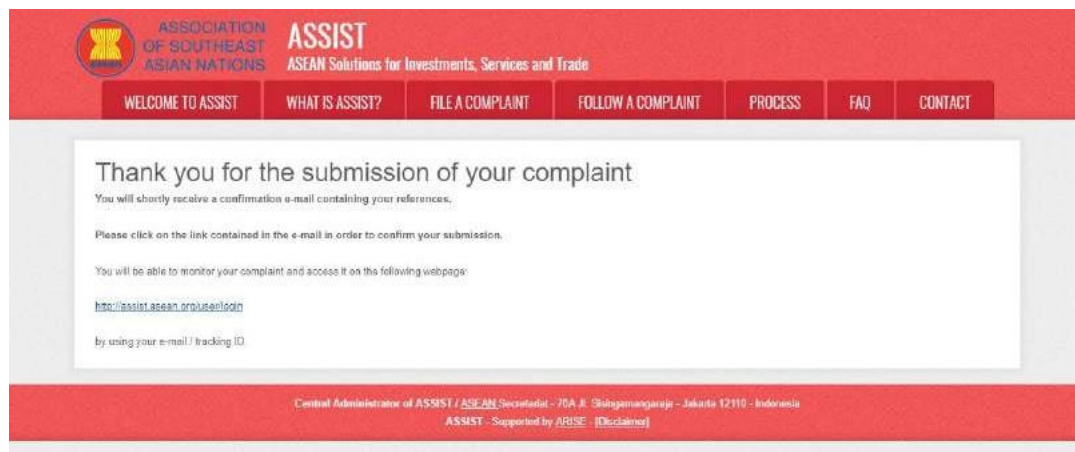
នៅពេលដែលបណ្តឹងត្រូវបានធ្វើឡើងដោយចុចលើពាក្យ “Submit Your Complaint” ទំព័រខាងក្រោមនេះ នៅក្នុងជំហានទី៤ នឹងផុសឡើង។

ជំហាន

4

ទទួលការជូនដំណឹងពី ASSIST

នៅពេលអ្នកដាក់ពាក្យបណ្តឹងនៅលើគេហទំព័រ ASSIST ទំព័រខាងក្រោមនេះនឹងលេចឡើងដោយប្រាប់ដំណឹងដល់អ្នកថាអ៊ីមែលបញ្ជាក់នឹងត្រូវផ្ញើទៅកាន់អាសយដ្ឋានអ៊ីមែល ដែលអ្នកបានផ្តល់នៅក្នុងទម្រង់បណ្តឹង។



ការជូនដំណឹងខាងលើបង្ហាញថា អ្នកគួរតែចុចលើតំណភ្ជាប់ (link) ដែលបានផ្តល់នៅក្នុងអ៊ីមែលរបស់អ្នកដើម្បីបញ្ជាក់បណ្តឹងរបស់អ្នកជាមួយ ASSIST។

ជំហាន

5

បញ្ជាក់បណ្តឹងរបស់អ្នក ចេញពីគណនីអ៊ីមែលរបស់អ្នក

- (ក) សូមចូលទៅកាន់គណនីអ៊ីមែលដែលអ្នកបានផ្តល់នៅក្នុងទម្រង់នៃបណ្តឹង។ អ្នកនឹងទទួលបានអ៊ីមែលពី ASSIST ដែលស្នើឱ្យអ្នកបញ្ជាក់ពាក្យបណ្តឹងរបស់អ្នកដោយចុចលើតំណភ្ជាប់ដែលបានផ្តល់ ឬដោយចកចម្លង (copy-paste) តំណភ្ជាប់នោះទៅក្នុងកម្មវិធីបើកអ៊ីនធឺណិត។ ការធ្វើដូច្នេះក៏ត្រូវបានតម្រូវផងដែរដោយ ASSIST ដើម្បីបញ្ជាក់ថាអាសយដ្ឋានអ៊ីមែលដែលអ្នកបានផ្តល់គឺជាអាសយដ្ឋានត្រឹមត្រូវ។ លេខបណ្តឹងរបស់អ្នក ក៏នឹងត្រូវផ្តល់ឱ្យនៅក្នុងអ៊ីមែលនេះផងដែរ។ ក្នុងករណីនេះ លេខបណ្តឹងរបស់អ្នកគឺ 16920181030។

ខាងក្រោមនេះ គឺជាអ៊ីមែលដែលអ្នកនឹងទទួលបានពី 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



ASSOCIATION
OF SOUTHEAST
ASIAN NATIONS

ASSIST

ASEAN Solutions for Investments, Services and Trade

Dear Mr Very Upset ,

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

Please confirm your complaint **16920181030** on the following link (or by copy-pasting the following link onto your Internet browser):
http://assist.asean.org/development/space/user/confirm_email?email=aseanenterprise0@gmail.com&id=16920181030&code=j8xk0a8g13we

<http://assist.asean.org/user/login> by using your e-mail / tracking ID: aseanenterprise0@gmail.com / **16920181030**

<http://assist.asean.org/user/login> by using your e-mail / tracking ID: aseanenterprise0@gmail.com / **16920181030**

ASEAN Enterprise / Trade Association / Law Firm : Blue Sapphire Consulting Group (Type Enterprise)

Company size : 10 to 50

Phone : +65131415

Website : www.bluesapphirecg.com

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

City : City V / Zip Code : 12130

Country : AMS-X

Contact person : Mr Very Upset

Phone : +96131415

Position : Director

Email : aseanenterprise0@gmail.com

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

City : City V / Zip Code : 12130

Country : AMS-X

Confidential case code (for law firm or lawyer only):

Country of Legal Registration : AMS-X

Legal Registration Number : 123456

Type of Business : Service provider

Business Sector : Services / Consultancy

Type of problem encountered : Other Services

Destination Country : AMS-Y

Description:

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

Thanking you, ASSIST is at your service.

assist.asean.org

 Simulated_Company_Registration_of_Blue_Sapphire_Consulting_Group.pdf
50K

(ខ) សូមចូលលើកំណត់ត្រាបតាមការស្នើនៅក្នុងអ៊ីមែលខាងលើ ហើយបន្ទាប់មក ទំព័រខាងក្រោមនេះ នឹងបង្ហាញឡើង។



ASSOCIATION
OF SOUTHEAST
ASIAN NATIONS

ASSIST

ASEAN Solutions for Investments, Services and Trade

WELCOME TO ASSIST

WHAT IS ASSIST?

FILE A COMPLAINT

FOLLOW A COMPLAINT

PROCESS

FAQ

CONTACT

Email/complaint confirmation valid

Thank you for having confirmed your e-mail.

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

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

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

Central Administrator of ASSIST / ASEAN Secretariat - JDA II, Senayan Complex - Jakarta 12110 - Indonesia

ASSIST - Supported by ABSE - [Disclaimers]

ការជូនដំណឹងខាងលើនេះ នឹងប្រាប់អ្នកថាបណ្តឹងរបស់អ្នកនឹងត្រូវពិនិត្យដោយ CA និងថាអ្នកនឹងត្រូវបានជូនដំណឹងតាមអ៊ីមែលក្នុងរយៈពេល ១០ ថ្ងៃ (ថ្ងៃធ្វើការ) យ៉ាងយូរអំពីថាគឺ៖

- ១) បណ្តឹងត្រូវបានទទួលយក និងដាក់ជូនទៅប្រទេសគោលដៅ ឬ
- ២) បណ្តឹងមិនពេញលេញ និងបញ្ជូនមកអ្នកវិញដើម្បីកែសម្រួលឡើងវិញ ឬ
- ៣) បណ្តឹងត្រូវបានប្រានចោល ដោយសារស្ថិតនៅក្រៅសមត្ថកិច្ចរបស់ ASSIST ឬដោយសារជាបណ្តឹងដែលគ្មានសុពលភាព។

សូមចូលទៅកាន់គណនីអ៊ីមែលរបស់អ្នក។

ជំហាន
6

ទទួលអ៊ីមែលពី ASSIST បញ្ជាក់ថា គណនីអ៊ីមែល និងបណ្តឹងរបស់អ្នកមានសុពលភាព

- (ក) សូមចូលទៅគណនីអ៊ីមែលរបស់អ្នក ហើយអ្នកនឹងឃើញអ៊ីមែលថ្មីមួយមកពី ASSIST។ អ៊ីមែលនេះបង្ហាញថាអ្នកបានបញ្ជាក់បណ្តឹងរបស់អ្នក CA នឹងពិនិត្យសុពលភាពបណ្តឹងនោះ ហើយថា បណ្តឹងនោះដាក់នៅក្នុង ASSIST។ ASSIST នឹងធ្វើការឆ្លើយតបដែលបញ្ជាក់ថាគេបណ្តឹងត្រូវបានទទួលយក បណ្តឹងមិនពេញលេញ ឬបណ្តឹងត្រូវបានច្រានចោល ក្នុងពេល ១០ ថ្ងៃ (ថ្ងៃធ្វើការ)។


ASEAN Enterprise <aseanenterprise@gmail.com>

[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, 2018 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 / tracking ID: aseanenterprise0@gmail.com / **16920181030**

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

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

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

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

Thanking you, ASSIST is at your service.

assist.asean.org

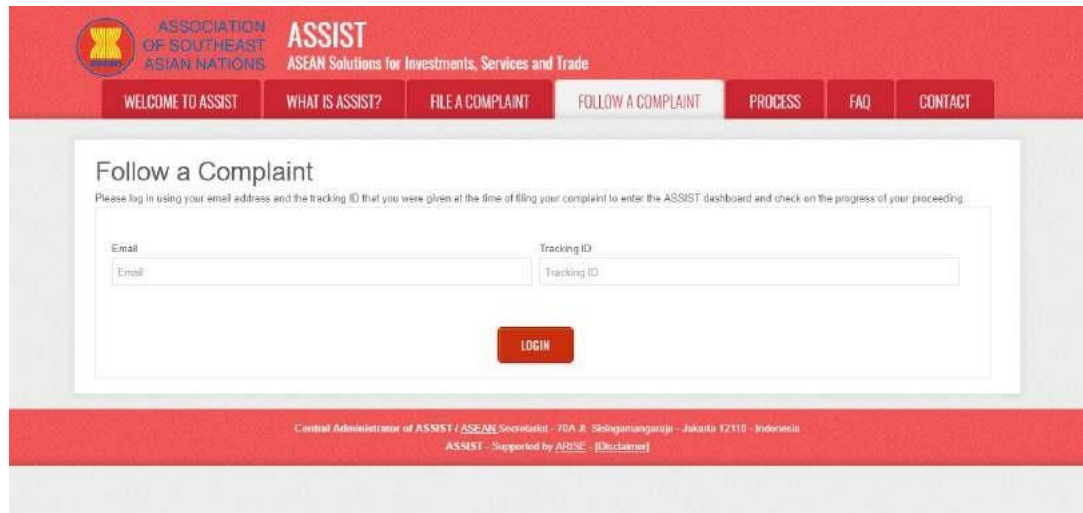
 Simulated_Company_Registration_of_Blue_Sapphire_Consulting_Group.pdf
50K

ដូចមានបង្ហាញនៅក្នុងអ៊ីមែលខាងលើនេះ ឥឡូវអ្នកអាចតាមដានវឌ្ឍនភាពបានហើយ ដោយចុចលើ កំណត់ត្រាដែលផ្តល់ឱ្យដែលនឹងនាំអ្នកទៅកាន់ថេប “Follow a Complaint” នៅលើបញ្ជីនៃគេហទំព័រ ASSIST។

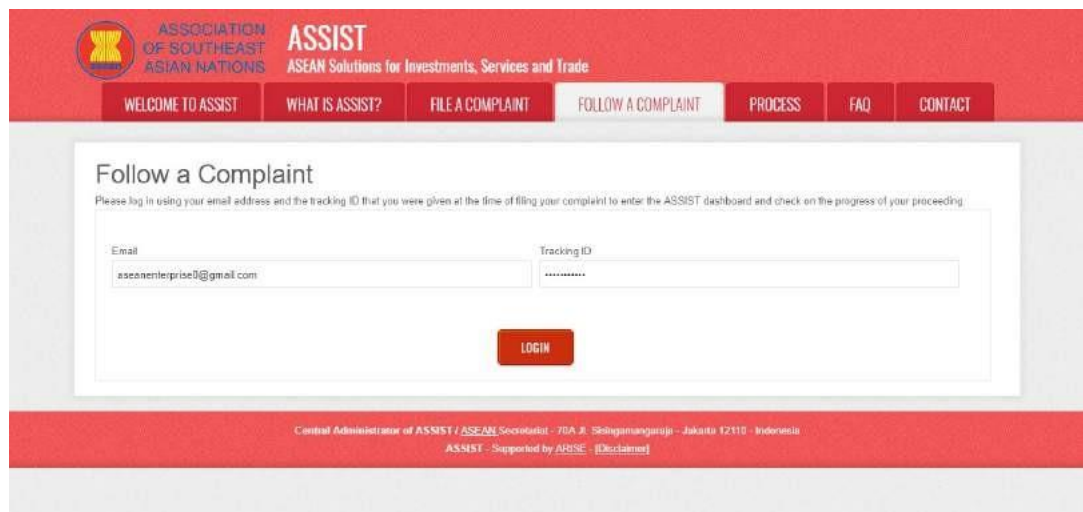
ជំហាន
7

តាមដានវឌ្ឍនភាពនៃបណ្តឹងរបស់អ្នក

- (ខ) ចូរទៅកាន់តំណភ្ជាប់នេះ៖ <http://assist.asean.org/user/login> ឬចូលទៅកាន់ថេប “Follow a Complaint” នៅលើគេហទំព័រ ASSIST។ ទំព័រនឹងបង្ហាញឡើង។

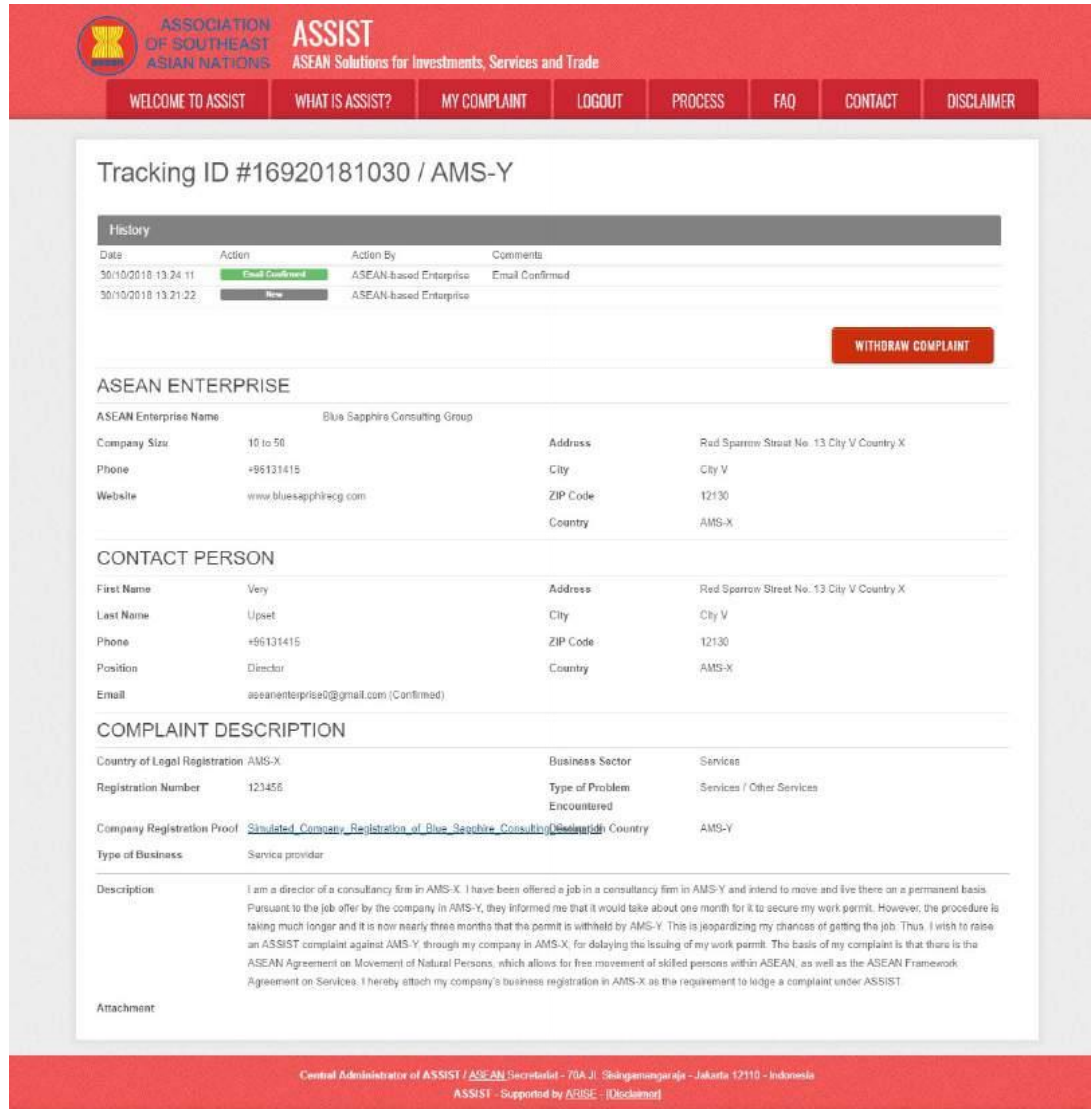


- (គ) បញ្ចូលអាសយដ្ឋានអ៊ីមែលរបស់អ្នក និង ID សម្រាប់តាមដាន (លេខបណ្តឹងរបស់អ្នក) នៅក្នុងប្រអប់ដែលត្រូវបំពេញដើម្បីចូល។ ក្នុងករណីនេះ អាសយដ្ឋានអ៊ីមែល គឺ aseanenterprise0@gmail.com ហើយលេខ ID គឺ **16920181030**។



នៅពេលចូលរួចហើយ អ្នកនឹងឃើញផ្ទាំង dashboard របស់អ្នកនៅលើគេហទំព័រ ASSIST ដែលអ្នកអាចចូលមើលដើម្បីតាមដានវឌ្ឍនភាពបណ្តឹងរបស់អ្នក។

(ឃ) ចូលទៅកាន់ផ្ទាំង Dashboard នៅលើគេហទំព័រ ASSIST របស់អ្នក ដែលបង្ហាញនៅពេលអ្នកចុះឈ្មោះ ចូលទៅដល់ទំព័រនេះ ។



Tracking ID #16920181030 / AMS-Y

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

[WITHDRAW COMPLAINT](#)

ASEAN ENTERPRISE

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

CONTACT PERSON

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

COMPLAINT DESCRIPTION

Country of Legal Registration	AMS-X	Business Sector	Services
Registration Number	123456	Type of Problem Encountered	Services / Other Services
Company Registration Proof	Simulated Company Registration of Blue Sapphire Consulting Group (Selected) 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. Setiabudi - Jakarta 12110 - Indonesia
ASSIST - Supported by ARIBE - [Disclaimer]

ដូចដែលអ្នកអាចមើលឃើញនៅក្នុង dashboard ចំណាត់ការនានាដែលធ្វើឡើងពាក់ព័ន្ធនឹងបណ្តឹងរបស់អ្នក ត្រូវបានបង្ហាញច្បាស់លាស់នៅក្នុង dashboard របស់អ្នក ហើយបញ្ជីនេះនឹងត្រូវធ្វើបច្ចុប្បន្នភាពជាទៀងទាត់ បន្ទាប់ពីចំណាត់ការនីមួយៗត្រូវបានធ្វើឡើង។ ទម្រង់បណ្តឹងដែលបានបំពេញរួចរបស់អ្នកដែលអ្នកបានដាក់ជូន ក៏អាចបើកមើលបានដែរ នៅលើ dashboard របស់អ្នក។

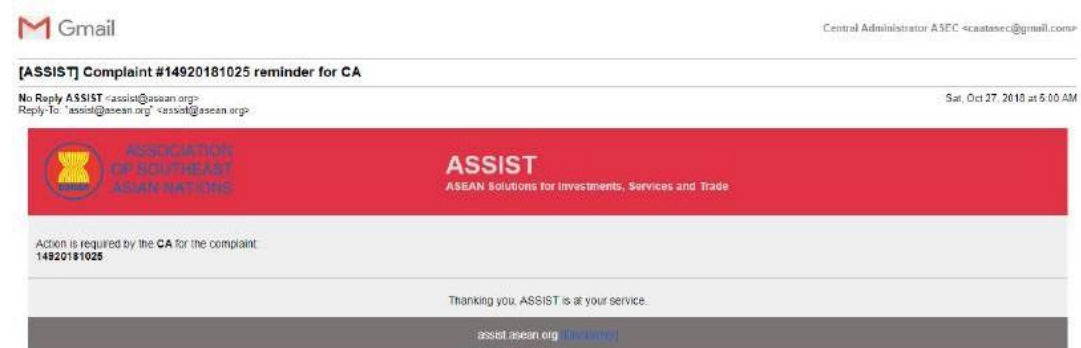
ជំហាន
8

រដ្ឋបាលកណ្តាលពិនិត្យបណ្តឹងរបស់អ្នក រួចហើយឆ្លើយតបទៅអ្នកតាមគណនីអ៊ីមែលរបស់អ្នក (ទទួលយក, មិនពេញលេញ, ឬប្រាន់ចោល)។

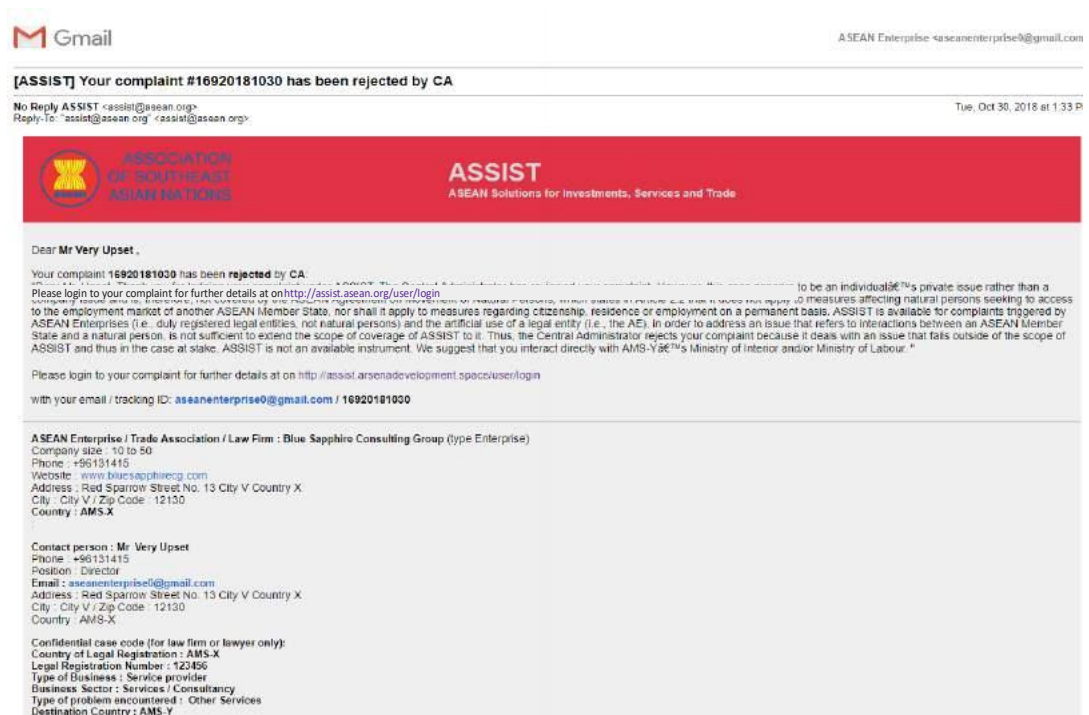
នៅពេលដែល CA បានបញ្ចប់ការពិនិត្យទៅលើបណ្តឹងរបស់អ្នក និងបានសម្រេចចិត្តថា គេទទួលយកបណ្តឹងនោះ ឬថាបណ្តឹងនោះមិនពេញលេញ/ប្រាន់ចោលបណ្តឹងនោះ រួចហើយនោះ អ៊ីមែលមួយនឹងផ្ញើជូនទៅកាន់អ្នកក្នុងរយៈពេល ១០ ថ្ងៃ (ថ្ងៃធ្វើការ) គិតចាប់ពីថ្ងៃដែលអ្នកបានដាក់ពាក្យបណ្តឹង។

ក្នុងខណៈនេះ ប្រសិនបើ CA មិនមានចំណាត់ការអ្វីទេ នោះ CA នឹងទទួលបានការគ្រើនរំលឹកដោយស្វ័យប្រវត្តិកាមអ៊ីមែលពីប្រព័ន្ធអនឡាញរបស់ ASSIST ក្នុងរយៈពេល ៧ ថ្ងៃ បន្ទាប់ពីថ្ងៃដាក់ពាក្យបណ្តឹង។ ដូចបានបង្ហាញខាងលើ CA ត្រូវតែសម្រេចចិត្តថា គេត្រូវទទួលយកប្រកាសថាមិនពេញលេញ និងស្នើឱ្យកែសម្រួលឡើងវិញ ឬប្រាន់ចោលពាក្យបណ្តឹងក្នុងរយៈពេល ១០ ថ្ងៃ (ថ្ងៃធ្វើការ)។

សារអ៊ីមែលរំលឹកទី១ សម្រាប់រដ្ឋបាលកណ្តាល:



ចូរពិនិត្យអ៊ីមែលអ្នកឱ្យបានទៀងទាត់ក្នុងអំឡុងពេល ១០ ថ្ងៃ បន្ទាប់ពីថ្ងៃដែលអ្នកបានដាក់ពាក្យបណ្តឹង។ អ្នកប្រាកដជានឹងទទួលបានអ៊ីមែលពី ASSIST។



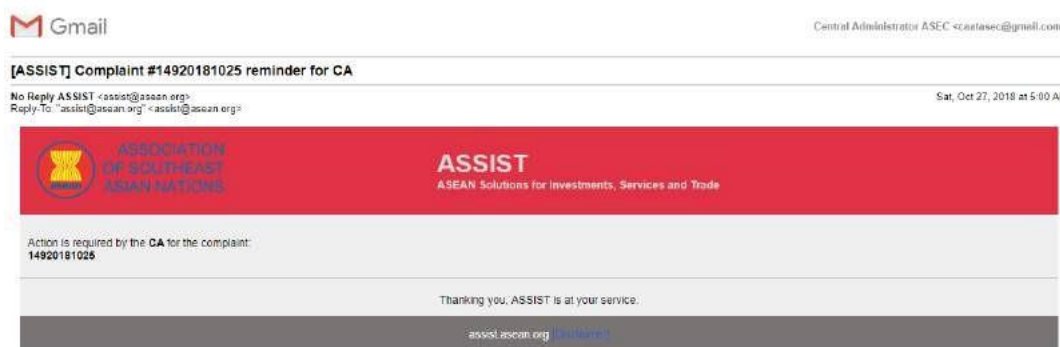
Description:
I am a director of a consultancy firm in AMS-X. I have been offered a job in a consultancy firm in AMS-Y and intend to move and live there on a permanent basis. Pursuant to the job offer by the company in AMS-Y, they informed me that it would take about one month for it to secure my work 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 [\[Attachment\]](#)

ក្នុងករណីនេះ បណ្តឹងរបស់អ្នកត្រូវបានពិនិត្យឡើងវិញ ហើយត្រូវបានច្រានចោលដោយ CA។ CA យល់ឃើញថាករណីនេះទំនងអាចជាបញ្ហាឯកជនរបស់បុគ្គល ជាជាងបញ្ហាក្រុមហ៊ុន ដូច្នេះបញ្ហានេះមិនស្ថិតក្រោមវិសាលភាពនៃកិច្ចព្រមព្រៀងអាស៊ានស្តីពីបម្លាស់ទីរបស់បុគ្គលទេ។ ASSIST បង្កើតឡើងសម្រាប់ទទួលបណ្តឹងដែលប្តឹងដោយសហគ្រាសអាស៊ាន (ឧទាហរណ៍ នីតិបុគ្គលដែលចុះបញ្ជីត្រឹមត្រូវតាមច្បាប់មិនមែនបុគ្គលទេ) ហើយការប្រើប្រាស់បែបសិប្បនិម្មិតនូវនីតិបុគ្គល (ឧទាហរណ៍ AE) ដើម្បីដោះស្រាយបញ្ហាមួយដែលសំដៅទៅលើអន្តរកម្មរវាងរដ្ឋសមាជិកអាស៊ានមួយ និងបុគ្គលម្នាក់មិនគ្រប់គ្រាន់ជាមូលដ្ឋានសម្រាប់ការពង្រីកវិសាលភាពរបស់ ASSIST ដើម្បីគ្របដណ្តប់បញ្ហានោះទេ។ ប្រសិនបើអ្នកមិនបានទទួលអ៊ីមែលពី ASSIST ក្នុងរយៈពេលដែលបានកំណត់ (១០ថ្ងៃធ្វើការ) គឺគាត់បាត់ពីថ្ងៃដាក់ពាក្យបណ្តឹង) នោះទេ នោះមានន័យថា CA មានចំណាត់ការយឺតយ៉ាវ។ CA នឹងទទួលបានសាររំលឹកស្វ័យប្រវត្តិមួយទៀតតាមអ៊ីមែល (ក្នុងរយៈពេល ១៤ថ្ងៃ បន្ទាប់ពីថ្ងៃដាក់ពាក្យបណ្តឹង) ដែលរំលឹកថា CA ត្រូវមានចំណាត់ការចំពោះបណ្តឹងនេះ។ CA នឹងទទួលអ៊ីមែលដូចខាងក្រោម៖

អ៊ីមែលរំលឹក ទី២ សម្រាប់រដ្ឋបាលកណ្តាល៖



ជំហាន
9

ចូលទៅ Dashboard នៃគេហទំព័រ ASSIST របស់អ្នក ដោយប្រើគណនីអ៊ីមែល និងលេខ ID បណ្តឹងដើម្បីមើលការឆ្លើយតបជាក់ស្តែងពី រដ្ឋបាលកណ្តាល។

ប្រសិនបើអ្នកចង់មើលចម្លើយពេញលេញពី CA អ្នកចាំបាច់ត្រូវចុះឈ្មោះចូលទៅកាន់ dashboard របស់អ្នកនៅលើគេហទំព័រ ASSIST ដោយប្រើគណនីអ៊ីមែលរបស់អ្នក និងលេខ ID បណ្តឹង ដូចបានបង្ហាញនៅក្នុងជំហាន 7 (ក) និង (ខ) ខាងលើ។

ខាងក្រោមនេះគឺជាប្រភពនៃ dashboard។ ដូចដែលអ្នកអាចមើលឃើញ ចំណាត់ការមួយផ្សេងទៀត ទើបតែត្រូវបានបន្ថែមទៅក្នុង "History" របស់អ្នក ដែលបញ្ជាក់ថា CA បាន "ច្រានចោល" បណ្តឹងរបស់អ្នក។



ASSOCIATION
OF SOUTHEAST
ASIAN NATIONS

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ASEAN Solutions for Investments, Services and Trade

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

Tracking ID #16920181030 / AMS-Y

History			
Date	Action	Action By	Comments
30/10/2018 13:33:22	Registered	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. (1)
30/10/2018 13:24:11	Email Confirmed	ASEAN-based Enterprise	Email Confirmed
30/10/2018 13:21:22	None	ASEAN-based Enterprise	

WITHDRAW COMPLAINT

ASEAN ENTERPRISE

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

CONTACT PERSON

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

COMPLAINT DESCRIPTION

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

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

សូមចូលលើនីមិត្តសញ្ញាកែវពង្រីកនៅក្នុងថេបការអត្តាធិប្បាយ។ ចម្លើយពេញលេញពី CA នឹងបង្ហាញដូចដែលអាចមើលឃើញនៅខាងក្រោមនេះ៖

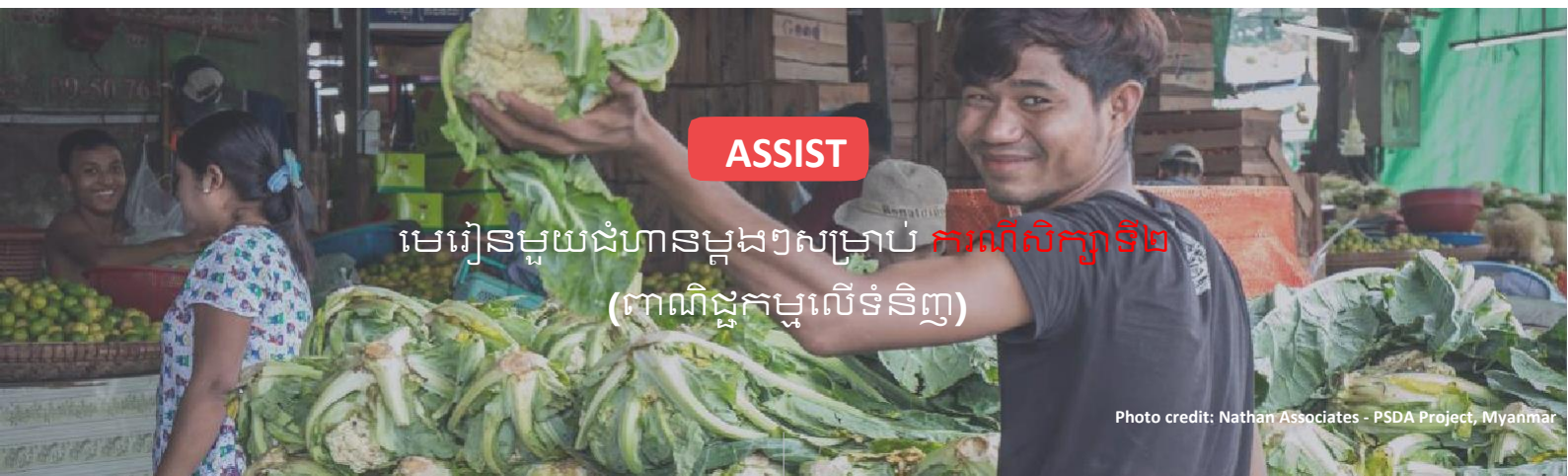


Dear Mr. Upset,

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.

ការប្រានចោលនេះទំនងជាមានសុពលភាព និងមានហេតុផលគ្រប់គ្រាន់។ ASSIST នឹងចាត់ទុកនីតិវិធីនេះជានីតិវិធីមួយដូចគ្នានឹងករណីដែលគ្មានបណ្តឹងណាមួយត្រូវបានប្តឹងមកដែរ។



ASSIST

មេរៀនមួយជំហានម្តងៗសម្រាប់ ករណីសិក្សាទី២ (ពាណិជ្ជកម្មលើទំនិញ)

Photo credit: Nathan Associates - PSDA Project, Myanmar

បណ្តឹងដែលធ្វើឡើងដោយសមាគមពាណិជ្ជកម្មនៅក្នុងអាស៊ាន តាងនាមឱ្យសមាជិករបស់ខ្លួន ដែលជាសហគ្រាសអាស៊ាន ដែលត្រូវបានទទួលយកដោយរដ្ឋបាលកណ្តាល ហើយត្រូវបានច្រានចោលដោយមន្ត្រីទំនាក់ទំនងនៃប្រទេសគោលដៅ។

បរិយាយសង្ខេបអំពីសំណុំរឿង៖ សេណារីយ៉ូនេះគឺស្តីពីបណ្តឹងមួយដែលត្រូវបានរដ្ឋបាលកណ្តាលរបស់ ASSIST ទទួលយកថាជាបណ្តឹងដែលធ្វើឡើងដោយសុពលភាពត្រឹមត្រូវ ដោយសមាគមពាណិជ្ជកម្ម ដែលមានមូលដ្ឋាននៅក្នុងអាស៊ាន តាងនាមឱ្យសមាជិករបស់ខ្លួន ដែលជាសហគ្រាសអាស៊ាន/AE (ឧទាហរណ៍ មានលក្ខណៈពេញលេញ នឹងស្ថិតនៅក្នុងដែនសមត្ថកិច្ចរបស់ ASSIST)។ បណ្តឹងត្រូវបានធ្វើឡើងដោយសមាគមពាណិជ្ជកម្មមួយ ដែលមានមូលដ្ឋាននៅក្នុងអាស៊ាន ពីព្រោះ AE ចង់រក្សាអនាមិកភាព ប៉ុន្តែ ករណីនេះ ត្រូវបានច្រានចោលដោយប្រទេសគោលដៅ ដោយសារតែជម្លោះដែលនេះ ត្រូវបានប្តឹងទៅកាន់អង្គការពាណិជ្ជកម្មពិភពលោក (WTO) នៅក្នុងបណ្តឹងមួយ ដែលធ្វើឡើងដោយប្រទេសដែល AE ចុះបញ្ជី (ជាទីកន្លែងនៃប្រទេសដើម) ប្រឆាំងទៅនឹងប្រទេសគោលដៅ។ នៅក្នុងសំណុំរឿងនេះ ការច្រានចោលពីសំណុំរឿងប្រទេសគោលដៅគឺមានហេតុផលគ្រប់គ្រាន់ និងស្ថិតក្នុងអធិបតេយ្យរបស់រដ្ឋជាសមាជិកអាស៊ាននៅក្នុងប្រព័ន្ធ ASSIST។

បណ្តឹងនេះគឺពាក់ព័ន្ធនឹងវិធានការសារពើពន្ធ និងវិធានការកម្មជាច្រើនរបស់ប្រទេសគោលដៅ ដែលប៉ះពាល់ដល់ទំនិញបារាំងដែលនាំចេញពីប្រទេសដើមទៅប្រទេសគោលដៅ។

វិធានការទាំងនោះ រួមមាន របៀបរបបកំណត់តម្លៃកម្រៃរបស់ប្រទេសគោលដៅ ពន្ធរដ្ឋាករ ពន្ធសុខភាព របបពន្ធអាករលើតម្លៃបន្ថែម (VAT) លក្ខខណ្ឌកម្រៃសម្រាប់ការផ្តល់អាជ្ញាប័ណ្ណលក់រាយ និងការធានានាំចូល ដែលដាក់ទៅលើអ្នកនាំចូលបារាំង។ សមាគមពាណិជ្ជកម្មដែលមានមូលដ្ឋាននៅក្នុងអាស៊ាន អះអាង ថាប្រទេសគោលដៅអនុវត្តវិធានការទាំងនេះដោយលម្អៀង និងមិនសមហេតុផល ដូច្នេះបានរំលោភទៅលើមាត្រា ៥៧ នៃកិច្ចព្រមព្រៀងអាស៊ានស្តីពីពាណិជ្ជកម្មទំនិញ (ATIGA) ដែលបានដាក់បញ្ចូលនៅក្នុងក្របខ័ណ្ឌអាស៊ាននូវកិច្ចព្រមព្រៀងរបស់អង្គការ WTO ស្តីពីការកំណត់តម្លៃពន្ធកម្ម។ យោងតាមសមាគមពាណិជ្ជកម្មដែលមានមូលដ្ឋាននៅក្នុងអាស៊ាន ប្រទេសគោលដៅមិនប្រើប្រាស់តម្លៃផ្គត់ផ្គង់ជាមូលដ្ឋានចម្បងសម្រាប់ការកំណត់តម្លៃពន្ធកម្មទេ និងមិនអនុលោមទៅតាមលំដាប់លំដោយនៃវិធីកំណត់តម្លៃ ដែលកំណត់ដោយមាត្រា ៥៧ នៃ ATIGA ឡើយ ហើយបែរជាប្រើប្រាស់វិធីកំណត់តម្លៃដោយគ្មានមូលដ្ឋាននៅក្នុងកិច្ចព្រមព្រៀងនេះ។ ជាងនេះទៅទៀត សមាគមពាណិជ្ជកម្មនៅក្នុងអាស៊ាន អះអាងថាអ្នកវិជ្ជាជីវៈអាជ្ញាប័ណ្ណពីរបស់ប្រទេសគោលដៅ ដែលតម្រូវឱ្យអ្នកលក់រាយច្បាស់ ដាក់/ឬបារាំង ត្រូវមានអាជ្ញាប័ណ្ណដាច់ដោយឡែកពីគ្នាសម្រាប់ការលក់បារាំងក្នុងស្រុក និងបារាំងនាំចូល ផ្ទុយពីមាត្រា ៦ នៃ ATIGA ដែលដាក់បញ្ចូលមាត្រា III នៃកិច្ចព្រមព្រៀងទូទៅស្តីពីពន្ធកម្ម និងពាណិជ្ជកម្ម (GATT) ឆ្នាំ១៩៩៤ ពីព្រោះខ្លួនផ្តល់ប្រព្រឹត្តកម្មចំពោះផលិតផលនាំចូលដោយភាពអនុគ្រោះគឺជាផលិតផលក្នុងស្រុក។

បញ្ជីតួអង្គ និងអក្សរកាត់

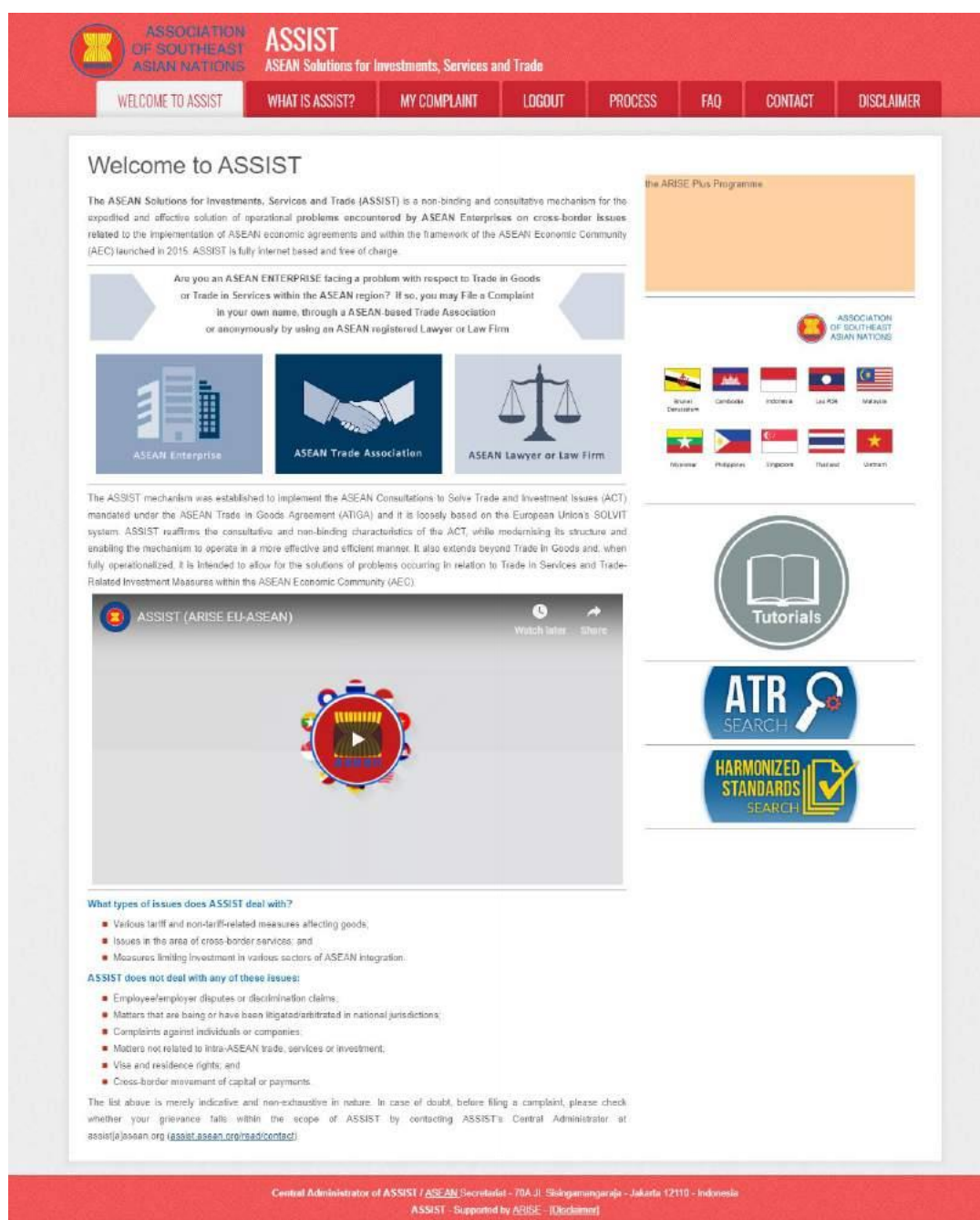
- ដើមបណ្តឹង = សហគ្រាសអាស៊ាន (AE)
- លេខាធិការដ្ឋានអាស៊ាន = រដ្ឋបាលកណ្តាលរបស់ ASSIST (CA)
- ប្រទេសដើម = ចំណុចទំនាក់ទំនងនៅក្នុងប្រទេសដើម (HCP) នៅក្នុងរដ្ឋសមាជិកអាស៊ាន X (AMS-X)
- ប្រទេសគោលដៅ = ចំណុចទំនាក់ទំនងនៅប្រទេសគោលដៅ (DCP) នៅក្នុងរដ្ឋសមាជិកអាស៊ាន Y (AMS-Y)
- អាជ្ញាធរជាតិពាក់ព័ន្ធ = អាជ្ញាធរពាក់ព័ន្ធ (RAs)

ជំហាន
1

ចូលទៅគេហទំព័រ ASSIST (<http://assist.asean.org>)

ប្រសិនបើអ្នកយល់ឃើញថាករណីរបស់អ្នកជាបញ្ហាពាក់ព័ន្ធនឹងពាណិជ្ជកម្មឆ្លងដែន អាស៊ាន អ្នកជាក្រុមហ៊ុនដែលចុះបញ្ជីនៅក្នុងរដ្ឋសមាជិកអាស៊ាន ហើយអ្នកត្រូវការសេវាកម្មពិគ្រោះយោបល់គតិកិច្ច ប៉ុន្តែមិនចង់កាតព្វកិច្ច និងទទួលបានដំណោះស្រាយលឿននិងមានប្រសិទ្ធភាព សូមចូលទៅមើលគេហទំព័រនេះ៖ <http://assist.asean.org>

ខាងក្រោមនេះ គឺជាគេហទំព័ររបស់ ASSIST



The screenshot shows the ASSIST website homepage. At the top is the ASEAN logo and the text 'ASSOCIATION OF SOUTHEAST ASIAN NATIONS'. Below this is the 'ASSIST' logo and the tagline 'ASEAN Solutions for Investments, Services and Trade'. A navigation bar contains links: 'WELCOME TO ASSIST', 'WHAT IS ASSIST?', 'MY COMPLAINT', 'LOGOUT', 'PROCESS', 'FAQ', 'CONTACT', and 'DISCLAIMER'. The main content area is titled 'Welcome to ASSIST' and includes a description of the mechanism. It features three icons: 'ASEAN Enterprise', 'ASEAN Trade Association', and 'ASEAN Lawyer or Law Firm'. Below these are flags of ASEAN member states. A video player shows a video titled 'ASSIST (ARISE EU-ASEAN)'. To the right, there are links to 'Tutorials', 'ATR SEARCH', and 'HARMONIZED STANDARDS SEARCH'. At the bottom, it lists the types of issues ASSIST deals with and those it does not deal with, followed by contact information for the Central Administrator.

ASSIST
ASEAN Solutions for Investments, Services and Trade

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

Welcome to ASSIST

The ASEAN Solutions for Investments, Services and Trade (ASSIST) is a non-binding and consultative mechanism for the expedited and effective solution of operational problems encountered by ASEAN Enterprises on cross-border issues related to the implementation of ASEAN economic agreements and within the framework of the ASEAN Economic Community (AEC) launched in 2015. ASSIST is fully internet based and free of charge.

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

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

The ASSIST mechanism was established to implement the ASEAN Consultations to Solve Trade and Investment Issues (ACT) mandated under the ASEAN Trade in Goods Agreement (ATIGA) and it is loosely based on the European Union's SOLVIT system. ASSIST reaffirms the consultative and non-binding characteristics of the ACT, while modernising its structure and enabling the mechanism to operate in a more effective and efficient manner. It also extends beyond Trade in Goods and, when fully operationalized, it is intended to allow for the solutions of problems occurring in relation to Trade in Services and Trade-Related Investment Measures within the ASEAN Economic Community (AEC).

ASSIST (ARISE EU-ASEAN)

What types of issues does ASSIST deal with?

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

ASSIST does not deal with any of these issues:

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

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

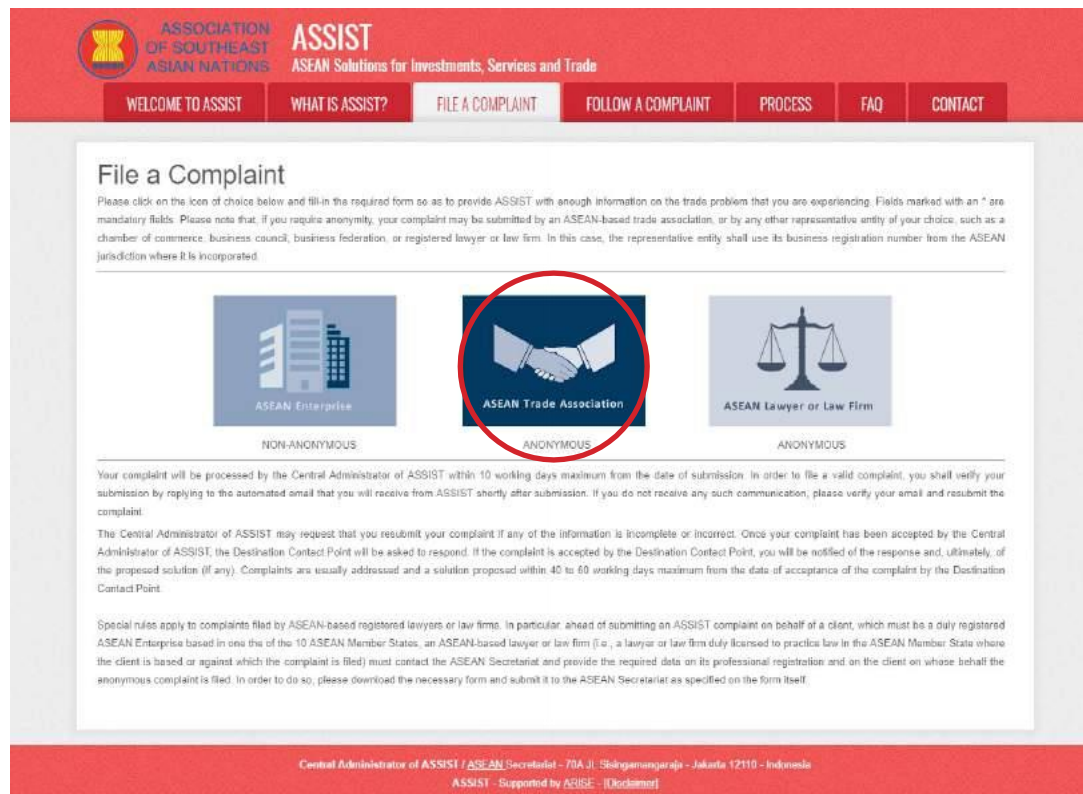
Central Administrator of ASSIST / ASEAN Secretariat - 70A Jl. Sisingamangaraja - Jakarta 12110 - Indonesia
ASSIST - Supported by ARISE - (Disclaimer)

ជំហាន
2

ចូរជ្រើសរើសយក “FILE A COMPLAINT” (និមិត្តសញ្ញា ASEAN Trade Association)

ប្រសិនបើអ្នកគឺជាសមាគមពាណិជ្ជកម្មដែលមានមូលដ្ឋាននៅក្នុងអាស៊ាន ដែលដាក់ពាក្យបណ្តឹងជំនួសមុខ ឱ្យសមាជិកម្នាក់ ឬច្រើននាក់របស់អ្នក (ដោយអនាមិក) ដែលមានបញ្ហាពាណិជ្ជកម្មដូចគ្នាចុះចុះលើនិមិត្តសញ្ញា “ASEAN Trade Association” នៅលើថេប “FILE A COMPLAINT”។

ចូរកត់សម្គាល់ថាក្នុងនាមជាសមាគមពាណិជ្ជកម្មនៅក្នុងអាស៊ាន អ្នកចាំបាច់ត្រូវដាក់ពាក្យបណ្តឹងដោយប្រើឈ្មោះរបស់អ្នក ព្រោះថាសមាជិករបស់អ្នករក្សាភាពអនាមិក។ អង្គការពាក់ព័ន្ធដែលមានមូលដ្ឋាននៅក្នុងអាស៊ានក្នុងនោះរាប់ទាំងសមាគមពាណិជ្ជកម្ម អាជីវកម្មបណ្តឹងប្រឆាំងនឹងរដ្ឋសមាជិកអាស៊ាន ដែលខ្លួនចុះបញ្ជីបាន លុះត្រាតែបញ្ហាពាណិជ្ជកម្មនោះមានចរិតឆ្គងកាត់ព្រំដែន។



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

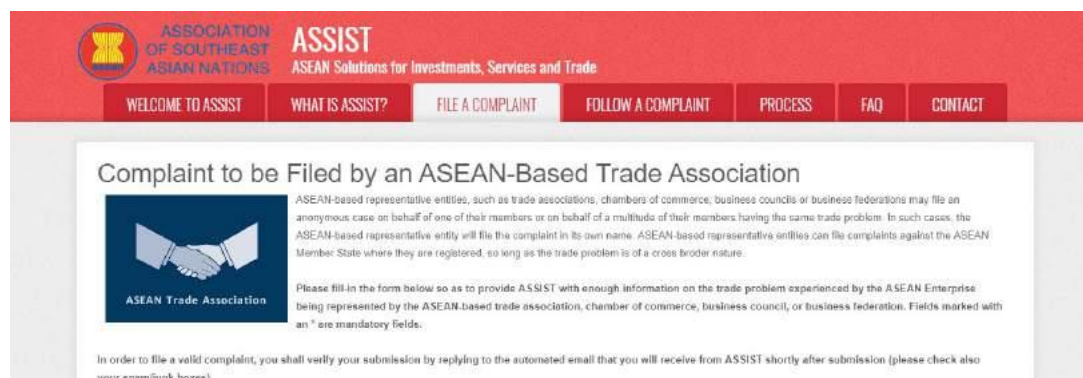
Your complaint will be processed by the Central Administrator of ASSIST within 10 working days maximum from the date of submission. In order to file a valid complaint, you shall verify your submission by replying to the automated email that you will receive from ASSIST shortly after submission. If you 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]

នៅពេលអ្នកចុះលើនិមិត្តសញ្ញា “ASEAN Trade Association” ទំព័រខាងក្រោមនេះ នឹងបង្ហាញឡើង។



Complaint to be Filed by an ASEAN-Based Trade Association

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

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

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

ASEAN-BASED TRADE ASSOCIATION

* ASEAN-based Trade Association Name

* Phone

Website

* Address

300 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

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. Setiabudi Raya - Jakarta 12110 - Indonesia

ASSIST - Supported by ABSE - [Unclassified]

ចូរបំពេញទម្រង់ខាងលើដើម្បីផ្តល់ជូន ASSIST នូវព័ត៌មានគ្រប់គ្រាន់អំពីបញ្ហាពាណិជ្ជកម្មដែលអ្នកកំពុងជួបប្រទះ។ ក្រុងកន្លែងណាដែលសម្គាល់ដោយសញ្ញា (*) គឺត្រូវបំពេញជាចាំបាច់។ ប្រសិនបើអ្នកមិនយល់ច្បាស់ថាត្រូវបំពេញអ្វីនៅក្នុងកន្លែងនីមួយៗ ក៏មានប៊ូតុង នៅក្បែរដែលអាចចុចមើលការណែនាំលម្អិតអំពីអ្វីដែលត្រូវបំពេញ។ ចូរចុចលើប៊ូតុងនោះ ដើម្បីឱ្យប្រាកដថាអ្នកបំពេញព័ត៌មានបានត្រឹមត្រូវនៅក្នុងទម្រង់នីមួយៗ។

អ្វីដែលសំខាន់ខ្លាំងគឺត្រូវបំពេញនៅក្នុងកន្លែង “បញ្ហា” ឬ “Description”។ CA នឹងត្រូវផ្ញើផ្លាស់ប្តូរវិវាយដែលផ្តល់ឱ្យនៅក្នុងបណ្តឹងគ្រប់គ្រាន់ដើម្បីកំណត់បញ្ហានៅក្នុងបរិបទនៃកិច្ចព្រមព្រៀងវិស័យនានាដែរឬទេ។ ដូច្នេះ ចូរប្រាប់បណ្តឹងរបស់អ្នកឱ្យបានហ្មត់ចត់ដោយមានអង្គហេតុ និងភស្តុតាងជាក់ស្តែងច្បាស់លាស់ ដើម្បីជួយ CA ក្នុងការសម្រេចចិត្តថាតើគេគួរទទួល ឬមិនទទួលបណ្តឹងនោះ។

ជំហាន
3

ចូរបំពេញទម្រង់នៃបណ្តឹង

ខាងក្រោមនេះ គឺជាឧទាហរណ៍នៃទម្រង់បណ្តឹងដែលបានបំពេញរួចសម្រាប់ករណីសិក្សាជាក់លាក់មួយនេះ។



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

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ASEAN-BASED TRADE ASSOCIATION

* ASEAN-based Trade Association Name

* Phone

* Website

* Address
City A Country X

* City ZIP Code

* Country

* ASEAN Jurisdiction where the Entity is Established

CONTACT PERSON

* Gender ☒ Mr ☐ Mrs ☐ Ms

* First Name * Last Name

* Phone

* Position

* Email

* Address
City A Country X

* City ZIP Code

* Country

COMPLAINT DESCRIPTION

* Country of Legal Registration

* Registration Number

* Entity Registration Proof

* Type of Business

* Business Sector

* Services Sector Description

* Type of Problem Encountered

* Destination Country

* Description

Attachment Attachment

☒ I have read and accept the ASSIST rules

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

☒ I'm not a robot

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

ASSIST - Supported by ARISE - [Disclaimer]

ជាឧទាហរណ៍នៃការបរិយាយច្បាស់លាស់អំពីបណ្តឹង ខាងក្រោមនេះគឺជាបរិយាយនៃបណ្តឹងសម្រាប់ករណីសិក្សា ជាក់លាក់នេះ៖

“យើងគឺជាសមាគមពាណិជ្ជកម្មថ្នាំជាក់ ដែលគំណងឱ្យក្រុមហ៊ុនថ្នាំជាក់មួយដែលចុះបញ្ជីនៅក្នុង AMS-X។ យើង ចង់ដាក់ពាក្យបណ្តឹងទៅកាន់ ASSIST ប្រឆាំងនឹង AMS-Y ពាក់ព័ន្ធនឹងវិធានការសារពើពន្ធ និងវិធានការ គយមួយ ចំនួនរបស់ AMS-Y ដែលប៉ះពាល់ដល់ការដែលនាំចេញពី AMS-X ទៅកាន់ AMS-Y។ វិធានការទាំងនោះ រួមមាន របៀបរបបកំណត់តម្លៃពន្ធគយ ពន្ធអាករ ពន្ធសុខភាព របបពន្ធអាករលើតម្លៃបន្ថែម (VAT) លក្ខខណ្ឌតម្រូវ សម្រាប់អាជ្ញាប័ណ្ណលក់រាយ និងការធានាការនាំចូលរបស់ AMS-Y ដែលដាក់លើអ្នកនាំចូលបារាំង។

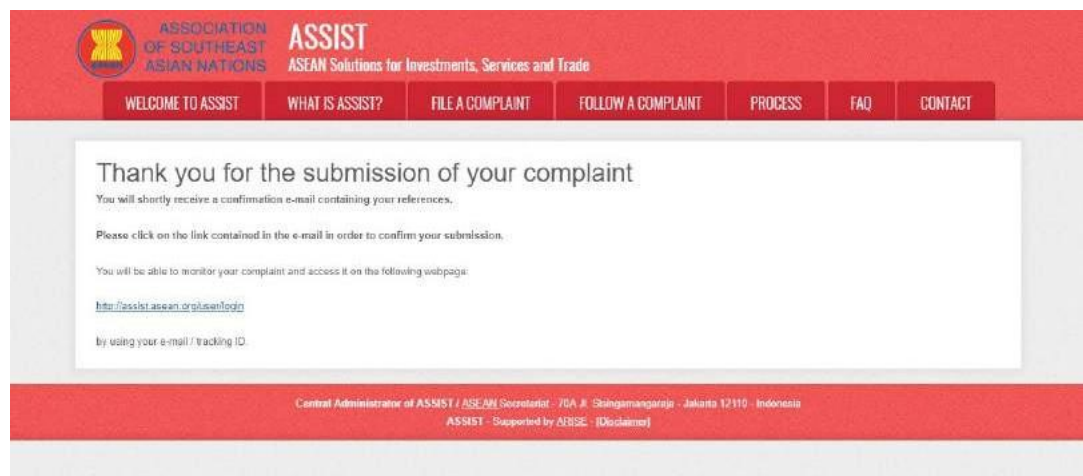
AMS-Y អនុវត្តវិធានការទាំងនេះក្នុងលក្ខណៈមួយដែលលម្អៀង និងមិនសមហេតុផល ដែលបានរំលោភទៅលើ មាត្រា ៥៧ នៃកិច្ចព្រមព្រៀងពាណិជ្ជកម្មទំនិញអាស៊ាន (ATIGA) ដែលដាក់បញ្ចូលទៅក្នុងក្របខ័ណ្ឌអាស៊ាននូវកិច្ច ព្រមព្រៀងរបស់អង្គការពាណិជ្ជកម្មពិភពលោក (WTO) ស្តីពីការកំណត់តម្លៃពន្ធគយ។ AMS-Y មិនប្រើប្រាស់តម្លៃ ជួញដូរជាមូលដ្ឋានចម្បងសម្រាប់ការកំណត់តម្លៃពន្ធគយនោះទេ ហើយក៏មិនអនុលោមតាមលំដាប់លំដោយនៃ វិធីកំណត់តម្លៃដែលកំណត់ដោយមាត្រា ៥៧ នៃ ATIGA ដែរ ហើយផ្ទុយទៅវិញបែរជាប្រើប្រាស់វិធីសាស្ត្រកំណត់តម្លៃ ដែលគ្មានមូលដ្ឋាននៅក្នុងកិច្ចព្រមព្រៀងនេះទេ។

លើសពីនេះទៅទៀត កម្មវិធីអាជ្ញាប័ណ្ណពីរបស់ប្រទេសគោលដៅ ដែលតម្រូវឱ្យអ្នកលក់រាយថ្នាំជាក់ និង/ឬបារាំង ត្រូវ មានអាជ្ញាប័ណ្ណដាច់ដោយឡែកពីគ្នាសម្រាប់ការលក់បារាំងក្នុងស្រុក និងបារាំងនាំចូល ផ្ទុយពីមាត្រា ៦ នៃ ATIGA ដែល ដាក់បញ្ចូលមាត្រា III នៃកិច្ចព្រមព្រៀងទូទៅស្តីពីពន្ធគយ និងពាណិជ្ជកម្ម (GATT) ឆ្នាំ១៩៤៤ ពីព្រោះ AMS-Y ប្រព្រឹត្ត កម្មចំពោះផលិតផលនាំចូល ដោយមានភាពអនុគ្រោះគឺជាផលិតផលក្នុងស្រុក។”

នៅពេលបណ្តឹងត្រូវបានធ្វើរួច ដោយចុចលើ “Submit Your Complaint” ទំព័រខាងក្រោមនៅក្នុងជំហាន ៤ នឹង បង្ហាញឡើង។

ជំហាន
4

ការទទួលការជូនដំណឹងពី ASSIST



ការជូនដំណឹងខាងលើនេះបង្ហាញថាអ្នកគួរចុចលើតំណភ្ជាប់ដែលផ្តល់ឱ្យនៅក្នុងគណនីអ៊ីមែលរបស់អ្នក ដើម្បីបញ្ជាក់បណ្តឹងរបស់អ្នកជាមួយ ASSIST។

ជំហាន
5

បញ្ជាក់បណ្តឹងរបស់អ្នកចេញពិគណនីអ៊ីមែលរបស់អ្នក

- (ក) សូមចូលទៅគណនីអ៊ីមែលដែលអ្នកបានផ្តល់នៅក្នុងទម្រង់នៃបណ្តឹង។ អ្នកនឹងទទួលបានអ៊ីមែលពី ASSIST ដែលស្នើឱ្យអ្នកបញ្ជាក់បណ្តឹងរបស់អ្នក ដោយចុចលើតំណភ្ជាប់ដែលបានផ្តល់ឱ្យ ឬដោយចុចចម្លង (copy-paste) តំណភ្ជាប់នោះទៅលើកម្មវិធីបើកអ៊ីនធឺណិត។ ASSIST ក៏តម្រូវឱ្យអ្នកធ្វើដូច្នេះដែរដើម្បីបញ្ជាក់ថាអាសយដ្ឋានអ៊ីមែលដែលអ្នកបានផ្តល់ឱ្យគឺជាអាសយដ្ឋានដែលមានសុពលភាពត្រឹមត្រូវ។ អ្នកក៏ត្រូវផ្តល់លេខបណ្តឹងរបស់អ្នកនៅក្នុងអ៊ីមែលនេះដែរ។ ក្នុងករណីនេះ លេខបណ្តឹងរបស់អ្នក គឺ **17420181031**។
- ខាងក្រោមនេះ គឺជាអ៊ីមែលដែលអ្នកនឹងទទួលបានពី ASSIST។



ASEAN Trade Association <aseantradeassociation@gmail.com>

[ASSIST] Thanks to confirm your complaint #17420181031 submission

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

Wed, Oct 31, 2018 at 11:55 A



ASSOCIATION
OF SOUTHEAST
ASIAN NATIONS

ASSIST

ASEAN Solutions for Investments, Services and Trade

Dear Mr Stephen Bogus,

Thank you for having filed a CQ http://assist.asean.org/user/confirm_email

Please confirm your complaint 17420181031 on the following link (or by copy-pasting the following link onto your Internet browser):
<http://assist.asean.org/user/login> by using your e-mail / tracking ID: aseanenterprise0@gmail.com / 17420181031

After your confirmation, ASSIST will monitor your complaint and you will be able to access it on the following webpage:
<http://assist.asean.org/user/login> by using your e-mail / tracking ID: aseantradeassociation@gmail.com / 17420181031

ASEAN Enterprise / Trade Association / Law Firm : ASEAN Tobacco Trade Association (type Trade)

Company size :
Phone : +12 908903901
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 908903901
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, multilateral, the World Trade Organization (WTO) Agreement on Customs Valuation. AMS-Y does not use transaction value as the primary basis for customs valuation as required and fails to conform to the sequence of valuation methods mandated by the Article 57 of the ATIGA, rather it uses a valuation method with no basis in the Agreement. In addition, AMS-Y's dual license scheme, which requires that tobacco and/or cigarette retailers hold separate licenses to sell domestic and imported cigarettes, is inconsistent with Article 6 of the ATIGA, incorporating Article III of the GATT 1994, because it provides less favourable treatment for imported products than for like domestic products.

Thanking you, ASSIST is at your service.

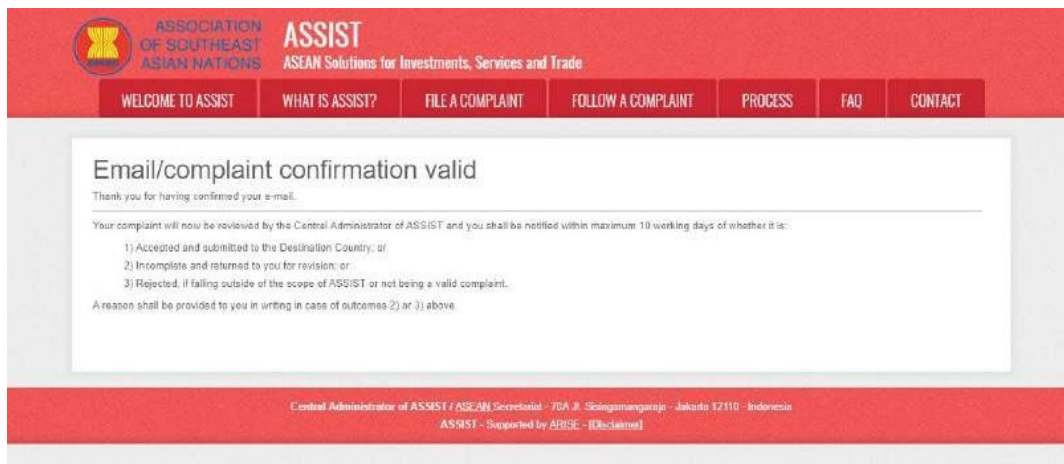
assist.asean.org

2 attachments

 Annex_2-Simulated_Fiscal_Customs_Measures_Dual_License_Scheme_of_AMS-Y21.pdf
49K

 Annex_1-Simulated_Entity_Registration_of_ASEAN_Tobacco_Trade_Association18.pdf
48K

- (ខ) សូមចូលលើតំណភ្ជាប់ទៅតាមការស្នើសុំនៅក្នុងអ៊ីមែលខាងលើ បន្ទាប់មក ទំព័រខាងក្រោមនេះនឹងបង្ហាញឡើង។



ការជូនដំណឹងខាងលើ នឹងប្រាប់អ្នកថា បណ្តឹងរបស់អ្នកនឹងត្រូវពិនិត្យដោយ CA និងថា អ្នកនឹងត្រូវបានជូនដំណឹងតាមអ៊ីមែល ក្នុងរយៈពេលយ៉ាងយូរបំផុត ១០ ថ្ងៃ (ថ្ងៃធ្វើការ) ថា៖

- ១) បណ្តឹងត្រូវបានទទួលយក និងដាក់ជូនទៅប្រទេសគោលដៅ ឬ
- ២) បណ្តឹងមានលក្ខណៈមិនពេញលេញ នឹងត្រូវបញ្ជូនឱ្យអ្នកវិញដើម្បីធ្វើការកែសម្រួល ឬ
- ៣) បណ្តឹងត្រូវបានច្រានចោល ប្រសិនបើវាស្ថិតនៅក្រៅសមត្ថកិច្ចរបស់ ASSIST ឬវាមិនមែនជាបណ្តឹងដែលមានសុពលភាព។

សូមចូលទៅកាន់គណនីអ៊ីមែលរបស់អ្នក។

ជំហាន
6

ទទួលអ៊ីមែលពី ASSIST ថាអាសយដ្ឋានអ៊ីមែល និងបណ្តឹងរបស់អ្នក មានសុពលភាព

សូមចូលទៅកាន់គណនីអ៊ីមែលរបស់អ្នក ហើយអ្នកនឹងឃើញអ៊ីមែលថ្មីមួយ ផ្ញើមកពី ASSIST។ អ៊ីមែលនេះ បង្ហាញថាអ្នកបានបញ្ជាក់បណ្តឹងរបស់អ្នករួចហើយ CA នឹងពិនិត្យសុពលភាពបណ្តឹង និងថា បណ្តឹងនោះត្រូវ បានធ្វើឡើងនៅក្នុងគ្របខ័ណ្ឌ ASSIST។ បន្ទាប់មក ASSIST នឹងឆ្លើយតបដោយបញ្ជាក់ថា តើបណ្តឹងនោះត្រូវ បានទទួលយក ឬយ៉ាងណា ថា តើវាមិនពេញលេញ ឬត្រូវបានច្រានចោលយ៉ាងយូរបំផុតនៅក្នុងរយៈពេល ១០ ថ្ងៃ។



ASEAN Trade Association <aseantradeassociation@gmail.com>

[ASSIST] Thanks for your email confirmation for the complaint #17420181031

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

Wed, Oct 31, 2018 at 11:57 AM



ASSIST
ASEAN Solutions for Investments, Services and Trade

Dear Mr Stephen Bogus,

Thanks for the confirmation of your complaint (ID No. 17420181031).

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

You are able to access your complaint at any time on the following webpage: <http://assist.asean.org/user/login> by using your e-mail/tracking ID: aseantradeassociation@gmail.com / 17420181031

ASEAN Enterprise / Trade Association / Law Firm : ASEAN Tobacco Trade Association (Type Trade)
Company size:
Phone : +12 905903901
Website : www.asean tobacco.com
Address : Sorbecue 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 : 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

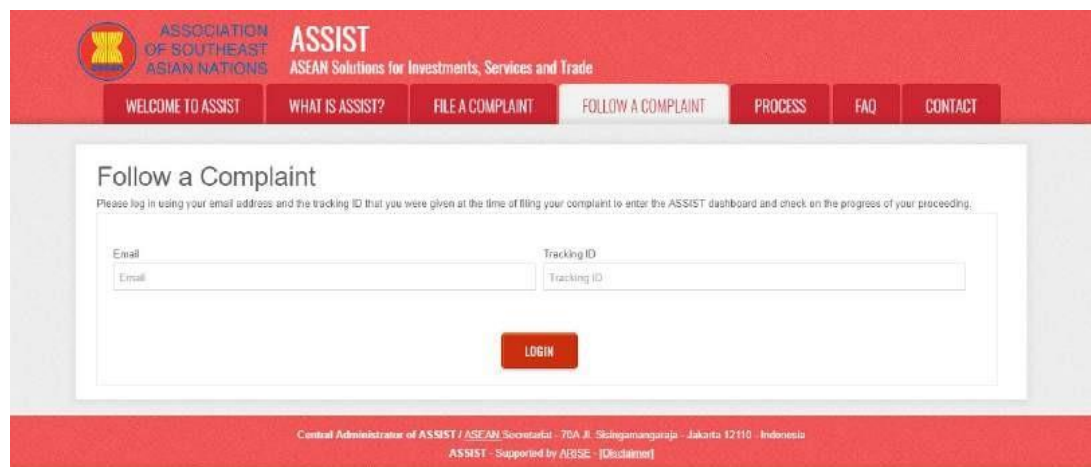
 [Annex_1-Simulated_Entity_Registration_of_ASEAN_Tobacco_Trade_Association18.pdf](#)
48K

ដូចបានបង្ហាញនៅក្នុងអ៊ីមែលខាងលើ ឥឡូវនេះ អ្នកអាចតាមដានវឌ្ឍនភាពនៃបណ្តឹងរបស់អ្នកដោយចុចលើកំណត់ត្រាដែលបានផ្តល់ ដែលនឹងនាំអ្នកទៅដល់ទំព័រ "Follow a Complaint" នៅលើគេហទំព័រ ASSIST។

**ជំហាន
7**

តាមដានវឌ្ឍនភាពនៃបណ្តឹងរបស់អ្នក

- (ក) សូមចូលទៅកំណត់ត្រានេះ៖ <http://assist.asean.org/user/login> ឬចូលទៅរក 'Follow a Complaint' នៅលើគេហទំព័រនៃគេហទំព័រ ASSIST។ ទំព័រខាងក្រោមនេះ នឹងលេចឡើង។



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. Sisingamangaraja - Jakarta 12110 - Indonesia
ASSIST - Supported by ABSE - [Disclaimer]

- (ខ) បញ្ចូលអាសយដ្ឋានអ៊ីមែល និងលេខ ID តាមដានរបស់អ្នក (លេខបណ្តឹងរបស់អ្នក) នៅក្នុងប្រអប់ដែលចាំបាច់ត្រូវបញ្ជូនដើម្បីចូលទៅកាន់ទីនោះ។ ក្នុងករណីនេះអាសយដ្ឋានអ៊ីមែល គឺ aseantradeassociation@gmail.com ហើយលេខ ID បណ្តឹងរបស់អ្នក គឺ 17420181031។



ASSOCIATION
OF SOUTHEAST
ASIAN NATIONS

ASSIST

ASEAN Solutions for Investments, Services and Trade

WELCOME TO ASSIST

WHAT IS ASSIST?

FILE A COMPLAINT

FOLLOW A COMPLAINT

PROCESS

FAQ

CONTACT

Follow a Complaint

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

Email

Tracking ID

aseantradeassociation@gmail.com

LOGIN

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

ASSIST - Supported by AERSE - [Disclaimer]

នៅពេលអ្នកចូលទៅដល់ហើយ អ្នកនឹងឃើញ dashboard នៅលើគេហទំព័រ ASSIST របស់អ្នកដែលទីនោះ អ្នកអាចតាមដានវឌ្ឍនភាពនៃបណ្តឹងរបស់អ្នកបាន។

(ក) នេះជាប្រភពនៃ dashboard នៅលើគេហទំព័រ ASSIST របស់អ្នកនៅពេលអ្នកបំពេញឈ្មោះចូលដោយ ជោគជ័យរួចហើយ។



ASSOCIATION
OF SOUTHEAST
ASIAN NATIONS

ASSIST

ASEAN Solutions for Investments, Services and Trade

WELCOME TO ASSIST

WHAT IS ASSIST?

MY COMPLAINT

LOGOUT

PROCESS

FAQ

CONTACT

DISCLAIMER

Tracking ID #17420181031 / AMS-Y

History			
Date	Action	Action By	Comments
31/10/2018 11:57:14	Email Confirmed	ASEAN-based Enterprise	Email Confirmed
31/10/2018 11:55:41	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
Type of Business	Retailer		AMS-Y

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

Central Administrator of ASSIST / ASEAN Secretariat - PIA-JI, Shidigamangaraja - Jakarta 12110 - Indonesia
ASSIST - Supported by ASEAN - (Disclaimer)

ដូចដែលអ្នកអាចមើលឃើញនៅលើ dashboard ចំណាត់ការនានាដែលធ្វើឡើងពាក់ព័ន្ធនឹងបណ្តឹងរបស់អ្នក ត្រូវបានបង្ហាញយ៉ាងច្បាស់នៅលើ dashboard ហើយបញ្ជីនេះនឹងត្រូវធ្វើបច្ចុប្បន្នភាពជាទៀងទាត់នៅពេល ដែលចំណាត់ការអ្វីមួយត្រូវបានធ្វើឡើង។ ទម្រង់បណ្តឹងដែលអ្នកបានបំពេញរួច នឹងបានដាក់ជូនរដ្ឋបាលក្រសួង មើលនៅលើ dashboard នេះបានដែរ។

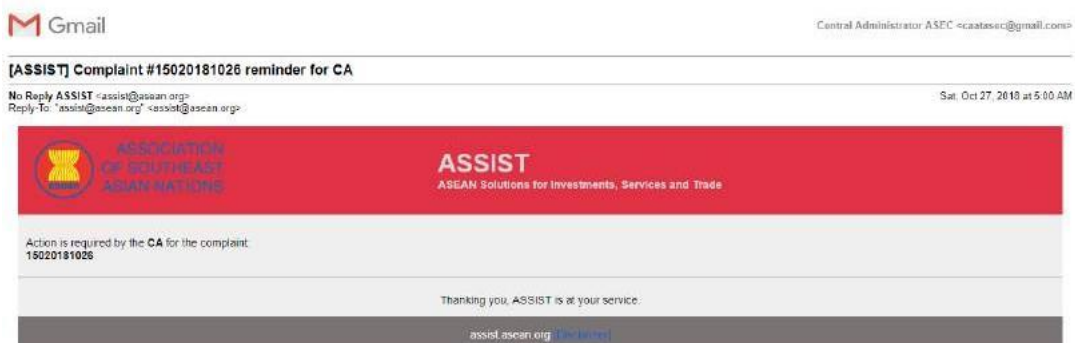
**ជំហាន
8**

រដ្ឋបាលកណ្តាលនឹងពិនិត្យបណ្តឹងអ្នកឡើងវិញ រួចហើយផ្ញើមួយឯកសារអ៊ីមែលរបស់អ្នក (ទទួលយក, មិន ពេញលេញ, ឬប្រាន់ចោល)។

នៅពេល CA បានពិនិត្យមើលបណ្តឹងរបស់អ្នករួចរាល់ហើយ និងបានសម្រេចចិត្តថា តើទទួលយក/ចាត់ថាមិន ពេញលេញ/ប្រាន់ចោល ឬយ៉ាងណានោះ អ៊ីមែលមួយនឹងត្រូវផ្ញើទៅអ្នកក្នុងរយៈពេល ១០ថ្ងៃ (ថ្ងៃធ្វើការ) យ៉ាង យូរបំផុត គិតចាប់ពីថ្ងៃដាក់ពាក្យបណ្តឹង។

ក្នុងខណៈនេះ ប្រសិនបើ CA មិនមានចំណាត់ការអ្វីទេ នោះ CA នឹងទទួលបានការគ្រើនរំលោភដោយស្វ័យ ប្រវត្តិកាមអ៊ីមែល ពីប្រព័ន្ធអនឡាញរបស់ ASSIST ក្នុងរយៈពេល ៧ថ្ងៃ បន្ទាប់ពីថ្ងៃដាក់ពាក្យ បណ្តឹង។ ដូចបានបង្ហាញខាងលើ CA ត្រូវកែសម្រួលចិត្តថា តើត្រូវទទួលយក ប្រកាសថាមិនពេញលេញនឹង ស្នើឱ្យកែសម្រួលឡើងវិញ ឬប្រាន់ចោលពាក្យបណ្តឹងក្នុងរយៈពេល ១០ថ្ងៃ (ថ្ងៃធ្វើការ) ។

អ៊ីមែលរំលោភទី១ សម្រាប់រដ្ឋបាលកណ្តាល :



ចូរពិនិត្យអ៊ីមែលអ្នកឱ្យបានទៀងទាត់ក្នុងអំឡុងពេល ១០ថ្ងៃ បន្ទាប់ពីថ្ងៃដែលអ្នកបានដាក់ពាក្យបណ្តឹង។
អ្នកប្រាកដជានឹងទទួលបានអ៊ីមែលពី 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



ASSOCIATION
OF SOUTHEAST
ASIAN NATIONS

ASSIST

ASEAN Solutions for Investments, Services and Trade

Dear Mr Stephen Bogus,

Your complaint ID No. **17420181031** has been accepted by ASSIST.
You are able to access your complaint at any time on the following webpage: <http://assist.asean.org/user/login> by using your e-mail/tracking ID.
You are able to access your complaint at any time on the following webpage: <http://assist.asean.org/user/login> by using your e-mail / tracking ID.

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

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

ASEAN Enterprise / Trade Association / Law Firm : ASEAN Tobacco Trade Association (type Trade)

Company size
Phone : +12 905903901
Website : www.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 : 131313
Type of Business : Retailer
Business Sector : Goods /
Type of problem encountered : Deceitful 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 imported 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

នៅក្នុងករណីនេះ អ៊ីមែលខាងលើបង្ហាញថាបណ្តឹងរបស់អ្នកត្រូវបានទទួលយកដោយ CA។ អ៊ីមែលក៏ប្រាប់អ្នកផងដែរថាបណ្តឹងរបស់អ្នក ឥឡូវនេះ ត្រូវបានបញ្ជូនរួចហើយទៅកាន់កន្លែងទំនាក់ទំនងនៃប្រទេសគោលដៅ ដែលជាទីភ្នាក់ងាររដ្ឋាភិបាល (កន្លែងទំនាក់ទំនង ASSIST) នៅក្នុង AMS-Y ដែលអ្នកកំពុងជួបប្រទះបញ្ហាពាណិជ្ជកម្ម និងជាកន្លែងដែលបណ្តឹងរបស់អ្នកត្រូវបានបញ្ជូនទៅ និងស្វែងរកដំណោះស្រាយ។ DCP នៅក្នុង AMS-Y នឹងត្រូវផ្តល់ពេលឱ្យ ១០ថ្ងៃ (ថ្ងៃធ្វើការ) ដើម្បីពិនិត្យមើលបណ្តឹងរបស់អ្នក រួចហើយសម្រេចថាតើទទួលយក ច្រានចោល ឬបញ្ជូនត្រឡប់ទៅអ្នកវិញដើម្បីស្នើសុំព័ត៌មានបន្ថែមឬយ៉ាងណា។ ធ្វើដូច្នេះ ក៏ទុកពេលឱ្យ DCP ពិនិត្យសេចក្តីលម្អិតនៃបណ្តឹង រួចហើយពិគ្រោះជាមួយអាជ្ញាធរជាតិកាត់ពន្ធប្រសិនបើចាំបាច់។

កន្លែងទំនាក់ទំនងនៅប្រទេសដើម ដែលជាទីភ្នាក់ងាររដ្ឋាភិបាល (កន្លែងទំនាក់ទំនង ASSIST) នៅក្នុង AMS-X (ប្រទេសដើមរបស់អ្នក) ក៏ត្រូវបានជូនដំណឹងផងដែរថាបណ្តឹងរបស់អ្នកត្រូវបានធ្វើរួចរាល់ហើយឬនៅ។

ប្រសិនបើអ្នកមិនបានទទួលអ៊ីមែលពី ASSIST ក្នុងរយៈពេលដែលបានកំណត់ (១០ថ្ងៃ ថ្ងៃធ្វើការ) គិតចាប់ពីថ្ងៃដាក់ពាក្យបណ្តឹង) នោះទេ នោះមានន័យថា CA មានចំណាត់ការយឺតយ៉ាវ។ CA នឹងទទួលបានសាររំលឹកស្នើសុំប្រតិបត្តិការទៀត តាមអ៊ីមែល (១៤ថ្ងៃ បន្ទាប់ពីថ្ងៃដាក់ពាក្យបណ្តឹង) ដែលរំលឹកថា CA ត្រូវមានចំណាត់ការចំពោះបណ្តឹងនេះ ។ CA នឹងទទួលអ៊ីមែលដូចខាងក្រោម ៖

អ៊ីមែលរំលឹកទី២ សម្រាប់រដ្ឋបាលកណ្តាល ៖



Central Administrator ASEC <centralasec@gmail.com>

[ASSIST] Complaint #15020181026 reminder for CA

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

Sat, Oct 27, 2018 at 5:00 AM



ASSOCIATION
OF SOUTHEAST
ASIAN NATIONS

ASSIST

ASEAN Solutions for Investments, Services and Trade

Action is required by the CA for the complaint:
15020181026

Thanking you, ASSIST is at your service.

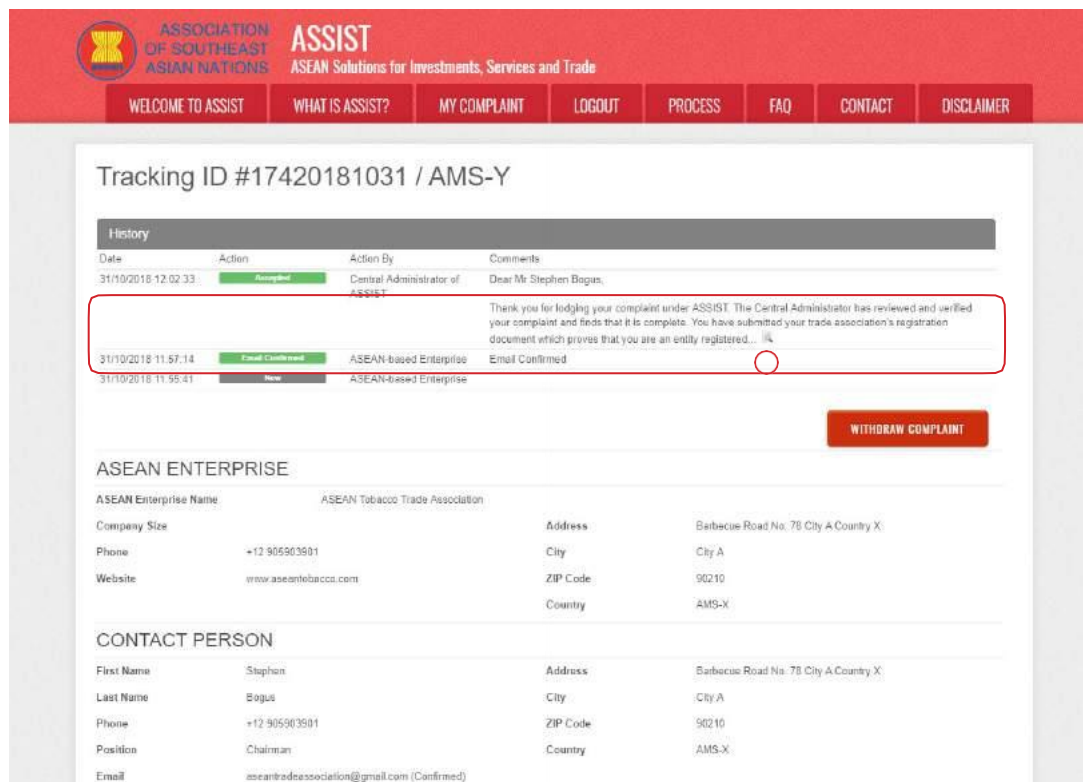
assist.asean.org/15020181026

ជំហាន 9

ចូលទៅ Dashboard នៃគេហទំព័រ ASSIST របស់អ្នក ដោយប្រើកូដអ៊ីមែល និងលេខ ID បណ្តឹងដើម្បីមើលការឆ្លើយតបជាក់ស្តែងពី រដ្ឋបាលកណ្តាល។

ប្រសិនបើអ្នកចង់មើលចម្លើយពេញលេញពី CA អ្នកចាំបាច់ត្រូវចុះឈ្មោះចូលទៅកាន់ dashboard របស់អ្នកនៅលើគេហទំព័រ ASSIST ដោយប្រើកូដអ៊ីមែលរបស់អ្នក និងលេខ ID បណ្តឹង ដូចបានបង្ហាញនៅក្នុងជំហាន 7 (ក) និង (ខ) ខាងលើ។

ខាងក្រោមនេះគឺជាប្រភពនៃ dashboard។ ដូចដែលអ្នកអាចមើលឃើញ ចំណាត់ការមួយផ្សេងទៀត ទើបតែត្រូវបានបន្ថែមទៅក្នុង "History" របស់អ្នក ដែលបញ្ជាក់ថា CA បាន "ទទួលយក" បណ្តឹងរបស់អ្នក។



Tracking ID #17420181031 / AMS-Y

Date	Action	Action By	Comments
31/10/2018 12:02:33	Accepted	Central Administrator of ASSIST	Dear Mr. Stephen Bogus,
31/10/2018 11:57:14	Event Confirmed	ASEAN-based Enterprise	Thank you for lodging your complaint under ASSIST. The Central Administrator has reviewed and verified your complaint and finds that it is complete. You have submitted your trade association's registration document which proves that you are an entity registered...
31/10/2018 11:55:41	New	ASEAN-based Enterprise	Email Confirmed

WITHDRAW COMPLAINT

ASEAN ENTERPRISE

ASEAN Enterprise Name	Company Size	Phone	Website	Address	City	ZIP Code	Country
ASEAN Tobacco Trade Association		+12 905903501	www.aseantobacco.com	Barbecue Road No. 78 City A Country X	City A	90210	AMS-X

CONTACT PERSON

First Name	Last Name	Phone	Position	Email	Address	City	ZIP Code	Country
Stephen	Bogus	+12 905903501	Chairman	aseantredassociation@gmail.com (Confirmed)	Barbecue Road No. 78 City A Country X	City A	90210	AMS-X

COMPLAINT DESCRIPTION

Country of Legal Registration	AMS-X	Business Sector	Goods
Registration Number	131313	Type of Problem Encountered	Goods / Disputed Customs valuations
Company Registration Proof	Annex 1- Simulated Entry Registration of ASEAN Tobacco Trade Association18.pdf		
Type of Business	Retailer	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.		
Attachment	Annex 2-Simulated Fiscal Customs Measures Dual License Scheme of AMS-Y21.pdf		

Central Administrator of ASSIST / ASEAN Secretariat - 75A Jl. Setiabudi - Jakarta 12110 - Indonesia
ASSIST - Supported by ARISE - [Disclaimer]

សូមចូលលើនីមិត្តសញ្ញាកែវពង្រីកនៅក្នុងប្រអប់អធិប្បាយ។ ចម្លើយតបពេញលេញពី CA នឹងបង្ហាញឡើងដូចដែលអ្នកឃើញខាងក្រោមនេះ៖

Dear Mr Stephen Bogus,

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

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

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

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

ដូចដែលបានប្រាប់នៅក្នុងជំហានទី 8 នៅពេលដែល CA ទទួលយកបណ្តឹងរួចហើយ បណ្តឹងនោះនឹងបញ្ជូនទៅកាន់កន្លែងទំនាក់ទំនងនៃប្រទេសគោលដៅ (DCP) នៅក្នុង AMS-Y ជាទីកន្លែងដែលអ្នកកំពុងជួបប្រទះនឹងបញ្ហាពាណិជ្ជកម្ម។ DCP នៅក្នុង AMS-Y នឹងត្រូវផ្តល់ពេលឱ្យ ១០ ថ្ងៃ (ថ្ងៃធ្វើការ) ដើម្បីពិនិត្យមើលបណ្តឹងរបស់អ្នក រួចហើយសម្រេចថាតើទទួលយក ឬប្រឆាំងបោល។ ធ្វើដូច្នេះគឺទុកពេលឱ្យ DCP ពិនិត្យសេចក្តីលម្អិតនៃបណ្តឹង រួចហើយពិគ្រោះជាមួយអាជ្ញាធរជាតិពាក់ព័ន្ធ ប្រសិនបើចាំបាច់។ នៅពេល DCP ឆ្លើយតប អ៊ីមែលនឹងបញ្ជូនទៅអ្នកចេញព័ត៌មាន ASSIST ដោយជូនដំណឹងអ្នកអំពីថាតើបណ្តឹងរបស់អ្នកត្រូវបានទទួលយក ឬប្រឆាំងបោលដោយ DCP នៅក្នុង AMS-Y។

ចូរពិនិត្យមើលករណីអ៊ីមែលរបស់អ្នកឱ្យបានជាប្រចាំក្នុងរយៈពេល ១០ ថ្ងៃនេះ បន្ទាប់ពីទទួលបានចម្លើយពី CA ដែលប្រាប់ថាបណ្តឹងរបស់អ្នកត្រូវបានទទួលយករួចហើយ។ នៅទីបំផុតអ្នកនឹងទទួលបានអ៊ីមែលថ្មីមួយទៀតពី ASSIST។

ជំហាន
10

ទទួលការជូនដំណឹងតាមអ៊ីមែលពី ASSIST ថា ការឆ្លើយតបទៅនឹងបណ្តឹងរបស់អ្នកត្រូវបានផ្តល់ដោយ AMS-Y និងត្រូវបានទទួលយកដោយរដ្ឋបាលកណ្តាល

(ក) សូមចូលទៅគណនីអ៊ីមែលរបស់អ្នក។ អ្នកនឹងទទួលបានអ៊ីមែលថ្មីមួយពី ASSIST ដែលបញ្ជាក់ពីការឆ្លើយតបចំពោះបណ្តឹងរបស់អ្នកពីសំណាក់ DCP។ នៅក្នុងករណីនេះ បណ្តឹងរបស់អ្នកត្រូវបានត្រួតពិនិត្យ ដោយ 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 5:06 PM



ASSIST
ASEAN Solutions for Investments, Services and Trade

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 challenged exactly the same customs valuation regime of AMS-Y as it applied to imported cigarettes. At its meeting on 17 November 2008, the WTO Dispute Settlement Body (DSB) had established a panel, which circulated its report to the Members on 15 November 2010. On 22 February 2011, AMS-Y notified the DSB of its decision to appeal to the Appellate Body certain issues of law and legal interpretation covered in the panel report. On 17 June 2011, the Appellate Body report was circulated to Members and, at its meeting on 15 July 2011, the DSB adopted the Appellate Body report and the panel report, as modified by the Appellate Body report. On 11 August 2011, AMS-Y informed the DSB that it intended to implement the recommendations and rulings of the DSB in line with its WTO obligations and that it would need a reasonable period of time to do so. On 23 September 2011, AMS-X and AMS-Y informed the DSB that they had mutually agreed on the reasonable period of time for AMS-Y to comply with the recommendations and rulings of the DSB. At a DSB meeting on 28 January 2013, AMS-Y reported that it had completed the final outstanding steps in its implementation process. However, AMS-X did not agree that AMS-Y had fully implemented the DSB's recommendations and rulings. At the DSB meeting of 27 February 2013, AMS-X expressed concern that it had not been informed of any progress toward resolving the remaining WTO-inconsistencies and added that it would take appropriate steps shortly. At the DSB meeting on 18 June 2014, AMS-Y reported that it did not have to take any further action to implement the DSB's recommendations and rulings. AMS-X disagreed and was of the view that AMS-Y had failed to comply. Although there has not been an agreement between AMS-X and AMS-Y on whether the WTO dispute was actually resolved, the complaint lodged through ASSIST is one that AMS-Y rightly 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.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 Entry 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 imported from AMS-X to AMS-Y. Such measures include AMS-Y's customs valuation practices, excise tax, health tax, VAT regime, retail licensing requirements and import guarantees imposed upon cigarette importers. AMS-Y administers these measures in a partial and unreasonable manner and thereby violates Article 67 of the ASEAN Trade in Goods Agreement (ATIGA), which incorporates into ASEAN, multilateral, the World Trade Organization (WTO) Agreement on Customs Valuation. AMS-Y does not use transaction value as the primary basis for customs valuation as required and fails to conform to the sequence of valuation methods mandated by the Article 57 of the ATIGA, rather it uses a valuation method with no basis in the Agreement. In addition, AMS-Y's dual license scheme, which requires that tobacco and/or cigarette retailers hold separate licenses to sell domestic and imported cigarettes, is inconsistent with Article 6 of the ATIGA, incorporating Article III of the GATT 1994, because it provides less favourable treatment for imported products than for like domestic products.

Thanking you, ASSIST is at your service.

assist.asean.org

ដំណើរការមានភាពខុសគ្នាបន្តិចបន្តួចនៅក្នុងករណីដែលបណ្តឹងរបស់អ្នកត្រូវបានទទួលយកដោយ DCP។ ក្នុងរយៈពេល ១០ ថ្ងៃ (ថ្ងៃធ្វើការ) បន្ទាប់ពីទទួលបានការឆ្លើយតបពី CA បណ្តឹងរបស់អ្នកត្រូវបានទទួលយក អ្នកនឹងទទួលបានអ៊ីមែលមួយ ដែលប្រាប់អ្នកថាបណ្តឹងរបស់អ្នកត្រូវបានទទួលយកដោយ DCP នៅក្នុង AMS-Y និងថា DCP នឹងសម្របសម្រួលជាមួយអាជ្ញាធរជាតិដែលមានសមត្ថកិច្ច ឬអាជ្ញាធរដែលទទួលខុសត្រូវ (RAS) ដើម្បីវិភាគទៅលើបណ្តឹងរបស់អ្នកលម្អិតបន្ថែមទៀត។ នៅពេលណាដែល RAS បញ្ចប់ការពិនិត្យរួចហើយ DCP នឹងពិនិត្យទៅលើដំណោះស្រាយ រួចហើយផ្តល់ទៅឱ្យ CA ក្នុងរយៈពេល ៤០ ថ្ងៃ (ថ្ងៃធ្វើការ) គិតចាប់ពីថ្ងៃនៃការទទួលយកដោយ DCP។ ដូច្នេះ ដើម្បីកាត់បន្ថយការកំណត់នេះ DCP ត្រូវដាក់កំហិតពេលវេលាឱ្យ RAS ស្វែងរកដំណោះស្រាយ។ DCP មានទទួលខុសត្រូវក្នុងការជូនដំណឹងទៅ CA អំពីការផ្លាស់ប្តូរណាមួយដែលទាក់ទងនឹងគម្រោងពេលវេលារវាងខ្លួន និងអាជ្ញាធរជាតិ។

CA អាចពន្យារកាលកំណត់ដល់ទៅ ២០ ថ្ងៃ (ថ្ងៃធ្វើការ) បន្ថែមទៀតតាមការស្នើសុំរបស់ DCP។ ប្រព័ន្ធនេះនឹងជូនដំណឹងដោយស្វ័យប្រវត្តិនៅពេលដែលកាលកំណត់បានចូលមកជិតដល់ (ឧទាហរណ៍ ១០ ថ្ងៃ (ថ្ងៃប្រតិទិន) នៅមុនពេលដល់កាលកំណត់)។ ប្រសិនបើ DCP ខកខានមិនបានផ្តល់ដំណោះស្រាយស្របតាមកាលកំណត់ទៅឱ្យ CA ទេនោះ ប្រព័ន្ធអនឡាញនឹងជូនដំណឹងដល់ CA ដើម្បីឱ្យធ្វើការសាកសួរទៅ DCP។

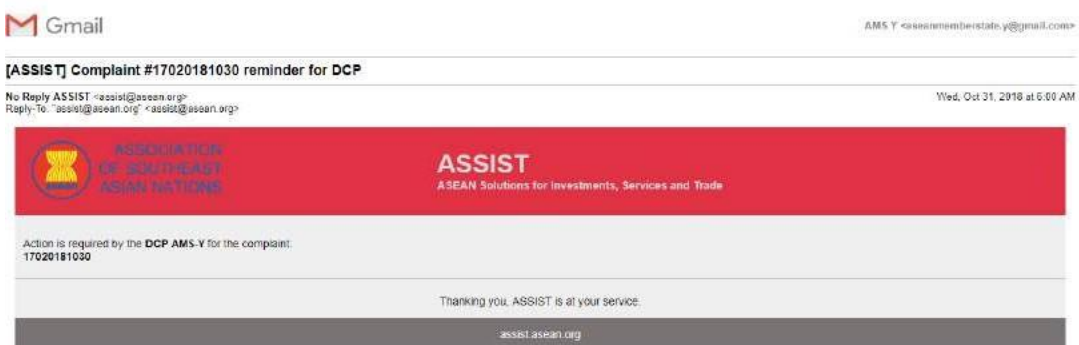
បន្ទាប់មកអ្នកនឹងទទួលបានការជូនដំណឹងតាមអ៊ីមែលជាលើកទីពីរពី ASSIST ដែលប្រាប់ថាដំណោះស្រាយមួយត្រូវបានស្នើឡើងដោយ DCP/AMS-Y នឹងទទួលយកដោយ CA។

ប៉ុន្តែក្នុងករណីនានាដូចករណីមួយនេះ ដែលបណ្តឹងត្រូវបាន “ច្រានចោល” ដោយ DCP អ្នកនឹងមិនទទួលបានអ៊ីមែលពី ASSIST នៅក្នុងកាលកំណត់ ១០ថ្ងៃ (ថ្ងៃធ្វើការ) នោះទេ។ ការច្រានចោល នឹងមូលហេតុនៃការច្រានចោលដោយ DCP នឹងផ្ញើទៅឱ្យតែ CA តាមរយៈ ASSIST ក្នុងរយៈពេលកំណត់ ១០ថ្ងៃ។ បន្ទាប់មក CA នឹងពិនិត្យទៅលើភាសានិងភាពគ្រប់គ្រាន់នៃព័ត៌មានក្នុងរយៈពេល ៥ថ្ងៃ (ថ្ងៃធ្វើការ) គិតចាប់ពីថ្ងៃដែល CA បានទទួលអ៊ីមែលនៃការច្រានចោលដោយ DCP។

ប្រសិនបើ CA ទទួលយកហេតុផលនៃការច្រានចោល ការឆ្លើយតបមួយដែលត្រូវបានពិនិត្យ និងសម្រេចដោយ CA ត្រូវបានផ្ញើទៅកាន់អ៊ីមែលរបស់អ្នក ដូចជា អ៊ីមែលដែលបានឃើញខាងលើនេះ។ ប្រសិនបើ CA មិនពេញចិត្តនឹងមូលហេតុដែលបានលើកឡើងសម្រាប់ការច្រានចោលពីសំណាក់ DCP ទេ នោះប្រព័ន្ធ ASSIST អនុញ្ញាតឱ្យ CA ស្នើសុំឱ្យ DCP កែតម្រូវការច្រានចោលរបស់ខ្លួន។ ប៉ុន្តែ ជម្រើសបែបនេះរបស់ CA ពុំមានគុណភាពប្លែកជាងការកាតព្វកិច្ចទៅលើ DCP នោះទេ ហើយប្រសិនបើការឆ្លើយតបនៅក្នុងរយៈពេល ៥ថ្ងៃ (ថ្ងៃធ្វើការ) ទេនោះ ប្រព័ន្ធអនឡាញនឹងផ្សព្វផ្សាយការច្រានចោលនេះដោយស្វ័យប្រវត្តិទៅដល់មេម៉ាយបណ្តឹង។

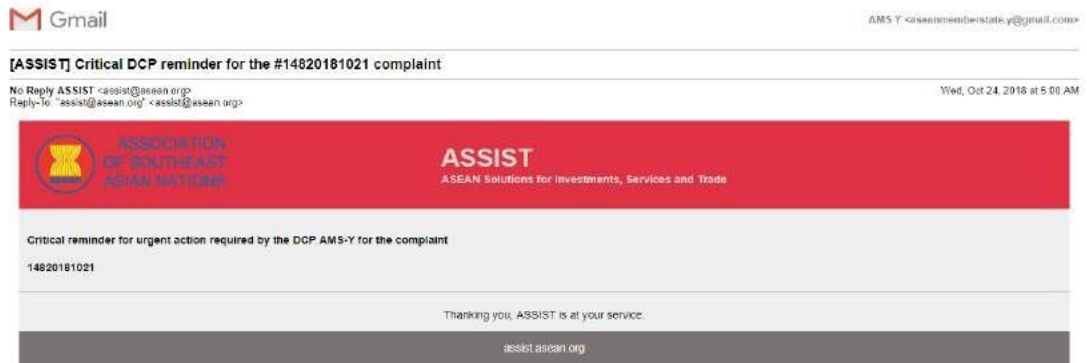
ប្រសិនបើក្នុងពេលនេះពុំមានចំណាត់ការណាមួយពី DCP ទេ នោះ DCP នឹងទទួលបានការរំលឹកដោយស្វ័យប្រវត្តិដូចខាងក្រោមតាមអ៊ីមែលពីប្រព័ន្ធអនឡាញរបស់ ASSIST នៅក្នុងរយៈពេល ៧ថ្ងៃ (ថ្ងៃប្រតិទិន) បន្ទាប់ពីបណ្តឹងត្រូវបានទទួលយកដោយ CA។ ដូចបានបង្ហាញនៅខាងលើ DCP ត្រូវតែសម្រេចចិត្តថា តើទទួលយក ឬច្រានចោលបណ្តឹង ក្នុងរយៈពេល ១០ថ្ងៃ (ថ្ងៃធ្វើការ) ដោយគិតចាប់ពីថ្ងៃដែល CA ទទួលយកបណ្តឹងនោះ។

អ៊ីមែលរំលឹកទី១ សម្រាប់កន្លែងទំនាក់ទំនងនៅក្នុងប្រទេសគោលដៅ (DCP) ៖

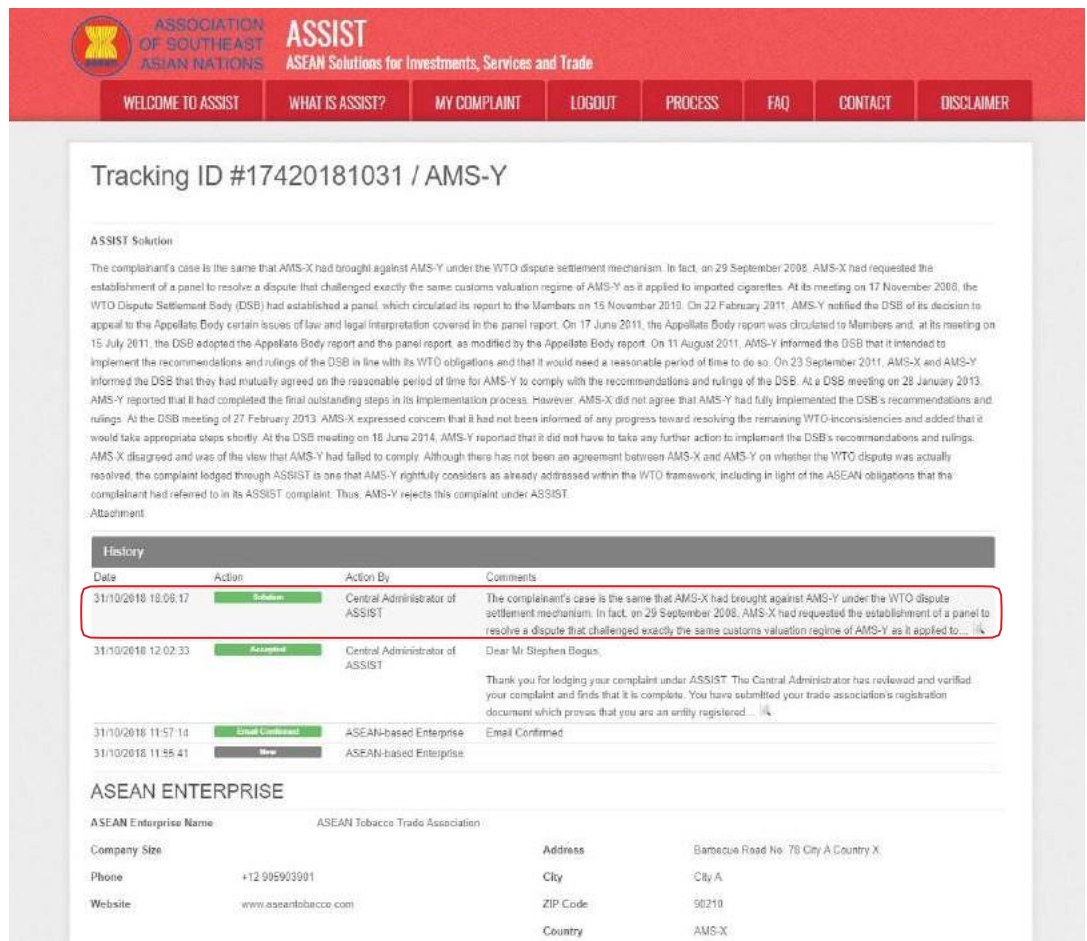


ប្រសិនបើអ្នកមិនទទួលបានអ៊ីមែលពី ASSIST ស្តីពីការឆ្លើយតបពី DCP ក្នុងរយៈពេលដែលបានកំណត់ (១០ថ្ងៃនៃថ្ងៃធ្វើការ) បន្ទាប់ពីបណ្តឹងត្រូវបានទទួលយកដោយ CA ទេនោះ នេះមានន័យថា DCP មានចំណាត់ការយឺតយ៉ាវហើយ។ DCP នឹងទទួលបានការរំលឹកដោយស្វ័យប្រវត្តិមួយលើកទៀតតាមអ៊ីមែល (១៤ថ្ងៃនៃថ្ងៃប្រតិទិន បន្ទាប់ពីបណ្តឹងត្រូវបានដាក់) ដែលប្រាប់ថាចំណាត់ការមួយត្រូវការជាបន្ទាន់ពីសំណាក់ DCP ទៅលើបណ្តឹងនេះ។

អ៊ីមែលរំឭកជាលើកទី ២ សម្រាប់កន្លែងទំនាក់ទំនងនៃប្រទេសគោលដៅ (DCP):



- (២) បំពេញឈ្មោះចូលទៅក្នុង dashboard របស់ ASSIST ដោយប្រើប្រាស់អ៊ីមែល និងលេខ ID បណ្តឹងរបស់អ្នក ដូចស្ថានបង្ហាញនៅក្នុងជំហានទី៧(ក) និង (ខ) ខាងលើ។ ខាងក្រោមនេះ ជាប្រភពបង្ហាញពី dashboard។ ដូចដែលអ្នកបានឃើញ ចំណាត់ការមួយទៀតទើបតែត្រូវបានបន្ថែមទៅក្នុង 'History' របស់អ្នក ដែលបង្ហាញថា ដំណោះស្រាយចំពោះបណ្តឹងរបស់អ្នកត្រូវបានស្នើឡើង។ ការឆ្លើយតប/ដំណោះស្រាយ ASSIST ពីសំណាក់ DCP ដែលត្រូវបានទទួលយកដោយ CA ក៏ផ្តល់ឱ្យផងដែរ នៅក្នុងកថាខណ្ឌទីមួយនៃ dashboard របស់អ្នក។



The screenshot shows the ASSIST dashboard with the tracking ID #17420181031 / AMS-Y. The dashboard includes a header with the ASSIST logo and navigation links. The main content area shows the 'ASSIST Solution' section with a detailed description of the complaint and the 'History' section with a table of actions.

Date	Action	Action By	Comments
31/10/2018 19:06:17	Solution	Central Administrator of ASSIST	The complainant's case is the same that AMS-X had brought against AMS-Y under the WTO dispute settlement mechanism. In fact, on 29 September 2008, AMS-X had requested the establishment of a panel to resolve a dispute that challenged exactly the same customs valuation regime of AMS-Y as it applied to imported cigarettes. At its meeting on 17 November 2008, the WTO Dispute Settlement Body (DSB) had established a panel, which circulated its report to the Members on 15 November 2010. On 22 February 2011, AMS-Y notified the DSB of its decision to appeal to the Appellate Body certain issues of law and legal interpretation covered in the panel report. On 17 June 2011, the Appellate Body report was circulated to Members and, at its meeting on 15 July 2011, the DSB adopted the Appellate Body report and the panel report, as modified by the Appellate Body report. On 11 August 2011, AMS-Y informed the DSB that it intended to implement the recommendations and rulings of the DSB in line with its WTO obligations and that it would need a reasonable period of time to do so. On 23 September 2011, AMS-X and AMS-Y informed the DSB that they had mutually agreed on the reasonable period of time for AMS-Y to comply with the recommendations and rulings of the DSB. At a DSB meeting on 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.
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	56218
		Country	AMS-X

CONTACT PERSON			
First Name	Stephen	Address	Baroque Road No. 76 City A Country X
Last Name	Bogus	City	City A
Phone	+12 995903901	ZIP Code	90219
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 / Deceived Customs valuations
Company Registration Proof	Annex_1-Simulated_Entry_Registrarion_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 - FPA, Jl. Sukdamangreja - Jakarta 12110 - Indonesia
ASSIST - Supported by ABSE - [Disclaimer]

ខាងក្រោមនេះជាការឆ្លើយតបពី DCP:

“ការពិបស័ដើមបណ្តឹងគឺដូចគ្នាទៅនឹងអ្វីដែល AMS-X បានប្តឹងប្រឆាំងទៅនឹង AMS-Y នៅក្រោមយន្តការដោះស្រាយវិវាទអង្គការ WTO។ តាមពិតទៅ នៅថ្ងៃទី២៩ ខែកញ្ញា ឆ្នាំ២០០៨ AMS-X បានស្នើសុំឱ្យមានការបង្កើតគណៈកម្មការមួយដើម្បីដោះស្រាយវិវាទ ដែលកំពុងពោះរបបកំណត់តម្លៃពន្ធកម្មវត្ថុរបស់ប៊ីទរបស់ AMS-Y ដែលប្រទេសនេះបានអនុវត្តចំពោះបារី។ នៅក្នុងកិច្ចប្រជុំរបស់ខ្លួននាថ្ងៃទី០៧ ខែវិច្ឆិកា ឆ្នាំ២០០៨ អង្គភាពដោះស្រាយវិវាទអង្គការ WTO (DSB) បានបង្កើតគណៈកម្មការមួយ ដែលបានផ្សព្វផ្សាយរបាយការណ៍ទៅដល់សមាជិក នៅថ្ងៃទី០៥ ខែវិច្ឆិកា ឆ្នាំ២០០៩។ នៅថ្ងៃទី២២ ខែកុម្ភៈ ឆ្នាំ២០១១ AMS-Y បានជូនដំណឹងទៅ DSB អំពីសេចក្តីសម្រេចចិត្តរបស់ខ្លួនដើម្បីប្តឹងឧទ្ធរណ៍ទៅស្ថាប័នឧទ្ធរណ៍នូវបញ្ហាជាក់លាក់មួយចំនួនទាក់ទងនឹងច្បាប់ និងការបកស្រាយច្បាប់ ដែលមាននៅក្នុងរបាយការណ៍របស់គណៈកម្មការ។ នៅថ្ងៃទី០៧ ខែមិថុនា ឆ្នាំ២០១១ របាយការណ៍ពីស្ថាប័នឧទ្ធរណ៍ ត្រូវបានផ្សព្វផ្សាយទៅដល់សមាជិក ហើយនៅឯកិច្ចប្រជុំរបស់ខ្លួន នាថ្ងៃទី០៥ ខែកក្កដា ឆ្នាំ២០១១ DSB បានអនុម័តរបាយការណ៍របស់ស្ថាប័នឧទ្ធរណ៍ និងរបាយការណ៍របស់គណៈកម្មការដូចដែលបានកែប្រែនៅក្នុងរបាយការណ៍ស្ថាប័នឧទ្ធរណ៍។ នៅថ្ងៃទី១១ ខែសីហា ឆ្នាំ២០១១ AMS-Y បានជូនដំណឹងទៅ DSB ថា ខ្លួនមានបំណងអនុវត្តអនុសាសន៍ និងសេចក្តីសម្រេចរបស់ DSB ស្របទៅតាមកាតព្វកិច្ចអង្គការ WTO របស់ខ្លួន និងថា ខ្លួនត្រូវការរយៈពេលសមស្របមួយដើម្បីធ្វើកិច្ចការនេះ។ នៅថ្ងៃទី២៣ ខែកញ្ញា ឆ្នាំ២០១១ AMS-X និង AMS-Y បានជូនដំណឹងដល់ DSB ថាពួកគេបានព្រមព្រៀងគ្នាលើរយៈពេលសមស្របមួយដើម្បីឱ្យ AMS-Y អនុវត្តតាមអនុសាសន៍ និងសេចក្តីសម្រេចរបស់ DSB។ នៅឯកិច្ចប្រជុំ DSB នាថ្ងៃទី២៨ ខែមករា ឆ្នាំ២០១៣ AMS-Y បានរាយការណ៍ថាខ្លួនបានធ្វើចំរាស់ជាស្ថាពរនូវវិធានការនានាដែលនៅសល់នៅក្នុងដំណើរការអនុវត្តរបស់ខ្លួនហើយ។

ប៉ុន្តែ AMS-X មិនយល់ស្របទេ ដែលថា AMS-Y បានអនុវត្តពេញលេញនូវអនុសាសន៍ និងសេចក្តីសម្រេចនានារបស់ DSB។ នៅឯកិច្ចប្រជុំរបស់ DSB នាថ្ងៃទី២៧ ខែកុម្ភៈ ឆ្នាំ២០១៣ កន្លងទៅ AMS-X បានសម្តែងនូវការព្រួយបារម្ភថា ខ្លួនមិនត្រូវបានទទួលដំណឹងអំពីវិធានការណាមួយឆ្ពោះទៅរកការដោះស្រាយបញ្ហាភាពមិនស៊ីសង្វាក់គ្នារបស់អង្គការ WTO ដែលនៅសល់ និងបានលើកឡើងបន្ថែមទៀតថា ខ្លួននឹងចាត់វិធានការសមស្របក្នុងពេលឆាប់ៗនេះ។ នៅឯកិច្ចប្រជុំ DSB នៅថ្ងៃទី០៨ ខែមិថុនា ឆ្នាំ២០១៤ AMS-Y បានរាយការណ៍ថាខ្លួនពុំបានចាត់វិធានការបន្ថែមទៀតណាមួយដើម្បីអនុវត្តអនុសាសន៍ និងសេចក្តីសម្រេចរបស់ DSB នោះទេ។ AMS-X បានជំទាស់ និងយល់ឃើញថា AMS-Y ពុំបានអនុវត្តតាមនោះទេ។

ទោះបីមិនទាន់មានការព្រមព្រៀងគ្នារវាង AMS-X និង AMS-Y ថាគេវិវាទអង្គការ WTO នេះបានដោះស្រាយរួចហើយ ឬយ៉ាងណានៅឡើយក្តី បណ្តឹងដែលបានដាក់តាមរយៈ ASSIST គឺជាបណ្តឹងមួយ ដែល AMS-Y ចាត់ទុកដោយមានមូលដ្ឋានច្បាស់លាស់ថា បានដោះស្រាយរួចហើយនៅក្នុងក្របខ័ណ្ឌអង្គការ WTO ក្នុងនោះរាប់ទាំងកាតព្វកិច្ចអាស៊ាន ដែលដើមបណ្តឹងបាននិយាយយោង នៅក្នុងបណ្តឹង ASSIST របស់ខ្លួនផងដែរ។ ដូច្នេះ AMS-Y ច្រានចោលបណ្តឹងនេះ នៅក្រោមក្របខ័ណ្ឌ ASSISTS។”

- (ក) នៅខាងក្រោមនៃអ្វីដែលពី ASSIST នៅក្នុងជំហានទី១០ (ក) ខាងលើ អ្នកត្រូវបានស្នើឱ្យបញ្ជាក់ថា អ្នកពេញចិត្ត ឬមិនទាន់ពេញចិត្តចំពោះចម្លើយដែល DCP បានផ្តល់ឱ្យ និងដំណោះស្រាយដែលបានផ្តល់នៅក្នុងចម្លើយនោះ។ អ្នកអាចបញ្ជាក់ដោយជ្រើសរើសយក “Yes” ឬ “No” នៅក្នុងប្រអប់ដែលផ្តល់ឱ្យជ្រើសរើស។

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:

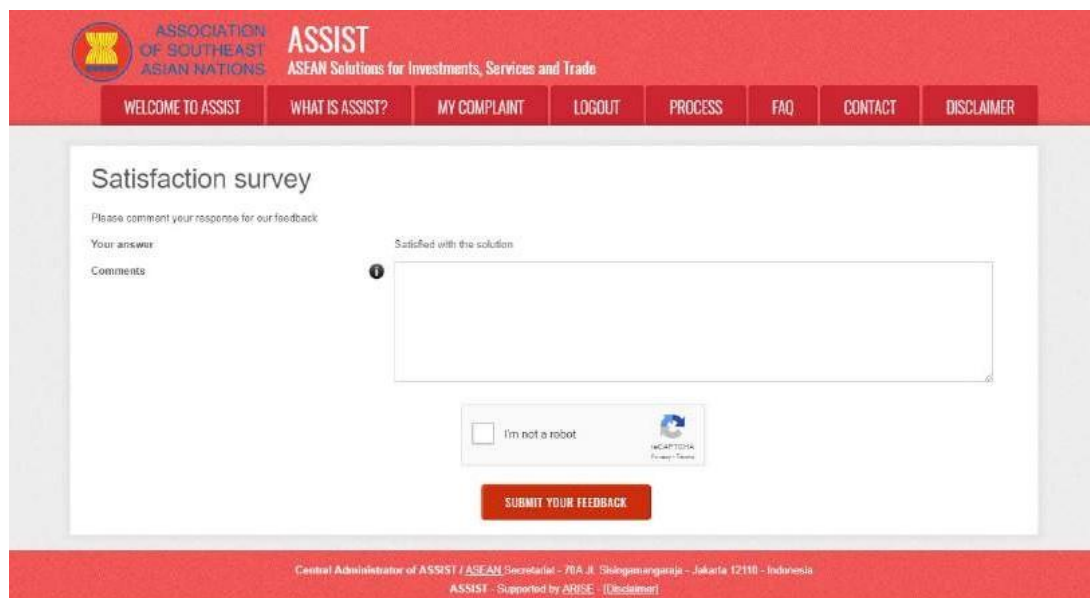
☒ Yes / ☐ No

នៅក្នុងករណីនេះ AE ជ្រើសរើសយក “Yes”។

**ជំហាន
11**

ផ្តល់មតិក្រឡប់របស់អ្នកចំពោះដំណោះស្រាយ/ចម្លើយដែលផ្តល់ដោយ AMS-Y នៅក្នុងការស្វែងរកការពេញចិត្ត និងទទួលបានអ៊ីមែលទទួលស្គាល់ពី ASSIST

កាលណាអ្នកជ្រើសរើស "Yes/No" នៅក្នុងជំហានទី ១០ (ក) ខាងលើរួចហើយ អ្នកនឹងត្រូវនាំទៅរកទំព័រមួយ ដូចបង្ហាញខាងក្រោមនេះ ដែលនៅលើទំព័រនោះអ្នកនឹងត្រូវឱ្យឆ្លើយសំណួរស្វែងរកអំពីការពេញចិត្ត ឬមិនពេញចិត្តរបស់អ្នក និងផ្តល់យោបល់របស់អ្នក ជាពិសេស ប្រសិនបើអ្នកមិនពេញចិត្តចំពោះចម្លើយ/ដំណោះស្រាយដែលបានស្នើឡើង។



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Satisfaction survey

Please comment your response for our feedback

Your answer

Comments

☐ Satisfied with this solution

☐ I'm not a robot

SUBMIT YOUR FEEDBACK

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

(ក) ចូរបំពេញការស្វែងរកមតិ។ ក្នុងករណីនេះសមាគមពាណិជ្ជកម្មអាស៊ានពេញចិត្តចំពោះដំណោះស្រាយ/ការឆ្លើយតបដែលផ្តល់ដោយ ASSIST ដូច្នេះ បានបញ្ជាក់ថាពេញចិត្ត។



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DISCLAIMER

Satisfaction survey

Please comment your response for our feedback

Your answer

Comments

Satisfied with the solution

i We are satisfied with the reason of rejection of our complaint by AMS-V. As mentioned by AMS-V, there has not been an agreement between AMS-X and AMS-V 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

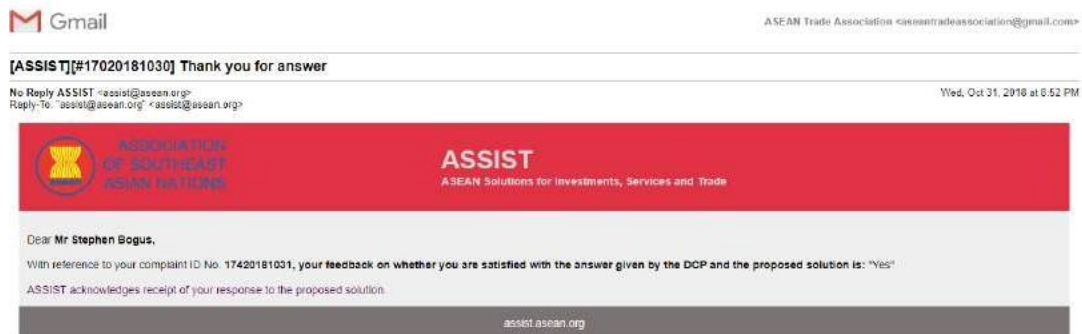


SUBMIT YOUR FEEDBACK

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

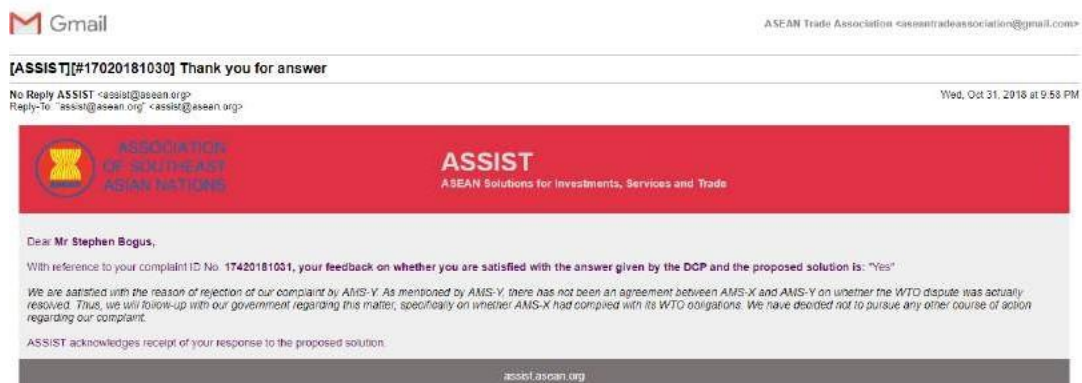
ASSIST - Supported by ARISE (Disclaimer)

- (ខ) សូមចូលទៅកាន់កំណត់អ៊ីមែលរបស់អ្នក។ អ្នកនឹងទទួលបានអ៊ីមែលថ្មីមួយ ឬពីរ (ប្រសិនបើអ្នកបានបំពេញបែបបទស្នងមតិ) ពី ASSIST ដែលទទួលស្គាល់ពីការទទួលបានការឆ្លើយតបរបស់អ្នកចំពោះដំណោះស្រាយដែលបានស្នើឡើង ដោយ AMS-Y។ ចម្លើយរបស់អ្នកក៏នឹងត្រូវចម្លងជូនទៅ DCP និង HCP ផងដែរ។
- អ៊ីមែលទទួលស្គាល់ថ្មីពី ASSIST*



អ៊ីមែលទទួលស្គាល់ទីពីរពី ASSIST

ប្រសិនបើអ្នកបានផ្តល់អធិប្បាយនៅលើទម្រង់ស្នងមតិ អ្នកនឹងទទួលបានអ៊ីមែលទីពីរដូចខាងក្រោម ដែលទទួលស្គាល់ការទទួលបានចម្លើយរបស់អ្នក ចំពោះដំណោះស្រាយដែលបានស្នើឡើង ដែលនឹងត្រូវផ្ញើចេញដោយ ASSIST ទៅឱ្យអ្នក DCP និង HCP។



- (ក) ចូរបំពេញទម្រង់ដើម្បីចូលទៅប្រើ dashboard របស់អ្នកនៅលើ ASSIST ដោយប្រើអ៊ីមែល និងលេខ ID បណ្តឹងរបស់អ្នក ដូចដែលបានណែនាំនៅក្នុងស៊ីហ្វស៊ីល (ក) និង (ខ) ខាងក្រោមនេះ ជាប្រភពនៃ dashboard របស់អ្នក។ ដូចដែលអ្នកអាចមើលឃើញ ចំណាត់ការមួយទៀតត្រូវបានបន្ថែមទៅក្នុង "History" របស់អ្នក ដែលបង្ហាញថា អ្នកបានបញ្ជាក់ពីការពេញចិត្តចំពោះដំណោះស្រាយដែលបានស្នើឡើងដោយ ASSIST។



ASSOCIATION
OF SOUTHEAST
ASIAN NATIONS

ASSIST

ASEAN Solutions for Investments, Services and Trade

WELCOME TO ASSIST

WHAT IS ASSIST?

MY COMPLAINT

LOGOUT

PROCESS

FAQ

CONTACT

DISCLAIMER

Tracking ID #17420181031 / AMS-Y

ASSIST Solution

The complainant's case is the same that AMS-X had brought against AMS-Y under the WTO dispute settlement mechanism. In fact, on 29 September 2008, AMS-X had requested the establishment of a panel to resolve a dispute that challenged exactly the same customs valuation regime of AMS-Y as it applied to imported cigarettes. At its meeting on 17 November 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 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 16 June 2014, AMS-Y reported that it did not have to take any further action to implement the DSB's recommendations and rulings. AMS-X disagreed and was of the view that AMS-Y had failed to comply. Although there has not been an agreement between AMS-X and AMS-Y on whether the WTO dispute was actually resolved, the complaint lodged through ASSIST is one that AMS-Y rightfully considers as already addressed within the WTO framework, including in light of the ASEAN obligations that the complainant had referred to in its ASSIST complaint. Thus, AMS-Y rejects this complaint under ASSIST.

Attachment:

History			
Date	Action	Action By	Comments
31/10/2016 16:06:17	Solution	Central Administrator of ASSIST	The complainant's case is the same that AMS-X had brought against AMS-Y under the WTO dispute settlement mechanism. In fact, on 29 September 2008, AMS-X had requested the establishment of a panel to resolve a dispute that challenged exactly the same customs valuation regime of AMS-Y as it applied to. 
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. 
31/10/2016 11:57:14	Email Confirmed	ASEAN-based Enterprise	Email Confirmed
31/10/2016 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	aseantradessociation@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		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, <i>mutatis mutandis</i>, 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 - PRA B. Shidegungasaja - Jakarta 12110 - Indonesia

ASSIST - Supported by ABSE - (Disclaimer)

(ឃ) ប្រសិនបើអ្នកចង់ឃើញអធិប្បាយរបស់អ្នក ដែលអ្នកទើបតែបានផ្តល់នៅក្នុងទម្រង់ស្នង់មតិ សូមចូលលើនីមិត្តសញ្ញាកែវពង្រីក បន្ទាប់មក អេក្រង់ខាងក្រោមនេះនឹងផុសឡើង។

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.

នៅក្នុងករណីដែលគេមិនអាចរកដំណោះស្រាយតាមរយៈ ASSIST បានទេ ឬប្រសិនបើ DCP យល់ឃើញថា គេ មានមូលដ្ឋានគ្រប់គ្រាន់ដែលបញ្ជាក់ថា RAs របស់ខ្លួនបានអនុវត្តតាមការប្តេជ្ញាចិត្តពាក់ព័ន្ធនៅក្រោមក្រ បខ័ណ្ឌអាស៊ាន និងថាបណ្តឹងខ្លះនូវសុពលភាព ការយល់ឃើញនេះ នឹងមូលដ្ឋាននៃ ការយល់ឃើញនេះ នឹងត្រូវបញ្ជូនបន្តជាបន្ទាន់ទៅកាន់ CA ដែលបន្ទាប់មក CA នឹងជូនដំណឹងដល់ដើម បណ្តឹងទៅតាមនេះដែរ។ ដើមបណ្តឹងអាចបញ្ជូនសំណុំរឿងនេះទៅកាន់ស្ថាប័នអនុលោមភាពអាស៊ាន (ACB) យន្តការដោះស្រាយវិវាទជាន់ខ្ពស់អាស៊ាន (EDSM) ប្រសិនបើខ្លួនមានបំណងដូច្នេះ និងតាមរយៈកន្លែង ទំនាក់ទំនងរបស់ប្រទេសដើមរបស់ខ្លួន ឬក៏ប្តឹងទៅយន្តការដោះស្រាយវិវាទថ្នាក់ជាតិ ឬយន្តការផ្សេងពីនេះ (ឧទាហរណ៍ ការសម្រុះសម្រួល ការផ្សះផ្សា ឬមជ្ឈត្តកម្ម) នៅក្នុងយុត្តាធិការអាស៊ានថ្នាក់ជាតិ។

ASSIST នឹងចាត់ទុកនីតិវិធីនេះជានីតិវិធីមួយ ដែលបណ្តឹងត្រូវបានច្រានចោល ហើយដំណោះស្រាយមិនត្រូវ បានផ្តល់ឱ្យ។

ចូរកត់សម្គាល់ថា រយៈពេលសម្រាប់ការដោះស្រាយបញ្ហាឆ្លងដែន ដែលលើកឡើងនៅក្រោមប្រព័ន្ធ ASSIST គឺមិនលើសពី ៤០ថ្ងៃ (ថ្ងៃធ្វើការ) ឬពីរខែ (ខែប្រតិទិន) (លើកលែងតែមានការព្រមព្រៀងគ្នាលើការពន្យារ ពេលបន្ថែមមិនលើសពី ២០ថ្ងៃ(ថ្ងៃធ្វើការ) គិតពីថ្ងៃដែលបណ្តឹងត្រូវបានដាក់។



Photo credit: Deborah Tomasowa for US-ACTI

បណ្តឹងដែលដាក់ដោយមេធាវីណាម្នាក់ ឬក្រុមហ៊ុនមេធាវីណាមួយ ដែលចុះបញ្ជីនៅក្នុងអាស៊ាន ក្នុងនាមកូនក្តីរបស់ខ្លួន ដែលជា សហគ្រាសអាស៊ាន ដែលទទួលយកដោយរដ្ឋបាលកណ្តាល ហើយ ដំណោះស្រាយនោះត្រូវបានស្នើឡើងដោយអង្គការទំនាក់ទំនង របស់ប្រទេសគោលដៅ និងទទួលយកដោយសហគ្រាសអាស៊ាន។

បរិយាយសង្ខេបអំពីសំណុំរឿង៖ សេណារីយ៉ូនេះគឺបណ្តឹងត្រូវបាន ទទួលយកដោយរដ្ឋបាលកណ្តាល (CA) របស់ ASSIST ថាជាបណ្តឹង ដែលមានសុពលភាពក្នុងដោយមេធាវី/ក្រុមហ៊ុនមេធាវី ដែលចុះ បញ្ជីនៅក្នុងអាស៊ាន (មេធាវីអាស៊ាន) ក្នុងនាមកូនក្តីរបស់ខ្លួន ដែលជាសហគ្រាសអាស៊ាន (AE) នឹងត្រូវបានទទួលយកដោយ ប្រទេសគោលដៅ ថាជាបញ្ហាមួយដែលខ្លួនមានឆន្ទៈក្នុងការធ្វើ ការជាមួយមេធាវីអាស៊ានតាមរយៈយន្តការ ASSIST ប្រាស្រ័យ ទាក់ទងជាមួយអាជ្ញាធរជាតិពាក់ព័ន្ធនៅក្នុងស្រុក និងផ្តល់ ដំណោះស្រាយមួយដល់មេធាវីអាស៊ាន តាមរយៈ ASSIST។ នៅក្នុង សំណុំរឿង ប្រទេសដើមមិនចូលរួមសកម្មភាព ប៉ុន្តែជំហានដែលអាច អនុវត្តបានផ្សេងទៀតទាំងអស់នៅក្នុងនីតិវិធី ASSIST ក្នុងនោះ រាប់បញ្ចូលទាំងសំណើសុំដំបូងបង្អស់ពី CA សម្រាប់ព័ត៌មាន បន្ថែមពីមេធាវីអាស៊ាន ត្រូវបានសម្តែងឡើងសម្រាប់គោល បំណងនៃការពិនិត្យទៅលើដំណើរការនីតិវិធីរបស់ ASSIST ដែល ដំណើរការពេញលេញ។

គោលដៅទៅលើប្រេងដូង និងផលិតផលចំណីអាហារដែលមានផ្ទុកប្រេង ដូងនៅក្រោមបញ្ជីឆ្នាំ២០១៥ របស់ក្រសួងសុខាភិបាលរបស់ខ្លួនជំពូក ១០០០ ផ្នែកទី១០០។ វិធានការដែលអនុម័តដោយប្រទេសគោលដៅនេះ បានកំណត់ពន្ធលើចំណីអាហារដែលមានជាតិស្ករ និងជាតិខ្លាញ់ខ្ពស់ជា ផ្នែកមួយនៃយុទ្ធសាស្ត្រដោះស្រាយបញ្ហាជំងឺជាក់ ដែលកំពុងកើនឡើង នៅក្នុងប្រទេសគោលដៅ។ មេធាវីអាស៊ានអះអាងថា វិធានការរបស់ ប្រទេសគោលដៅ ដែលគ្រប់គ្រងទិសដៅចំពោះប្រេងដូង និងមិនមែន ត្រឹមតែជាតិខ្លាញ់នៃប្រេងដូង និងជាតិខ្លាញ់នៃផលិតផលដែលមានផ្ទុក ប្រេងដូងប៉ុណ្ណោះនោះទេ ដូច្នេះនេះជាការរើសអើងចំពោះមុខទំនិញប្រេង ដូង និងចោទថាផលិតផលនេះអាចក្រក់ទាំងស្រុង ជាជាងគ្រាន់តែបង្អាក់ ទឹកចិត្តការបរិភោគផលិតផលដែលមានជាតិខ្លាញ់ច្រើនហួស ដោយមិន គិតដោយឡែកចំពោះជាតិខ្លាញ់ដែលមានប្រភពពីសត្វ ឬបន្លែ។ មេធាវី អាស៊ានអះអាងនៅក្នុងបណ្តឹងរបស់ខ្លួនទៅកាន់ ASSIST ថា វិធានការ ដែលចាក់ និងអនុវត្តដោយប្រទេសគោលដៅគឺផ្ទុយទៅនឹងមាត្រា ៦ នៃ កិច្ចព្រមព្រៀងអាស៊ានស្តីពីពាណិជ្ជកម្មទំនិញ (ATIGA) (ស្តីពីប្រព្រឹត្តកម្ម ជាតិទៅលើពន្ធដារ និងនិយ័តកម្មផ្ទៃក្នុង) ដោយសារថាតែចំណាត់ការ នេះមានការរើសអើងប្រឆាំងនឹងប្រេងដូងទាំងមូល និងមិនត្រូវបាន អនុវត្តចំពោះផលិតផល "ដូចគ្នា" ដទៃទៀតដែលផលិត ឬលក់នៅក្នុង ប្រទេសគោលដៅទេ (ឧទាហរណ៍ផលិតផលចំណីអាហារដែលមានផ្ទុកជាតិ ខ្លាញ់កើតចេញពីសណ្តែកសៀង ផ្កាយក្រវិញ គ្រាប់ rapeseed ពោត សណ្តែកដី ឬឆ្នាំងស្លក់)។

បណ្តឹងគឺពាក់ព័ន្ធនឹងកាកព្វកិច្ចអាក្រក់ ដែលដាក់ដោយប្រទេស **បញ្ជីតួអង្គ និងអក្សរកាត់ ៖**

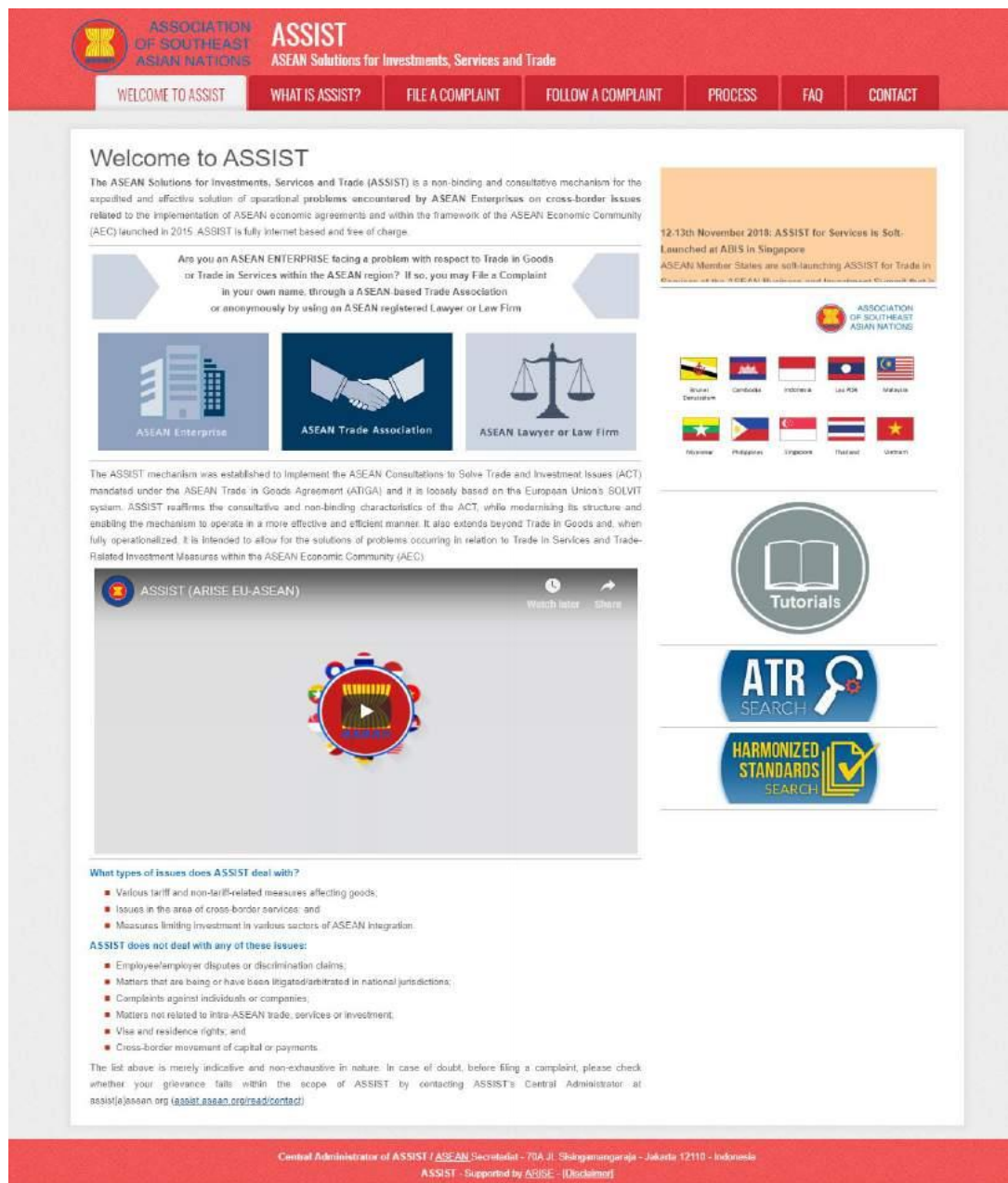
- ដើមបណ្តឹង = មេធាវី ឬក្រុមហ៊ុនមេធាវីអាស៊ាន
- លេខាធិការដ្ឋានអាស៊ាន = រដ្ឋបាលកណ្តាលរបស់ ASSIST (CA)
- ប្រទេសដើម = ចំណុចទំនាក់ទំនងនៅក្នុងប្រទេសដើម (HCP) នៅក្នុងរដ្ឋសមាជិកអាស៊ាន X (AMS-X)
- ប្រទេសគោលដៅ = ចំណុចទំនាក់ទំនងនៅប្រទេសគោលដៅ (DCP) នៅក្នុងរដ្ឋសមាជិកអាស៊ាន Y (AMS-Y)
- អាជ្ញាធរជាតិពាក់ព័ន្ធ = អាជ្ញាធរពាក់ព័ន្ធ (RAs)

ជំហាន 1

ចូលទៅកាន់គេហទំព័រ ASSIST (<http://assist.asean.org>)

ប្រសិនបើអ្នកគិតថា សំណុំរឿងរបស់អ្នកគឺជាបញ្ហាមួយទាក់ទងនឹងបញ្ហាពាណិជ្ជកម្មឆ្លងដែននៅក្នុងអាស៊ាន អ្នកគឺជាក្រុមហ៊ុនមួយដែលចុះបញ្ជីនៅក្នុងរដ្ឋជាសមាជិកអាស៊ានមួយ ហើយអ្នកត្រូវការសេវាពិគ្រោះយោបល់ មិនចង់កាតព្វកិច្ចដោយឥតគិតថ្លៃ និងទទួលបានដំណោះស្រាយលឿននិងមានប្រសិទ្ធភាព សូមចូលទៅ គណ្តាប់នេះ ៖ <http://assist.asean.org>។

ខាងក្រោមនេះ គឺជាគេហទំព័ររបស់ ASSIST។



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

The main content area is titled 'Welcome to ASSIST'. It explains that ASSIST is a non-binding and consultative mechanism for the expeditious and effective solution of operational problems encountered by ASEAN Enterprises on cross-border issues related to the implementation of ASEAN economic agreements. It mentions that ASSIST is fully internet based and free of charge.

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

On the right side, there is a date '12-13th November 2018: ASSIST for Services is Soft-Launched at ATRIS in Singapore' and a list of ASEAN Member States with their flags: Brunei Darussalam, Cambodia, Indonesia, Lao PDR, Malaysia, Myanmar, Philippines, Singapore, Thailand, and Vietnam.

Below the main text, there is a video player titled 'ASSIST (ARISE EU-ASEAN)' with a play button icon. To the right of the video player are three circular icons: 'Tutorials', 'ATR SEARCH', and 'HARMONIZED STANDARDS SEARCH'.

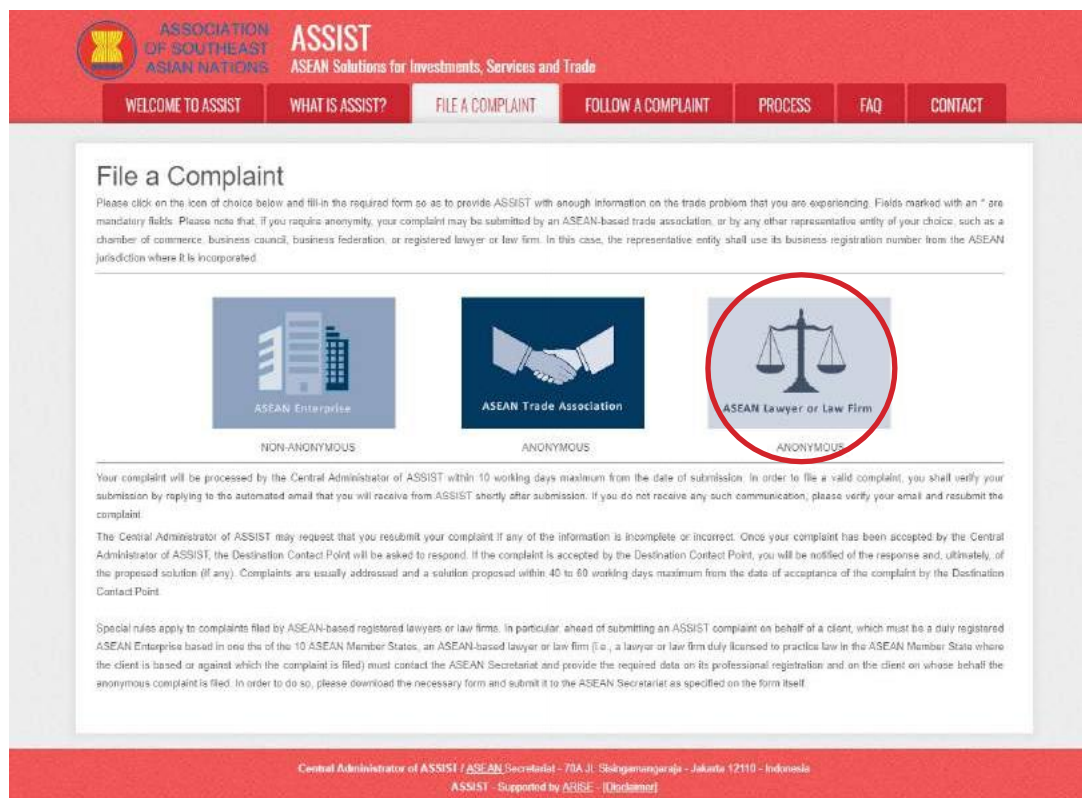
At the bottom, there is a section titled 'What types of issues does ASSIST deal with?' listing various tariff and non-tariff-related measures affecting goods, issues in the area of cross-border services, and measures limiting investment. It also lists 'ASSIST does not deal with any of these issues:' including employee/employer disputes, matters being litigated/arbitrated, complaints against individuals or companies, matters not related to intra-ASEAN trade, services or investment, visa and residence rights, and cross-border movement of capital or payments.

The footer contains the contact information for the Central Administrator of ASSIST / ASEAN Secretariat at 70A Jl. Sisingamangaraja - Jakarta 12110 - Indonesia, and a note that ASSIST is supported by ARISE (Disclaimer).

ជំហាន
2

ចូរជ្រើសរើសយក 'FILE A COMPLAINT' (ASEAN Lawyer or Law Firm)

- (ក) ប្រសិនបើអ្នកគឺជាមេធាវី ឬក្រុមហ៊ុនមេធាវីចុះបញ្ជីនៅក្នុងអាស៊ាន ដែលដាក់ពាក្យបណ្តឹងក្នុងនាមកូនក្តីរបស់ខ្លួន (ឧទាហរណ៍ សហគ្រាសអាស៊ានដែលមានបញ្ជីពាណិជ្ជកម្ម) នឹងមានអាជ្ញាប័ណ្ណស្របច្បាប់ក្នុងការប្រកបវិជ្ជាជីវៈមេធាវី នៅក្នុងរដ្ឋសមាជិកអាស៊ាន ជាទីដែលកូនក្តីរបស់អ្នកមានមូលដ្ឋាន ឬជាទីដែលពាក្យបណ្តឹងប្តឹងចំពោះ ចូរអ្នកចុចលើនិមិត្តសញ្ញាដែលមានសរសេរអក្សរថា "ASEAN Lawyer or Law Firm" នៅក្នុងផ្នែក "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. Setiabudi - Jakarta 12110 - Indonesia
ASSIST - Supported by ARISE - (Indonesia)

- (ខ) នៅពេលអ្នកចុចនៅលើរូបសញ្ញា "ASEAN Lawyer or Law Firm" ទំព័រខាងក្រោមនឹងបង្ហាញឡើង។



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

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

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

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

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

LAW FIRM

* Law Firm Name

* Phone

Website

* Address

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
 

SUBMIT YOUR COMPLAINT

Central Administrator of ASSIST / ASEAN Secretariat / JBA B. Sulungmanggaja - Jakarta 12110 - Indonesia

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

(ក) ក្នុងនាមជាមេធាវី ឬក្រុមហ៊ុនមេធាវីដែលចុះបញ្ជីនៅក្នុងអាស៊ាន អ្នកចាំបាច់ត្រូវតែដាក់ពាក្យបណ្តឹងដោយប្រើឈ្មោះរបស់អ្នក ឬឈ្មោះក្រុមហ៊ុនមេធាវីរបស់អ្នក ដោយសារតែអត្តសញ្ញាណនៃកូនក្តីរបស់អ្នកត្រូវបានរក្សាជាអនាមិក ។ ដើម្បីធ្វើដូច្នេះ អ្នកត្រូវតែអនុវត្តតាមការណែនាំនៅក្នុងទំព័រខាងលើ ។ ទីមួយ អ្នកត្រូវទាញយកទម្រង់បែបបទដែលចាំបាច់ ដើម្បីបំពេញ និងដាក់ជូនទៅលេខាធិការអាស៊ាន ដូចដែលបានបញ្ជាក់នៅលើទម្រង់បែបបទផ្ទាល់ ។

នៅពេលអ្នកចុចលើនិមិត្តសញ្ញា'រង្វង់ពណ៌ទឹកក្រូច' នៅក្នុងទំព័រខាងលើ អ្នកនឹងទាញយកទម្រង់ដូចបង្ហាញនៅទំព័របន្ទាប់ខាងក្រោមនេះ មកដាក់នៅក្នុងកុំព្យូទ័ររបស់អ្នក។



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

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

LAWYER

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

City:
E-mail:

LAW FIRM

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

City:
E-mail:

PROFESSIONAL LICENCE

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

DETAILS OF ASEAN ENTERPRISE

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

City:
E-mail:

ចូរបំពេញទម្រង់បែបបទខាងលើ និងផ្ញើតាមអ៊ីមែលទៅកាន់លេខាធិការដ្ឋានអាស៊ាន តាមអាសយដ្ឋាន assist@asean.org ដូចដែលបានបញ្ជាក់នៅលើទម្រង់បែបបទនោះស្រាប់។ ចូរដាក់ជូនទិន្នន័យដែលចាំបាច់ដូចតទៅនេះ រួមជាមួយនឹងបែបបទនេះ ផង ៖ (១) ឯកសារចុះបញ្ជី/អាជ្ញាប័ណ្ណប្រកបវិជ្ជាជីវៈ (ប្រសិនបើភាសាដើមមិនមែនអង់គ្លេស ចូរភ្ជាប់ជាមួយនូវសំណៅបកប្រែជាភាសាអង់គ្លេសមិនផ្លូវការ ជាមួយផង) និង (២) ឯកសារចុះបញ្ជីក្រុមហ៊ុនរបស់កូនក្តី (សហគ្រាសអាស៊ាន) ដែលអ្នកដាក់ពាក្យបណ្តឹងអនាមិកជំនួសមុខឱ្យ។

ចូរបំពេញទម្រង់បែបបទដែលបានទាញយក។ ខាងក្រោមនេះគឺជាឧទាហរណ៍នៃបែបបទដែលបំពេញរួច សម្រាប់ករណីសិក្សាជាក់លាក់មួយនេះ។

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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

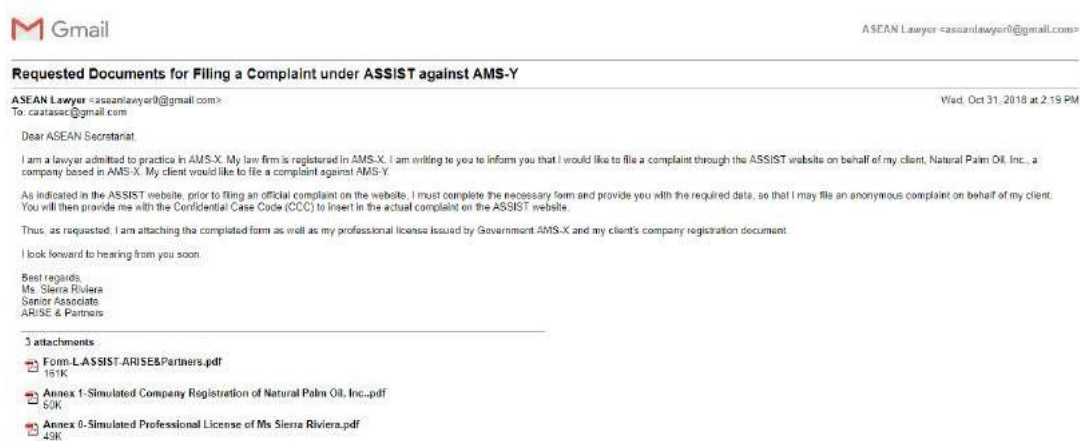
- ASEAN Enterprise Name: Natural Palm Oil Inc.
- Company Size: 150
- Address: Sweet Lane No. 22, Chocolate Boulevard
- Zip code: 13150 City: P
- Phone: +36 1 726 5977 E-mail: aseanenterprise0@gmail.com
- Website: www.naturalpalmoil.com
- Country of Legal Registration: Country X
- Registration Number: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



ជំហាន
5

ផ្ញើបែបបទដែលបំពេញរួច ទៅកាន់រដ្ឋបាលកណ្តាលរបស់ ASSIST/លេខាធិការដ្ឋានអាស៊ាន តាមអ៊ីមែល

ដូចដែលបានបញ្ជាក់នៅក្នុងបែបបទ ចូរផ្ញើបែបបទដែលបំពេញរួចទៅកាន់លេខាធិការដ្ឋានអាស៊ាន/រដ្ឋបាលកណ្តាល ASSIST តាមអាសយដ្ឋានអ៊ីមែល assist@asean.org រួមជាមួយនឹងឯកសារចាំបាច់ផ្សេងទៀតដូចបានបញ្ជាក់នៅក្នុងជំហានទី ៣ ខាងលើ។ ខាងក្រោមនេះគឺជាឧទាហរណ៍នៃអ៊ីមែលដែលផ្ញើចេញពីមេធាវីអាស៊ាន ទៅកាន់លេខាធិការដ្ឋានអាស៊ានសម្រាប់ករណីសិក្សាជាក់លាក់មួយនេះ។

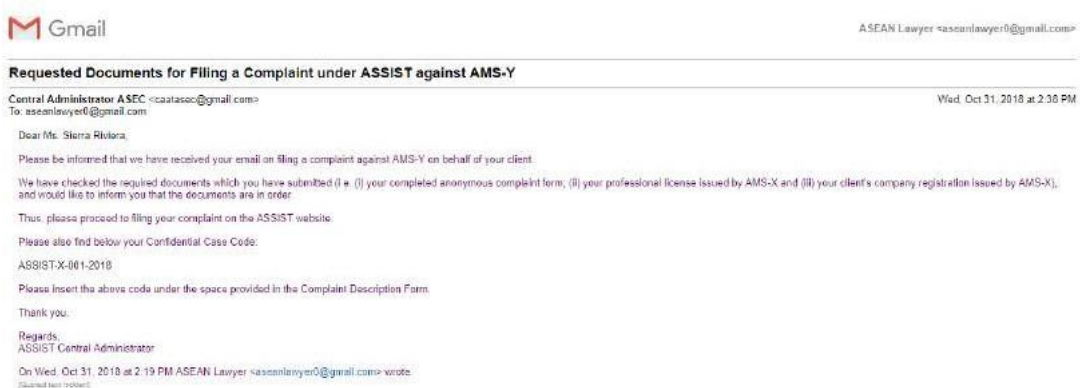


ជំហាន
6

ទទួលការឆ្លើយតបពីលេខាធិការដ្ឋានអាស៊ាន/រដ្ឋបាលកណ្តាល នៅក្នុងគណនីអ៊ីមែលរបស់អ្នក

(ក) លេខាធិការដ្ឋានអាស៊ាន/CA នឹងឆ្លើយតបទៅអ៊ីមែលរបស់អ្នកដើម្បីប្រាប់អ្នកអំពីថា តើឯកសារនានាដែលអ្នកបានដាក់ជូន ត្រឹមត្រូវទៅតាមលក្ខខណ្ឌតម្រូវ និងពេញលេញ ឬអត់។ នៅក្នុងឧទាហរណ៍ខាងក្រោម មេធាវីអាស៊ានបានដាក់ជូនសព្វគ្រប់នូវឯកសារដែលចាំបាច់។

លេខាធិការអាស៊ាន/CA ក៏នឹងផ្តល់លេខកូដសម្ងាត់នៃសំណុំរឿងឱ្យអ្នកផងដែរ ដើម្បីអ្នកដាក់បញ្ចូលនៅក្នុងទម្រង់បណ្តឹងជាក់ស្តែង នៅលើគេហទំព័រ ASSIST។



- (ខ) នៅពេលដែលលេខាធិការដ្ឋានអាស៊ានផ្តល់លេខកូដសម្ងាត់នៃសំណុំរឿង (CCC) ឱ្យអ្នក និងប្រាប់អ្នកថា អ្នកអាចបន្តទៅដាក់ពាក្យបណ្តឹងដាក់ស្តែងបានហើយ សូមចូលទៅកាន់គេហទំព័រ ASSIST ម្តងទៀត និងជ្រើសរើសយក 'File a Complaint' (ASEAN Lawyer or Law Firm) ។ ទម្រង់បែបបទបណ្តឹងដែលមិនទាន់បំពេញ ដូចបង្ហាញនៅក្នុងជំហានទី២ (ខ) នឹងបង្ហាញឡើង ។ ក្នុងករណីនេះ លេខ CCC របស់អ្នក គឺ **ASSIST-X-001-2018** ។

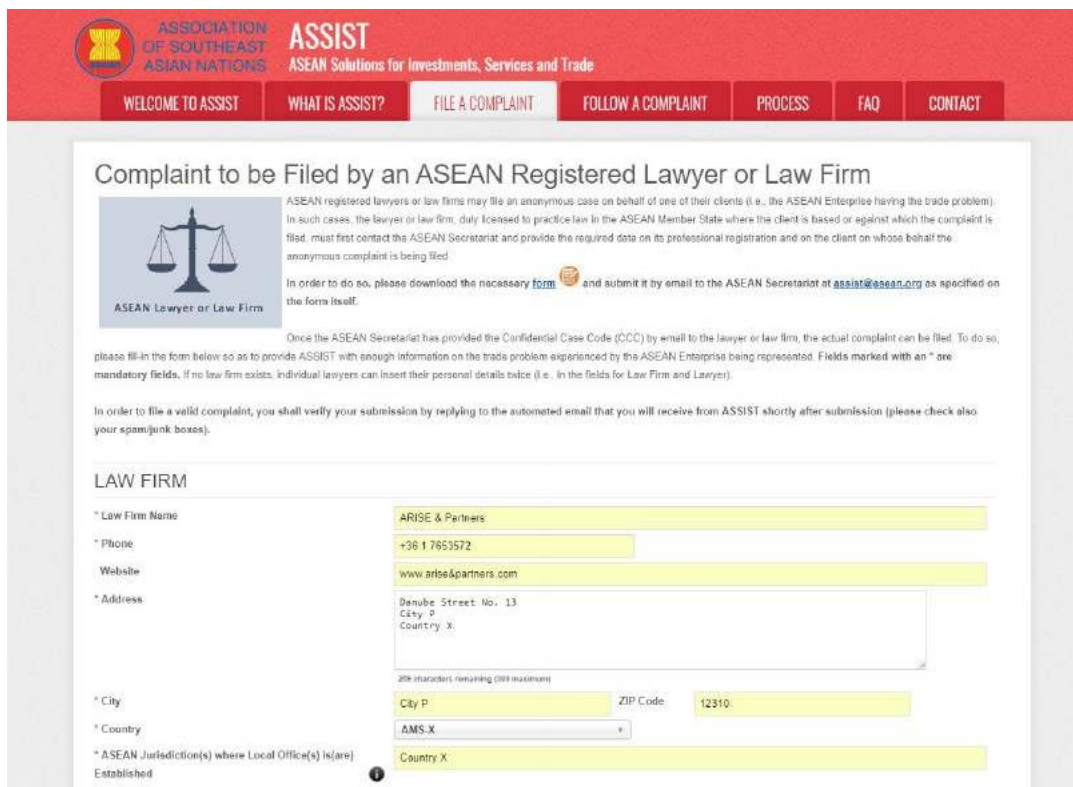
ជំហាន
7

ចូរបំពេញបែបបទ 'បណ្តឹងដែលត្រូវដាក់ដោយមេធាវី/ក្រុមហ៊ុនមេធាវីដែលចុះបញ្ជីនៅក្នុងអាស៊ាន'

ចូរបំពេញទម្រង់នៅក្នុងជំហាន ទី២(ខ) ដើម្បីផ្តល់ដល់ ASSIST នូវព័ត៌មានគ្រប់គ្រាន់អំពីបញ្ហាពាណិជ្ជកម្មដែលកូនក្តីរបស់អ្នកកំពុងជួបប្រទះ។ ក្រង់កន្លែងណាដែលសម្គាល់ដោយសញ្ញា (*) គឺត្រូវបំពេញជាចាំបាច់។ ប្រសិនបើអ្នកមិនយល់ច្បាស់ថា ត្រូវបំពេញអ្វីនៅក្នុងកន្លែងនីមួយៗ គឺមានប៊ូតុង ❶ នៅក្បែរដែលអាចចុចមើលការណែនាំលម្អិតអំពីអ្វីដែលត្រូវបំពេញ។ ចូរចុចលើប៊ូតុង ❶ នោះដើម្បីឱ្យប្រាកដថាអ្នកបំពេញព័ត៌មានបានត្រឹមត្រូវនៅក្នុងទម្រង់។ ប្រសិនបើគ្មានពាក្យថាក្រុមហ៊ុនមេធាវីទេ មេធាវីអាចដាក់ព័ត៌មានផ្ទាល់ខ្លួនរបស់ខ្លួនពីរដង (ឧទាហរណ៍ នៅក្នុងប្រអប់សម្រាប់ក្រុមហ៊ុនមេធាវី និងមេធាវី) ។

អ្វីដែលសំខាន់ខ្លាំងគឺត្រូវបំពេញនៅក្នុងកន្លែង "បរិយាយ" ឬ "Description"។ CA នឹងត្រូវផ្ទៀងផ្ទាត់ថាបរិយាយដែលផ្តល់ឱ្យនៅក្នុងបណ្តឹងគ្រប់គ្រាន់ដើម្បីកំណត់បញ្ហានៅក្នុងបរិបទនៃកិច្ចព្រមព្រៀងវិស័យនានា ដែរឬទេ ដូច្នេះចូរបំពេញបណ្តឹងរបស់អ្នកឱ្យបានហ្មត់ចត់ដោយមានអង្គហេតុ និងភស្តុតាងដាក់ស្តែងច្បាស់លាស់ ដើម្បីជួយ CA ក្នុងការសម្រេចចិត្តថាគេគួរទទួល ឬមិនទទួលបណ្តឹងនោះ។

ខាងក្រោមនេះគឺជាឧទាហរណ៍នៃបែបបទដែលបំពេញរួច សម្រាប់ករណីសិក្សាជាភាគីលាក់មួយនេះ។



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

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

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

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

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

LAW FIRM

* Law Firm Name: ARISE & Partners

* Phone: +36 1 7653572

Website: www.arise&partners.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

LAWYER

Gender

☐ Mr
 ☐ Mrs
 ☒ Ms

First Name

Sierra

Last Name

Riviera

Phone

+36 7676137686

Position

Senior Associate

Email

aseanlawyer0@gmail.com

Address

Denube Street No. 13
 City P
 Country X

City

City P

255 characters remaining (255 maximum)

ZIP Code

12310

ASEAN Jurisdiction(s) where Admitted to Practice Law

AMS-X

COMPLAINT DESCRIPTION

Confidential Case Code

ASSIST-X-091-2018

Country of Legal Registration

AMS-X

Legal Registration Number

137511

Registration Proof

Choose File

Annex 0-Simulat...ra Riviera.pdf

Type of Business

Export/Import

Business Sector

Goods

Services Sector Description

Type of Problem Encountered

3.6.7 Internal taxes and charges levied on imports

Destination Country

AMS-Y

Description

products are subsidizing the products for which AMS-Y is providing subsidies, subsidies on imports 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 ATIS (on National Treatment on Internal Taxation and Regulation), in as much as it discriminates against palm oil as a whole and is not applied to other 'like' products manufactured or sold in AMS-Y (i.e., food products containing saturated fats deriving from soy, sunflower, rapeseed, corn, peanut or animal fat).

Attachment

Choose File

No file chosen

+ Attachment

Choose File

No file chosen

Remove

☒ I have read and accept the ASSIST rules.

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

I'm not a robot

SUBMIT YOUR COMPLAINT

Central Administrator of ASSIST / ASEAN Secretariat - 78A J.B. Sisingmangraja - Jakarta 12110 - Indonesia

ASSIST - Supported by AITSE - [Disclaimer]

សម្រាប់ជាឧទាហរណ៍នៃការបរិយាយច្បាស់លាស់អំពីបណ្តឹង ខាងក្រោមនេះជាការបរិយាយសម្រាប់ករណីសិក្សាជាក់លាក់មួយនេះ៖ “យើងគឺជាក្រុមហ៊ុនមេធាវីចុះបញ្ជីនៅក្នុង AMS-X ដែលដាក់ពាក្យបណ្តឹងនៅក្រោមយន្តការ ASSIST ជំនួសមុខឱ្យកូនក្តីរបស់យើង ដែលជាក្រុមហ៊ុនប្រេងដូងដែលចុះបញ្ជីត្រឹមត្រូវតាមច្បាប់នៅក្នុង AMS-X។ បណ្តឹងនេះគឺពាក់ព័ន្ធនឹងកាតព្វកិច្ចអាករថ្មីដែល AMS-Y (ចំណុចទំនាក់ទំនងនៅក្នុងប្រទេសគោលដៅ ឬ DCP) បានដាក់ទៅលើប្រេងដូង និងផលិតផលចំណីអាហារដែលមានផ្ទុកប្រេងដូងនៅក្រោមបញ្ញត្តិស្តីពីចំណីអាហារនៃក្រសួងសុខាភិបាលរបស់ខ្លួនជំពូក ១០០០ ផ្នែក ១០០ ដែលអនុម័តកាលពីឆ្នាំ២០១៥។ វិធានការដែលអនុម័តដោយ AMS-Y បានកំណត់ពន្ធទៅលើចំណីអាហារដែលមានជាតិស្ករ និងជាតិខ្លាញ់ខ្ពស់ជាផ្នែកមួយនៃយុទ្ធសាស្ត្រ

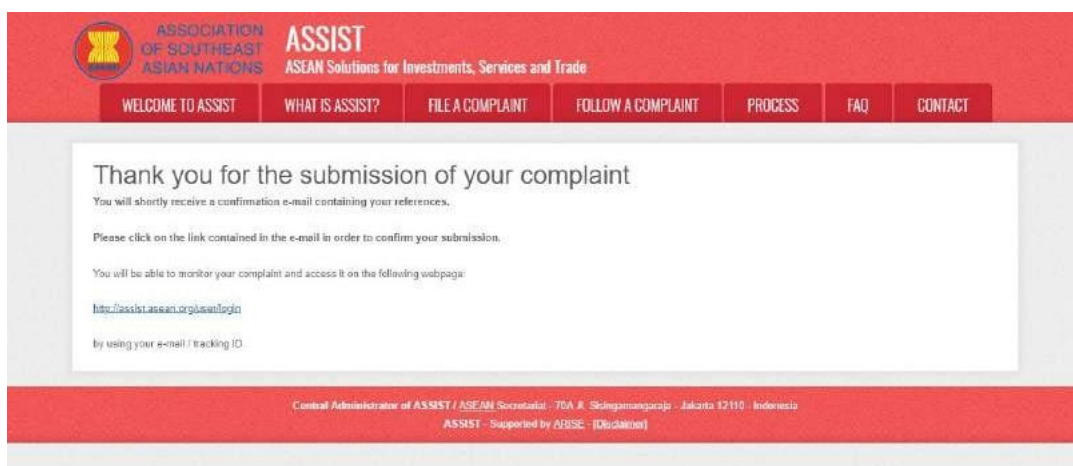
ដោះស្រាយបញ្ហាជំងឺធាត់ជ្រួល នៅក្នុង AMS-Y។ យើងយល់ឃើញថាវិធានការរបស់ AMS-Y សំដៅច្បាស់លាស់ទៅលើប្រេងដូង និងមិនមែនសារធាតុខ្លាញ់នៃប្រេងដូង និងនៃផលិតផលដែលមានផ្ទុកប្រេងដូង ដូច្នេះ វាជាការរើសអើងចំពោះប្រេងដូង និងចាត់ទុកថាផលិតផលទាំងមូលអាក្រក់ ជាងការបង្កាក់ទឹកចិត្តដល់ការប្រើប្រាស់ហួសកម្រិតនូវផលិតផលដែលមានជាតិខ្លាញ់ក្រៅពីខ្លាញ់ដែលមានប្រភពចេញពីបន្លែឬស្លឹក។

ដូច្នេះ យើងយល់ឃើញថា វិធានការដែលអនុម័ត និងអនុវត្តដោយ AMS-Y គឺផ្ទុយទៅនឹងមាត្រា ៦ នៃ ATIGA (ស្តីពីប្រព្រឹត្តកម្មជាតិទៅលើពន្ធនិងបញ្ញត្តិផ្ទៃក្នុង) ពីព្រោះវារើសអើងចំពោះប្រេងដូងទាំងមូល និងមិនត្រូវបានអនុវត្តចំពោះផលិតផល‘ដូចគ្នា’ ផ្សេងទៀត ដែលផលិត និងលក់ដោយ AMS-Y (ឧទាហរណ៍ ចំណីអាហារដែលមានផ្ទុកជាតិខ្លាញ់ ចេញពីសណ្តែកសៀង គ្រាប់ផ្កាឈូកវិគ គ្រាប់ rapeseed ពោត សណ្តែកដី ឬខ្លាញ់សត្វ)។”

នៅពេលបណ្តឹងត្រូវបានធ្វើរួច ដោយចុចលើពាក្យថា 'Submit Your Complaint' ទំព័រខាងក្រោមនេះ នៅក្នុងជំហានទី ៨ នឹងបង្ហាញឡើង ។

ជំហាន
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ទទួលការជូនដំណឹងពី ASSIST

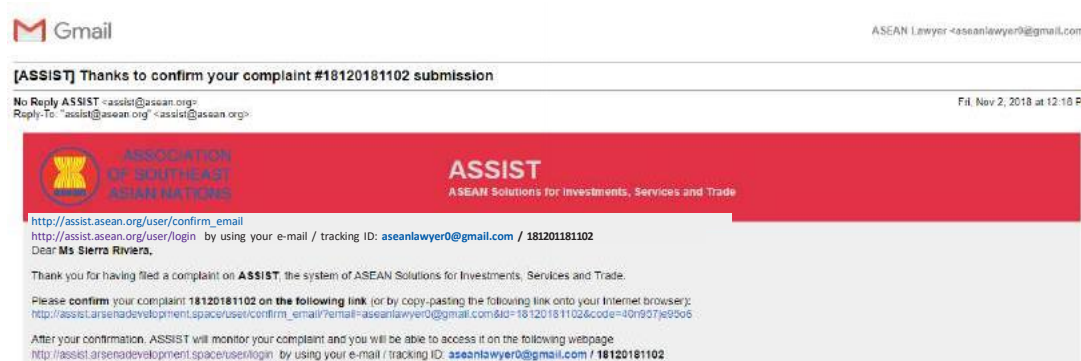


ការជូនដំណឹងខាងលើ បង្ហាញថា អ្នកគួរចុចលើតំណភ្ជាប់ដែលបានផ្តល់ឱ្យនៅក្នុងករណីអ៊ីមែលរបស់អ្នក ដើម្បីបញ្ជាក់បណ្តឹងរបស់អ្នកទៅកាន់ ASSIST។

ជំហាន
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បញ្ជាក់បណ្តឹងរបស់អ្នកពីករណីអ៊ីមែលរបស់អ្នក

- (ក) សូមចូលទៅករណីអ៊ីមែលដែលអ្នកបានផ្តល់នៅក្នុងទម្រង់នៃបណ្តឹង។ អ្នកនឹងទទួលបានអ៊ីមែលពី **ASSIST** ដែលស្នើឱ្យអ្នកបញ្ជាក់បណ្តឹងរបស់អ្នក ដោយចុចលើតំណភ្ជាប់ដែលបានផ្តល់ឱ្យ ឬដោយ **copy-paste** តំណភ្ជាប់នោះទៅលើកម្មវិធីបើកអ៊ីនធឺណិត ។ **ASSIST** ក៏តម្រូវឱ្យអ្នកធ្វើដូច្នេះដែរ ដើម្បីបញ្ជាក់ថា អាសយដ្ឋានអ៊ីមែលដែលអ្នកបានផ្តល់ឱ្យ គឺជាអាសយដ្ឋានដែលមានសុពលភាពត្រឹមត្រូវ ។ លេខបណ្តឹងរបស់អ្នក ក៏ត្រូវបានផ្តល់ឱ្យនៅក្នុងអ៊ីមែលនេះដែរ ។ ក្នុងករណីនេះ លេខបណ្តឹងរបស់អ្នក គឺ **18120181102**។ ខាងក្រោមនេះ គឺជាអ៊ីមែលដែលអ្នកនឹងទទួលបានពី **ASSIST**។



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

<http://assist.arsenadepvelopment.space/user/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 7683572
 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 7878137686
 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

(ខ) ចូរចូលលើកំណត់រៀបចំ ទៅតាមការស្នើឱ្យធ្វើនៅក្នុងអ៊ីមែលខាងលើ ហើយបន្ទាប់មក ទំព័រខាងក្រោមនេះនឹងបង្ហាញឡើង ។

 ASSOCIATION OF SOUTHEAST ASIAN NATIONS

ASSIST
ASEAN Solutions for Investments, Services and Trade

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

Email/complaint confirmation valid

Thank you for having confirmed your e-mail.

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

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

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

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

ការជូនដំណឹងខាងលើនឹងជូនដំណឹងដល់អ្នកថាបណ្តឹងរបស់អ្នកនឹងត្រូវពិនិត្យដោយ CA និងថា អ្នកនឹងត្រូវតែជូនដំណឹងតាមអ៊ីមែល ក្នុងរយៈពេល ១០ថ្ងៃ (ថ្ងៃធ្វើការ) អំពីថាតើ៖

- ១) បណ្តឹងត្រូវបានទទួលយក និងដាក់ជូនទៅប្រទេសគោលដៅ, ឬ
- ២) បណ្តឹងមានលក្ខណៈមិនពេញលេញ និងត្រូវបញ្ជូនឱ្យអ្នកវិញដើម្បីធ្វើការកែសម្រួល, ឬ
- ៣) បណ្តឹងត្រូវបានប្រានចោល ប្រសិនបើវាស្ថិតនៅក្រៅសមត្ថកិច្ចរបស់ ASSIST ឬវាមិនមែនជាបណ្តឹងដែលមានសុពលភាព។

សូមចូលទៅកាន់គណនីអ៊ីមែលរបស់អ្នក។

ជំហាន
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ទទួលអ៊ីមែលពី ASSIST ថា អាសយដ្ឋានអ៊ីមែលនឹងបណ្តឹងរបស់អ្នកមានសុពលភាព

សូមចូលទៅកាន់គណនីអ៊ីមែលរបស់អ្នក ហើយអ្នកនឹងឃើញអ៊ីមែលថ្មីមួយ ផ្ញើមកពី ASSIST។ អ៊ីមែលនេះបង្ហាញថា អ្នកបានបញ្ជាក់បណ្តឹងរបស់អ្នករួចហើយ, CA នឹងពិនិត្យសុពលភាពបណ្តឹង និងថា បណ្តឹងនោះត្រូវបានធ្វើឡើងនៅក្នុងក្របខ័ណ្ឌ ASSIST។ បន្ទាប់មក ASSIST នឹងឆ្លើយតបដោយបញ្ជាក់ថា តើបណ្តឹងនោះត្រូវបានទទួលយក ឬយ៉ាងណា ថា តើវាមិនពេញលេញ ឬត្រូវបានច្រានចោល នៅក្នុងរយៈពេល ១០ ថ្ងៃ យ៉ាងយូរបំផុត។



ASEAN Lawyer <aseanlawyer0@gmail.com>

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

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

Fri, Nov 2, 2018 at 12:19 PM



ASSIST

ASEAN Solutions for Investments, Services and Trade

Dear Ms Sierra Riviera,

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

ASSIST will maintain your information and ensure its security up to the extent permitted by law. Your information is maintained confidentially unless you consent to its disclosure. You are able to access your complaint at any time on the following webpage: <http://assist.asean.org/user/login> by using your e-mail / tracking ID: aseanlawyer0@gmail.com / 18120181102

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 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 7878137686
 Position : Senior Associate
 Email : aseanlawyer0@gmail.com
 Address : Danube Street No. 13 City P Country X
 City : City P / Zip Code : 12310
 Country : AMS-X

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

Description:
 We are a registered law firm in AMS-X filing a complaint under ASSIST on behalf of our client, a duly registered palm oil company in AMS-X. The complaint is in relation to the new excise duty imposed by AMS-Y (the Destination Contact Point or DCP) on palm oil and food products containing palm oil under its Ministry of Health's Food Regulation Chapter 1000, Section 100 of 2010. The measure adopted by AMS-Y introduced taxes on foods high in sugar and saturated fat as part of a strategy for addressing the rising problem of obesity in AMS-Y. We are of the view that AMS-Y's measure expressly targeted palm oil and not just the saturated fat component of palm oil and of products containing palm oil, thereby discriminating against palm oil and demonizing the product as a whole instead of just discouraging excessive consumption of products containing saturated fats, independently of the vegetable or animal origin of the fats. Thus, we find the measure adopted and applied by AMS-Y is contrary to Article 6 of the ATIGA (on National Treatment on Internal Taxation and Regulation), in as much as it discriminates against palm oil as a whole and is not applied to other "like" products manufactured or sold in AMS-Y (i.e., food products containing saturated fats deriving from soy, sunflower, rapeseed, corn, peanut or animal fat).

Thanking you, ASSIST is at your service.

assist.asean.org

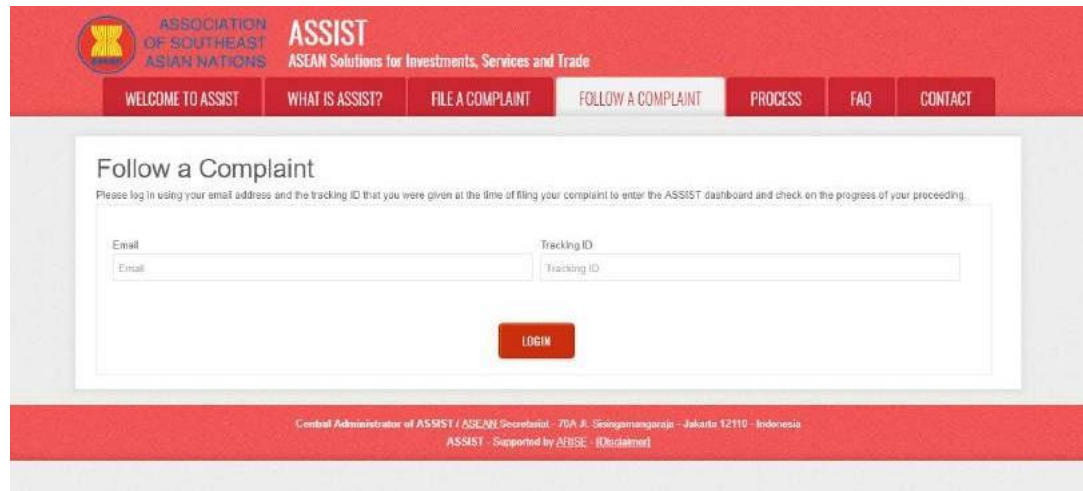
Annex_0_Simulated_Professional_License_of_Ms_Sierra_Riviera4.pdf
49K

ដូចបានបង្ហាញនៅក្នុងអ៊ីមែលខាងលើ ឥឡូវនេះ អ្នកអាចតាមដានវឌ្ឍនភាពនៃបណ្តឹងរបស់អ្នក ដោយចុចលើតំណភ្ជាប់ដែលបានផ្តល់ ដែលនឹងនាំអ្នកទៅដល់ទំព័រ 'Follow a Complaint' នៅលើគេហទំព័រ ASSIST។

ជំហាន
11

តាមដានវឌ្ឍនភាពនៃបណ្តឹងរបស់អ្នក

- (ក) សូមចូលទៅតំណភ្ជាប់នេះ៖ <http://assist.asean.org/user/login> ឬចូលទៅរក "Follow a Complaint" នៅលើបាមីនុយនៃគេហទំព័រ ASSIST។ ទំព័រខាងក្រោមនេះនឹងលេចឡើង ។



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

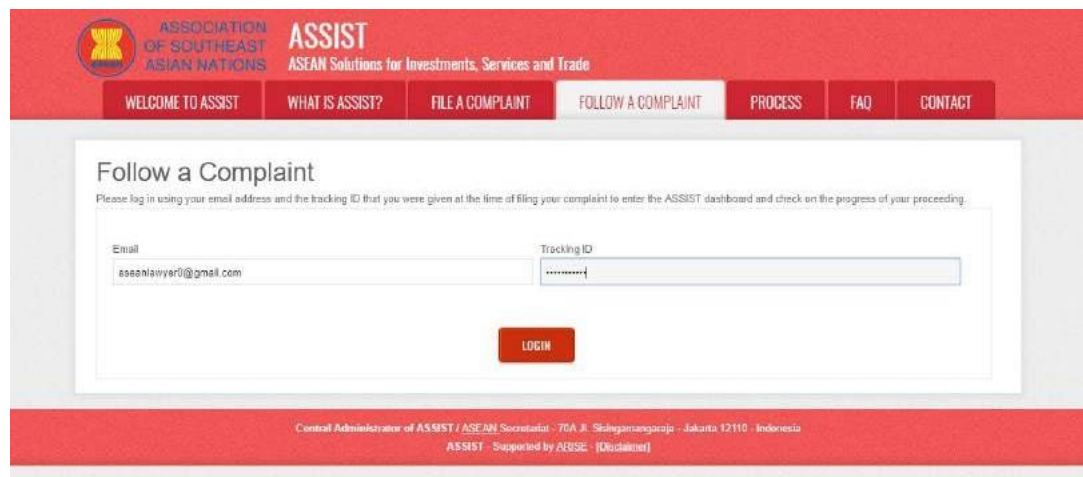
Please log in using your email address and the tracking ID that you were given at the time of filing your complaint to enter the ASSIST dashboard and check on the progress of your proceeding.

Email Tracking ID

LOGIN

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

- (ខ) បញ្ចូលអាសយដ្ឋានអ៊ីមែល និងលេខ ID តាមដានរបស់អ្នក (លេខបណ្តឹងរបស់អ្នក) នៅក្នុងប្រអប់ដែលចាំបាច់ ត្រូវបំពេញ ដើម្បីចូលទៅកាន់ទីនោះ ។ ក្នុងករណីនេះ អាសយដ្ឋានអ៊ីមែល គឺ aseanlawyer@gmail.com ហើយលេខ ID បណ្តឹងរបស់អ្នក គឺ **18120181102**។



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 J. Saleggarangaraja - Jakarta 12110 - Indonesia
ASSIST - Supported by ARISE - (Disclaimer)

- នៅពេលអ្នកចូលទៅដល់ហើយ អ្នកនឹងឃើញ dashboard នៅលើគេហទំព័រ ASSIST របស់អ្នក ដែលទីនោះ អ្នក អាចតាមដានវឌ្ឍនភាពនៃបណ្តឹងរបស់អ្នកបាន។
- (គ) នេះជាប្រភពនៃ dashboard នៅលើគេហទំព័រ ASSIST របស់អ្នក នៅពេលអ្នកបំពេញឈ្មោះចូលដោយ ជោគជ័យរួចហើយ ។



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	File	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 7878137686	ZIP Code	12310
Position	Senior Associate	Country	AMS-X
Email	ariseanlawyer9@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	Download: Simulated Professional License of Ms. Sierra Riviera.pdf		
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			

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

ដូចដែលអ្នកអាចមើលឃើញនៅលើ dashboard ចំណាត់ការនានាដែលធ្វើឡើងពាក់ព័ន្ធនឹងបណ្តឹងរបស់អ្នក ត្រូវបានបង្ហាញយ៉ាងច្បាស់នៅលើ dashboard ហើយបញ្ជីនេះនឹងត្រូវធ្វើបច្ចុប្បន្នភាពជាទៀងទាត់នៅពេលដែលចំណាត់ការអ្វីមួយត្រូវបានធ្វើឡើង។ ទម្រង់បណ្តឹងដែលអ្នកបានបំពេញរួច និងបានដាក់ជូនរដ្ឋ ក៏អាចរកមើលនៅលើ dashboard នេះបានដែរ។

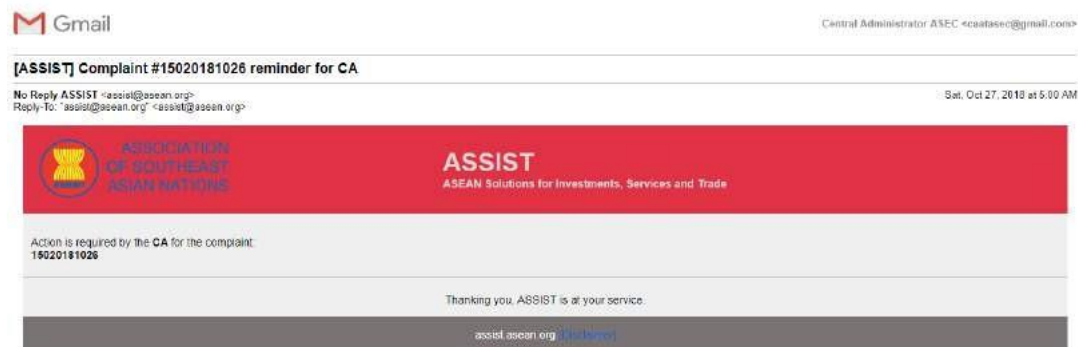
ជំហាន 12

រដ្ឋបាលកណ្តាលនឹងពិនិត្យបណ្តឹងអ្នកឡើងវិញ រួចហើយផ្ញើយកបច្ចុប្បន្នភាពអ៊ីមែលរបស់អ្នក (ទទួលយក មិនពេញលេញ ឬប្រាន់ចោល)។

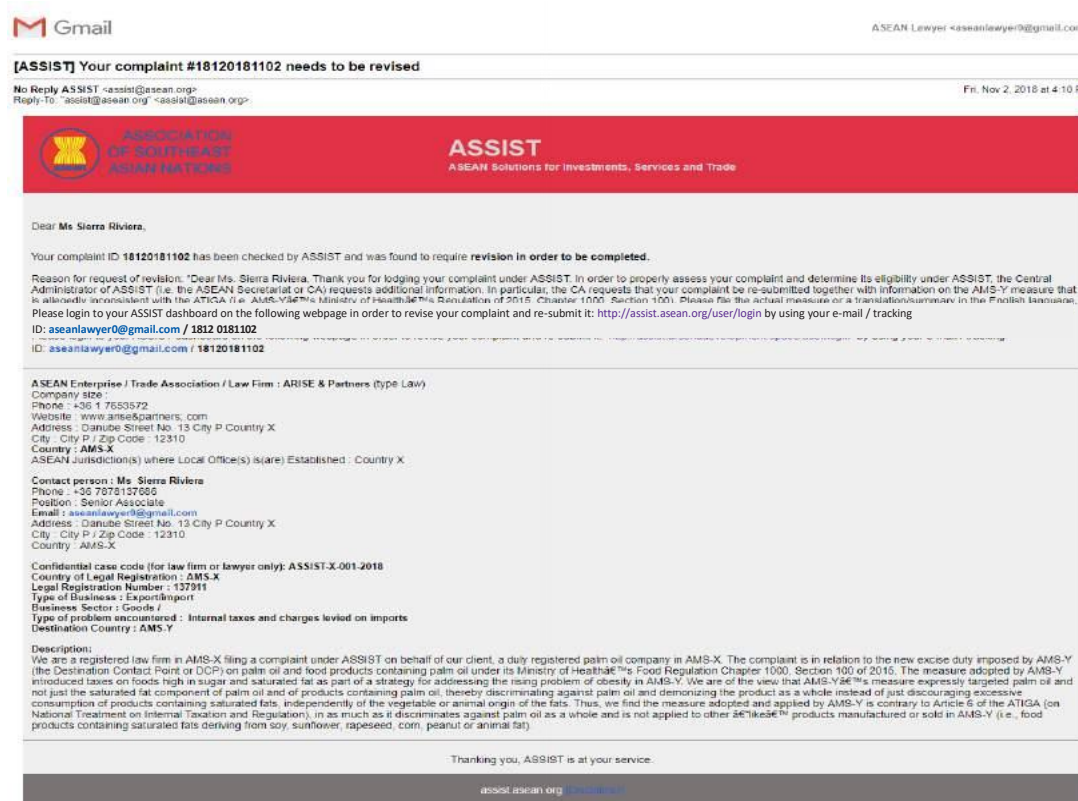
នៅពេល **CA** បានពិនិត្យមើលបណ្តឹងរបស់អ្នករួចរាល់ហើយ និងបានសម្រេចចិត្តថា តើទទួលយក/ចាត់ថាមិនពេញលេញ/ប្រាន់ចោល ឬយ៉ាងណានោះ អ៊ីមែលមួយនឹងត្រូវផ្ញើទៅអ្នកក្នុងរយៈពេល ១០ ថ្ងៃ (ថ្ងៃធ្វើការ) យ៉ាងយូរបំផុត គឺគិតចាប់ពីថ្ងៃដាក់ពាក្យបណ្តឹង។

ក្នុងខណៈនេះ ប្រសិនបើ CA មិនមានចំណាត់ការអ្វីទេ នោះ CA នឹងទទួលបានការត្រួតពិនិត្យដោយស្វ័យប្រវត្តិ តាមអ៊ីមែល ពីប្រព័ន្ធអនឡាញរបស់ ASSIST ក្នុងរយៈពេល ៧ ថ្ងៃ បន្ទាប់ពីថ្ងៃដាក់ពាក្យបណ្តឹង។ ដូចបានបង្ហាញខាងលើ CA ត្រូវតែសម្រេចចិត្តថា តើត្រូវទទួលយក ប្រកាសថាមិនពេញលេញនិងផ្ញើឱ្យកែសម្រួលឡើងវិញ ឬប្រាន់ចោលពាក្យបណ្តឹង ក្នុងរយៈពេល ១០ ថ្ងៃ (ថ្ងៃធ្វើការ)។

អ៊ីមែលព័ត៌មានទី ១ សម្រាប់រដ្ឋបាលកណ្តាល៖



ចូរពិនិត្យអ៊ីមែលអ្នកឱ្យបានទៀងទាត់ក្នុងអំឡុងពេល ១០ថ្ងៃ បន្ទាប់ពីថ្ងៃដែលអ្នកបានដាក់ពាក្យបណ្តឹង។ អ្នកប្រាកដជានឹងទទួលបានអ៊ីមែលពី ASSIST។

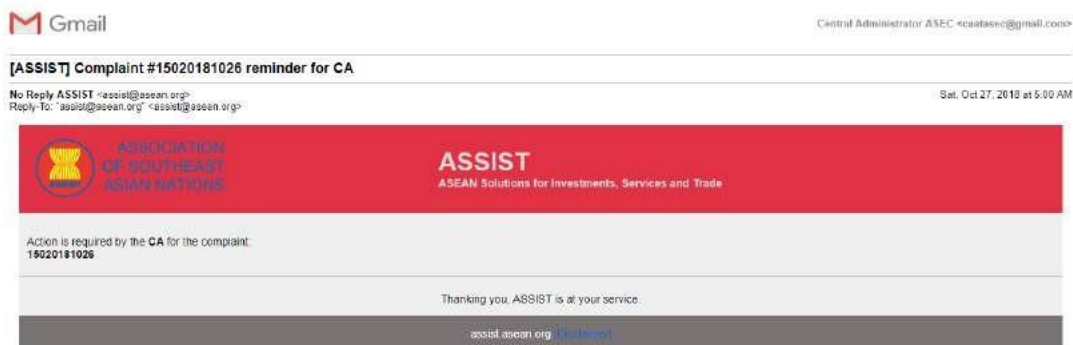


នៅក្នុងករណីនេះ CA ពិនិត្យទម្រង់បែបបទ និងរកឃើញថាមាន**មិនពេញលេញ**ទេ។ CA ត្រូវការព័ត៌មានបន្ថែមពីអ្នក ពីព្រោះអ្នកបានឆ្លើយតបតែឯកសារអាជ្ញាប័ណ្ណប្រកបវិជ្ជាជីវៈរបស់អ្នក។ ដូច្នេះ CA ផ្ញើការឆ្លើយតបអ៊ីមែលទៅកាន់អ្នក ដោយស្នើឱ្យដាក់ដាក់បណ្តឹងសាជាថ្មី ដោយភ្ជាប់ជាមួយនឹងបញ្ញត្តិ ឬវិធានការរបស់ AMS-Y ដែលមានបញ្ជី រួមជាមួយនឹងសង្ខេបអង្គបញ្ជាក់ ដែលលម្អិតពីការចោទប្រកាន់របស់អ្នក និងហេតុផលសំអាងដែលអ្នកជឿជាក់ថា គួរតែយកទៅពិចារណា សម្រាប់គោលបំណងនៃការទទួលយកបណ្តឹង និងអាចផ្តល់ជាដំណោះស្រាយផង។

ដូចដែលបានបង្ហាញនៅក្នុងអ៊ីមែលខាងលើ ដើម្បីកែសម្រួលឡើងវិញទៅលើបណ្តឹងរបស់អ្នក និងដាក់ឡើងវិញ អ្នកត្រូវចូលទៅកាន់ dashboard នៅលើ ASSIST របស់អ្នក។

ប្រសិនបើអ្នកមិនបានទទួលអ៊ីមែលពី ASSIST ក្នុងរយៈពេលដែលបានកំណត់ (១០ថ្ងៃ ថ្ងៃធ្វើការ) គិតចាប់ពីថ្ងៃដាក់ពាក្យបណ្តឹង នោះទេ នោះមានន័យថា CA មានចំណាត់ការយឺតយ៉ាវ។ CA នឹងទទួលបានសារព្រឹត្តិប្រតិបត្តិមួយទៀត តាមអ៊ីមែល (១៤ថ្ងៃ បន្ទាប់ពីថ្ងៃដាក់ពាក្យបណ្តឹង) ដែលរំលឹកថា CA ត្រូវមានចំណាត់ការចំពោះបណ្តឹងនេះ ។ CA នឹងទទួលអ៊ីមែលដូចខាងក្រោម ៖

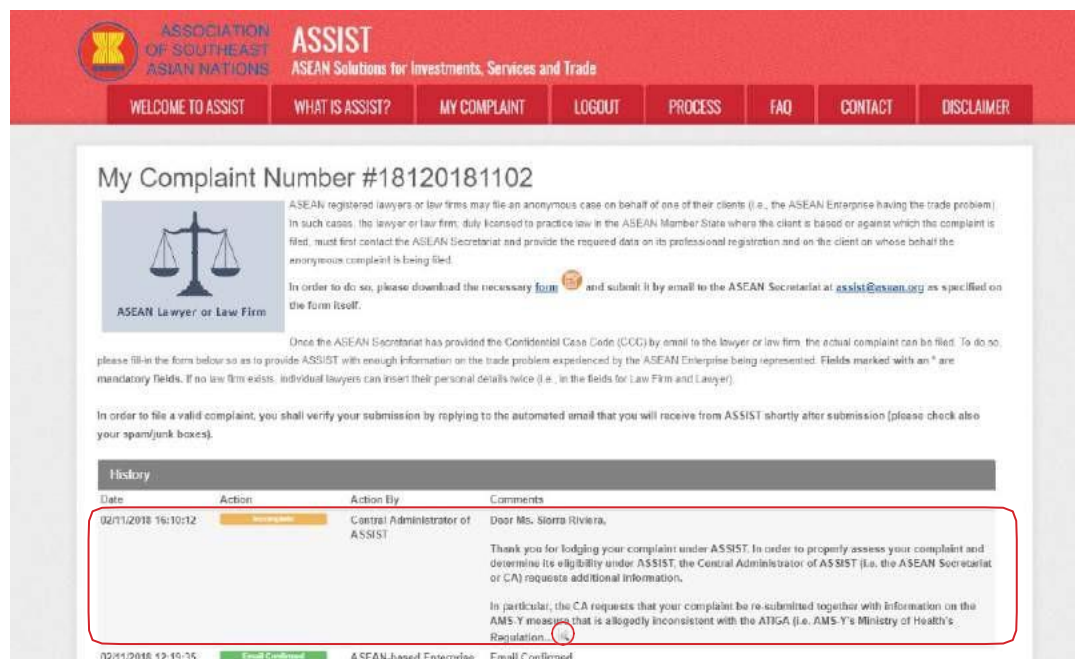
អ៊ីមែលរំលឹក ទី២ សម្រាប់រដ្ឋបាលកណ្តាល ៖



**ជំហាន
13**

ចូលទៅ Dashboard នៃគេហទំព័រ ASSIST របស់អ្នក ដោយប្រើកូដអ៊ីមែល និងលេខ ID បណ្តឹងដើម្បីមើលការឆ្លើយតបជាក់ស្តែងពី រដ្ឋបាលកណ្តាល និងកែបណ្តឹងរបស់អ្នកឡើងវិញ

- (ក) ប្រសិនបើអ្នកចង់មើលចម្លើយពេញលេញពី CA អ្នកចាំបាច់ត្រូវចុះឈ្មោះចូលទៅកាន់ dashboard របស់អ្នកនៅលើគេហទំព័រ ASSIST ដោយប្រើកូដអ៊ីមែលរបស់អ្នក និងលេខ ID បណ្តឹង ដូចបានបង្ហាញនៅក្នុងជំហាន 11 (ក) និង (ខ) ខាងលើ។
- ខាងក្រោមនេះគឺជារូបភាពនៃ dashboard ។ ដូចដែលអ្នកអាចមើលឃើញ ចំណាត់ការមួយផ្សេងទៀត ទើបតែត្រូវបានបន្ថែមទៅក្នុង 'History' របស់អ្នក ដែលបញ្ជាក់ថា បណ្តឹងរបស់អ្នក 'មិនពេញលេញ'។



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

WITHDRAW COMPLAINT

LAW FIRM

* Law Firm Name

* Phone

* Website

* Address

255 characters remaining (255 maximum)

* City

* Country

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

LAWYER

* Gender ☐ Mr. ☐ Mrs. ☒ Ms.

* First Name * Last Name

* Phone

* Position

* Email

* Address

255 characters remaining (255 maximum)

* City

* 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

* Attachment Annex 2-Simulated Regulation of AMS-Y.pdf Annex 3-Simulated Letter RISE & Partners.pdf

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

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

☒ I'm not a robot 

SUBMIT YOUR COMPLAINT

Central Administrator of ASSIST / ASEAN Secretariat - RBA JI, Gedung Mangrove - Jakarta 12110 - Indonesia
ASSIST - Supported by ASEAN - [Disclaimer]

(ខ) សូមចូលលើនីមិត្តសញ្ញាភ័ក្ត្រពង្រីកនៅក្នុងប្រអប់អធិប្បាយ។ ចម្លើយគប្បីពេញលេញពី CA នឹងបង្ហាញឡើង ដូចដែលអ្នកឃើញខាងក្រោមនេះ៖

Dear Ms. Sierra Riviera,

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

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

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

- (ក) ចូរភ្ជាប់ឯកសារបន្ថែមតាមការស្នើសុំរបស់ CA រួចហើយដាក់ពាក្យបណ្តឹងជាថ្មីម្តងទៀត តាមរយៈ dashboard របស់អ្នក ឧ. បញ្ញត្តិ ឬវិធានការរបស់ AMS-Y ដែលមានបញ្ហា និងសង្ខេបអង្កេតច្បាប់។



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My Complaint Number #18120181102



ASEAN Lawyer or Law Firm

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

In order to do so, please download the necessary [form](#) and submit it by email to the ASEAN Secretariat at 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	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 12:18:35	Email Confirmed	ASEAN-based Enterprise	Email Confirmed
02/11/2018 12:18:32	New	ASEAN-based Enterprise	

[WITHDRAW COMPLAINT](#)

LAW FIRM

* Law Firm Name

ARISE & Partners

* Phone

+361 7653572

Website

www.arise4partners.com

(ឃ) ទទួលការជូនដំណឹងពី ASSIST ស្តីពីការបញ្ជូនបណ្តឹងដែលបានកែសម្រួលឡើងវិញ។

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ជំហាន
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ទទួលអ៊ីមែលពី ASSIST ទាក់ទងនឹងបណ្តឹងដែលបានកែសម្រួលឡើងវិញ

សូមចូលទៅកាន់គណនីអ៊ីមែលរបស់អ្នក ហើយអ្នកនឹងឃើញអ៊ីមែលថ្មីមួយមកពី ASSIST។ អ៊ីមែលនេះបញ្ជាក់ថា បណ្តឹងដែលកែសម្រួលឡើងវិញរបស់អ្នក ត្រូវបានទទួលហើយ និងថា ASSIST នឹងពិនិត្យមើល រួចហើយឆ្លើយតបមកអ្នកវិញ ថាតើបណ្តឹងនេះត្រូវបានទទួលយក មិនពេញលេញ ឬបានចោល ឬយ៉ាងណា ក្នុងរយៈពេល ១០ ថ្ងៃ (ថ្ងៃធ្វើការ)។



ASEAN Lawyer <aseanlawyer0@gmail.com>

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

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

Fri, Nov 2, 2018 at 4:52 PM



ASSOCIATION OF SOUTHEAST ASIAN NATIONS

ASSIST
ASEAN Solutions for Investments, Services and Trade

Dear Ms Sierra Riviera,

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

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

You are able to access your complaint at any time on the following webpage: <http://assist.asean.org/user/login> by using your e-mail / tracking ID: aseanlawyer0@gmail.com / 18120181102

ASEAN Enterprise / Trade Association / Law Firm : ARISE & Partners (Type Law)
Company slug:
Phone : +36 1 7653572
Website : www.arise&partners.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 7578137585
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

ប្រសិនបើនៅខណៈនេះ CA ពុំមានចំណាត់ការណាមួយទេ នោះ CA នឹងទទួលបានសារអ៊ីមែលរំលឹកដោយស្វ័យប្រវត្តិ ពីប្រព័ន្ធអនឡាញ ដូចដែលបានបង្ហាញនៅក្នុងជំហាន 12 ខាងលើ។

ចូរបើកមើលគណនីអ៊ីមែលរបស់អ្នកជាប្រចាំ ក្នុងរយៈពេល ១០ថ្ងៃ (ថ្ងៃធ្វើការ) ហើយអ្នកប្រាកដជានឹងទទួលបានអ៊ីមែលថ្មីមួយពី ASSIST។

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រដ្ឋបាលកណ្តាលពិនិត្យបណ្តឹងកែសម្រួលជាថ្មីរបស់អ្នក រួចហើយផ្ញើការឆ្លើយតបទៅកាន់អ៊ីមែលរបស់អ្នក

នៅពេល CA ពិនិត្យចប់សព្វគ្រប់ទៅលើបណ្តឹងកែសម្រួលឡើងវិញរបស់អ្នកហើយ អ៊ីមែលមួយនឹងផ្ញើទៅឱ្យអ្នក។ ចូរបើកមើលគណនីអ៊ីមែលរបស់អ្នក និងទទួលសារអ៊ីមែលដូចខាងក្រោមនេះ ពី ASSIST។



ASEAN Lawyer <aseanlawyer@gmail.com>

[ASSIST] Your complaint #18120181102 is accepted by CA
[ASSIST] Your complaint #131201809271 is accepted by CA

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

Fri, Sep 21, 2018 at 2:07 PM



ASSIST
ASEAN Solutions for Investments, Services and Trade

Dear **Ms. ARISE Lawyer**,
Dear **Ms Sierra Riviera**,

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.arisepartners.com
 Address : Danube Street No. 13 City P Country X
 City : City P / Zip Code : 12310
 Country : **AMS-X**
 ASEAN Jurisdiction(s) where Local Office(s) is(are) Established : Country X

Contact person : Ms Sierra Riviera
 Phone : +36 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

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 ATTCA (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 agricultural 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

អ៊ីមែលខាងលើនេះ បង្ហាញថា បណ្តឹងកែសម្រួលឡើងវិញរបស់អ្នកត្រូវបាន CA ទទួលយកហើយ។ នេះបញ្ជាក់ថា កន្លែងនេះ បណ្តឹងរបស់អ្នកនឹងត្រូវបញ្ជូនទៅឱ្យចំណុចទំនាក់ទំនងនៃប្រទេសគោលដៅ (DCP) ដែលជាទីភ្នាក់ងាររដ្ឋាភិបាល (អ្នកទំនាក់ទំនងផ្នែក ASSIST) នៅក្នុង AMS-Y ជាទីកន្លែងដែលអ្នកកំពុងជួបប្រទះបញ្ហាពាណិជ្ជកម្ម និងជាទីដែលអ្នកដាក់ពាក្យបណ្តឹងទៅកាន់ និងស្វែងរកដំណោះស្រាយពីប្រទេសនេះ។ DCP នៅក្នុង AMS-Y នឹងត្រូវទុកពេលឱ្យ ១០ថ្ងៃ (ថ្ងៃធ្វើការ) ដើម្បីធ្វើការពិនិត្យពាក្យបណ្តឹង និងសម្រេចថា តើទទួលយក ច្រានចោល ឬត្រឡប់ទៅអ្នកវិញដើម្បីស្នើសុំព័ត៌មានបន្ថែម។ ធ្វើដូច្នេះគឺទុកពេលវេលាឱ្យ DCP ពិនិត្យព័ត៌មានលម្អិតអំពីបណ្តឹង និងពិគ្រោះយោបល់ដែលចាំបាច់ ជាមួយអាជ្ញាធរជាតិដែលពាក់ព័ន្ធ។

ចំណុចទំនាក់ទំនងនៃប្រទេសដើម ដែលជាទីភ្នាក់ងាររដ្ឋាភិបាល (អ្នកទំនាក់ទំនងផ្នែក ASSIST) នៅក្នុង AMS-X (ប្រទេសដើមរបស់អ្នក) ក៏ត្រូវបានជូនដំណឹងផងដែរថា អ្នកបានដាក់បណ្តឹងហើយ។

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ចូលទៅ Dashboard នៃគេហទំព័រ ASSIST របស់អ្នក ដោយប្រើកូដអ៊ីមែល និងលេខ ID បណ្តឹងដើម្បីមើលការឆ្លើយតបជាក់ស្តែងពីរដ្ឋបាលកណ្តាល។

ប្រសិនបើអ្នកចង់មើលចម្លើយពេញលេញពី CA អ្នកចាំបាច់ត្រូវចុះឈ្មោះចូលទៅកាន់ dashboard របស់អ្នកនៅលើគេហទំព័រ ASSIST ដោយប្រើកូដអ៊ីមែលរបស់អ្នក និងលេខ ID បណ្តឹង ដូចបានបង្ហាញនៅក្នុងជំហាន 11(ក) និង (ខ) ខាងលើ។

ខាងក្រោមនេះ គឺជាប្រភពនៃ dashboard ។ ដូចដែលអ្នកអាចមើលឃើញ ចំណាត់ការមួយផ្សេងទៀត ទើបតែត្រូវបានបន្ថែមទៅក្នុង "History" របស់អ្នក ដែលបញ្ជាក់ថា CA បាន "ទទួលយក" បណ្តឹងរបស់អ្នក។



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WELCOME TO ASSIST

WHAT IS ASSIST?

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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	Received	ASEAN-based Enterprise	
02/11/2018 16:10:12	Submitted	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		
Type of Business	Export/Import	Destination Country	AMS-Y
Description	We are a registered law firm in AMS-X filing a complaint under ASSIST on behalf of our client, a duly registered palm oil company in AMS-X. The complaint is in relation to the new excise duty imposed by AMS-Y (the Destination Contact Point or DCP) on palm oil and food products containing palm oil under its Ministry of Health's Food Regulation Chapter 1000, Section 100 of 2015. The measure adopted by AMS-Y introduced taxes on foods high in sugar and saturated fat as part of a strategy for addressing the rising problem of obesity in AMS-Y. We are of the view that AMS-Y's measure expressly targeted palm oil and not just the saturated fat component of palm oil and of products containing palm oil, thereby discriminating against palm oil and demonizing 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 Rangkapan - Jakarta 12110 - Indonesia

ASSIST - Supported by ARISE - (Disclaimer)

សូមចូលលើនីមិត្តសញ្ញាកែវពង្រីកនៅក្នុងប្រអប់អធិប្បាយ។ ចម្លើយតបពេញលេញពី CA នឹងបង្ហាញឡើង ដូចដែលអ្នកឃើញខាងក្រោមនេះ៖

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.

ដូចដែលបានប្រាប់នៅក្នុងជំហានទី១៥ នៅពេលដែល CA ទទួលយកបណ្តឹងរួចហើយបណ្តឹងនោះនឹងបញ្ជូនទៅ កាន់កន្លែងទំនាក់ទំនងនៃប្រទេសគោលដៅ (DCP) នៅក្នុង AMS-Y ជាទីកន្លែងដែលអ្នកកំពុងជួបប្រទះនឹង បញ្ហាពាណិជ្ជកម្ម។ DCP នៅក្នុង AMS-Y នឹងត្រូវផ្តល់ពេលឱ្យ ១០ថ្ងៃ (ថ្ងៃធ្វើការ) ដើម្បីពិនិត្យមើលបណ្តឹងរបស់ អ្នក រួចហើយសម្រេចថា តើទទួលយក ឬប្រានបោល។ ធ្វើដូច្នេះ ក៏ទុកពេលឱ្យ DCP ពិនិត្យសេចក្តីលម្អិតនៃ បណ្តឹង រួចហើយពិគ្រោះជាមួយអាជ្ញាធរជាតិពាក់ព័ន្ធ ប្រសិនបើចាំបាច់។ នៅពេល DCP ឆ្លើយតប អ៊ីមែលនឹង បញ្ជូនទៅអ្នកចេញព្រឹត្តិប័ត្រ ASSIST ដោយជូនដំណឹងអ្នកអំពីថា តើបណ្តឹងរបស់អ្នកត្រូវបានទទួលយក ឬ ប្រានបោលដោយ DCP នៅក្នុង AMS-Y។ ចូរពិនិត្យមើលគណនីអ៊ីមែលរបស់អ្នកឱ្យបានជាប្រចាំក្នុងរយៈពេល ១០ ថ្ងៃនេះ បន្ទាប់ពីទទួលបានចម្លើយពី CA ដែលប្រាប់ថា បណ្តឹងរបស់អ្នកត្រូវបានទទួលយករួចហើយ។ នៅទី បំផុត អ្នកនឹងទទួលបានអ៊ីមែលថ្មីមួយទៀតពី ASSIST។

នៅក្នុងរយៈពេល ១០ថ្ងៃ (ថ្ងៃធ្វើការ) បន្ទាប់ពីទទួលបានការឆ្លើយតបពី CA ថាបណ្តឹងរបស់អ្នកត្រូវបានទទួល យក អ្នកនឹងទទួលបានអ៊ីមែលមួយដូចខាងក្រោមនេះ ដែលប្រាប់ថា បណ្តឹងរបស់អ្នកត្រូវបានទទួលយក ឬ ប្រានបោលដោយ DCP នៅក្នុង AMS-Y។
ប្រសិនបើនៅខណៈនេះ DCP ពុំមានចំណាត់ការអ្វីទេ នោះ DCP នឹងទទួលបានសាររំលឹកដោយស្វ័យប្រវត្តិដូច ខាងក្រោមនេះ តាមរយៈអ៊ីមែល ព្រឹត្តិប័ត្រអនឡាញរបស់ ASSIST ក្នុងរយៈពេល ៧ ថ្ងៃ (ថ្ងៃប្រតិទិន) បន្ទាប់ពី បណ្តឹងត្រូវបានទទួលយកដោយ CA។ ដូចដែលបានបង្ហាញខាងលើ DCP ត្រូវតែសម្រេចចិត្តថា តើទទួលយក ឬ ប្រានបោលបណ្តឹង នៅក្នុងរយៈពេល ១០ថ្ងៃ (ថ្ងៃធ្វើការ) នៅពេលដែល CA បានទទួល បណ្តឹង។

សារព្រឹត្តិការណ៍អ៊ីមែលទី១ សម្រាប់ចំណុចទំនាក់ទំនងនៃប្រទេសគោលដៅ៖

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

[ASSIST] Complaint #18120181102 reminder for DCP

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

Sat, Nov 3, 2018 at 6:00 AM

 **ASSIST**
ASEAN Solutions for Investments, Services and Trade

Action is required by the DCP AMS-Y for the complaint:
18120181102

Thanking you, ASSIST is at your service.

assist.asean.org

សូមជូនដំណឹងអ្នកដែលរស់នៅក្នុងប្រទេស ១០ ថ្ងៃ (ថ្ងៃធ្វើការ) បន្ទាប់ពីទទួលបានការឆ្លើយតបពី CA ថា បណ្តឹងរបស់អ្នកត្រូវបានទទួលយក។ នៅទីបំផុត អ្នកនឹងទទួលបានអ៊ីមែលថ្មីមួយពី ASSIST។

 ASEAN Lawyer <aseanlawyer@igmail.com>

[ASSIST] Your complaint #18120181102 is accepted by DCP

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

Sun, Nov 4, 2018 at 4:50 AM

 **ASSIST**
ASEAN Solutions for Investments, Services and Trade

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**.

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**.

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 will be promptly notified of the proposed solution by the Destination Country through ASSIST.

ASEAN Enterprise / Trade Association / Law Firm : ARISE & Partners (type Law)
Company size
Phone : +36 1 7553572
Website : www.arisepartners.com
Address : Danube Street No. 13 City P Country X
City : City P / Zip Code : 12310
Country : **AMS-X**
ASEAN Jurisdiction(s) where Local Office(s) is(are) Established : Country X

Contact person : Ms. Sierra Riviera
Phone : +36 7878137668
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 : 13791
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 *AgriLink*™ products manufactured or sold in AMS-Y (i.e., food products containing saturated fats deriving from soy, sunflower, rapeseed, corn, peanut or animal fat).

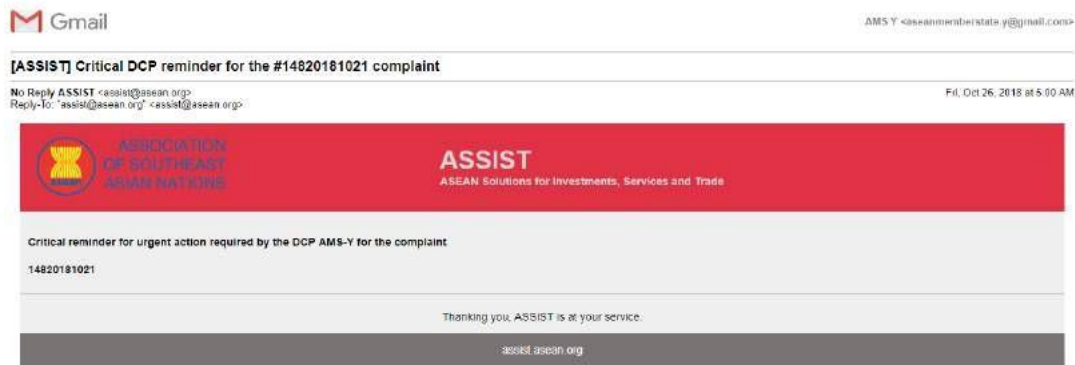
Thanking you, ASSIST is at your service.

assist.asean.org

នៅក្នុងករណីនេះ បណ្តឹងត្រូវបាន **ទទួលយក** ដោយ DCP ដូចដែលអ្នកអាចមើលឃើញនៅខាងលើ។

ប្រសិនបើអ្នកមិនទទួលបានអ៊ីមែលពី ASSIST ស្តីពីការឆ្លើយតបពី DCP នៅក្នុងពេលវេលាដែលបានតម្រូវ (១០ ថ្ងៃ នៃថ្ងៃធ្វើការ) បន្ទាប់ពី CA បានទទួលយកបណ្តឹងរួចហើយ ទេនោះ នេះមានន័យថា DCP មានចំណាត់ការយឺតយ៉ាវ។ DCP នឹងទទួលសារព្រឹត្តិការណ៍ស្តីពីប្រតិបត្តិការទៅតាមរយៈអ៊ីមែល (១៤ ថ្ងៃ នៃថ្ងៃប្រតិទិន បន្ទាប់ពីបណ្តឹងត្រូវបានដាក់) ដែលព្យួរថា DCP ចាំបាច់ត្រូវមានចំណាត់ការជាបន្ទាន់សម្រាប់បណ្តឹងនេះ។

សារព័ត៌មានអ៊ីមែល ទី២ សម្រាប់ចំណុចទំនាក់ទំនងនៃប្រទេសគោលដៅ ៖



នៅពេលដែល DCP ទទួលយកបណ្តឹង សំណុំរឿងនេះត្រូវបានបញ្ជូនបន្តទៅឱ្យអាជ្ញាធរពាក់ព័ន្ធ (RAs) ដើម្បីសម្រេចយោបល់។ នៅពេលដែល RAs ពិនិត្យរួចហើយ DCP ក៏ត្រូវបានផ្ញើទៅលើដំណោះស្រាយ និងផ្តល់ដំណោះស្រាយនោះទៅឱ្យ CA ក្នុងរយៈពេល ៤០ ថ្ងៃ (ថ្ងៃធ្វើការ) ជាក់ហ៊ុត។ ដូច្នេះ ដើម្បីបំពេញតាមកាលបរិច្ឆេទកំណត់នេះ DCP ត្រូវដាក់កំហុសពេលវេលាដល់ RAs សម្រាប់ស្វែងរកដំណោះស្រាយ។ DCP មានទំនួលខុសត្រូវក្នុងការជូនដំណឹងទៅ CA អំពីការផ្លាស់ប្តូរណាមួយ ទាក់ទងនឹងពេលវេលា រវាងខ្លួន និងអាជ្ញាធរជាតិ ។

CA អាចពន្យារពេលនៃកាលបរិច្ឆេទកំណត់នេះ បាន ២០ ថ្ងៃ (ថ្ងៃធ្វើការ) នៅពេលមានការស្នើសុំពី DCP។ ប្រព័ន្ធនឹងជូនដំណឹងដោយស្វ័យប្រវត្តិនៅពេលកាលបរិច្ឆេទកំណត់ខិតជិតមកដល់ (ឧទាហរណ៍ ជាទូទៅ ១០ ថ្ងៃ(ថ្ងៃប្រតិទិន)នៅមុនកាលបរិច្ឆេទកំណត់ចូលមកដល់) ។ ប្រសិនបើ DCP ហួសកាលបរិច្ឆេទកំណត់ក្នុងការផ្ញើដំណោះស្រាយឱ្យទៅ CA ប្រព័ន្ធអនឡាញនឹងជូនដំណឹងទៅ CA ដើម្បីឱ្យទំនាក់ទំនងសួរទៅ DCP។

ចូរពិនិត្យអ៊ីមែលរបស់អ្នកជាប្រចាំ ក្នុងរយៈពេល ៤០+២០ ថ្ងៃ (ថ្ងៃធ្វើការ) បន្ទាប់ពីអ្នកត្រូវបានជូនដំណឹងថា DCP បានទទួលយកបណ្តឹងរបស់អ្នករួចមក។ នៅទីបំផុត អ្នកនឹងទទួលបានអ៊ីមែលថ្មីមួយ ពី ASSIST ដែលបង្ហាញពីដំណោះស្រាយដែលស្នើឡើងដោយ DCP។

ជំហាន
18

ទទួលការជូនដំណឹងតាមអ៊ីមែលពី ASSIST ថា ដំណោះស្រាយត្រូវបានស្នើឡើងដោយ AMS-Y និងថា រដ្ឋបាលកណ្តាលបានទទួលដំណោះស្រាយនោះហើយ

- បន្ទាប់ពី DCP (AMS-Y) ទទួលបានសំណើដំណោះស្រាយពី RAs របស់ខ្លួន និងយល់ឃើញថា សំណើនោះឆ្លើយចំទៅនឹងបញ្ហាដែលលើកឡើងដោយដើមបណ្តឹង DCP នឹងផ្តល់សំណើដំណោះស្រាយនោះទៅឱ្យ CA។
- CA នឹង៖ (១) ពិនិត្យទៅលើដំណោះស្រាយនេះក្នុងបរិបទនៃបណ្តឹងដើម (២) ចុះបញ្ជីដំណោះស្រាយនេះ និងផ្ញើទៅឱ្យ AE តាមអ៊ីមែល និង (៣) ចម្លងដំណោះស្រាយនេះ ជូនទៅចំណុចទំនាក់ទំនងនៃប្រទេសដើម/HCP នៅក្នុង AMS-X (ប្រទេសដើមរបស់អ្នក)។
- (ក) សូមចូលទៅមើលគណនីអ៊ីមែលរបស់អ្នក។ អ្នកនឹងទទួលបានអ៊ីមែលថ្មីមួយ ពី ASSIST ដែលបង្ហាញពីការឆ្លើយតបទៅនឹងបណ្តឹងរបស់អ្នកពីសំណាក់ 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 AM



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 RAs, it emerges that, indeed, the measure adopted by AMS-Y imposing increased excise duties to a range of foods high in sugar and saturated fat, is aimed at discouraging excessive consumption of substances considered dangerous under AMS-Y's strategy for addressing the rising problem of obesity among its citizens. This is in line with similar actions taken by several countries around the world and with the World Health Organization's Global Action Plan for the Prevention and Control of Non-Communicable Diseases 2013-2020, such as diabetes and obesity. However, AMS-Y recognizes that the measure did single-out certain products (i.e., inter alia, palm oil) and did not target, in a 'neutral manner', the substances (i.e., saturated fats) that the Government considers dangerous (if consumed in excess) from a dietary and health policy perspective. Therefore, the DCP, in coordination with AMS-Y's RA, proposes the immediate suspension of the measure contained in its Ministry of Health's Food Regulation of 2015, Chapter 1000, 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/user/login> by using your email / tracking ID.

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

☐ Yes / ☐ No

ASEAN Enterprise / Trade Association / Law Firm : ARISE & Partners (type Law)
Company size
Phone : +96 1 7653572
Website : www.arisepartners.com
Address : Danube Street No. 13 City P Country X
City : City P / **Zip Code :** 12310
Country : AMS-X
ASEAN Jurisdiction(s) where Local Office(s) is/are Established : Country X

Contact person : Ms Sierra Riviera
Phone : +96 7878127686
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 : 13791
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

- (ខ) ចូរបើក dashboard នៅលើគេហទំព័រ ASSIST របស់អ្នក ដោយប្រើប្រាស់អ៊ីមែល និងលេខ ID តាមដានរបស់អ្នក ដូចបានណែនាំនៅក្នុងជំហានទី11(ក) និង(ខ) ខាងលើ។ ខាងក្រោមនេះ ជាប្រភាពបង្ហាញពី dashboard របស់អ្នក។ ដូចដែលអ្នកអាចមើលឃើញ ចំណាត់ការមួយទៀតទើបតែត្រូវបានបន្ថែមទៅក្នុង 'History' របស់អ្នក ដែលបង្ហាញថា ដំណោះស្រាយចំពោះបណ្តឹងរបស់អ្នកបានត្រូវស្នើឡើងវិញហើយ។ ដំណោះស្រាយពេញលេញពី DCP ដែលត្រូវបានទទួលយកដោយ CA ក៏ត្រូវបានផ្តល់នៅក្នុងកថាខណ្ឌទីមួយ នៃ dashboard របស់អ្នកផងដែរ។



ASSIST
ASEAN Solutions for Investments, Services and Trade

WELCOME TO ASSIST

WHAT IS ASSIST?

MY COMPLAINT

LOGOUT

PROCESS

FAQ

CONTACT

DISCLAIMER

Tracking ID #18120181102 / AMS-Y

ASSIST Solution

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

Attachment

History

Date	Action	Action By	Comments
04/11/2018 05:21:49	Solution	Central Administrator of ASSIST	Upon internal discussions between the DCP and the RAs, it emerges that, indeed, the measure adopted by AMS-Y, imposing increased excise duties to a range of foods high in sugar and saturated fat, is aimed at discouraging excessive consumption of substances considered dangerous under AMS-Y's strategy for addressing the rising problem of obesity among its citizens. This is in line with similar actions taken by several countries around the world and with the World Health Organization's Global Action... ↗
02/11/2018 18:31:54	Accepted	Central Administrator of ASSIST	Thank you for the completion or revision of your complaint. The Central Administrator has verified that the complaint is now complete, with the submission of the following documents: (i) AMS-Y's Ministry of Health's Regulation of 2015, Chapter 1000, Section 100, and (ii) Legal Brief on the Complaint. Thus, the Central Administrator finds that the nature of your complaint falls within the scope of ASSIST and that you have fulfilled all the necessary requirements to file a complaint under ASSIST. ↗
02/11/2018 16:52:15	Revised	ASEAN-based Enterprise	
02/11/2018 16:10:12	Incomplete	Central Administrator of ASSIST	Dear Ms. Sierra Rivera, Thank you for lodging your complaint under ASSIST. In order to properly assess your complaint and determine its eligibility under ASSIST, the Central Administrator of ASSIST (i.e. the ASEAN Secretariat or CA) requests additional information. In particular, the CA requests that your complaint be re-submitted together with information on the AMS-Y measure that is allegedly inconsistent with the ATIGA (i.e. AMS-Y's Ministry of Health's Regulation... ↗
02/11/2018 12:18:35	Initial Complaint	ASEAN-based Enterprise	Email Confirmed
02/11/2018 12:18:02	New	ASEAN-based Enterprise	

ASEAN ENTERPRISE

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

CONTACT PERSON

First Name	Sierra	Address	Danube Street No. 13 City P Country X
Last Name	Rivera	City	City P
Phone	+36 7678137686	ZIP Code	12310
Position	Senior Associate	Country	AMS-X
Email	aseanfanvorb@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 Rivera.pdf	Destination Country	AMS-Y
Type of Business	Export/Import		
Description	We are a registered law firm in AMS-X filing a complaint under ASSIST on behalf of our client, a duly registered palm oil company in AMS-X. The complaint is in relation to the new excise duty imposed by AMS-Y (the Destination Contact Point or DCP) on palm oil and 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. Sisinganengaraja - Jakarta 12110 - Indonesia
ASSIST - Supported by ARISE - (Disclaimer)

ខាងក្រោមនេះ គឺជាសំណើដោះស្រាយពី DCP:

“នៅពេលពិភាក្សាផ្ទៃក្នុងរវាង DCP និង RAs យើងរកឃើញថា តាមពិតទៅ វិធានការដែលអនុម័តដោយ AMS-Y ដែលបង្កើនពន្ធទៅលើចំណីអាហារជាច្រើនមុខ ដែលមានជាតិស្ករនិងខ្លាញ់ខ្ពស់ គឺក្នុងគោលបំណងកាត់បន្ថយការប្រើប្រាស់ហួសប្រមាណនូវសារធាតុនានាដែលគេគិតថាមានគ្រោះថ្នាក់ចំពោះសុខភាព នៅក្រោមយុទ្ធសាស្ត្ររបស់ AMS-Y ដើម្បីដោះស្រាយបញ្ហាជំងឺធាត់ដែលកាន់តែកើនឡើង នៅក្នុងចំណោមប្រជាពលរដ្ឋរបស់ខ្លួន។ វិធានការនេះ គឺស្របទៅតាមសកម្មភាពស្រដៀងគ្នានេះដែរ ដែលប្រទេសជាច្រើននៅលើពិភពលោកបានអនុវត្ត និងស្របទៅតាមផែនការសកម្មភាពសាកលរបស់អង្គការ សុខភាពពិភពលោក ដើម្បីទប់ស្កាត់និងគ្រប់គ្រងជំងឺមិនឆ្លង ឆ្នាំ២០១៣-២០១០ ដូចជា ជំងឺទឹកនោមផ្អែម និងជំងឺធាត់។ ប៉ុន្តែ AMS-Y ទទួលស្គាល់ថា វិធានការពិតជាបានដៅចំណុះនូវផលិតផលជាក់លាក់មួយចំនួន (ជាអាទិ៍ ប្រេងដូង) និងមិនសំដៅ ‘ក្នុងលក្ខណៈអព្យាក្រឹត’ទៅលើសារធាតុនានា (ដូចជា ខ្លាញ់) ដែលរដ្ឋាភិបាលចាត់ទុកថាគ្រោះថ្នាក់ (ប្រសិនបើបរិភោគហួសប្រមាណ) ផ្អែកតាមទស្សនវិស័យរបបចំណីអាហារ និងគោលនយោបាយសុខភាព។”

ដូច្នេះ DCP ដោយសម្របសម្រួលជាមួយ RA នៃ AMS-Y សូមស្នើឱ្យមានការផ្អាកជាបន្ទាន់នូវវិធានការដែលមានចែងនៅក្នុងបញ្ញត្តិស្តីពីចំណីអាហារ ឆ្នាំ២០១៥ ជំពូក ១០០០ ផ្នែកទី១០០ របស់ក្រសួងសុខាភិបាល របស់ខ្លួន ដោយរង់ចាំការធ្វើវិសោធនកម្មដើម្បីលុបចោលនូវការនិយាយយោងទៅរកផលិតផលជាក់លាក់ និងការអនុវត្តចំពោះតែផលិតផលដែលមានជាតិខ្លាញ់ច្រើន ដោយមិនគិតពីប្រភពដើមមកពីបន្លែ ឬសត្វ។ AMS-Y គូសបញ្ជាក់ថា វិធានការរបស់ខ្លួនមិនមានចេតនាបង្កឱ្យមានផលប៉ះពាល់វិសេសនោះទេ ទោះតាមផ្លូវច្បាប់ក្តី តាមព្រឹត្តិស័យក្តី ដោយឈរលើមូលដ្ឋានវិទ្យាសាស្ត្រ និងដោយគិតគូរដល់ការការពារសុខភាព និងអនុវត្តចំពោះគ្រប់ផលិតផល “ដូចគ្នា” ទាំងអស់ ដែលមានផ្ទុកជាតិខ្លាញ់ច្រើនលើសកម្រិត។

- (ក) នៅខាងក្រោមនៃអ៊ីមែលពី ASSIST នៅក្នុងជំហាន 18(ក)ខាងលើ អ្នកត្រូវបានស្នើឱ្យបញ្ជាក់ថា តើអ្នកពេញចិត្ត ឬមិនពេញចិត្តចំពោះចម្លើយដែលបានផ្តល់ដោយ DCP និងដំណោះស្រាយដែលមាននៅក្នុងចម្លើយនោះ។ អ្នកអាចជ្រើសរើសយកពាក្យថា “Yes” ឬ “No” ដែលបានផ្តល់ឱ្យ។

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:

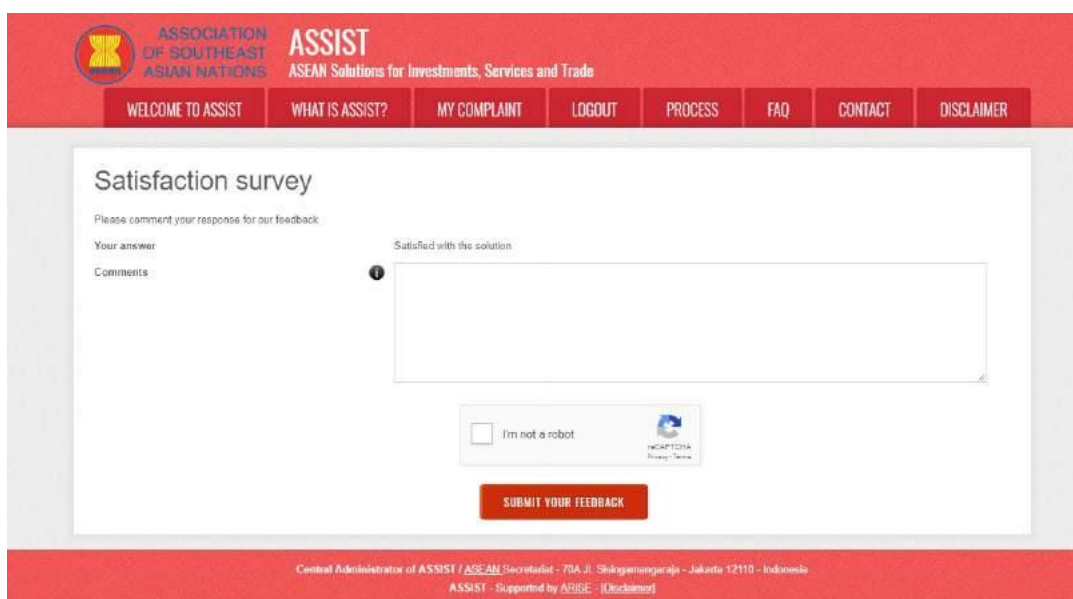
☒ Yes / ☐ No

នៅក្នុងករណីនេះ AE ជ្រើសរើសយក “Yes”។

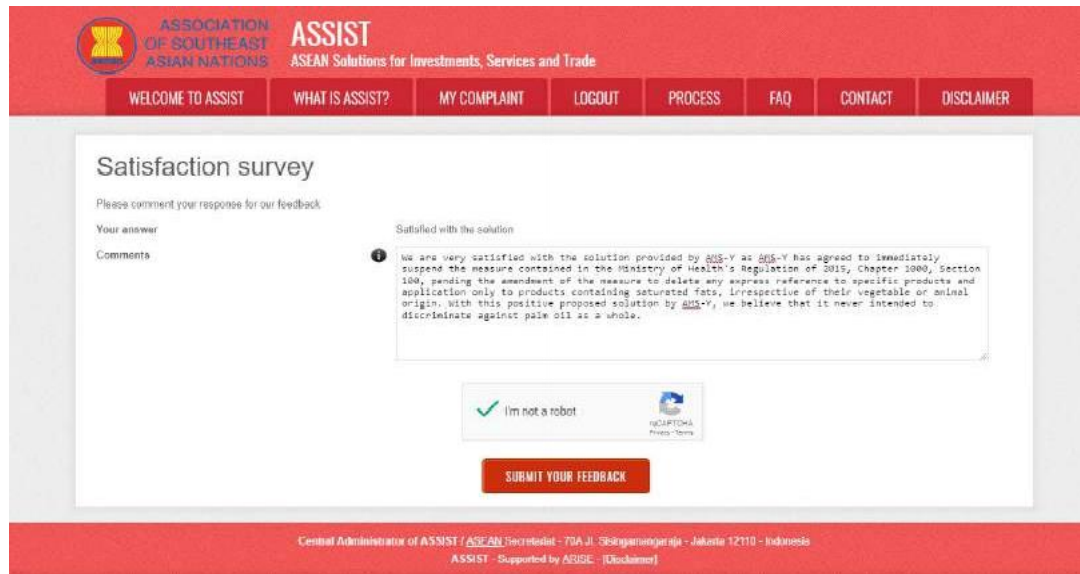
ជំហាន
19

ផ្តល់មតិគ្រលប់របស់អ្នកចំពោះដំណោះស្រាយដែលស្នើឡើងដោយ AMS-Y នៅក្នុងការស្ទង់មតិការពេញចិត្ត និងទទួលអ៊ីមែលទទួលស្គាល់ ពី ASSIST

កាលណាអ្នកជ្រើសរើស “Yes/No” នៅក្នុងជំហានទី១៨(ក)ខាងលើរួចហើយ អ្នកនឹងត្រូវនាំទៅរកទំព័រមួយ ដូចបង្ហាញខាងក្រោមនេះ ដែលនៅលើទំព័រនោះអ្នកនឹងត្រូវស្នើឱ្យឆ្លើយសំណួរស្ទង់មតិអំពីការពេញចិត្ត ឬមិនពេញចិត្តរបស់អ្នក និងផ្តល់យោបល់របស់អ្នក ជាពិសេស ប្រសិនបើអ្នកមិនពេញចិត្តចំពោះចម្លើយ/ដំណោះស្រាយដែលបានស្នើឡើង។

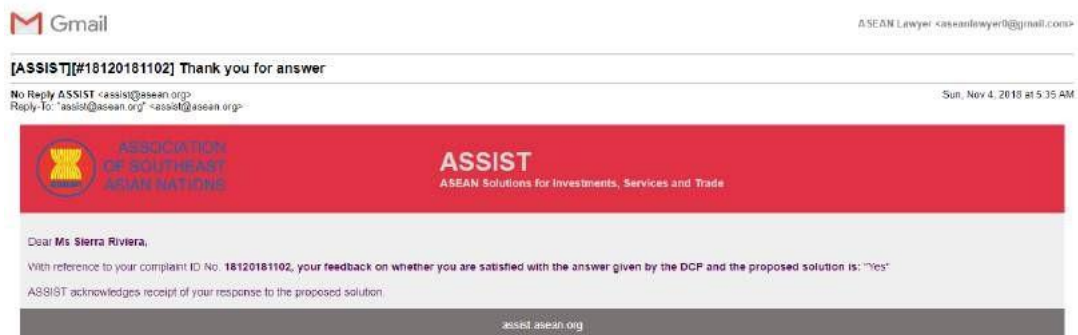


- (ក) ចូរបំពេញការស្ទង់មតិ។ ក្នុងករណីនេះ សមាគមពាណិជ្ជកម្មអាស៊ាន ពេញចិត្តចំពោះដំណោះស្រាយ/ការឆ្លើយតបដែលផ្តល់ដោយ ASSIST ដូច្នេះ បានបញ្ជាក់ថាពេញចិត្ត។



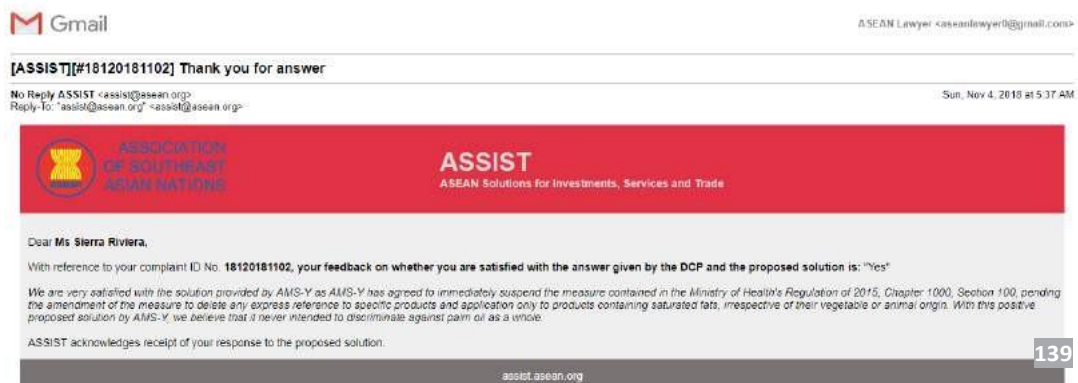
The screenshot shows the ASSIST Satisfaction Survey form. At the top, there is a header with the ASEAN logo and the text 'ASSIST ASEAN Solutions for Investments, Services and Trade'. Below this is a navigation bar with links: 'WELCOME TO ASSIST', 'WHAT IS ASSIST?', 'MY COMPLAINT', 'LOGOUT', 'PROCESS', 'FAQ', 'CONTACT', and 'DISCLAIMER'. The main content area is titled 'Satisfaction survey' and asks the user to 'Please comment your response for our feedback'. There are three input fields: 'Your answer', 'Comments', and a text area. The 'Your answer' field contains the text 'Satisfied with the solution'. The 'Comments' field contains a detailed comment about the solution provided by AMS-Y. Below the input fields is a 'SUBMIT YOUR FEEDBACK' button. At the bottom of the form, there is a footer with the text 'Central Administration of ASSIST / ASEAN Secretariat - TDA Jl. Sekeloa Utama No. 1 Jakarta 12110 - Indonesia' and 'ASSIST - Supported by ARIDE - [Disclaimer]'.

- (ខ) សូមចូលទៅកាន់កណ្តាលអ៊ីមែលរបស់អ្នក ។ អ្នកនឹងទទួលបានអ៊ីមែលថ្មីមួយ ឬពីរ (ប្រសិនបើអ្នកបានបំពេញបែបបទស្ទង់មតិ) ពី ASSIST ដែលទទួលស្គាល់ពីការទទួលបានការឆ្លើយតបរបស់អ្នកចំពោះដំណោះស្រាយដែលបានស្នើឡើង ដោយ AMS-Y។ ចម្លើយរបស់អ្នកក៏នឹងត្រូវបានផ្ញើទៅ DCP និង HCP ផងដែរ។
- អ៊ីមែលទទួលស្គាល់ថ្មីមួយ ពី ASSIST**



អ៊ីមែលទទួលស្គាល់ទីពីរ ពី ASSIST

ប្រសិនបើអ្នកបានផ្តល់អធិប្បាយនៅលើទម្រង់ស្ទង់មតិ អ្នកនឹងទទួលបានអ៊ីមែលទីពីរដូចខាងក្រោម ដែលទទួលស្គាល់ការទទួលបានចម្លើយរបស់អ្នក ចំពោះដំណោះស្រាយដែលបានស្នើឡើង ដែលនឹងត្រូវផ្ញើចេញដោយ ASSIST ទៅឱ្យអ្នក, DCP និង HCP។



- (ក) ចូរបំពេញទម្រង់ដើម្បីចូលទៅប្រើ dashboard របស់អ្នកនៅលើ ASSIST ដោយប្រើអ៊ីមែល និងលេខ ID បណ្តឹង របស់អ្នក ដូចបានណែនាំនៅក្នុងជំហានទី១១(ក) និង(ខ)ខាងលើ។ ខាងក្រោមនេះ ជាប្រភាពនៃ dashboard របស់អ្នក។ ដូចដែលអ្នកអាចមើលឃើញ ចំណាត់ការមួយទៀតត្រូវបានបន្ថែមទៅក្នុង “History” របស់អ្នក ដែលបង្ហាញថា អ្នកបានបញ្ជាក់ពីការពេញចិត្តចំពោះដំណោះស្រាយដែលបានស្នើឡើង ដោយ ASSIST។



ASSOCIATION
OF SOUTHEAST
ASIAN NATIONS

ASSIST

ASEAN Solutions for Investments, Services and Trade

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

Tracking ID #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 06:21:49	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	Unacceptable	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	Address	Danube Street No. 13 City P Country X
Company Size		City	City P
Phone	+36 1 7653572	ZIP Code	12310
Website	www.arise&partners.com	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	arise.lawyer0@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 Saragaja - Jakarta 12110 - Indonesia
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(ឃ) ប្រសិនបើអ្នកចង់ឃើញអធិប្បាយរបស់អ្នក ដែលអ្នកទើបតែបានផ្តល់នៅក្នុងទម្រង់ស្តង់ដារ សូមចូលលើ នីមិត្តសញ្ញាកែវពង្រីក បន្ទាប់មក អេក្រង់ខាងក្រោមនេះនឹងផុសឡើង។



នៅពេលទទួលបានការជូនដំណឹងថា ដំណោះស្រាយមួយត្រូវបានស្នើឡើងទៅកាន់ AE ត្រូវបានទទួលយកថា ពេញចិត្តហើយ ពីសំណាក់មេធាវី/ក្រុមហ៊ុនមេធាវីអាស៊ាន DCP គួរតែបញ្ជូនការជូនដំណឹងអំពីការទទួលយកនេះ ទៅកាន់ RA(s) ដើម្បីធានាថា ការរៀបចំផ្នែករដ្ឋបាលដែលចាំបាច់ក្នុងការអនុវត្តដំណោះស្រាយនេះ ត្រូវបានធ្វើឡើងបានឆាប់រហ័សតាមដែលអាចធ្វើទៅបាន។

ASSIST នឹងចាត់ទុកនីតិវិធីនេះជានីតិវិធីមួយ ដែលបណ្តឹងត្រូវបានទទួលយក ហើយដំណោះស្រាយត្រូវបានផ្តល់ឱ្យដោយ DCP និងត្រូវបានទទួលយកដោយមេធាវី/ក្រុមហ៊ុនមេធាវីអាស៊ាន។

ចូរកត់សម្គាល់ថារយៈពេលសម្រាប់ការដោះស្រាយបញ្ហាឆ្លងដែន ដែលលើកឡើងនៅក្រោមប្រព័ន្ធ ASSIST គឺមិនលើសពី៤០ថ្ងៃ (ថ្ងៃធ្វើការ) ឬពីរខែ (ខែប្រតិទិន) (លើកលែងតែមានការព្រមព្រៀងគ្នាលើការពន្យារពេលបន្ថែមមិនលើសពី ២០ថ្ងៃ(ថ្ងៃធ្វើការ) គិតពីថ្ងៃដែលបណ្តឹងត្រូវបានទទួលយកដោយ DCP (ឧទាហរណ៍ រដ្ឋសមាជិកអាស៊ាន ដែលបណ្តឹងត្រូវបានប្តឹងប្រឆាំងទៅសមាជិកនោះ)។



ASSIST

មេរៀនមួយជំហានម្តងៗសម្រាប់ការពិសិក្សាទី ៤ (ពាណិជ្ជកម្មលើទំនិញ)

Photo credit: Rio Lecatompessy on Unsplash

បណ្តឹងដែលដាក់ដោយសហគ្រាសអាស៊ានមួយ ដែលបានទទួលយកដោយរដ្ឋបាលកណ្តាល និងចំណុចទំនាក់ទំនងនៃប្រទេសគោលដៅ ហើយដំណោះស្រាយត្រូវបានស្នើឡើងដោយចំណុចទំនាក់ទំនងនៃប្រទេសគោលដៅ និងដោយសហគ្រាសអាស៊ាន។

បរិយាយសង្ខេបអំពីសំណុំរឿង៖ សេណារីយ៉ូនេះជាករណីធ្វើគ្រាប់មួយត្រូវបានរៀបចំឡើងដើម្បីឆ្លុះបញ្ចាំង ម្តង ១ (ឬហៅថា ការផ្គត់ផ្គង់ក្នុងតំបន់) នៃពាណិជ្ជកម្មអន្តរជាតិលើសេវាកម្ម ដែល បានកំណត់និយមន័យនៅក្នុងកិច្ចព្រមព្រៀងគ្របដណ្តប់អាស៊ានស្តីពីសេវាកម្ម (AFAS) និងកិច្ចព្រមព្រៀងទូទៅស្តីពីពាណិជ្ជកម្មលើសេវាកម្ម (GATS) ថាជាការផ្គត់ផ្គង់សេវាកម្មមួយចេញពីដែនដីនៃប្រទេសមួយទៅកាន់ដែនដីនៃប្រទេសមួយផ្សេងទៀត ឬនិយាយម្យ៉ាងទៀតថា នៅក្នុងគ្រប់ករណីពាណិជ្ជកម្ម ដែលជាសេវាកម្មមួយផ្តល់នូវឆន្ទៈកាត់ព្រំដែន។ សេណារីយ៉ូនេះជាបណ្តឹងមួយត្រូវបានទទួលយកដោយរដ្ឋបាល កណ្តាលរបស់ ASSIST ថាបានធ្វើឡើងដោយត្រឹមត្រូវ និងមានសុពលភាពដោយដើមបណ្តឹង (ឧទាហរណ៍ មានភាពពេញលេញ និងស្ថិតនៅក្នុងដែនសមត្ថកិច្ចរបស់ ASSIST)

និងត្រូវបានទទួលយកដោយប្រទេសគោលដៅ ថាជាបញ្ហាមួយដែល

បញ្ជីតួអង្គ និងអក្សរកាត់៖

- ដើមបណ្តឹង = មេធាវី ឬក្រុមហ៊ុនមេធាវីអាស៊ាន
- លេខាធិការដ្ឋានអាស៊ាន = រដ្ឋបាលកណ្តាលរបស់ ASSIST (CA)
- ប្រទេសដើម = ចំណុចទំនាក់ទំនងនៅក្នុងប្រទេសដើម (HCP) នៅក្នុងរដ្ឋសមាជិកអាស៊ាន X (AMS-X)
- ប្រទេសគោលដៅ = ចំណុចទំនាក់ទំនងនៅប្រទេសគោលដៅ (DCP) នៅក្នុងរដ្ឋសមាជិកអាស៊ាន Y (AMS-Y)
- អាជ្ញាធរជាតិពាក់ព័ន្ធ = អាជ្ញាធរពាក់ព័ន្ធ (RAs)

រដ្ឋសមាជិកអាស៊ាននោះមានឆន្ទៈចូលរួមដោះស្រាយជា មួយដើមបណ្តឹងតាមរយៈ ASSIST ប្រាស្រ័យទាក់ទងជាមួយអាជ្ញាធរពាក់ព័ន្ធក្នុងស្រុក និងផ្តល់ដំណោះស្រាយដល់ដើមបណ្តឹងតាមរយៈ ASSIST។

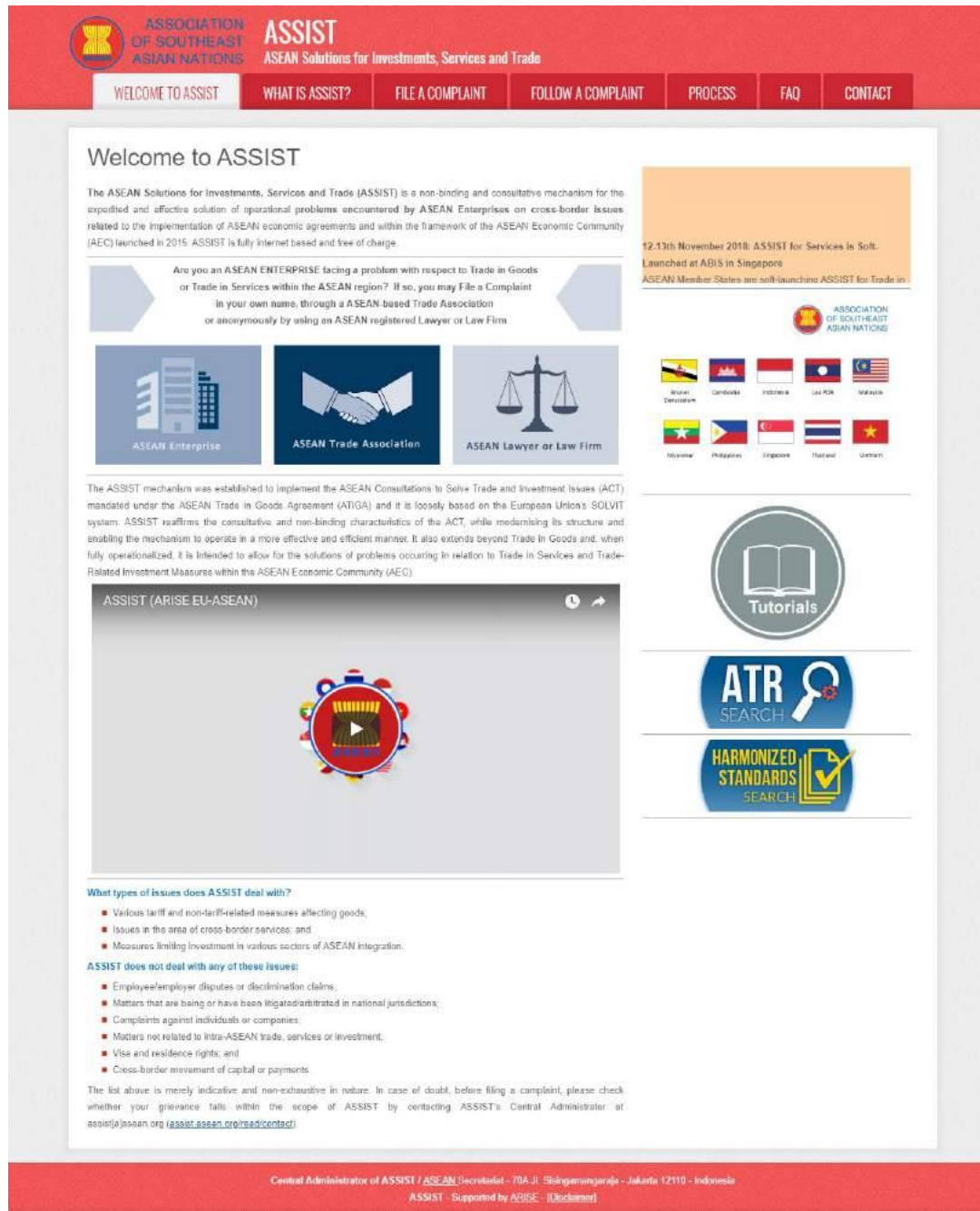
បណ្តឹងនេះទាក់ទងនឹងច្បាប់ដឹកជញ្ជូនថ្មីមួយ ដែលបានដាក់ចេញដោយប្រទេសគោលដៅ ឈ្មោះ ច្បាប់ក្រសួងពាណិជ្ជកម្ម លេខ ១៣ ឆ្នាំ២០១៨ ដែលចែងថា ទំនិញជាក់លាក់មួយចំនួនអាចដឹកជញ្ជូនសម្រាប់ការនាំចូល ឬការនាំចេញ បានតែជាមួយនឹងក្រុមហ៊ុនដឹកជញ្ជូនផ្លូវទឹករបស់ជាតិគេប៉ុណ្ណោះ។ ទំនិញ ៤មុខ (គឺ ដែក អាលុយមីញ៉ូម កៅស៊ូ និងកប្បាស) ស្ថិតក្នុងចំណោមមុខទំនិញ ដែលរាយនាមនៅក្នុងច្បាប់ដឹកជញ្ជូនថ្មីនេះ។ ច្បាប់ថ្មីនេះនឹងប្រាកដជាបណ្តាលឱ្យមុខជំនួញរបស់ដើមបណ្តឹង ខាតបង់ផ្នែកហិរញ្ញវត្ថុ ហើយនឹងទប់ស្កាត់ខ្លួនមិនឱ្យអាចផ្តល់សេវាដឹកជញ្ជូនផ្លូវទឹកទៅមករវាងប្រទេសដើម និងប្រទេសគោលដៅ។ ដើមបណ្តឹងព្រួយបារម្ភខ្លាំងណាស់ និងជឿជាក់ថា ការវិនិច្ឆ័យផ្នែកច្បាប់ថ្មីនេះគឺផ្ទុយទៅនឹងពាណិជ្ជកម្មសេរី ផ្ទុយនឹងស្មារតីនៃសហគមន៍សេដ្ឋកិច្ចអាស៊ាន (AEC) ហើយក៏អាចនឹងផ្ទុយផងដែរទៅនឹងការសន្យា និងកាតព្វកិច្ចជាក់លាក់របស់ប្រទេសគោលដៅនៅក្រោមកិច្ចព្រមព្រៀងសេដ្ឋកិច្ចអាស៊ានដែលពាក់ព័ន្ធ (ដូចជា កិច្ចព្រមព្រៀងគ្របដណ្តប់អាស៊ានស្តីពីសេវាកម្ម ឬ AFAS ផងដែរ)។

ជំហាន
1

ចូលទៅកាន់គេហទំព័រ ASSIST (<http://assist.asean.org>)

ប្រសិនបើអ្នកគិតថាសំណុំរឿងរបស់អ្នកគឺជាបញ្ហាមួយទាក់ទងនឹងបញ្ហាពាណិជ្ជកម្មក្នុងដែននៅក្នុងអាស៊ាន អ្នកគឺជាក្រុមហ៊ុនមួយដែលចុះបញ្ជីនៅក្នុងរដ្ឋសមាជិកអាស៊ានមួយ ហើយអ្នកត្រូវការសេវាកម្មពិគ្រោះយោបល់ដែលមិនចងកាតព្វកិច្ច ដោយឥតគិតថ្លៃ និងទទួលបានដំណោះស្រាយលឿន និងមានប្រសិទ្ធភាព ចូរចូលទៅកាន់ឈ្មោះនេះ៖ <http://assist.asean.org>

ខាងក្រោមនេះគឺជាគេហទំព័ររបស់ ASSIST



The screenshot shows the ASSIST website homepage. At the top is the ASEAN logo and the text 'ASSIST ASEAN Solutions for Investments, Services and Trade'. Below this is a navigation bar with links: 'WELCOME TO ASSIST', 'WHAT IS ASSIST?', 'FILE A COMPLAINT', 'FOLLOW A COMPLAINT', 'PROCESS', 'FAQ', and 'CONTACT'. The main content area is titled 'Welcome to ASSIST' and contains a paragraph explaining the mechanism. It also features a section titled 'Are you an ASEAN ENTERPRISE facing a problem with respect to Trade in Goods or Trade in Services within the ASEAN region?' with three options: '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 date announcement: '12.13th November 2018: ASSIST for Services is Soft-Launching at ATR in Singapore'. Further down, there are logos for ASEAN member states and a section for 'Tutorials', 'ATR SEARCH', and 'HARMONIZED STANDARDS SEARCH'. At the bottom, it lists the 'Central Administrator of ASSIST / ASEAN Secretariat - 70A Jl. Sisingamangaraja - Jakarta 12110 - Indonesia' and mentions 'ASSIST - Supported by ARISE - (Udackamer)'.

ជំហាន
2

រៀបចំសេចក្តីបណ្តឹង 'FILE A COMPLAINT' (និមិត្តសញ្ញា ASEAN Trade Association)

ប្រសិនបើអ្នកដាក់ពាក្យបណ្តឹងនៅក្រោមឈ្មោះក្រុមហ៊ុនផ្ទាល់ខ្លួនរបស់អ្នក (បណ្តឹងមិនមែនអនាមិក) ហើយអ្នកមិនត្រូវបានគាំពារដោយសមាគមពាណិជ្ជកម្មណាមួយដែលមានមូលដ្ឋាននៅក្នុងអាស៊ាននោះទេ ហើយក៏មិនមែនគណៈកម្មាធិការពាណិជ្ជកម្មផ្សេងទៀតណាមួយដែលអ្នកជ្រើសរើស ដូចជា សភាពាណិជ្ជកម្មក្រុមប្រឹក្សាធុរកិច្ច សហព័ន្ធធុរកិច្ច ឬមេធាវី ឬក្រុមហ៊ុនមេធាវីដែលចុះបញ្ជីទេនោះ ចូរអ្នកចុះនៅលើនិមិត្តសញ្ញា "ASEAN Enterprise" នៅលើផ្ទាំងសរសេរថា 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 - 73A Jl. Setiabudi - Jakarta 12110 - Indonesia
ASSIST - Supported by ASISE - [Disclaimers]

នៅពេលចុចលើនីមិត្តសញ្ញា “ASEAN Enterprise” ទំព័រខាងក្រោមនេះនឹងផុសឡើង។



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

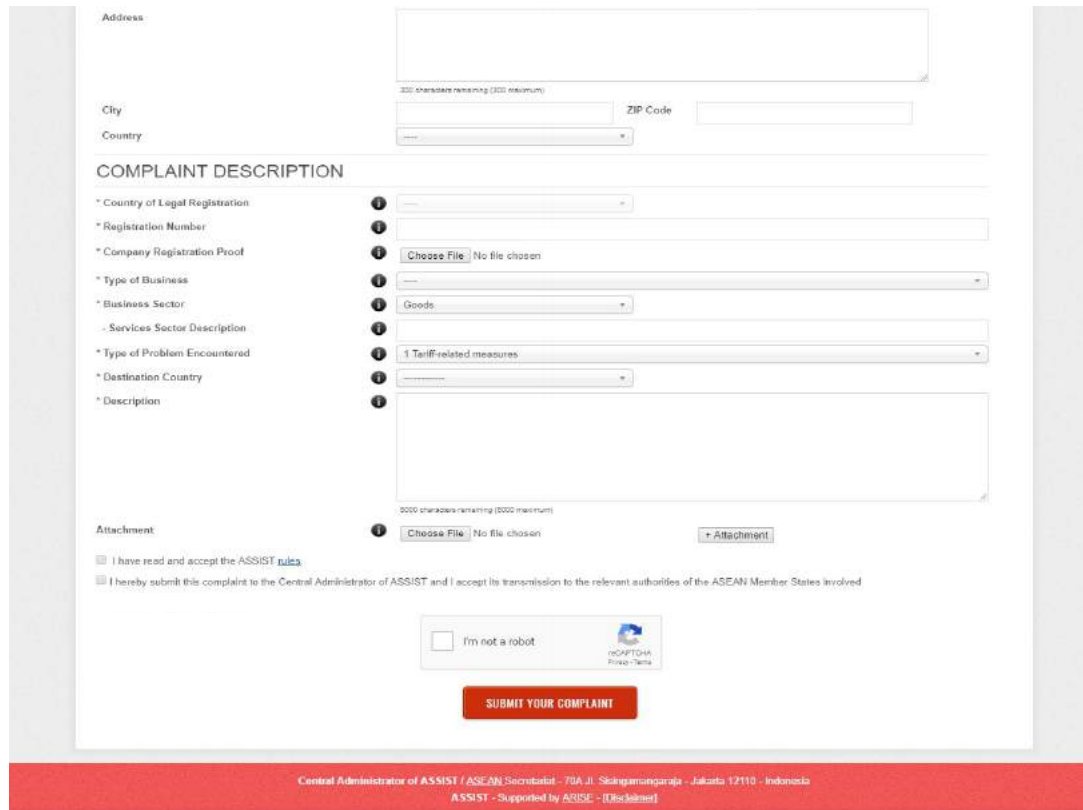
* Gender ☐ Mr ☐ Mrs ☐ Ms

* First Name * Last Name

* Phone

* Position

* Email



Address:

City: 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 - 78A Jl. Sekeloa Selatan 1 - Jakarta 12110 - Indonesia
ASSIST - Supported by ARISE - [Disclaimer]

ចូរបំពេញទម្រង់ខាងលើដើម្បីផ្តល់ជូន ASSIST នូវព័ត៌មានគ្រប់គ្រាន់អំពីបញ្ហាពាណិជ្ជកម្មដែលអ្នកកំពុងជួបប្រទះ។ ក្រុងកន្លែងណាដែលសម្គាល់ដោយសញ្ញា (*) គឺជាចាំបាច់ត្រូវតែបំពេញ។ ប្រសិនបើអ្នកមិនយល់ច្បាស់ថាត្រូវបំពេញអ្វីនៅក្នុងកន្លែងនីមួយៗ គឺមានប៊ូតុង ❶ នៅក្បែរដែលអាចចុចមើលការណែនាំលម្អិតអំពីអ្វីដែលត្រូវបំពេញ។ ចូរចុចលើប៊ូតុង ❶ នោះដើម្បីឱ្យប្រាកដថាអ្នកបំពេញព័ត៌មានបានត្រឹមត្រូវ នៅក្នុងទម្រង់នីមួយៗ។

អ្វីដែលសំខាន់បំផុត គឺត្រូវបំពេញនៅក្នុងកន្លែង “បរិយាយ” ឬ “Description”។ CA នឹងត្រូវផ្ទៀងផ្ទាត់ថាបរិយាយដែលផ្តល់ឱ្យនៅក្នុងបណ្តឹងគ្រប់គ្រាន់ដើម្បីកំណត់បញ្ហានៅក្នុងបរិបទនៃកិច្ចព្រមព្រៀងវិស័យនានាដែរឬទេ ដូច្នេះចូរបំពេញបណ្តឹងរបស់អ្នកឱ្យបានហ្មត់ចត់ដោយមានអង្គហេតុ និងភស្តុតាងជាក់ស្តែងច្បាស់លាស់ដើម្បីជួយ CA ក្នុងការសម្រេចចិត្តថាតើគេគួរទទួលយក ឬមិនទទួលបណ្តឹងនោះ។

ជំហាន
3

បំពេញទម្រង់បែបបទបណ្តឹង

ខាងក្រោមនេះគឺជាឧទាហរណ៍នៃបែបបទបណ្តឹងដែលបានបំពេញរួចរាល់សម្រាប់ករណីសិក្សាជាក់លាក់នេះ។



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



CONTACT

“យើងខ្ញុំជាក្រុមហ៊ុនដឹកជញ្ជូនចុះបញ្ជីស្របច្បាប់នៅក្នុង AMS-X។ យើងបានចុះកិច្ចព្រមព្រៀងដែលចង
កាតព្វកិច្ចពីរឆ្នាំគិតចាប់ពីខែមករា ឆ្នាំ២០១៨ មក ជាមួយក្រុមហ៊ុននាំចូល-នាំចេញមួយនៅក្នុង AMS-Y។
វិសាលភាពនៃកិច្ចព្រមព្រៀងគឺការនាំចេញដែក និងអាលុយមីញ៉ូមពី AMS-Y និងនាំចូលកៅស៊ូនិងកប្បាសពី
AMS-Y មកក្នុង AMS-X រីឯដោយប្រើប្រាស់នាវាដឹកជញ្ជូនរបស់យើង។ យើងបានព្រមព្រៀងគ្នាធ្វើកិច្ចការ
ជំនួញនាំចេញ-នាំចូលនេះ ដោយការដឹកជញ្ជូនទៅមកពីប្រទេស AMS-X និង AMS-Y ដោយប្រើប្រាស់នាវាដឹក
ជញ្ជូនតែមួយ។ គោលបំណងគឺដើម្បីសន្សំវិថីចំណាយលើថ្លៃប្រេងកន្លែង និងកម្លាំងកម្មករ ដោយមានទំនិញ
ផ្គុំកំពេញ ទាំងទៅ ទាំងមក ដូច្នេះ យើងអាចផ្តល់សេវាកម្មឆ្លងដែនដែលចំណាយតិច និងភាពប្រកួតប្រជែង
ដល់អភិវឌ្ឍន៍ ដែលមានមូលដ្ឋានទាំងនៅក្នុង AMS-X និង AMS-Y។

ថ្មីៗនេះ យើងបានដឹងថា AMS-Y បានដាក់ចេញនូវច្បាប់ដឹកជញ្ជូនថ្មីមួយ ឈ្មោះថា ច្បាប់ក្រសួងពាណិជ្ជកម្ម លេខ ១៣ ឆ្នាំ២០១៨ ដែលចែងថាទំនិញជាក់លាក់មួយចំនួនអាចដឹកជញ្ជូនសម្រាប់ការនាំចេញនាំចូលបានតែ ជាមួយក្រុមហ៊ុនដឹកជញ្ជូនផ្លូវទឹករបស់ជាតិតែប៉ុណ្ណោះ។ ទំនិញ ៤ មុខ (គឺ ដែក អាលុយមីញ៉ូម កៅស៊ូ និង កប្បាស) ស្ថិតក្នុងចំណោមមុខទំនិញដែលបានរាយបញ្ជីនៅក្នុងច្បាប់ដឹកជញ្ជូនថ្មីនេះ។ ច្បាប់ថ្មីនេះនឹងប្រាកដ ជាបណ្តាលឱ្យមុខជំនួញរបស់ដើមបណ្តឹងខាតបង់ផ្នែកហិរញ្ញវត្ថុ ហើយនឹងទប់ស្កាត់ខ្លួនមិនឱ្យអាចផ្តល់សេវា ដឹកជញ្ជូនផ្លូវទឹក ទៅមករវាង AMS-X និង AMS-Y។ យើងខ្ញុំព្រួយបារម្ភខ្លាំងណាស់ នឹងជឿជាក់ថា ការវិវឌ្ឍ ផ្នែកច្បាប់ថ្មីនេះគឺផ្ទុយទៅនឹងពាណិជ្ជកម្មសេរី ផ្ទុយនឹងស្មារតីនៃសហគមន៍សេដ្ឋកិច្ចអាស៊ាន (AEC) និងក៏អាច នឹងផ្ទុយផងដែរ ទៅនឹងការសន្យា និងកាតព្វកិច្ចជាក់លាក់របស់ប្រទេសគោលដៅនៅក្រោមកិច្ចព្រមព្រៀង សេដ្ឋកិច្ចអាស៊ាន ដែលពាក់ព័ន្ធ (ដូចជា កិច្ចព្រមព្រៀងក្របខ័ណ្ឌអាស៊ានស្តីពីសេវាកម្ម ឬ AFAS)។

យើងយល់ឃើញថាច្បាប់ថ្មីនេះ គឺជាវិធានការគាំពារនិយមយ៉ាងជាក់លាក់ និងផ្ទុយពីគោលការណ៍ពាណិជ្ជកម្ម សេរី ព្រមទាំងច្បាប់ជាប្រពៃណីស្តីពីសេវាកម្មផ្លូវទឹកអន្តរជាតិ ដែលនឹងប៉ះពាល់ធ្ងន់ធ្ងរដល់ក្រុមហ៊ុនដឹកជញ្ជូន នៅក្នុងប្រទេស AMS-X ដែលកំពុងផ្តល់សេវាកម្មដឹកជញ្ជូនផ្លូវទឹកឆ្លងដែន ពាក់ព័ន្ធនឹងទំនិញដែលប៉ះពាល់ ដោយច្បាប់ថ្មីនេះ។ ជាងនេះទៅទៀត វិធានការថ្មីរបស់ AMS-Y ក៏រំលោភយ៉ាងជាក់ស្តែងទៅលើការសន្យារបស់ AMS-Y ចំពោះអង្គការពាណិជ្ជកម្មពិភពលោក និងការរំលោភលើកម្មវិធីនៃការសន្យាជាក់លាក់របស់ AMS-Y នៅក្រោម AFAS ដែលក្រោមកិច្ចព្រមព្រៀងនេះ AMS-Y បានសន្យាអនុញ្ញាតឱ្យក្រុមហ៊ុនដឹកជញ្ជូនបរទេស ដែលផ្តល់សេវាកម្មដឹកជញ្ជូនទំនិញឆ្លងដែន នៅក្នុងអាស៊ាន អាចធ្វើប្រតិបត្តិការនៅក្នុងដែនទឹករបស់ខ្លួន ដោយគ្មានការរឹតត្បិត ទៅលើលទ្ធភាពចូលទីផ្សារ និងប្រព្រឹត្តកម្មជាតិ ដូច្នេះយើងសូមសំណូមពរឱ្យ AMS-Y លុបចោល ឬធ្វើវិសោធនកម្មច្បាប់ថ្មីនេះទៅតាមការគួរ។”

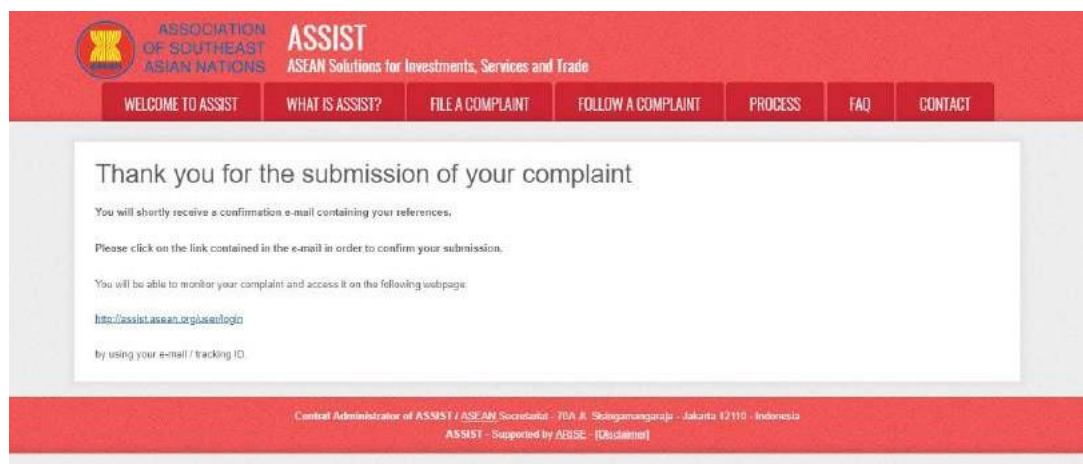
នៅពេលដាក់បណ្តឹងដោយចុចលើ “Submit Your Complaint” ទំព័រខាងក្រោមនេះនៅក្នុងជំហាន ៤ នឹង បង្ហាញខ្លួនឡើង។

នៅពេលអ្នកបំពេញបែបបទបណ្តឹងនៅលើគេហទំព័រ ASSIST ទំព័រខាងក្រោមនេះនឹងបង្ហាញឡើងដោយប្រាប់ អ្នកថាអ៊ីមែលបញ្ជាក់មួយនឹងផ្ញើទៅកាន់អាសយដ្ឋានអ៊ីមែល ដែលអ្នកបានផ្តល់នៅលើបែបបទនៃពាក្យ បណ្តឹងនោះ។

ជំហាន
4

ទទួលការជូនដំណឹងពី ASSIST

ការជូនដំណឹងខាងលើនេះចង្អុលបង្ហាញថាអ្នកគួរតែចុចលើតំណភ្ជាប់ដែលបានផ្តល់នៅក្នុងគណនីអ៊ីមែល របស់អ្នកដើម្បីបញ្ជាក់អំពីបណ្តឹងរបស់អ្នកដែលដាក់ទៅកាន់ ASSIST។



ជំហាន
5

បញ្ជាក់បណ្តឹងរបស់អ្នក ពីក្នុងគណនីអ៊ីមែលរបស់អ្នក

- (ក) សូមចូលទៅកាន់គណនីអ៊ីមែលដែលអ្នកបានផ្តល់នៅក្នុងបែបបទបណ្តឹង។ អ្នកនឹងទទួលបានអ៊ីមែលពី ASSIST ដែលស្នើឱ្យអ្នកបញ្ជាក់បណ្តឹងរបស់អ្នក ដោយចុចលើតំណភ្ជាប់ដែលបានផ្តល់ឱ្យ ឬដោយចុចចម្លង (copy-paste) តំណភ្ជាប់នោះទៅលើកម្មវិធីបើកអ៊ីនធឺណិត។ ASSIST ក៏គ្រូឱ្យអ្នកធ្វើដូច្នេះដែរដើម្បីបញ្ជាក់ថា អាសយដ្ឋានអ៊ីមែលដែលអ្នកបានផ្តល់ឱ្យគឺជាអាសយដ្ឋានដែលមានសុពលភាពត្រឹមត្រូវ។ លេខបណ្តឹងរបស់អ្នក ក៏ត្រូវបានផ្តល់ឱ្យនៅក្នុងអ៊ីមែលនេះដែរ។ ក្នុងករណីនេះ លេខបណ្តឹងរបស់អ្នក គឺ **14620181017**។
- ខាងក្រោមនេះគឺជាអ៊ីមែលដែលអ្នកនឹងទទួលបានពី ASSIST។



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



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.

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

Thanking you, ASSIST is at your service.

assist.asean.org

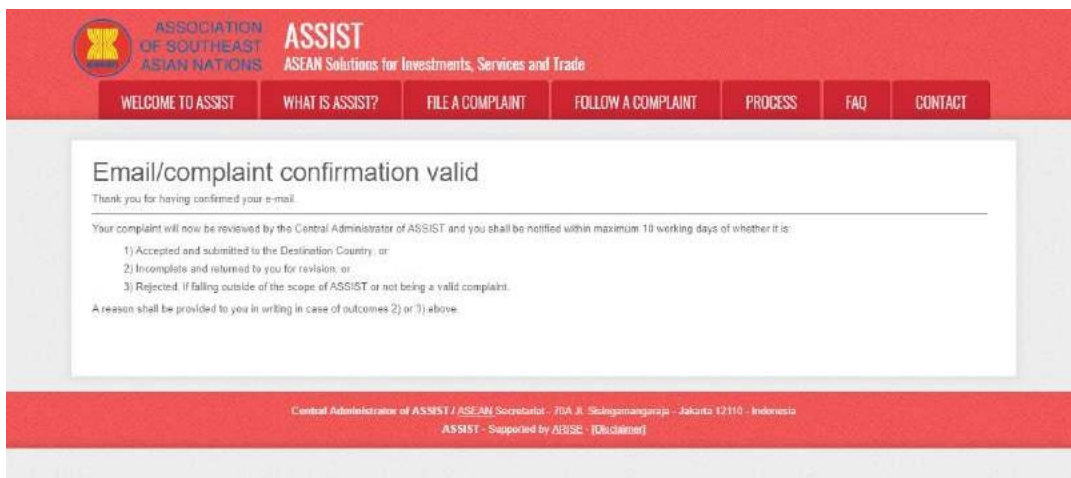
3 attachments

 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

(ខ) សូមចូលលើកំណត់ត្រាបំណែងទៅតាមការស្នើសុំនៅក្នុងអ៊ីមែលខាងលើបន្ទាប់មកទំព័រខាងក្រោមនេះនឹងបង្ហាញឡើង។



ការជូនដំណឹងខាងលើ នឹងប្រាប់អ្នកថាបណ្តឹងរបស់អ្នកនឹងត្រូវពិនិត្យដោយ CA និងថា អ្នកនឹងត្រូវបានជូនដំណឹងតាមអ៊ីមែលក្នុងរយៈពេលយ៉ាងយូរបំផុត ១០ ថ្ងៃ (ថ្ងៃធ្វើការ) ថា៖

- ១) បណ្តឹងត្រូវបានទទួលយក និងដាក់ជូនទៅប្រទេសគោលដៅ ឬ
- ២) បណ្តឹងមានលក្ខណៈមិនពេញលេញ នឹងត្រូវបញ្ជូនឱ្យអ្នកវិញដើម្បីធ្វើការកែសម្រួល ឬ
- ៣) បណ្តឹងត្រូវបានប្រកាសថា ប្រសិនបើវាស្ថិតនៅក្រៅសមត្ថកិច្ចរបស់ ASSIST ឬវាមិនមែនជាបណ្តឹងដែលមានសុពលភាព។

សូមចូលទៅកាន់កណ្តាលអ៊ីមែលរបស់អ្នក។

ជំហាន
6

ទទួលអ៊ីមែលពី ASSIST ថា អាសយដ្ឋានអ៊ីមែល និងបណ្តឹងរបស់អ្នកមានសុពលភាព

សូមចូលទៅកាន់កណ្តាលអ៊ីមែលរបស់អ្នក ហើយអ្នកនឹងឃើញអ៊ីមែលថ្មីមួយផ្ញើមកពី ASSIST។ អ៊ីមែលនេះបង្ហាញថាអ្នកបានបញ្ជាក់បណ្តឹងរបស់អ្នករួចហើយ CA នឹងពិនិត្យសុពលភាពបណ្តឹង និងថាបណ្តឹងនោះត្រូវបានធ្វើឡើងនៅក្នុងក្របខ័ណ្ឌ ASSIST។ បន្ទាប់មក ASSIST នឹងឆ្លើយតបដោយបញ្ជាក់ថាតើបណ្តឹងនោះត្រូវបានទទួលយក ឬយ៉ាងណា ថាតើវាមិនពេញលេញ ឬត្រូវបានប្រកាសថាវាស្ថិតនៅក្រៅសមត្ថកិច្ចរបស់ ASSIST ក្នុងរយៈពេល ១០ ថ្ងៃយ៉ាងយូរបំផុត។

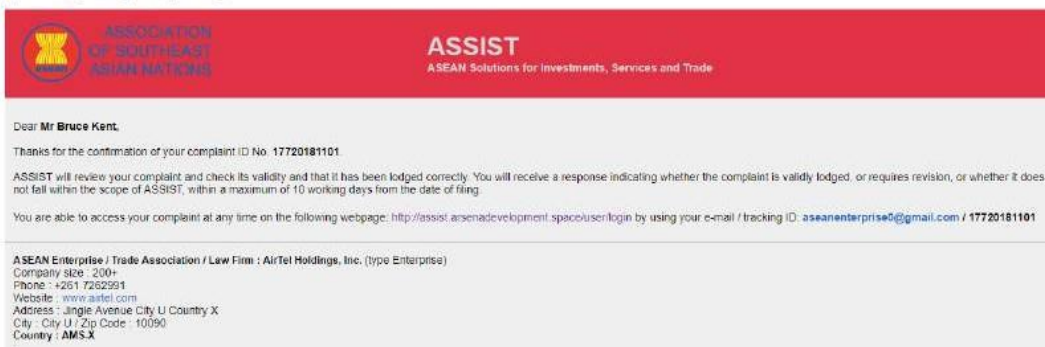


ASEAN Enterprise <aseanenterprise@gmail.com>

[ASSIST] Thanks for your email confirmation for the complaint #17720181101

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

Thu, Nov 1, 2016 at 4:07 P



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

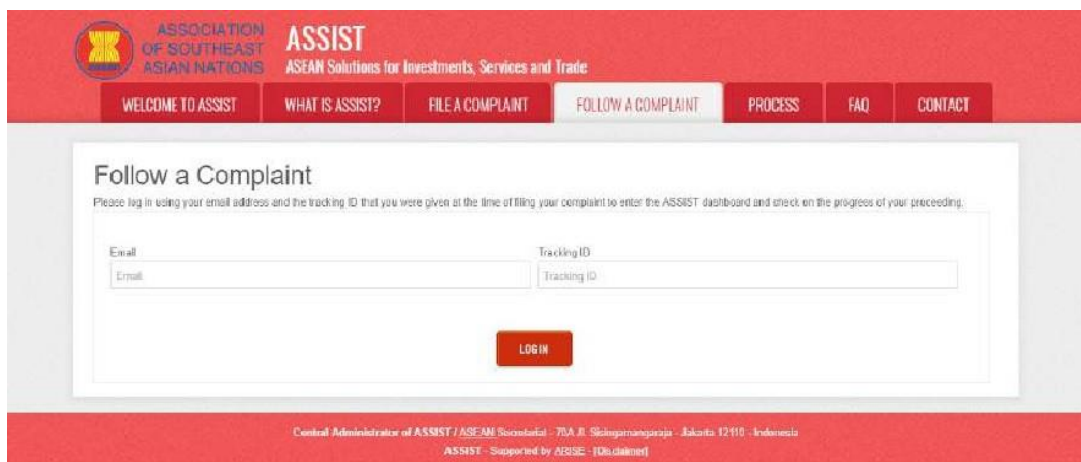
- 4 attachments
- Annex_2_Simulated_AMS-Y_Schedule_of_Specific_Commitments-AFAS_9_Consolidated_Schedule1.pdf
91K
 - Annex_3_Simulated_Law_of_AMS-Y1.pdf
47K
 - Annex_4_Simulated_Amendment_Law_of_AMS-Y1.pdf
47K
 - Annex_5_Simulated_Country_Regulation_of_AirTel_Holdings_Inc.pdf

ដូចដែលបានបង្ហាញនៅក្នុងអ៊ីមែលខាងលើ កន្លែងនេះអ្នកអាចតាមដានវឌ្ឍនភាពនៃបណ្តឹងរបស់អ្នកដោយចុចលើកំណត់ត្រាដែលបានផ្តល់ដែលនឹងនាំអ្នកទៅដល់ទំព័រ "Follow a Complaint" នៅលើគេហទំព័រ ASSIST។

ជំហាន
7

តាមដានវឌ្ឍនភាពនៃបណ្តឹងរបស់អ្នក

- (ក) សូមចូលទៅកំណត់ត្រានេះ៖ <http://assist.asean.org/user/login> ឬចូលទៅរក "Follow a Complaint" នៅលើគេហទំព័រនៃគេហទំព័រ ASSIST។ ទំព័រខាងក្រោមនេះនឹងលេចឡើង។



- (ខ) បញ្ចូលអាសយដ្ឋានអ៊ីមែល និងលេខ ID តាមដានរបស់អ្នក (លេខបណ្តឹងរបស់អ្នក) នៅក្នុងប្រអប់ដែលចាំបាច់ គ្រប់ពេញដើម្បីចូលទៅកាន់ទីនោះ។ ក្នុងករណីនេះអាសយដ្ឋានអ៊ីមែលគឺ aseanenterprise0@gmail.com ហើយលេខ ID បណ្តឹងរបស់អ្នក គឺ 14620181017។



ASSOCIATION
OF SOUTHEAST
ASIAN NATIONS

ASSIST
ASEAN Solutions for Investments, Services and Trade

WELCOME TO ASSIST

WHAT IS ASSIST?

FILE A COMPLAINT

FOLLOW A COMPLAINT

PROCESS

FAQ

CONTACT

Follow a Complaint

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

Email

Tracking ID

aseanenterprise0@gmail.com

LOGIN

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

- នៅពេលអ្នកចូលទៅដល់ហើយ អ្នកនឹងឃើញ dashboard នៅលើគេហទំព័រ ASSIST របស់អ្នក ដែលទីនោះ អ្នកអាច តាមដានវឌ្ឍនភាពនៃបណ្តឹងរបស់អ្នកបាន។
- (គ) នេះជារូបភាពនៃ dashboard នៅលើគេហទំព័រ **ASSIST** របស់អ្នក នៅពេលអ្នកបំពេញឈ្មោះចូលដោយ ជោគជ័យរួចហើយ ។



ASSOCIATION
OF SOUTHEAST
ASIAN NATIONS

ASSIST
ASEAN Solutions for Investments, Services and Trade

WELCOME TO ASSIST

WHAT IS ASSIST?

MY COMPLAINT

LOGOUT

PROCESS

FAQ

CONTACT

DISCLAIMER

Tracking ID #14620181017 / AMS-Y

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

WITHDRAW COMPLAINT

ASEAN ENTERPRISE

ASEAN Enterprise Name		Star 88 Co., Ltd	
Company Size	50 to 100	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-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		



ដូចដែលអ្នកអាចមើលឃើញនៅលើ dashboard ចំណាត់ការនានាដែលធ្វើឡើងពាក់ព័ន្ធនឹងបណ្តឹងរបស់អ្នក ត្រូវបានបង្ហាញយ៉ាងច្បាស់នៅលើ dashboard ហើយបញ្ជីនេះនឹងត្រូវធ្វើបច្ចុប្បន្នភាពជាទៀងទាត់ នៅពេលដែលចំណាត់ការអ្វីមួយត្រូវបានធ្វើឡើង។ ទម្រង់បណ្តឹងដែលអ្នកបានបំពេញរួច និងបានដាក់ជូនរួច ក៏អាចរកមើលនៅលើ dashboard នេះបានដែរ។

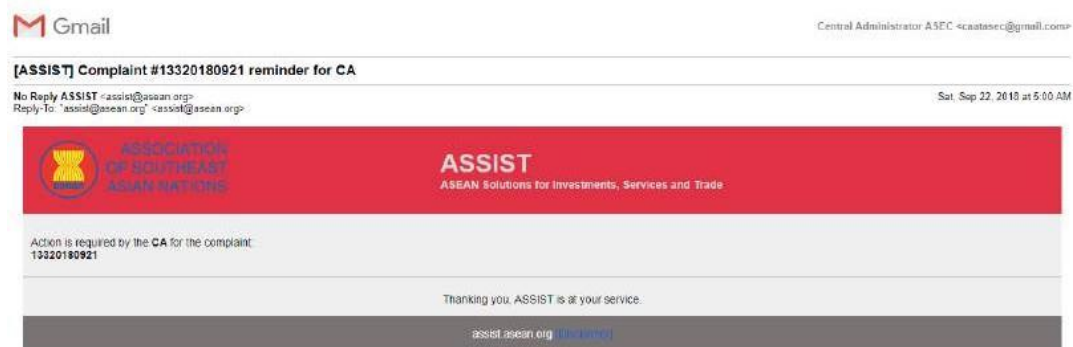
**ជំហាន
8**

រដ្ឋបាលកណ្តាលនឹងពិនិត្យបណ្តឹងអ្នកឡើងវិញ រួចហើយផ្ញើយកបច្ចលកណ្តនីអ៊ីមែលរបស់អ្នក (ទទួលយក មិនពេញលេញ ឬប្រាន់ចោល)

នៅពេល CA បានពិនិត្យមើលបណ្តឹងរបស់អ្នករួចរាល់ហើយ និងបានសម្រេចចិត្តថា តើទទួលយក/ចាត់ថាមិនពេញលេញ/ប្រាន់ចោល ឬយ៉ាងណានោះ អ៊ីមែលមួយនឹងត្រូវផ្ញើទៅអ្នកក្នុងរយៈពេល ១០ ថ្ងៃ (ថ្ងៃធ្វើការ) យ៉ាងយូរបំផុត គិតចាប់ពីថ្ងៃដាក់ពាក្យបណ្តឹង។

ក្នុងខណៈនេះប្រសិនបើ CA មិនមានចំណាត់ការអ្វីទេ នោះ CA នឹងទទួលបានការត្រឡប់ត្រឡយដោយស្វ័យប្រវត្តិតាមអ៊ីមែលពីប្រព័ន្ធអនឡាញរបស់ ASSIST ក្នុងរយៈពេល ៧ ថ្ងៃបន្ទាប់ពីថ្ងៃដាក់ពាក្យបណ្តឹង។ ដូចបានបង្ហាញខាងលើ CA ត្រូវតែសម្រេចចិត្តថា តើត្រូវទទួលយកប្រកាសថាមិនពេញលេញនឹងស្នើឱ្យកែសម្រួលឡើងវិញ ឬប្រាន់ចោលពាក្យបណ្តឹងក្នុងរយៈពេល ១០ ថ្ងៃ (ថ្ងៃធ្វើការ)។

អ៊ីមែលរំលឹកទី១ សម្រាប់រដ្ឋបាលកណ្តាល៖



ចូរពិនិត្យអ៊ីមែលអ្នកឱ្យបានទៀងទាត់ក្នុងអំឡុងពេល ១០ ថ្ងៃ បន្ទាប់ពីថ្ងៃដែលអ្នកបានដាក់ពាក្យបណ្តឹង។
អ្នកប្រាកដជានឹងទទួលបានអ៊ីមែលពី ASSIST។



ASEAN Enterprise <aseanenterprise@gmail.com>

[ASSIST] Your complaint #14620181017 is accepted by CA

No Reply ASSIST <assist@asean.org>

Reply-To: "assist@asean.org" <assist@asean.org>

Wed, Oct 17, 2018 at 2:40 P



ASSOCIATION
OF SOUTHEAST
ASIAN NATIONS

ASSIST

ASEAN Solutions for Investments, Services and Trade

Dear Mr Paul Smith,

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

You are able to access your complaint at any time on the following webpage: <http://assist.asean.org/user/login> by using your e-mail / tracking ID.
You are able to access your complaint at any time on the following webpage: <http://assist.asean.org/development/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 : Star 88 Co., Ltd. (type Enterprise)
Company size : 50 to 100
Phone : +905 524 1532
Website : www.star88.com
Address : Better Living Street City W Country X
City : City W / Zip Code : 1711
Country : AMS-X

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

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

Description:

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

Thanking you, ASSIST is at your service.

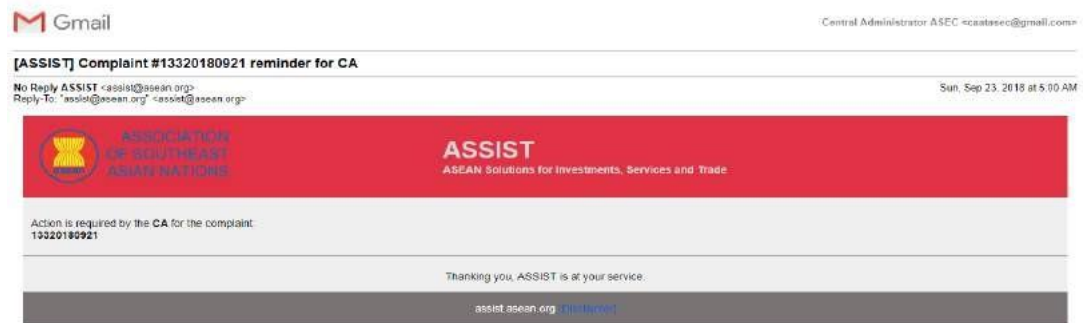
assist.asean.org

នៅក្នុងករណីនេះ អ៊ីមែលខាងលើនេះបង្ហាញថាបណ្តឹងរបស់អ្នកត្រូវបានទទួលយកដោយ CA។ អ៊ីមែលក៏ប្រាប់អ្នកផងដែរថាបណ្តឹងរបស់អ្នក ឥឡូវនេះត្រូវបានបញ្ជូនរួចហើយទៅកាន់កន្លែងទំនាក់ទំនងនៃប្រទេសគោលដៅដែលជាទីភ្នាក់ងាររដ្ឋាភិបាល (កន្លែងទំនាក់ទំនង ASSIST) នៅក្នុង AMS-Y ដែលអ្នកកំពុងជួបប្រទះបញ្ហាពាណិជ្ជកម្ម និងជាកន្លែងដែលបណ្តឹងរបស់អ្នកត្រូវបានបញ្ជូនទៅ និងស្វែងរកដំណោះស្រាយ។ DCP នៅក្នុង AMS-Y នឹងត្រូវផ្តល់ពេលឱ្យ ១០ ថ្ងៃ (ថ្ងៃធ្វើការ) ដើម្បីពិនិត្យមើលបណ្តឹងរបស់អ្នករួចហើយសម្រេចថា តើទទួលយក ច្រានចោល ឬបញ្ជូនត្រឡប់ទៅអ្នកវិញ ដោយស្នើសុំព័ត៌មានបន្ថែម ឬយ៉ាងណា។ ធ្វើដូច្នេះគឺទុកពេលឱ្យ DCP ពិនិត្យសេចក្តីលម្អិតនៃបណ្តឹង រួចហើយពិគ្រោះជាមួយអាជ្ញាធរជាតិពាក់ព័ន្ធ ប្រសិនបើចាំបាច់។

កន្លែងទំនាក់ទំនងនៅប្រទេសដើម ដែលជាទីភ្នាក់ងាររដ្ឋាភិបាល (កន្លែងទំនាក់ទំនង ASSIST) នៅក្នុង AMS-X (ប្រទេសដើមរបស់អ្នក) ក៏ត្រូវបានជូនដំណឹងផងដែរថាបណ្តឹងរបស់អ្នកត្រូវបានធ្វើរួចរាល់ហើយ។

ប្រសិនបើអ្នកមិនបានទទួលអ៊ីមែលពី ASSIST ក្នុងរយៈពេលដែលបានកំណត់ (១០ថ្ងៃ ថ្ងៃធ្វើការ) គិតចាប់ពីថ្ងៃដាក់ពាក្យបណ្តឹង) នោះទេ នោះមានន័យថា CA មានចំណាត់ការយឺតយ៉ាវ។ CA នឹងទទួលបានសាររំឭកស្វ័យប្រវត្តិមួយទៀតតាមអ៊ីមែល (១៤ ថ្ងៃ បន្ទាប់ពីថ្ងៃដាក់ពាក្យបណ្តឹង) ដែលរំឭកថា CA ត្រូវមានចំណាត់ការចំពោះបណ្តឹងនេះ។ CA នឹងទទួលអ៊ីមែលដូចខាងក្រោម៖

អ៊ីមែលរំលឹក ទី២ សម្រាប់រដ្ឋបាលកណ្តាល



ជំហាន
9

ចូលទៅ Dashboard នៃគេហទំព័រ ASSIST របស់អ្នក ដោយប្រើគណនីអ៊ីមែល និងលេខ ID បណ្តឹងដើម្បីមើលការឆ្លើយតបជាក់ស្តែងពី រដ្ឋបាលកណ្តាល

ប្រសិនបើអ្នកចង់មើលចម្លើយពេញលេញពី CA អ្នកចាំបាច់ត្រូវចុះឈ្មោះចូលទៅកាន់ dashboard របស់អ្នកនៅលើគេហទំព័រ ASSIST ដោយប្រើគណនីអ៊ីមែលរបស់អ្នក និងលេខ ID បណ្តឹងដូចបានបង្ហាញនៅក្នុងជំហាន 7 (ក) និង (ខ) ខាងលើ។

ខាងក្រោមនេះគឺជាប្រភពនៃ dashboard។ ដូចដែលអ្នកអាចមើលឃើញចំណាត់ការមួយផ្សេងទៀតទើបតែត្រូវបានបន្ថែមទៅក្នុង "History" របស់អ្នកដែលបញ្ជាក់ថា CA បាន "ទទួលយក" បណ្តឹងរបស់អ្នក។



ASSOCIATION
OF SOUTHEAST
ASIAN NATIONS

ASSIST

ASEAN Solutions for Investments, Services and Trade

WELCOME TO ASSIST

WHAT IS ASSIST?

MY COMPLAINT

LOGOUT

PROCESS

FAQ

CONTACT

DISCLAIMER

Tracking ID #14620181017 / AMS-Y

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

WITHDRAW COMPLAINT

ASEAN ENTERPRISE

ASEAN Enterprise Name	Star 88 Co., Ltd		
Company Size	50 to 100	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-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.
Attachment	Annex 2-Simulated Law of AMS-Y2.pdf Annex 3-Simulated AMS-Y Schedule of Specific Commitments-Maritime Transport Services.pdf

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

សូមចូលលើនីមិត្តសញ្ញាកែវពង្រីកនៅក្នុងប្រអប់អធិប្បាយ។ ចម្លើយតបពេញលេញពី CA នឹងបង្ហាញឡើង ដូចដែលអ្នកឃើញខាងក្រោមនេះ៖

Dear Mr Paul Smith,

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

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

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

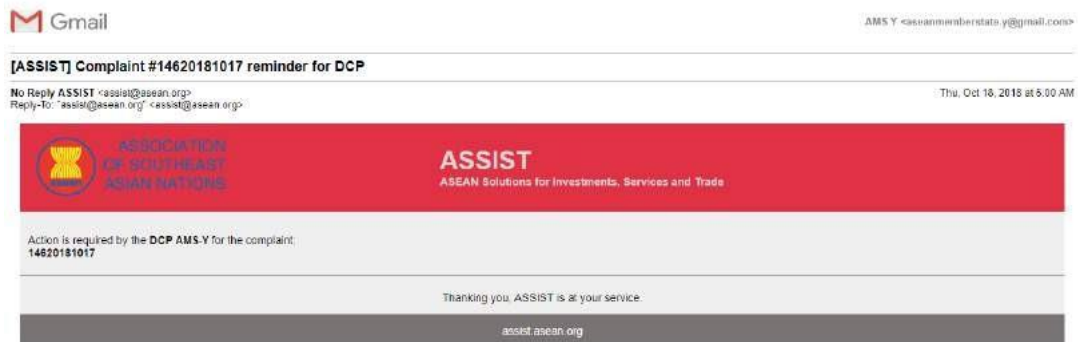
ដូចដែលបានបង្ហាញនៅក្នុងជំហានទី 8 នៅពេលដែល CA ទទួលយកបណ្តឹងរួចហើយ បណ្តឹងនោះនឹងបញ្ជូនទៅកាន់កន្លែងទំនាក់ទំនងនៃប្រទេសគោលដៅ (DCP) នៅក្នុង AMS-Y ជាទីកន្លែងដែលអ្នកកំពុងជួបប្រទះនឹងបញ្ហាពាណិជ្ជកម្ម។ DCP នៅក្នុង AMS-Y នឹងត្រូវផ្តល់ពេលឱ្យ ១០ ថ្ងៃ (ថ្ងៃធ្វើការ) ដើម្បីពិនិត្យមើលបណ្តឹងរបស់អ្នក រួចហើយសម្រេចថា តើទទួលយក ឬច្រានចោល។ ធ្វើដូច្នេះ គឺទុកពេលឱ្យ DCP ពិនិត្យសេចក្តីលម្អិតនៃបណ្តឹង រួចហើយពិគ្រោះជាមួយអាជ្ញាធរជាតិពាក់ព័ន្ធប្រសិនបើចាំបាច់។ នៅពេល DCP ឆ្លើយតបអ៊ីម៉ែលនឹងបញ្ជូនទៅអ្នកចេញព័ត៌មាន ASSIST ដោយជូនដំណឹងអ្នកអំពីថា តើបណ្តឹងរបស់អ្នកត្រូវបានទទួលយក ឬច្រានចោលដោយ DCP នៅក្នុង AMS-Y។

ជំហាន
10

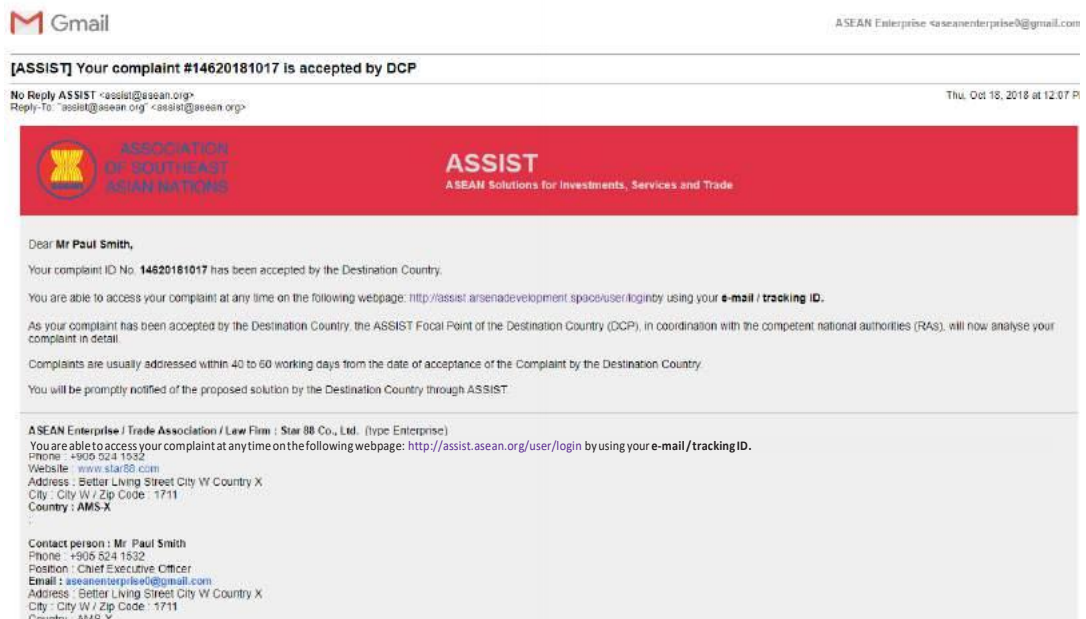
ទទួលការជូនដំណឹងតាមអ៊ីមែលពី ASSIST ប្រាប់ថា តើបណ្តឹងរបស់អ្នក ត្រូវបានទទួលយក ឬប្រានបោល ដោយចំណុចទំនាក់ទំនងនៃ AMS-Y

នៅក្នុងរយៈពេល ១០ ថ្ងៃ (ថ្ងៃធ្វើការ) បន្ទាប់ពីទទួលបានការឆ្លើយតបពី CA ថាបណ្តឹងរបស់អ្នកត្រូវបានទទួលយក អ្នកនឹងទទួលបានការជូនដំណឹងតាមអ៊ីមែលមួយដូចខាងក្រោមនេះដែលប្រាប់អ្នកថាបណ្តឹងរបស់អ្នកត្រូវបានទទួលយក ឬប្រានបោល ដោយ DCP នៅក្នុង AMS-Y។

ប្រសិនបើ ក្នុងខណៈនេះ DCP ពុំមានចំណាត់ការអ្វីមួយទេ នោះ DCP នឹងទទួលបានសារព្រឹត្តិការណ៍ស្វ័យប្រវត្តិខាងក្រោមនេះតាមអ៊ីមែលពីប្រព័ន្ធអនឡាញ ASSIST ក្នុងរយៈពេល ៧ ថ្ងៃ (ថ្ងៃប្រតិទិន) បន្ទាប់ពីបណ្តឹងត្រូវបានទទួលយកដោយ CA។ ដូចដែលបានបង្ហាញខាងលើ DCP ត្រូវតែសម្រេចចិត្តថាតើទទួលយក ឬប្រានបោលបណ្តឹង ក្នុងរយៈពេល ១០ថ្ងៃ (ថ្ងៃធ្វើការ) គិតចាប់ពីថ្ងៃដែល CA ទទួលយកបណ្តឹងរួចមក។ សារព្រឹត្តិការណ៍តាមអ៊ីមែល នី ១ សម្រាប់ចំណុចទំនាក់ទំនងនៃប្រទេសគោលដៅ។



សូមចូលមើលគណនីអ៊ីមែលរបស់អ្នកជាប្រចាំក្នុងរយៈពេល ១០ ថ្ងៃ (ថ្ងៃធ្វើការ) បន្ទាប់ពីទទួលបានការឆ្លើយតបពី CA បញ្ជាក់ថាបណ្តឹងរបស់អ្នកត្រូវបានទទួលយក។ នៅទីបំផុតអ្នកនឹងទទួលបានអ៊ីមែលថ្មីមួយ ពី ASSIST។



Confidential case code (for law firm or lawyer only):
Country of Legal Registration : AMS-X
Legal Registration Number : 123456
Type of Business : Service provider
Business Sector : Services
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 ([Documents](#))

នៅក្នុងករណីនេះបណ្តឹងរបស់អ្នកត្រូវបាន DCP ទទួលយកហើយដូចដែលអ្នកអាចមើលឃើញខាងលើ។ ប្រសិនបើអ្នកមិនទទួលបានអ៊ីមែលពី ASSIST អំពីការឆ្លើយតបពី DCP ក្នុងរយៈពេល ១០ថ្ងៃ (ថ្ងៃធ្វើការ) តាមការតម្រូវ បន្ទាប់ពីបណ្តឹងត្រូវបានទទួលយកដោយ CA រួចហើយទេនោះ នេះមានន័យថា DCP មានចំណាត់ការយឺតយ៉ាវ។ DCP នឹងទទួលបានសារព្រឹត្តិការណ៍ប្រតិបត្តិការទៀតតាមអ៊ីមែល (១៤ ថ្ងៃប្រតិទិនបន្ទាប់ពីថ្ងៃដាក់បណ្តឹង) ដែលព្រឹត្តិការណ៍ DCP ត្រូវមានចំណាត់ការជាបន្ទាន់ទៅលើបណ្តឹង។ សម្រាប់ចំណុចទំនាក់ទំនងនៃប្រទេសគោលដៅ។

 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

ពេលណាដែល DCP ទទួលយកបណ្តឹង បញ្ហានេះនឹងត្រូវបញ្ជូនបន្តទៅអាជ្ញាធរទទួលខុសត្រូវ (RAs) ដើម្បីសុំយោបល់។ នៅពេលដែល RAs ពិនិត្យរួចហើយ DCP គួរតែពិនិត្យទៅលើដំណោះស្រាយ និងផ្តល់ដំណោះស្រាយនោះទៅឱ្យ CA ក្នុងរយៈពេល ៤០ថ្ងៃ (ថ្ងៃធ្វើការ) ជាក់ហ័ត។ ដូច្នេះដើម្បីបំពេញតាមកាលបរិច្ឆេទកំណត់នេះ DCP ត្រូវដាក់កំហិតពេលវេលាដល់ RAs សម្រាប់ស្វែងរកដំណោះស្រាយ។ DCP មានទំនួលខុសត្រូវក្នុងការជូនដំណឹងទៅ CA អំពីការផ្លាស់ប្តូរណាមួយទាក់ទងនឹងពេលវេលាវាដោះស្រាយ និងអាជ្ញាធរជាតិ។

CA អាចពន្យារពេលនៃកាលបរិច្ឆេទកំណត់នេះបាន ២០ថ្ងៃ (ថ្ងៃធ្វើការ) នៅពេលមានការស្នើសុំពី DCP។ ប្រព័ន្ធនឹងជូនដំណឹងដោយស្វ័យប្រវត្តិនៅពេលកាលបរិច្ឆេទកំណត់ខិតជិតមកដល់ (ឧទាហរណ៍ ជាទូទៅ ១០ថ្ងៃ (ថ្ងៃប្រតិទិន) នៅមុនកាលបរិច្ឆេទកំណត់ចូលមកដល់)។ ប្រសិនបើ DCP ផុតកាលបរិច្ឆេទកំណត់ក្នុងការផ្ញើដំណោះស្រាយឱ្យទៅ CA ប្រព័ន្ធអនឡាញនឹងជូនដំណឹងទៅ CA ដើម្បីឱ្យទំនាក់ទំនងសួរទៅ DCP។

CA អាចពន្យារពេលនៃកាលបរិច្ឆេទកំណត់នេះបាន ២០ថ្ងៃ (ថ្ងៃធ្វើការ) នៅពេលមានការស្នើសុំពី DCP។ ប្រព័ន្ធនឹងជូនដំណឹងដោយស្វ័យប្រវត្តិនៅពេលកាលបរិច្ឆេទកំណត់ខិតជិតមកដល់ (ឧទាហរណ៍ ជាទូទៅ ១០ថ្ងៃ (ថ្ងៃប្រតិទិន) នៅមុនកាលបរិច្ឆេទកំណត់ចូលមកដល់)។ ប្រសិនបើ DCP ផុតកាលបរិច្ឆេទកំណត់ក្នុងការផ្ញើដំណោះស្រាយឱ្យទៅ CA ប្រព័ន្ធអនឡាញនឹងជូនដំណឹងទៅ CA ដើម្បីឱ្យទំនាក់ទំនងសួរទៅ DCP។

បន្ទាប់ពី DCP (AMS-Y) ទទួលបានសំណើដោះស្រាយពី RAs របស់ខ្លួន និងយល់ឃើញថាសំណើនោះឆ្លើយត់ទៅនឹង បញ្ហាដែលលើកឡើងដោយដើមបណ្តឹង DCP និងផ្តល់សំណើដោះស្រាយនោះទៅឱ្យ CA។

CA និង៖ (១) ពិនិត្យទៅលើដំណោះស្រាយនេះក្នុងបរិបទនៃបណ្តឹងដើម (២) ចុះបញ្ជីដំណោះស្រាយនេះ និងធ្វើទៅឱ្យ AE តាមអ៊ីមែល និង (៣) ចម្លងដំណោះស្រាយនេះជូនទៅចំណុចទំនាក់ទំនងនៃប្រទេសដើម/HCP នៅក្នុង AMS-X (ប្រទេសដើមរបស់អ្នក)។

(ក) សូមចូលទៅមើលគណនីអ៊ីមែលរបស់អ្នក។ អ្នកនឹងទទួលបានអ៊ីមែលថ្មីមួយពី ASSIST ដែលបង្ហាញពីការឆ្លើយតបទៅនឹងបណ្តឹងរបស់អ្នកពីសំណាក់ DCP។

[ASSIST] Response for your #14620181017 complaint

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

Thu, Oct 18, 2018 at 12:38 PM



ASSIST

ASEAN Solutions for Investments, Services and Trade

Dear Mr Paul Smith,

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

*Upon internal discussions between the DCP and the RAs, AMS-Y decides to postpone the application of the new regulation requiring exporters and importers of certain commodities, including iron, aluminium, cotton and rubber, to use only AMS-Y's domestic vessels (i.e., vessels belonging to maritime shipping companies based in AMS-Y), as there has also been criticism and disagreements from local exporters that this new regulation will possibly affect export volumes and State revenues, as it will discourage or alienate foreign investors, as many buyers of the restricted commodities are now pending finalization of their contracts. However, AMS-Y stated that it did not intend for the regulation to be seen as a protectionist measure against foreign vessels and in violation of free trade principles. AMS-Y undertook that its measure.

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

We have already notified you about the decision and the measures taken. Unfortunately, shipping companies were constrained to use domestic vessels as they cannot sail to all ports, which means vessels do not always have to use 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.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 : 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**

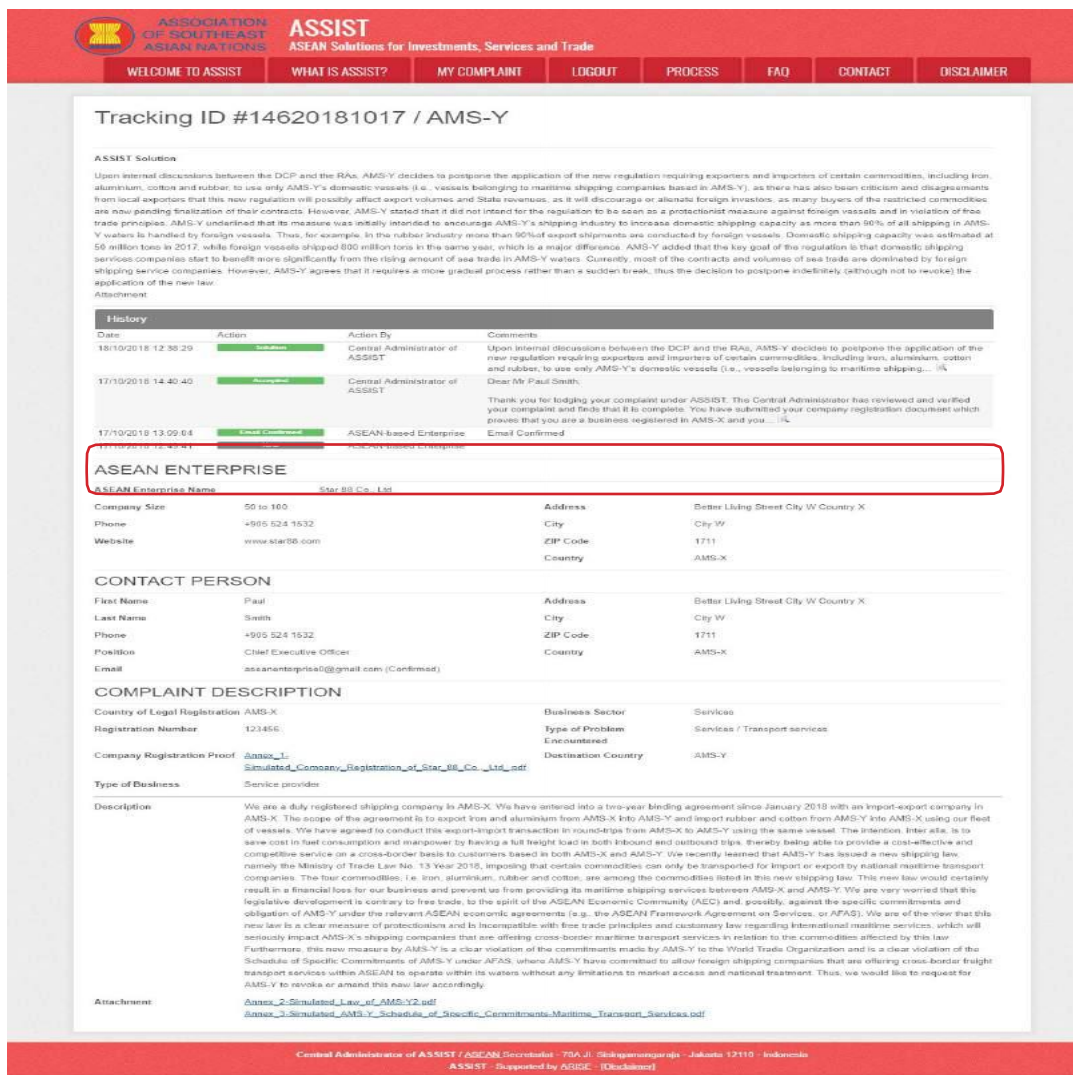
Confidential case code (for law firm or lawyer only):
Country of Legal Registration : **AMS-X**
Legal Registration Number : T2456
Type of Business : Service provider
Business Sector : Services /
Type of problem encountered : Transport services
Destination Country : **AMS Y**

Description:
We are fully 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

- (ខ) ចូរលើក dashboard នៅលើគេហទំព័រ ASSIST របស់អ្នកដោយប្រើប្រាស់អ៊ីម៉ែល និងលេខ ID តាមដានរបស់អ្នកដូចបានណែនាំនៅក្នុងជំហានទី 7 (ក) និង (ខ) ខាងលើ។ ខាងក្រោមនេះជាប្រភាពបង្ហាញពី dashboard របស់អ្នក។ ដូចដែលអ្នកអាចមើលឃើញ ចំណាត់ការមួយទៀតទើបតែត្រូវបានបន្ថែមទៅក្នុង “History” របស់អ្នកដែលបង្ហាញថាដំណោះស្រាយចំពោះបណ្តឹងរបស់អ្នកបានត្រូវស្នើឡើងដូចហើយ។ ដំណោះស្រាយពេញលេញពី DCP ដែលត្រូវបានទទួលយកដោយ CA ក៏ត្រូវបានផ្តល់នៅក្នុងកថាខណ្ឌទីមួយនៃ dashboard របស់អ្នកផងដែរ។



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 58 million tons in 2017, while foreign vessels shipped 830 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 12:58:29	Solution	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	Assigned	Central Administrator of ASSIST	Dear Mr Paul Smith,
17/10/2018 13:09:04	Email Confirmed	ASEAN-based Enterprise	Thank you for lodging your complaint under ASSIST. The Central Administrator has reviewed and verified your complaint and finds that it is complete. You have submitted your company registration document which proves that you are a business registered in AMS-X and you...
17/10/2018 12:49:41	Assigned	ASEAN-based Enterprise	Email Confirmed

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: assanenterprise@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

Business Sector: Services

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 blending 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 the export-import transaction in roundtrips 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 outward 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 - TPA Jl. Sukagenggaraja - Jakarta 12110 - Indonesia
ASSIST - Supported by AUC - (Disclaimer)

ខាងក្រោមនេះគឺជាសំណើដំណោះស្រាយពី DCP៖

“នៅពេលពិភាក្សាផ្ទៃក្នុងរវាង DCP និង RAs, AMS-Y សម្រេចចិត្តព្យួរការអនុវត្តច្បាប់ថ្មីដែលកម្រិតឱ្យអ្នកនាំចេញនិងអ្នកនាំចូលទំនិញជាក់លាក់មួយចំនួន ក្នុងនោះរួមទាំង ដែក អាលុយមីញ៉ូម កប្បាស និងកៅស៊ូឱ្យប្រើប្រាស់តែនាវាដឹកជញ្ជូនក្នុងស្រុករបស់ AMS-Y (ឧទាហរណ៍ នាវាដែលជាភស្តុតាងរបស់ក្រុមហ៊ុនដឹកជញ្ជូនផ្លូវទឹកដែលមានមូលដ្ឋាននៅក្នុង AMS-Y) ពីព្រោះក៏មានការរិះគន់ និងការមិនយល់ស្របពីសំណាក់អ្នកនាំចេញក្នុងស្រុកផងដែរថាច្បាប់ថ្មីនេះនឹងប៉ះពាល់ដល់ទំហំនៃការនាំចេញ និងចំណូលរដ្ឋ ពីព្រោះវានឹងបន្ថយបង្កាក់ទឹកចិត្តរបស់វិនិយោគិនបរទេស ដោយសារអ្នកទិញជាច្រើននៃទំនិញរឹកត្បិតទាំងនេះ បច្ចុប្បន្នកំពុងរង់ចាំការចុះហត្ថលេខាលើកិច្ចសន្យារបស់ពួកគេ។



ប៉ុន្តែ ទោះយ៉ាងណា AMS-Y បានផ្តល់ជំនួយដល់មានចេតនាឱ្យច្បាប់ថ្មីនេះក្លាយជាវិធានការគាំពារនីយម ប្រឆាំងនឹងនាវាបរទេស និងការរំលោភលើគោលការណ៍ពាណិជ្ជកម្មសេរីនោះទេ។ AMS-Y គូសបញ្ជាក់ថាវិធាន ការរបស់ខ្លួនគឺដើមឡើយមានបំណងលើកទឹកចិត្តដល់ឧស្សាហកម្មដឹកជញ្ជូនរបស់ AMS-Y ឱ្យបង្កើនសមត្ថ ភាពដឹកជញ្ជូនក្នុងស្រុករបស់ខ្លួន ដោយសារតែជាង ៩០% នៃការដឹកជញ្ជូនទាំងអស់នៅក្នុងដែនទឹករបស់ AMS-Y ធ្វើឡើងដោយនាវាបរទេស។ ឧទាហរណ៍ ក្នុងរំលឹកកាលពីឆ្នាំ ៩០% នៃការដឹកជញ្ជូននាំចេញត្រូវបានធ្វើ ឡើងដោយនាវាបរទេស។ សមត្ថភាពដឹកជញ្ជូនក្នុងស្រុកត្រូវបានប៉ាន់ស្មានថាមានទំហំប្រមាណ ៥០ លានតោន នៅក្នុងឆ្នាំ២០១៧ ចំណែកនាវាបរទេសវិញគឺដឹកជញ្ជូន ៨០០ លានតោននៅក្នុងឆ្នាំដូចគ្នានេះដែលជាភាព ខុសគ្នាយ៉ាងខ្លាំង។

AMS-Y បានបន្ថែមថាគោលដៅសំខាន់នៃច្បាប់នេះគឺថាក្រុមហ៊ុនសេវាកម្មដឹកជញ្ជូនក្នុងស្រុកចាប់ផ្តើម ទទួលបានប្រយោជន៍ឱ្យបានច្រើនថែមទៀតអំពីការកើនឡើងនៃពាណិជ្ជកម្មតាមសមុទ្រនៅក្នុងដែនទឹករបស់ AMS-Y។ បច្ចុប្បន្ន ភាគច្រើនបំផុតនៃកិច្ចសន្យា និងទំហំពាណិជ្ជកម្មតាមសមុទ្រត្រូវបានគ្របដណ្តប់ដោយក្រុម ហ៊ុនសេវាកម្មដឹកជញ្ជូនបរទេស ប៉ុន្តែ AMS-Y យល់ស្របថាវាទាមទារនូវដំណើរការមួយដែលអនុវត្តបន្តិចម្តងៗ ជាជាងការកាត់ផ្តាច់ទាំងស្រុងនឹងភ្លាមៗតែម្តង ដូច្នេះ សេចក្តីសម្រេចផ្អាកដោយគ្មានពេលវេលាកំណត់ (ប៉ុន្តែ មិនលុបចោល) នូវការអនុវត្តច្បាប់ថ្មីនេះ។

- (ក) នៅខាងក្រោមនៃអ៊ីមែលដែលផ្ញើពី ASSIST នៅចំណុច ១១ (ក) ខាងលើអ្នកត្រូវតែស្នើឱ្យបញ្ជាក់ថាតើអ្នកពេញ ចិត្ត ឬមិនពេញចិត្តចំពោះចម្លើយដែលផ្តល់ដោយ DCP និងដំណោះស្រាយនៅក្នុងចម្លើយនោះ។ អ្នកអាចជ្រើសរើស “Yes” ឬ “No” នៅកន្លែងដែលផ្តល់ខាងក្រោម។

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:

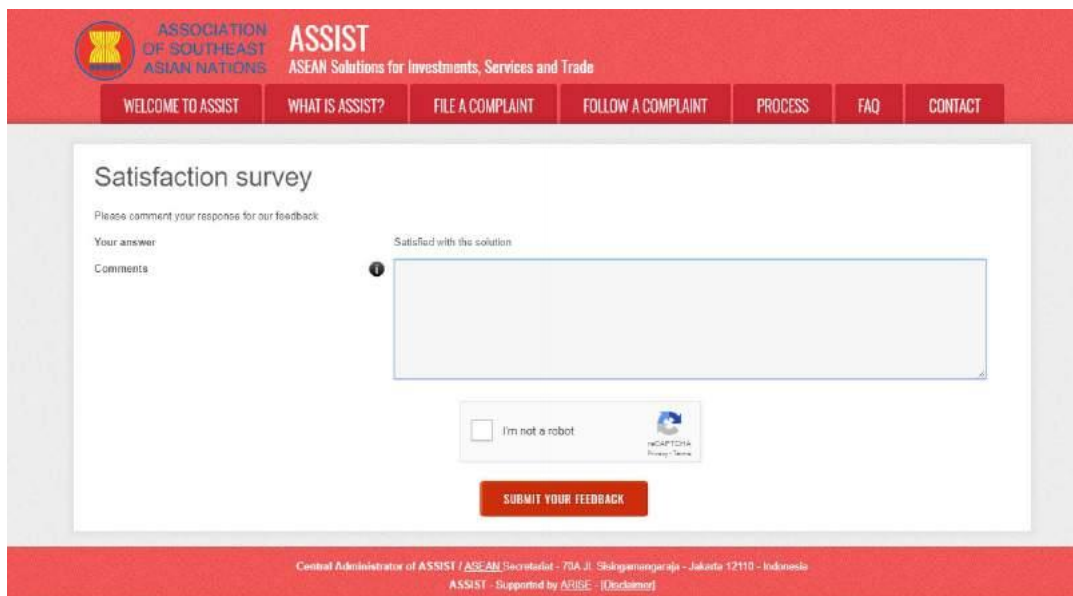
Yes / No

ក្នុងករណីនេះ AE ជ្រើសរើសយក “Yes”។

ជំហាន
12

ផ្តល់មតិគ្រលប់របស់អ្នកចំពោះដំណោះស្រាយដែលស្នើឡើងដោយ AMS-Y នៅក្នុងការស្ទង់មតិការពេញចិត្ត និងទទួលអ៊ីមែល ទទួលស្គាល់ ពី ASSIST

កាលណាអ្នកជ្រើសរើស “Yes/No” នៅក្នុងជំហានទី១១ (ក) ខាងលើចំពោះ អ្នកនឹងត្រូវនាំទៅរកទំព័រមួយ ដូចបង្ហាញខាង ក្រោមនេះ ដែលនៅលើទំព័រនោះអ្នកនឹងត្រូវស្នើឱ្យឆ្លើយសំណួរស្ទង់មតិអំពីការពេញចិត្ត ឬមិនពេញចិត្តរបស់អ្នក នឹងផ្តល់ យោបល់របស់អ្នក ជាពិសេស ប្រសិនបើអ្នកមិនពេញចិត្តចំពោះចម្លើយ/ដំណោះស្រាយដែលបានស្នើឡើង។



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

Comments

Satisfied with the solution

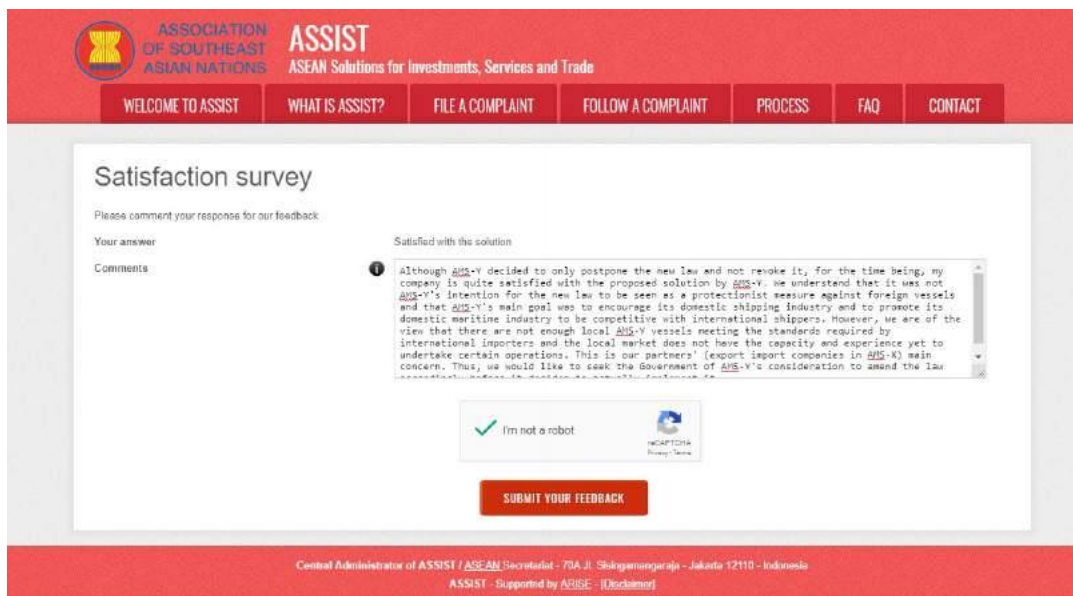
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SUBMIT YOUR FEEDBACK

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

- (ក) ចូរបំពេញការស្ទង់មតិ។ ក្នុងករណីនេះសមាគមពាណិជ្ជកម្មអាស៊ានពេញចិត្តចំពោះដំណោះស្រាយ/ការឆ្លើយ គបដេលផ្តល់ដោយ ASSIST ដូច្នេះ បានបញ្ជាក់ថាពេញចិត្ត។



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Satisfied with the solution

☒ I'm not a robot

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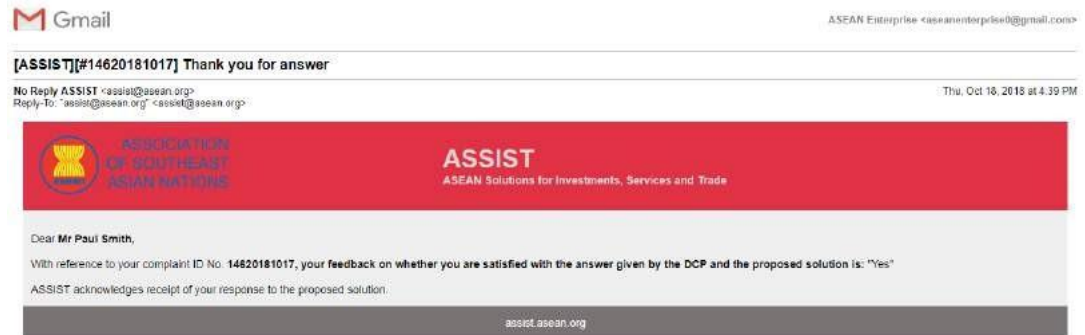
SUBMIT YOUR FEEDBACK

Central Administrator of ASSIST / ASEAN Secretariat - 70A Jl. Setiabudi - Jakarta 12110 - Indonesia
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Although AMS-V 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-V. We understand that it was not AMS-V's intention for the new law to be seen as a protectionist measure against foreign vessels and that AMS-V'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-V 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-V's consideration to amend the law

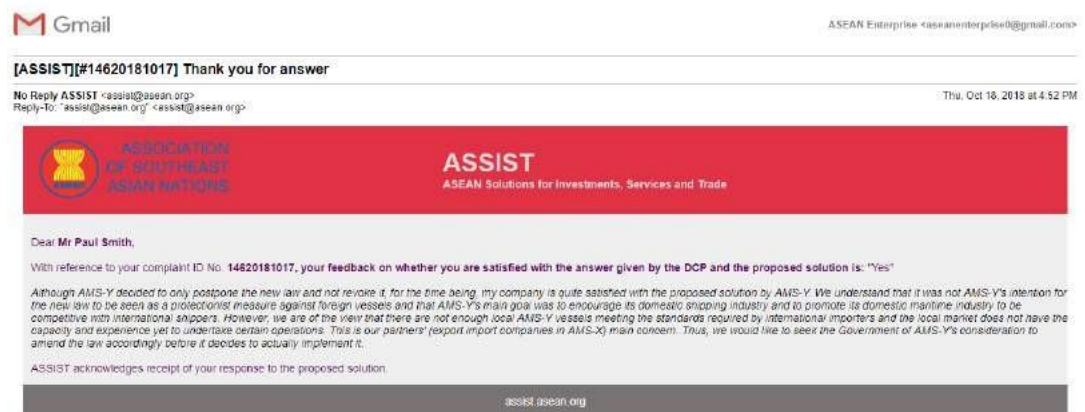
- (ខ) សូមចូលទៅកាន់គណនីអ៊ីមែលរបស់អ្នក។ អ្នកនឹងទទួលបានអ៊ីមែលថ្មីមួយ ឬពីរ (ប្រសិនបើអ្នកបានបំពេញបែបបទស្ទង់មតិ) ពី ASSIST ដែលទទួលស្គាល់ពីការទទួលបានការឆ្លើយគបរបស់អ្នកចំពោះដំណោះស្រាយដែលបានស្នើឡើង ដោយ AMS-Y។ ចម្លើយរបស់អ្នកនឹងត្រូវចម្លងជូនទៅ DCP និង HCP ផងដែរ។

អ៊ីមែលទទួលស្គាល់ទីមួយ ពី ASSIST



អ៊ីមែលទទួលស្គាល់ទីពីរ ពី ASSIST

ប្រសិនបើអ្នកបានផ្តល់អធិប្បាយនៅលើទម្រង់ស្នង់មក អ្នកនឹងទទួលបានអ៊ីមែលទីពីរដូចខាងក្រោម ដែលទទួលស្គាល់ការបានទទួលចម្លើយរបស់អ្នក ចំពោះដំណោះស្រាយដែលបានស្នើឡើង ដែលនឹងត្រូវផ្ញើចេញដោយ ASSIST ទៅឱ្យអ្នក DCP និង HCP។



- (ក) ចូរបំពេញទម្រង់ដើម្បីចូលទៅប្រើ dashboard របស់អ្នកនៅលើ ASSIST ដោយប្រើអ៊ីមែល និងលេខ ID បណ្តឹងរបស់អ្នកដូចបានណែនាំនៅក្នុងជំហានទី៧ (ក) និង (ខ) ខាងលើ។ ខាងក្រោមនេះជាប្រភពនៃ dashboard របស់អ្នក។
- ដូចដែលអ្នកអាចមើលឃើញចំណាត់ការមួយទៀតត្រូវបានបន្ថែមទៅក្នុង "History" របស់អ្នកដែលបង្ហាញថា អ្នកបានបញ្ជាក់ពីការពេញចិត្តចំពោះដំណោះស្រាយដែលបានស្នើឡើងដោយ ASSIST។



ASSOCIATION
OF SOUTHEAST
ASIAN NATIONS

ASSIST

ASEAN Solutions for Investments, Services and Trade

WELCOME TO ASSIST

WHAT IS ASSIST?

MY COMPLAINT

LOGOUT

PROCESS

FAQ

CONTACT

DISCLAIMER

Tracking ID #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 50% 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:

Satisfied - Yes

History

Date	Action	Action By	Comments
18/10/2018 16:52:00	Satisfied	ASEAN-based Enterprise	Although AMS-Y decided to only postpone the new law and not revoke it, for the time being, my company is quite satisfied with the proposed solution by AMS-Y. We understand that it was not AMS-Y's intention for the new law to be seen as a protectionist measure against foreign vessels and that AMS-Y's...
18/10/2018 12:30:29	Solution	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	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	Initial Complaint	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	aseanenterprise@gmail.com (Confirmed)		

COMPLAINT DESCRIPTION

Country of Legal Registration	AMS-X	Business Sector	Services
Registration Number	123456	Type of Problem Encountered	Services / Transport services
Company Registration Proof	Annex 1: Simulated Company Registration of Star 88 Co., Ltd. pdf		
Type of Business	Service provider	Destination Country	AMS-Y
Description	We are a duly registered shipping company in AMS-X. We have entered into a two-year binding agreement since January 2018 with an import-export company in AMS-X. The scope of the agreement is to export iron and aluminium from AMS-X into AMS-Y and import rubber and cotton from AMS-Y into AMS-X using our fleet of vessels. We have agreed to conduct this export-import transaction in round trips from AMS-X to AMS-Y using the same vessel. The intention, inter alia, is to save cost in fuel consumption and manpower by having a full freight load in both inbound and outbound trips, thereby being able to provide a cost-effective and competitive service on a cross-border basis to customers based in both AMS-X and AMS-Y. We recently learned that AMS-Y has issued a new shipping law, namely the Ministry of Trade Law No. 13 Year 2018, imposing that certain commodities can only be transported for import or export by national maritime transport companies. The four commodities, i.e. iron, aluminium, rubber and cotton, are among the commodities listed in this new shipping law. This new law would certainly result in a financial loss for our business and prevent us from providing its maritime shipping services between AMS-X and AMS-Y. We are very worried that this legislative development is contrary to free trade, to the spirit of the ASEAN Economic Community (AEC) and, possibly, against the specific commitments and obligation of AMS-Y under the relevant ASEAN economic agreements (e.g. the ASEAN Framework Agreement on Services, or AFAS). We are of the view that this new law is a clear measure of protectionism and is incompatible with free trade principles and customary law regarding international maritime services, which will seriously impact AMS-X's shipping companies that are offering cross-border maritime transport services in relation to the commodities affected by this law. Furthermore, this new measure by AMS-Y is a clear violation of the commitments made by AMS-Y to the World Trade Organization and is a clear violation of the Schedule of Specific Commitments of AMS-Y under AFAS, where AMS-Y have committed to allow foreign shipping companies that are offering cross-border freight transport services within ASEAN to operate within its waters without any limitations to market access and national treatment. Thus, we would like to request for AMS-Y to revoke or amend this new law accordingly.		
Attachment	Annex 2: Simulated Law of AMS-Y2.pdf Annex 3: Simulated AMS-Y Schedule of Specific Commitments-Maritime Transport Services.pdf		

(ឃ) ប្រសិនបើអ្នកចង់ឃើញអធិប្បាយរបស់អ្នកដែលអ្នកទើបតែបានផ្តល់នៅក្នុងទម្រង់ស្តង់ដារសូមចូលលើនីមិត្តសញ្ញាកែតម្រូវ បន្ទាប់មកអ្នកក្រុងខាងក្រោមនេះនឹងផុសឡើង។



នៅពេលទទួលបានការជូនដំណឹងថា ដំណោះស្រាយមួយត្រូវបានស្នើឡើងទៅកាន់ AE ត្រូវបានទទួលយកថា ពេញចិត្តហើយ ពីសំណាក់ AE, DCP គួរតែបញ្ជូនការជូនដំណឹងអំពីការទទួលយកនេះ ទៅកាន់ RA(s) ដើម្បីធានាថាការរៀបចំផ្នែករដ្ឋបាលដែលចាំបាច់ក្នុងការអនុវត្តដំណោះស្រាយនេះ ត្រូវបានធ្វើឡើងបានឆាប់រហ័សតាមដែលអាចធ្វើទៅបាន។

ASSIST នឹងចាត់ទុកនីតិវិធីនេះជានីតិវិធីមួយ ដែលបណ្តឹងត្រូវបានទទួលយក ហើយដំណោះស្រាយត្រូវបានផ្តល់ឱ្យដោយ DCP និងត្រូវបានទទួលយកដោយ AE។

ចូរកត់សម្គាល់ថារយៈពេលសម្រាប់ការដោះស្រាយបញ្ហាឆ្លងដែន ដែលលើកឡើងនៅក្រោមប្រព័ន្ធ ASSIST គឺមិនលើសពី ៤០ថ្ងៃ (ថ្ងៃធ្វើការ) ឬពីរខែ (ខែប្រតិទិន) (លើកលែងតែមានការព្រមព្រៀងគ្នាលើការពន្យារពេលបន្ថែមមិនលើសពី ២០ថ្ងៃ (ថ្ងៃធ្វើការ) គិតពីថ្ងៃដែលបណ្តឹងត្រូវបានទទួលយកដោយ DCP (ឧទាហរណ៍ រដ្ឋសមាជិកអាស៊ាន ដែលបណ្តឹងត្រូវបានប្តឹងប្រឆាំងទៅសមាជិកនោះ)។



ASSIST

មេរៀនមួយជំហានម្តងៗសម្រាប់ករណីសិក្សានិមួយៗ (ពាណិជ្ជកម្មលើទំនិញ)

Photo credit: Nathan Associates - PSDA Project, Myanmar

បណ្តឹងដាក់ដោយសហគ្រាសអាស៊ាន (ក្រុមហ៊ុនមេរបស់ក្រុមហ៊ុនបុត្រសម្ព័ន្ធ) ត្រូវបានទទួលយកដោយរដ្ឋបាលកណ្តាល និងត្រូវបានច្រានចោលដោយចំណុចទំនាក់ទំនងនៃប្រទេសគោលដៅ។

បរិយាយសង្ខេបនៃសំណុំរឿង៖ សេណារីយ៉ូនីដាសំណុំរឿងប្រតិបត្តិកម្មដែលស្ថិតក្រោមម្លដ ៣ (វត្តមានពាណិជ្ជកម្ម) នៃពាណិជ្ជកម្មលើសេវាកម្ម ដែលត្រូវបានកំណត់និយមន័យនៅក្នុងកិច្ចព្រមព្រៀងគ្របដណ្តប់អាស៊ានស្តីពីសេវាកម្ម (AFAS) និងកិច្ចព្រមព្រៀងទូទៅស្តីពីពាណិជ្ជកម្មលើសេវាកម្ម (GATS) ថាជាការផ្គត់ផ្គង់របស់អ្នកផ្តល់សេវាកម្មនៃប្រទេសមួយតាមរយៈ វត្តមានពាណិជ្ជកម្មនៅក្នុងដែនដីនៃប្រទេសមួយផ្សេងទៀត។ សេណារីយ៉ូនីដាសំណុំរឿងមួយដែលត្រូវបានទទួលយកដោយរដ្ឋបាលកណ្តាល (CA) របស់ ASSIST ថាជាបណ្តឹងដែលមានសុពលភាពធ្វើឡើងដោយ AE ដែលជាក្រុមហ៊ុនមេនៅក្នុងរដ្ឋសមាជិកអាស៊ានមួយទៀតនៃក្រុមហ៊ុនបុត្រសម្ព័ន្ធជាទីកន្លែងដែលរដ្ឋសមាជិកអាស៊ាននោះត្រូវបានប្តឹង

និងដែលជាម្ចាស់បញ្ហា ឬមានបណ្តឹង ប៉ុន្តែបណ្តឹងនោះត្រូវបានច្រានចោលដោយប្រទេសគោលដៅដោយប្រទេសគោលដៅ ពីព្រោះប្រទេសគោលដៅរកឃើញថាការចោទប្រកាន់ដោយ AE ខ្វះខាតមូលដ្ឋានច្បាប់លាស់ ពីព្រោះប្រទេសគោលដៅបានអនុលោមតាមការសន្យាអាស៊ានដែលពាក់ព័ន្ធ។

បណ្តឹងនេះ គឺទាក់ទងនឹងការដកហូតអាជ្ញាប័ណ្ណរបស់ក្រុមហ៊ុនបុត្រសម្ព័ន្ធ និងការធ្វើវិសោធនកម្មនៃច្បាប់ស្តីពីអាជ្ញាប័ណ្ណផ្ទុកកិច្ចទូរគមនាគមន៍ដោយប្រទេសគោលដៅ ដែល AE អះអាងថាការធ្វើបែបនេះគឺជាការរើសអើងចំពោះវិនិយោគិនបរទេស និងជាការរំលោភយ៉ាងច្បាស់ទៅលើកម្មវិធីនៃកិច្ចសន្យាអាស៊ានជាក់លាក់របស់ប្រទេសគោលដៅនៅក្រោម AFAS ដែលប្រទេសគោលដៅបានសន្យាអនុញ្ញាតឱ្យមានវត្តមានពាណិជ្ជកម្មរបស់ក្រុមហ៊ុនបរទេសមួយ ឬនិយាយម្យ៉ាងទៀត គឺអនុញ្ញាតសិទ្ធិស្របច្បាប់ឱ្យប្រតិបត្តិការបរទេស ដែលចុះបញ្ជីត្រឹមត្រូវនៅក្នុងរដ្ឋសមាជិកអាស៊ានមួយទៀតដើម្បីផ្តល់សេវាកម្ម តាមរយៈវត្តមានពាណិជ្ជកម្ម ដោយគ្មានការរឹតត្បិតលើការចូលទៅទីផ្សារ និងប្រព្រឹត្តកម្មជាតិ។

បញ្ជីតួអង្គ និងអក្សរកាត់

- ដើមបណ្តឹង = សហគ្រាសអាស៊ាន (AE)
- លេខាធិការដ្ឋានអាស៊ាន = រដ្ឋបាលកណ្តាលរបស់ ASSIST (CA)
- ប្រទេសដើម = ចំណុចទំនាក់ទំនងនៅក្នុងប្រទេសដើម (HCP) នៅក្នុងរដ្ឋសមាជិកអាស៊ាន X (AMS-X)
- ប្រទេសគោលដៅ = ចំណុចទំនាក់ទំនងនៅប្រទេសគោលដៅ (DCP) នៅក្នុងរដ្ឋសមាជិកអាស៊ាន Y (AMS-Y)
- អាជ្ញាធរជាតិពាក់ព័ន្ធ = អាជ្ញាធរពាក់ព័ន្ធ (RAS)

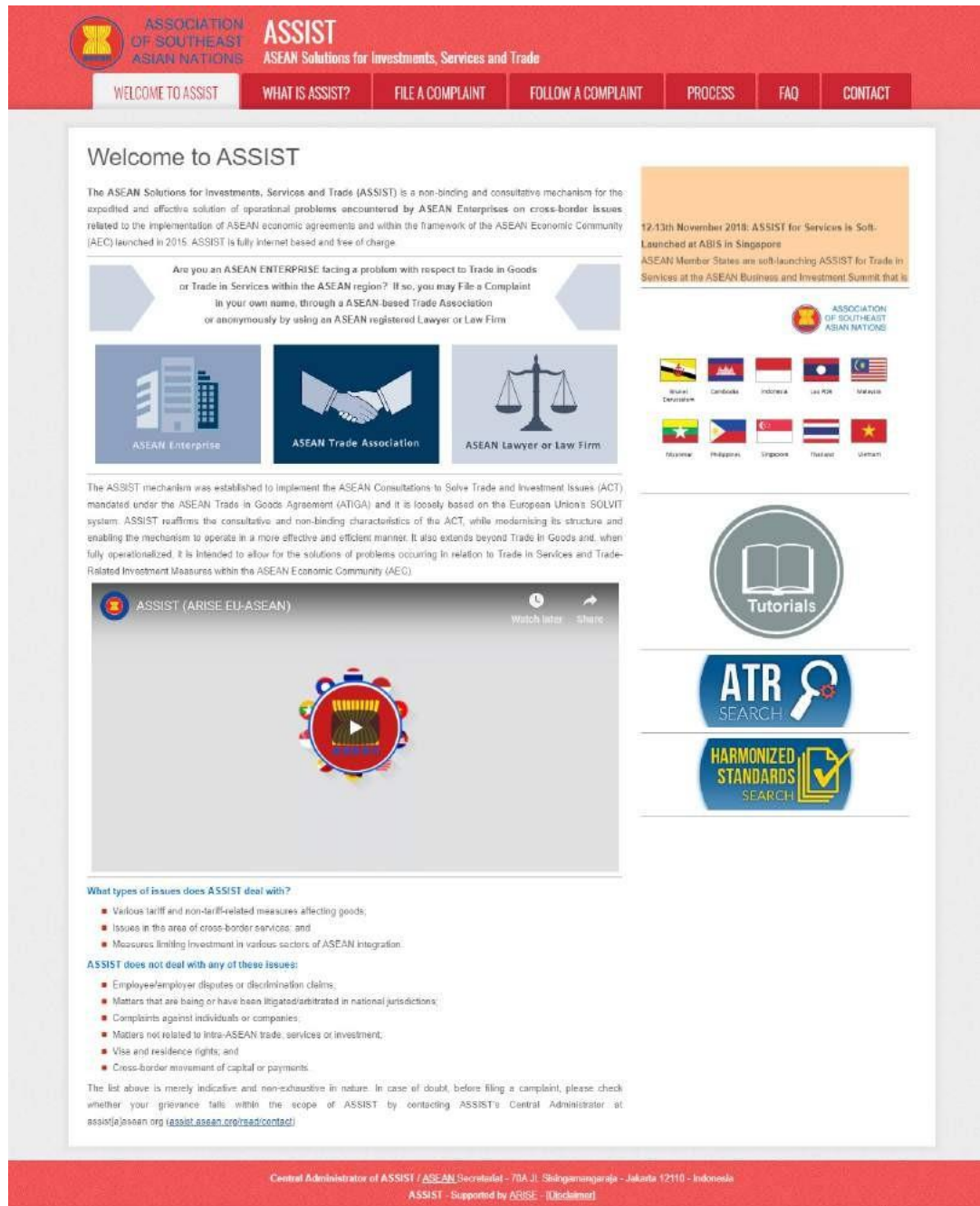
ជំហាន

1

ចូលទៅគេហទំព័រ ASSIST (<http://asst.asean.org>)

ប្រសិនបើអ្នកគិតថាករណីរបស់អ្នកគឺជាបញ្ហាដែលពាក់ព័ន្ធនឹងពាណិជ្ជកម្មក្នុងដែនអាស៊ាន អ្នកជាក្រុមហ៊ុនដែលចុះបញ្ជីនៅក្នុងរដ្ឋសមាជិកអាស៊ាន ហើយអ្នកត្រូវការសេវាកម្មពីគ្រោះយោបល់ឥតគិតថ្លៃ ប៉ុន្តែមិនចង់កាតព្វកិច្ច និងទទួលបានដំណោះស្រាយលឿន និងមានប្រសិទ្ធភាព សូមចូលទៅមើលគេហទំព័រនេះ៖ <http://assist.asean.org>។

ខាងក្រោមនេះ គឺជាគេហទំព័ររបស់ ASSIST



The screenshot shows the ASSIST website homepage. At the top is the ASEAN logo and the text 'ASSIST ASEAN Solutions for Investments, Services and Trade'. Below this is a navigation bar with tabs: 'WELCOME TO ASSIST', 'WHAT IS ASSIST?', 'FILE A COMPLAINT', 'FOLLOW A COMPLAINT', 'PROCESS', 'FAQ', and 'CONTACT'. The main content area is titled 'Welcome to ASSIST' and contains a paragraph about the ASSIST mechanism. It then presents three options for filing a complaint: '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 news item dated 12.13th November 2018 about the soft-launching of ASSIST for Trade in Services. Further down, there are sections for 'Tutorials', 'ATR SEARCH', and 'HARMONIZED STANDARDS SEARCH'. At the bottom, there is contact information for the Central Administrator of ASSIST.

ជំហាន
2

ចូរជ្រើសរើសយក 'File A Complaint' tab (LAINT' (និមិត្តសញ្ញា Asean enterprise)

ប្រសិនបើអ្នកដាក់បណ្តឹងក្រោមឈ្មោះក្រុមហ៊ុនផ្ទាល់ខ្លួនរបស់អ្នក (បណ្តឹងមិនមែនអនាមិក) ហើយអ្នកមិនត្រូវបានគំណាងដោយសហគមន៍ពាណិជ្ជកម្មដែលមានមូលដ្ឋាននៅក្នុងអាស៊ាន ឬដោយអង្គភាពគំណាងដែលអ្នកបានជ្រើសរើស ដូចជាសភាពាណិជ្ជកម្ម ក្រុមប្រឹក្សាធុរកិច្ច សហព័ន្ធធុរកិច្ច ឬក្រុមហ៊ុនមេធាវី ឬមេធាវីចុះបញ្ជី ទេនោះចូរចុចលើនិមិត្តសញ្ញា "ASEAN Enterprise" នៅលើថេប "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. Sudirman Raya - Jakarta 12110 - Indonesia
ASSIST - Supported by ARISE - [Disclaimer](#)

នៅពេលដែលអ្នកចុះនៅលើនីមិត្តសញ្ញា 'ASEAN Enterprise' រួចហើយ ទំព័រខាងក្រោមនេះនឹងបង្ហាញឡើង។



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



ចូរបំពេញទម្រង់ខាងលើដើម្បីផ្តល់ដល់ ASSIST នូវព័ត៌មានគ្រប់គ្រាន់អំពីបញ្ហាពាណិជ្ជកម្មដែលអ្នកកំពុងជួបប្រទះ។ ក្រុងកន្លែងណាដែលសម្គាល់ដោយសញ្ញា (*) គឺត្រូវបំពេញជាចាំបាច់។ ប្រសិនបើអ្នកមិនយល់ច្បាស់ថាត្រូវបំពេញអ្វីនៅក្នុងកន្លែងនីមួយៗក៏មានប៉ុគ្គម ❶ នៅក្បែរដែលអាចចុចមើលការណែនាំលម្អិតអំពីអ្វីដែលត្រូវបំពេញ។ ចូរចុចលើប៉ុគ្គម ❶ នោះ ដើម្បីឱ្យប្រាកដថាអ្នកបំពេញព័ត៌មានបានត្រឹមត្រូវនៅក្នុងទម្រង់នីមួយៗ។

ចំណុចសំខាន់ៗគឺត្រូវបំពេញនៅក្នុងកន្លែង “បរិយាយ” ឬ “Description”។ CA នឹងត្រូវផ្ទៀងផ្ទាត់ថាបរិយាយដែលផ្តល់ឱ្យនៅក្នុងបណ្តឹងគ្រប់គ្រាន់ដើម្បីកំណត់បញ្ហានៅក្នុងបរិបទនៃកិច្ចព្រមព្រៀងវិស័យនានាដែរឬទេ ដូច្នេះចូរប្រៀបធៀបបណ្តឹងរបស់អ្នកឱ្យបានហ្មត់ចត់ដោយមានអង្គហេតុ និងភស្តុតាងជាក់ស្តែងច្បាស់លាស់ ដើម្បីជួយ CA ក្នុងការសម្រេចចិត្តថាតើគេគួរទទួល ឬមិនទទួលបណ្តឹងនោះ។

ជំហាន
3

បំពេញទម្រង់បែបបទពាក្យបណ្តឹង

ខាងក្រោមនេះជាឧទាហរណ៍នៃបែបបទបណ្តឹងដែលបានបំពេញរួចសម្រាប់ករណីសិក្សាជាក់លាក់នេះ។

ASEAN ENTERPRISE

* ASEAN Enterprise Name

* Company Size

* Phone

* Website

* Address
City U
Country X

* City ZIP Code

* Country

CONTACT PERSON

* Gender ☒ Mr ☐ Mrs ☐ Ms

* First Name * Last Name

* Phone

* Position

* Email

* Address
City U
Country X

* 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 this ASSIST [Policy](#)

☒ 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. Sudirman Jakarta 12110 - Indonesia
ASSIST - Supported by ARISE - (Disclaimer)

ជាការបំពេញនូវតួនាទីរបស់ខ្លួនក្នុងការលើកកម្ពស់សេចក្តីសុខដុមរិតរបស់ប្រជាជនក្នុងតំបន់ ក្រុមហ៊ុន AirTel Holdings, Inc. ក្រុមហ៊ុនបុត្រសម្ព័ន្ធរបស់យើង AirTel Co., Ltd. មានមូលដ្ឋាននៅក្នុង AMS-X ឈ្មោះក្រុមហ៊ុន AirTel Holdings, Inc.។ ក្រុមហ៊ុនបុត្រសម្ព័ន្ធរបស់យើង AirTel Co., Ltd. មានមូលដ្ឋាននៅក្នុង AMS-Y ៨០% នៃភាគហ៊ុនសរុបដែលចេញដោយ AirTel Co., Ltd. កាន់កាប់ដោយម្ចាស់ភាគហ៊ុន AMS-X ហើយកំណែប្រែក្រុមហ៊ុនជាខ្ពស់របស់ខ្លួនកាន់កាប់លើសលប់ដោយពលរដ្ឋនៅក្នុង AMS-Y។ អាជ្ញាប័ណ្ណប្រតិបត្តិការរបស់ AirTel Co., Ltd. ត្រូវបានដកហូតដោយអាជ្ញាធរសារពាគស្ថានកម្មវិស័យទូរស័ព្ទនៅក្នុង AMS-Y កាលពីខែកញ្ញា ឆ្នាំ២០១៨ ដោយឈរលើហេតុផលថាអាជ្ញាប័ណ្ណទូរស័ព្ទកម្មវិស័យទូរស័ព្ទដែលកាន់កាប់ដោយ AirTel Co., Ltd. លែងមានសុពលភាពទៀតហើយ។

យើងខ្ញុំក៏ជាបុគ្គលិកក្រុមហ៊ុនកម្មវិស័យទូរស័ព្ទដែលចុះបញ្ជីត្រឹមត្រូវតាមច្បាប់នៅក្នុង AMS-X ឈ្មោះក្រុមហ៊ុន AirTel Holdings, Inc.។ ក្រុមហ៊ុនបុត្រសម្ព័ន្ធរបស់យើង AirTel Co., Ltd. មានមូលដ្ឋាននៅក្នុង AMS-Y ៨០% នៃភាគហ៊ុនសរុបដែលចេញដោយ AirTel Co., Ltd. កាន់កាប់ដោយម្ចាស់ភាគហ៊ុន AMS-X ហើយកំណែប្រែក្រុមហ៊ុនជាខ្ពស់របស់ខ្លួនកាន់កាប់លើសលប់ដោយពលរដ្ឋនៅក្នុង AMS-Y។ អាជ្ញាប័ណ្ណប្រតិបត្តិការរបស់ AirTel Co., Ltd. ត្រូវបានដកហូតដោយអាជ្ញាធរសារពាគស្ថានកម្មវិស័យទូរស័ព្ទនៅក្នុង AMS-Y កាលពីខែកញ្ញា ឆ្នាំ២០១៨ ដោយឈរលើហេតុផលថាអាជ្ញាប័ណ្ណទូរស័ព្ទកម្មវិស័យទូរស័ព្ទដែលកាន់កាប់ដោយ AirTel Co., Ltd. លែងមានសុពលភាពទៀតហើយ។ តាមពិតកាលពីខែសីហា ឆ្នាំ២០១៨ AMS-X បានធ្វើវិសោធនកម្មច្បាប់ស្តីពីអាជ្ញាប័ណ្ណកម្មវិស័យទូរស័ព្ទកម្មវិស័យទូរស័ព្ទលេខ 1500 ដែលក្នុងច្បាប់វិសោធនកម្មនេះ ប្រតិបត្តិការបរទេសលែងត្រូវបានអនុញ្ញាតឱ្យដាក់ពាក្យសុំអាជ្ញាប័ណ្ណប្រភេទ B និងអាជ្ញាប័ណ្ណប្រភេទ C ទៀតហើយ។

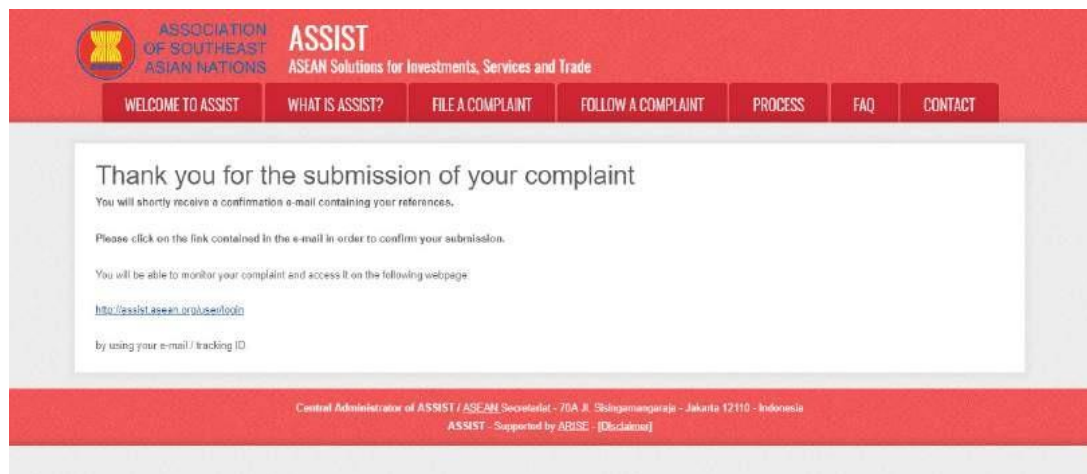
អាជ្ញាប័ណ្ណប្រភេទ B គឺសម្រាប់ប្រតិបត្តិករដែលមាន ឬគ្មានបណ្ណាញផ្ទាល់ខ្លួន ប៉ុន្តែផ្តល់សេវាកម្មដែលផ្តោតទៅលើផ្នែកមួយ ឬផ្នែកជាច្រើននៃមហាជន។ អាជ្ញាប័ណ្ណប្រភេទ C គឺសម្រាប់ប្រតិបត្តិករដែលមានបណ្ណាញ ដែលផ្តល់សេវាកម្មដល់មហាជនទូទៅឬសេវាកម្មដែលបង្កផលប៉ះពាល់ធំទៅលើការប្រកួតប្រជែងដោយយុត្តិធម៌ ផលប្រយោជន៍សាធារណៈ ឬទាមទារឱ្យមានការការពារអ្នកប្រើប្រាស់ពិសេស។ អ្នកដាក់ពាក្យសុំអាជ្ញាប័ណ្ណប្រភេទ B និង C ត្រូវតែជាក្រុមហ៊ុនដែលមានពលរដ្ឋ AMS-Y កាន់កាប់ភាគហ៊ុនយ៉ាងតិចបំផុត ៥១% ហើយយ៉ាងហោចណាស់ ៣ ភាគ ៤ នៃមុខកំណែងគ្រប់គ្រងជាន់ខ្ពស់របស់ក្រុមហ៊ុនដាក់ពាក្យសុំ និងបុគ្គលដែលអនុញ្ញាតឱ្យចុះហត្ថលេខាលើកិច្ចសន្យាចងកាតព្វកិច្ចនានា ជាគំណងឱ្យក្រុមហ៊ុនដែលដាក់ពាក្យសុំត្រូវតែជាអ្នកដែលមានសញ្ជាតិរបស់ AMS-Y។ យើងយល់ឃើញថា AirTel Co., Ltd. ត្រូវបានប្រព្រឹត្តិដាក់ដោយមិនយុត្តិធម៌ ពីព្រោះខ្លួនបានធ្វើតាមដំណើរការរបស់រដ្ឋាភិបាលនៅពេលដែលខ្លួនបានដាក់ពាក្យសុំអាជ្ញាប័ណ្ណ ហើយខ្លួនមិនបានទទួលការជូនដំណឹងណាមួយពី AMS-Y ស្តីពីការវិវឌ្ឍន៍នេះទេ។ ខ្លួនបានអនុលោមតាមលក្ខខណ្ឌកម្រៃសម្រាប់ក្រុមហ៊ុនបរទេស ដែលមានម្ចាស់ភាគហ៊ុនភាគច្រើនជាជនបរទេស ដែលទទួលបានអាជ្ញាប័ណ្ណធុរកិច្ចបរទេសពីក្រសួងពាណិជ្ជកម្ម។

ការដកហូតអាជ្ញាប័ណ្ណរបស់ AirTel Co., Ltd. និងការធ្វើវិសោធនកម្មច្បាប់ស្តីពីអាជ្ញាប័ណ្ណធុរកិច្ច បានធ្វើឱ្យតម្លៃហ៊ុនរបស់ AirTel Holdings, Inc. ធ្លាក់ចុះ ៥,៦៧% នៅក្នុងប្រទេស AMS-X ដោយសារតែ AMS-Y គឺជាទីផ្សារបណ្ណាញទូរស័ព្ទចល័តជាងគេបំផុតទីពីរ នៅលើពិភពលោក។ យើងជឿថា ការដកហូតអាជ្ញាប័ណ្ណនេះ គឺជាការរើសអើងចំពោះវិនិយោគិនបរទេស នៅក្នុងវិស័យទូរគមនាគមន៍ និងជាការរំលោភលើការសន្យានិងកាតព្វកិច្ចរបស់ AMS-Y នៅក្រោមកិច្ចព្រមព្រៀងក្របខ័ណ្ឌអាស៊ានស្តីពីសេវាកម្ម (AFAS)។ នៅពេលដែលបណ្តឹងត្រូវបានដាក់ដោយចុចលើ "Submit Your Complaint" ទំព័រដូចមាននៅក្នុងជំហាន ៤ នឹងបង្ហាញឡើង។

ជំហាន
4

ទទួលការជូនដំណឹងពី ASSIST

នៅពេលអ្នកដាក់បណ្តឹងនៅលើគេហទំព័រ ASSIST ទំព័រខាងក្រោមនេះនឹងបង្ហាញឡើង ដែលជូនដំណឹងដល់អ្នកថា អ៊ីមែលបញ្ជាក់មួយនឹងផ្ញើទៅកាន់អាសយដ្ឋានអ៊ីមែល ដែលអ្នកបានផ្តល់នៅក្នុងបែបបទបណ្តឹង។



ការជូនដំណឹងខាងលើនេះ ចង្អុលបង្ហាញថា អ្នកគួរតែចុចលើកំណត់ប៉ាន់ ដែលបានផ្តល់នៅក្នុងករណីអ៊ីមែលរបស់អ្នកដើម្បីបញ្ជាក់អំពីបណ្តឹងរបស់អ្នក ដែលដាក់ទៅកាន់ ASSIST។

ជំហាន
5

បញ្ជាក់បណ្តឹងរបស់អ្នកពីក្នុងគណនីអ៊ីមែលរបស់អ្នក

(ក) សូមចូលទៅកាន់គណនីអ៊ីមែលដែលអ្នកបានផ្តល់នៅក្នុងបែបបទបណ្តឹង។ អ្នកនឹងទទួលបានអ៊ីមែលពី ASSIST ដែលស្នើឱ្យអ្នកបញ្ជាក់បណ្តឹងរបស់អ្នក ដោយចុចលើតំណភ្ជាប់ដែលបានផ្តល់ឱ្យ ឬដោយ copy-paste តំណភ្ជាប់នោះទៅលើកម្មវិធីបើកអ៊ីនធឺណិត ។ ASSIST ក៏តម្រូវឱ្យអ្នកធ្វើដូច្នេះដែរ ដើម្បីបញ្ជាក់ថា អាសយដ្ឋានអ៊ីមែលដែលអ្នកបានផ្តល់ឱ្យ គឺជាអាសយដ្ឋានដែលមានសុពលភាពត្រឹមត្រូវ ។ លេខបណ្តឹងរបស់អ្នក ក៏ត្រូវបានផ្តល់ឱ្យនៅក្នុងអ៊ីមែលនេះដែរ ។ ក្នុងករណីនេះ លេខបណ្តឹងរបស់អ្នក គឺ **17720181101** ។

ខាងក្រោមនេះ គឺជាអ៊ីមែលដែលអ្នកនឹងទទួលបានពី ASSIST។


ASEAN Enterprise <aseanenterprise@gmail.com>

[ASSIST] Thanks to confirm your complaint #17720181101 submission

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

Thu, Nov 1, 2018 at 4:01 P



ASSIST
ASEAN Solutions for Investments, Services and Trade

From: **Mr Bruce Kent**
http://assist.asean.org/user/confirm_email
 Thank you for having filed a complaint on **ASSIST**, the system of ASEAN Solutions for Investments, Services and Trade.
<http://assist.asean.org/user/login> by using your e-mail / tracking ID: aseanenterprise0@gmail.com / **17720181101**
http://assist.asean.org/development/space/user/confirm_email?email=aseanenterprise0@gmail.com&id=17720181101&code=1ax9eg5v13

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

ASEAN Enterprise / Trade Association / Law Firm : AirTel Holdings, Inc. (type Enterprise)
 Company size : 200+
 Phone : +261 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 : 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. 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).

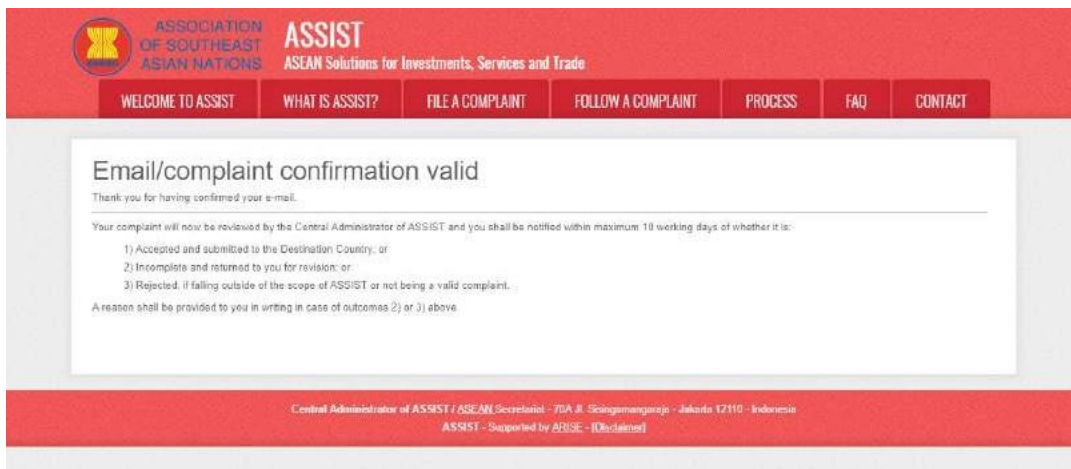
Thanking you, ASSIST is at your service.

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 5.Simulated_Country_Business_Regulation_of_AirTel_Holdings_Inc.pdf 47K

(ខ) សូមចូលលើកតំណភ្ជាប់ទៅកាន់កម្មវិធីបើកអ៊ីនធឺណិតនៅក្នុងអ៊ីមែលខាងលើ បន្ទាប់មកចុចលើខាងក្រោមនេះនឹងបង្ហាញឡើង។



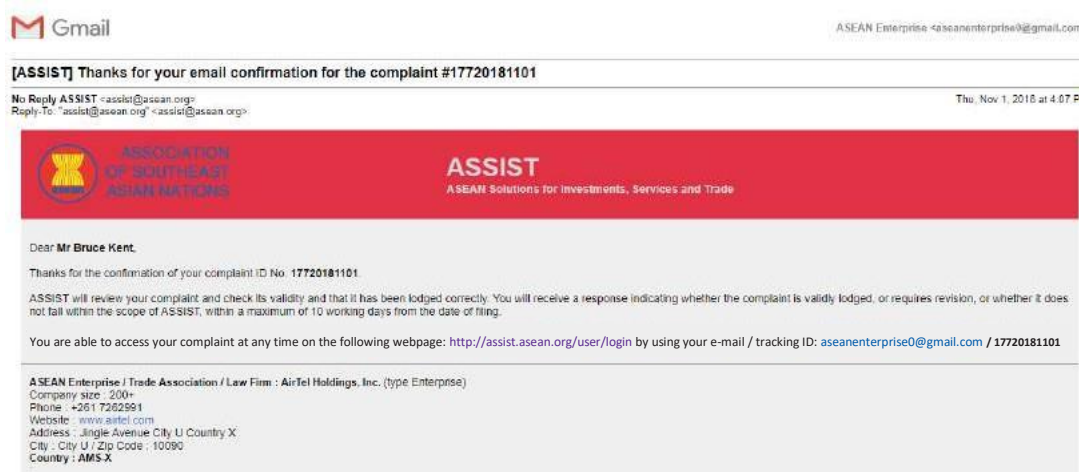
ការជូនដំណឹងខាងលើ នឹងប្រាប់អ្នកថា បណ្តឹងរបស់អ្នកនឹងត្រូវពិនិត្យដោយ CA និងថា អ្នកនឹងត្រូវបានជូនដំណឹង តាមអ៊ីមែលក្នុងរយៈពេលយ៉ាងយូរបំផុត ១០ ថ្ងៃ (ថ្ងៃធ្វើការ) ថា៖

- ១) បណ្តឹងត្រូវបានទទួលយក និងដាក់ជូនទៅប្រទេសគោលដៅ ឬ
 - ២) បណ្តឹងមានលក្ខណៈមិនពេញលេញ នឹងត្រូវបញ្ជូនឱ្យអ្នកវិញដើម្បីធ្វើការកែសម្រួល, ឬ
 - ៣) បណ្តឹងត្រូវបានច្រានចោល ប្រសិនបើវាស្ថិតនៅក្រៅសមត្ថកិច្ចរបស់ ASSIST ឬវាមិនមែនជាបណ្តឹងដែល មានសុពលភាព។
- សូមចូលទៅកាន់គណនីអ៊ីមែលរបស់អ្នក។

ជំហាន
6

ទទួលអ៊ីមែលពី ASSIST ថា អាសយដ្ឋានអ៊ីមែល និងបណ្តឹងរបស់អ្នក មានសុពលភាព

សូមចូលទៅកាន់គណនីអ៊ីមែលរបស់អ្នក ហើយអ្នកនឹងឃើញអ៊ីមែលថ្មីមួយ ផ្ញើមកពី ASSIST។ អ៊ីមែលនេះ បង្ហាញថាអ្នកបានបញ្ជាក់បណ្តឹងរបស់អ្នកចំពោះ CA នឹងពិនិត្យសុពលភាពបណ្តឹង និងថា បណ្តឹងនោះត្រូវ បានធ្វើឡើងនៅក្នុងក្របខ័ណ្ឌ ASSIST។ បន្ទាប់មក ASSIST នឹងឆ្លើយតបដោយបញ្ជាក់ថា តើបណ្តឹងនោះត្រូវ បានទទួលយក ឬយ៉ាងណាថា កើតមានមិនពេញលេញ ឬត្រូវបានច្រានចោល នៅក្នុងរយៈពេល ១០ ថ្ងៃ យ៉ាងយូរបំផុត តា។



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.

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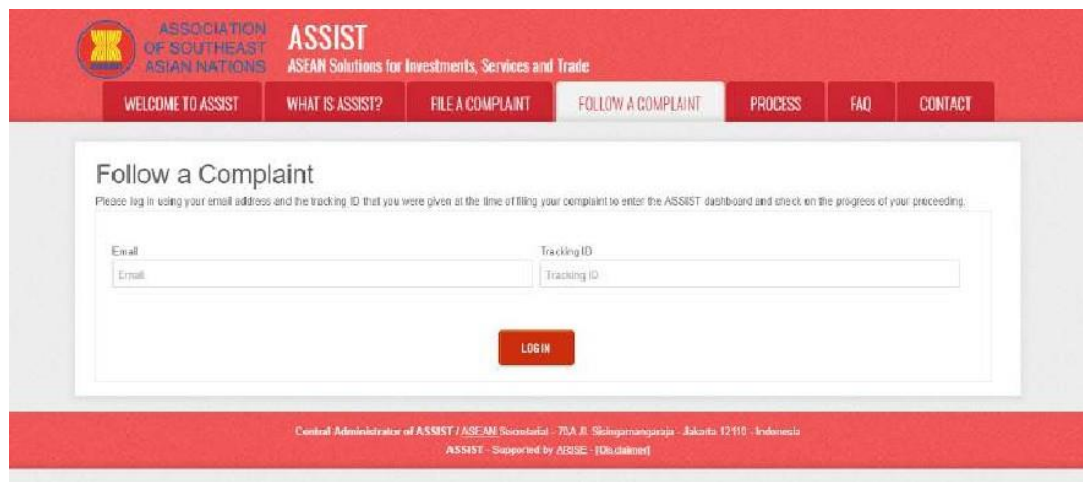
- 4 attachments
-  Annex_2-Simulated_AMS-Y_Schedule_of_Specific_Commitments-AFAS_9_Consolidated_Schedule1.pdf
51K
 -  Annex_3-Simulated_Law_of_AMS-Y1.pdf
47K
 -  Annex_4-Simulated_Amendment_Law_of_AMS-Y1.pdf
47K
 -  Annex_1-Simulated_Company_Registration_of_AirTel_Holdings_Inc1.pdf
49K

ដូចបានបង្ហាញនៅក្នុងអ៊ីមែលខាងលើ ឥឡូវនេះ អ្នកអាចតាមដានវឌ្ឍនភាពនៃបណ្តឹងរបស់អ្នក ដោយចុចលើ តំណភ្ជាប់ដែលបានផ្តល់ ដែលនឹងនាំអ្នកទៅដល់ទំព័រ 'Follow a Complaint' នៅលើគេហទំព័រ ASSIST។

ជំហាន
7

តាមដានវឌ្ឍនភាពនៃបណ្តឹងរបស់អ្នក

- (ក) សូមចូលទៅតំណភ្ជាប់នេះ៖ <http://assist.asean.org/user/login> ឬចូលទៅរក 'Follow a Complaint' នៅលើ គេហទំព័រនៃគេហទំព័រ ASSIST។ ទំព័រខាងក្រោមនេះ នឹងលេចឡើង ។



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:

LOG IN

Central Administrator of ASSIST / ASEAN Secretariat - 75A B. Soekarno Square - Jakarta 12110 - Indonesia
ASSIST - Supported by ARISE [Disclaimer]

- (ខ) បញ្ចូលអាសយដ្ឋានអ៊ីមែល និងលេខ ID តាមដានរបស់អ្នក (លេខបណ្តឹងរបស់អ្នក) នៅក្នុងប្រអប់ដែលចាំបាច់ ត្រូវបំពេញ ដើម្បីចូលទៅកាន់ទំព័រនេះ ។ ក្នុងករណីនេះ អាសយដ្ឋានអ៊ីមែល គឺ aseanenterprise0@gmail.com ហើយលេខ ID បណ្តឹងរបស់អ្នក គឺ 17720181101។



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OF SOUTHEAST
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FILE A COMPLAINT

FOLLOW A COMPLAINT

PROCESS

FAQ

CONTACT

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LOGIN

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- នៅពេលអ្នកចូលទៅដល់ហើយ អ្នកនឹងឃើញ dashboard នៅលើគេហទំព័រ ASSIST របស់អ្នក ដែលទីនោះ អ្នកអាច តាមដានវឌ្ឍនភាពនៃបណ្តឹងរបស់អ្នកបាន។
- (គ) នេះជារូបភាពនៃ dashboard នៅលើគេហទំព័រ ASSIST របស់អ្នក នៅពេលអ្នកបំពេញឈ្មោះចូលដោយជោគជ័យរួចហើយ ។



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LOGOUT

PROCESS

FAQ

CONTACT

DISCLAIMER

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	

WITHDRAW COMPLAINT

ASEAN ENTERPRISE

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

CONTACT PERSON

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

COMPLAINT DESCRIPTION

Country of Legal Registration	AMS-X	Business Sector	Services
Registration Number	123456	Type of Problem Encountered	Services / Communication Services
Company Registration Proof	Annex 1: Simulated Company Registration of AirTel Holdings_Incl1.pdf		
Type of Business	Service provider		
Description	We are a duly registered telecommunications company in AMS-X, AirTel Holdings, Inc. Our subsidiary company, AirTel Holdings, Inc. is based in AMS-Y. 80% of the total shares issued by AirTel Co., Ltd. is owned by AMS-X shareholders and its senior management level positions are dominated by AMS-Y nationals. AirTel Co., Ltd.'s operating license has recently been revoked by AMS-Y's National Communication Authority in September 2018 on the argument that the telecommunications license possessed by AirTel Co., Ltd. is no longer valid. In fact, in August 2018, AMS-Y had amended the Telecommunications Business License Act No. 1500, whereby foreign operators were no longer permitted to apply for Type B and Type C licenses. A type B telecom license is for an operator with or without its own network, but provides services targeting a segment or even several segments of the public. A type C telecom license is for an operator with a network that provides services to the general public, or services that cause a significant impact on fair competition, the public interest, or require special consumer protection. The applicant applying for Type B and Type C licenses must be companies where AMS-Y nationals hold at least 51% shares and at least three quarters of the applicant's senior level management and the person authorized to sign any binding commitments, as a representation of the applicant company, must be an AMS-Y national. We feel that AirTel Co., Ltd. has been treated unfairly as it simply followed the government process at the time when it had applied for the license and it was not given any notification by AMS-Y on this new development. It has also complied with the requirement for foreign companies with a majority of foreign		

Attachment

shareholders, which is obtaining a Foreign Business License from the Ministry of Commerce. The revoking of AiTel Co., Ltd.'s license and the amendment of the business license regulation has caused AiTel 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).

[Annex 2-Simulated_AMS-Y_Schedule_of_Specific_Commitments-AFAS_9_Consolidated_Schedule.pdf](#)

[Annex 3-Simulated_Law_of_AMS-Y1.pdf](#)

[Annex 4-Simulated_Amendment_Law_of_AMS-Y1.pdf](#)

Central Administrator of ASSIST / [ASEAN](#) Secretariat - POA JI, Sisingarjengraja - Jakarta 12110 - Indonesia

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ដូចដែលអ្នកអាចមើលឃើញនៅលើ dashboard ចំណាត់ការនានាដែលធ្វើឡើងពាក់ព័ន្ធនឹងបណ្តឹងរបស់អ្នក ត្រូវបានបង្ហាញយ៉ាងច្បាស់នៅលើ dashboard ហើយបញ្ជីនេះនឹងត្រូវធ្វើបច្ចុប្បន្នភាពជាទៀងទាត់ នៅពេលដែលចំណាត់ការអ្វីមួយត្រូវបានធ្វើឡើង។ ទម្រង់បណ្តឹងដែលអ្នកបានបំពេញរួច និងបានដាក់ជូនរដ្ឋ ក៏អាចរកមើលនៅលើ dashboard នេះបានដែរ។

ជំហាន
8

រដ្ឋបាលកណ្តាលនឹងពិនិត្យបណ្តឹងអ្នកឡើងវិញ រួចហើយផ្ញើប្រតិច្ចាសនាដល់អ្នក (ទទួលយក មិនពេញលេញ ឬប្រាន់ចោល)

នៅពេល **CA** បានពិនិត្យមើលបណ្តឹងរបស់អ្នករួចរាល់ហើយ និងបានសម្រេចចិត្តថា តើទទួលយក/ចាត់ថាមិនពេញលេញ/ប្រាន់ចោល ឬយ៉ាងណានោះ អ៊ីម៉ែលមួយនឹងត្រូវផ្ញើទៅអ្នកក្នុងរយៈពេល ១០ ថ្ងៃ (ថ្ងៃធ្វើការ) យ៉ាងយូរបំផុតគិតចាប់ពីថ្ងៃដាក់ពាក្យបណ្តឹង។

ក្នុងខណៈនេះ ប្រសិនបើ **CA** មិនមានចំណាត់ការអ្វីទេ នោះ **CA** នឹងទទួលបានការគ្រឿងរឭកដោយស្វ័យប្រវត្តិក្នុងអំឡុងពេល ៧ ថ្ងៃ បន្ទាប់ពីថ្ងៃដាក់ពាក្យបណ្តឹង។ ដូចបានបង្ហាញខាងលើ **CA** ត្រូវតែសម្រេចចិត្តថា តើត្រូវទទួលយក ប្រកាសថាមិនពេញលេញ និងស្នើឱ្យកែសម្រួលឡើងវិញ ឬប្រាន់ចោលពាក្យបណ្តឹង ក្នុងរយៈពេល ១០ ថ្ងៃ (ថ្ងៃធ្វើការ)។

អ៊ីម៉ែលរំឭកទី១ សម្រាប់រដ្ឋបាលកណ្តាល៖



Central Administrator ASECC <caatasecc@gmail.com>

[ASSIST] Complaint #15020181026 reminder for CA

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

Sat, Oct 27, 2018 at 5:00 AM



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Action is required by the CA for the complaint:
15020181026

Thanking you, ASSIST is at your service

assist@asean.org [Click here](#)

ចូរពិនិត្យអ៊ីម៉ែលអ្នកឱ្យបានទៀងទាត់ក្នុងអំឡុងពេល ១០ ថ្ងៃ បន្ទាប់ពីថ្ងៃដែលអ្នកបានដាក់ពាក្យបណ្តឹង។ អ្នកប្រាកដជានឹងទទួលបានអ៊ីម៉ែលពី ASSIST។



ASEAN Enterprise <aseanenterprise@gmail.com>

[ASSIST] Your complaint #17720181101 is accepted by CA

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

Thu, Nov 1, 2018 at 10:37 PM



ASSOCIATION
OF SOUTHEAST
ASIAN NATIONS

ASSIST
ASEAN Solutions for Investments, Services and Trade

Dear Mr Bruce Kent,

Your complaint ID No. 17720181101 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 : AirTel Holdings, Inc. (type Enterprise)
 Company size : 200+
 Phone : +261 7262991
 Website : www.airtel.com
 Address : Jingle Avenue City U Country X
 City : City U / Zip Code : 10090
 Country : AMS-X
 :

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

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

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

Thanking you, ASSIST is at your service.

assist.asean.org

នៅក្នុងករណីនេះ អ៊ីមែលខាងលើបង្ហាញថា បណ្តឹងរបស់អ្នកត្រូវបានទទួលយកដោយ CA។ អ៊ីមែលក៏ប្រាប់អ្នកផងដែរថា បណ្តឹងរបស់អ្នក ឥឡូវនេះ ត្រូវបានបញ្ជូនរួចហើយទៅកាន់កន្លែងទំនាក់ទំនងនៃប្រទេសគោលដៅ ដែលជាទីភ្នាក់ងាររដ្ឋាភិបាល (កន្លែងទំនាក់ទំនង ASSIST) នៅក្នុង AMS-Y ដែលអ្នកកំពុងជួបប្រទះបញ្ហាពាណិជ្ជកម្ម និងជាកន្លែងដែលបណ្តឹងរបស់អ្នកត្រូវបានបញ្ជូនទៅ និងស្វែងរកដំណោះស្រាយ។ DCP នៅក្នុង AMS-Y នឹងត្រូវផ្តល់ពេលឱ្យ ១០ថ្ងៃ (ថ្ងៃធ្វើការ) ដើម្បីពិនិត្យមើលបណ្តឹងរបស់អ្នក រួចហើយសម្រេចថា តើទទួលយក ច្រានចោល ឬបញ្ជូនត្រឡប់ទៅអ្នកវិញ ដោយស្នើសុំព័ត៌មានបន្ថែម ឬយ៉ាងណា។ ធ្វើដូច្នេះ គឺទុកពេលឱ្យ DCP ពិនិត្យសេចក្តីសម្អិតនៃបណ្តឹង រួចហើយពិគ្រោះជាមួយអាជ្ញាធរជាតិពាក់ព័ន្ធ ប្រសិនបើចាំបាច់ ។

កន្លែងទំនាក់ទំនងនៅប្រទេសដើម ដែលជាទីភ្នាក់ងាររដ្ឋាភិបាល (កន្លែងទំនាក់ទំនង ASSIST) នៅក្នុង AMS-X (ប្រទេសដើមរបស់អ្នក) ក៏ត្រូវបានជូនដំណឹងដែរ ថា បណ្តឹងរបស់អ្នកត្រូវបានធ្វើរួចហើយ។

ប្រសិនបើអ្នកមិនបានទទួលអ៊ីមែលពី ASSIST ក្នុងរយៈពេលដែលបានកំណត់ (១០ថ្ងៃ (ថ្ងៃធ្វើការ) គិតចាប់ពីថ្ងៃដាក់ពាក្យបណ្តឹង) នោះទេ នោះមានន័យថា CA មានចំណាត់ការយឺតយ៉ាវ។ CA នឹងទទួលបានសារព្យាករណ៍ប្រតិបត្តិការទៀត តាមអ៊ីមែល (១៤ថ្ងៃ បន្ទាប់ពីថ្ងៃដាក់ពាក្យបណ្តឹង) ដែលព្យាករណ៍ថា CA ត្រូវមានចំណាត់ការចំពោះបណ្តឹងនេះ ។ CA នឹងទទួលអ៊ីមែលដូចខាងក្រោម ៖

អ៊ីមែលរំលឹក ទី២ សម្រាប់រដ្ឋបាលកណ្តាល៖

 Central Administrator ASEC <caatasec@gmail.com>

[ASSIST] Complaint #13320180921 reminder for CA

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

Sun, Sep 23, 2018 at 5:00 AM

 ASSOCIATION
OF SOUTHEAST
ASIAN NATIONS

ASSIST
ASEAN Solutions for Investments, Services and Trade

Action is required by the CA for the complaint:
13320180921

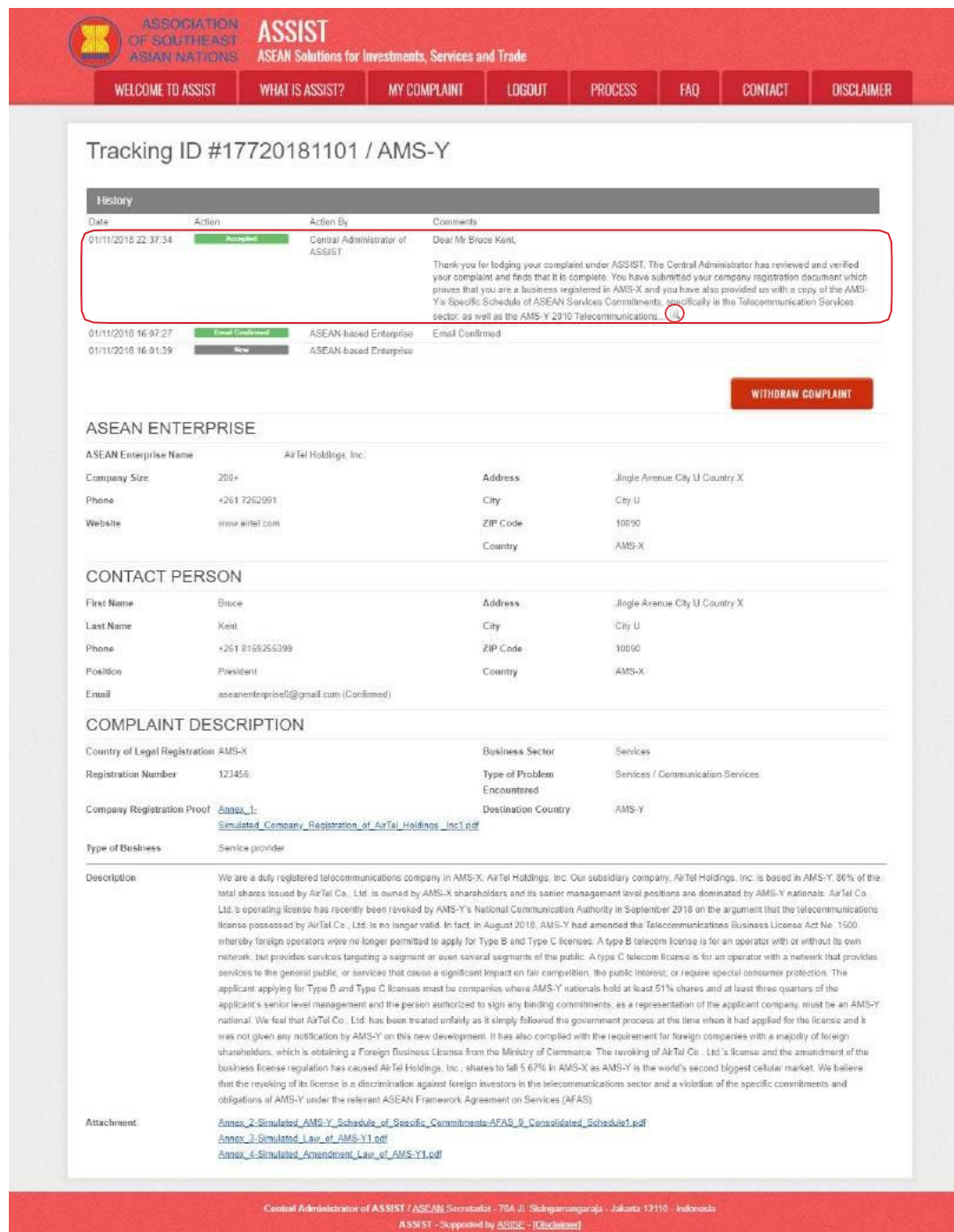
Thanking you, ASSIST is at your service.

assist.asean.org (00000000)

ជំហាន
9

ចូលទៅ Dashboard នៃគេហទំព័រ ASSIST របស់អ្នក ដោយប្រើកូដអ៊ីមែល និងលេខ ID បណ្តឹងដើម្បីមើល
ការឆ្លើយតបជាក់ស្តែងពី រដ្ឋបាលកណ្តាល

ប្រសិនបើអ្នកចង់មើលចម្លើយពេញលេញពី CA អ្នកចាំបាច់ត្រូវចុះឈ្មោះចូលទៅកាន់ dashboard របស់អ្នក
នៅលើគេហទំព័រ ASSIST ដោយប្រើកូដអ៊ីមែលរបស់អ្នក និងលេខ ID បណ្តឹង ដូចបានបង្ហាញនៅក្នុង
ជំហាន 7 (ក) និង (ខ) ខាងលើ។
ខាងក្រោមនេះ គឺជាប្រភពនៃ dashboard។ ដូចដែលអ្នកអាចមើលឃើញ ចំណាត់ការមួយផ្សេងទៀត ទើប
តែត្រូវបានបន្ថែមទៅក្នុង "History" របស់អ្នក ដែលបញ្ជាក់ថា CA បាន "ទទួលយក" បណ្តឹងរបស់អ្នក។



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

Date	Action	Action By	Comments
01/11/2018 22:37:34	Received	Central Administrator of ASSIST	Dear Mr Bruce Kent, Thank you for lodging your complaint under ASSIST. The Central Administrator has reviewed and verified your complaint and finds that it is complete. You have submitted your company registration document which proves that you are a business registered in AMS-X and you have also provided us with a copy of the AMS-Y's Specific Schedule of ASEAN Services Commitments, specifically in the Telecommunication Services sector, as well as the AMS-Y 2010 Telecommunications Law.
01/11/2018 16:07:27	Email Confirmed	ASEAN-based Enterprise	Email Confirmed
01/11/2018 16:01:39	New	ASEAN-based Enterprise	

WITHDRAW COMPLAINT

ASEAN ENTERPRISE

ASEAN Enterprise Name	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

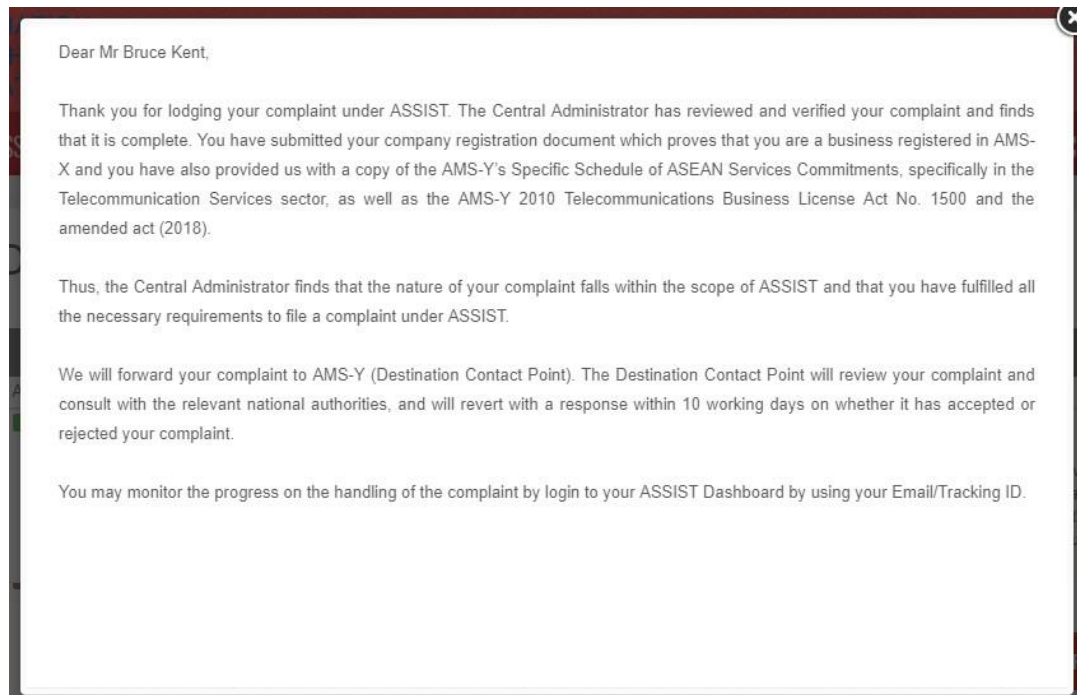
First Name	Bruce	Address	Jingle Avenue City U Country X
Last Name	Kent	City	City U
Phone	+261 8159255399	ZIP Code	10090
Position	President	Country	AMS-X
Email	aseanenterprise@gmail.com (Confirmed)		

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, Inc1.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. 86% 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).			
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 Administration of ASSIST / ASEAN Secretariat - 70A Jl. Sisingarungaraja - Jakarta 12110 - Indonesia
ASSIST - Supported by AISEC - [Unclassified]

សូមចូលលើសិទ្ធិក្នុងការដាក់ពាក្យនៅក្នុងប្រអប់ អធិប្បាយ ។ ចម្លើយតបពេញលេញពី CA នឹងបង្ហាញឡើង ដូចដែលអ្នកឃើញខាងក្រោមនេះ ៖



ដូចដែលបានប្រាប់នៅក្នុងជំហានទី៨ នៅពេលដែល CA ទទួលយកបណ្តឹងរួចហើយ បណ្តឹងនោះនឹងបញ្ជូនទៅកាន់កន្លែងទំនាក់ទំនងនៃប្រទេសគោលដៅ (DCP) នៅក្នុង AMS-Y ជាទីកន្លែងដែលអ្នកកំពុងជួបប្រទះនឹងបញ្ហាពាណិជ្ជកម្ម។ DCP នៅក្នុង AMS-Y នឹងត្រូវផ្តល់ពេលឱ្យ ១០ ថ្ងៃ (ថ្ងៃធ្វើការ) ដើម្បីពិនិត្យមើលបណ្តឹងរបស់អ្នក រួចហើយសម្រេចថាតើទទួលយក ឬប្រានចោល។ ធ្វើដូច្នេះ គឺទុកពេលឱ្យ DCP ពិនិត្យសេចក្តីលម្អិតនៃបណ្តឹង រួចហើយពិគ្រោះជាមួយអាជ្ញាធរជាតិពាក់ព័ន្ធ ប្រសិនបើចាំបាច់ ។ នៅពេល DCP ស្នើយកប អ៊ីមែលនឹងបញ្ជូនទៅអ្នកចេញព័ត៌មាន ASSIST ដោយជូនដំណឹងអ្នកអំពីថា តើបណ្តឹងរបស់អ្នកត្រូវបានទទួលយក ឬប្រានចោលដោយ DCP នៅក្នុង AMS-Y។

ជំហាន
10

ទទួលបានជូនដំណឹងតាមអ៊ីមែលពី ASSIST បញ្ជាក់ថា ការស្នើយកបចំពោះបណ្តឹងអ្នកត្រូវបានផ្តល់ឱ្យដោយ AMS-Y និងទទួលយកដោយរដ្ឋបាលកណ្តាល

- (ក) សូមចូលមើលគណនីអ៊ីមែលរបស់អ្នក។ អ្នកនឹងទទួលបានអ៊ីមែលថ្មីមួយ ពី ASSIST ដែលបង្ហាញពីការស្នើយកបចំពោះបណ្តឹងរបស់អ្នកពីសំណាក់ DCP។ ក្នុងករណីនេះ បណ្តឹងរបស់អ្នកត្រូវបានប្រានចោលដោយ DCP (AMS-Y)។



ASEAN Enterprise <aseanenterprise@gmail.com>

[ASSIST] Response for your #17720181101 complaint

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

Fri, Nov 2, 2018 at 12:05 A



ASSOCIATION
OF SOUTHEAST
ASIAN NATIONS

ASSIST

ASEAN Solutions for Investments, Services and Trade

Dear Mr Bruce Kent,

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 providers 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 A&E'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.arsenadevelopment.space/user/login> by using your email / tracking ID.

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 8159255399

Position : **President**

Email : aseanenterprise@gmail.com

Address : Jingle Avenue City U Country X

City : City U / Zip Code : 10090

Country : **AMS-X**

Confidential case code (for law firm or lawyer only):

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

Legal Registration Number : 123456

Type of Business : **Service provider**

Business Sector : **Services / Telecommunication**

Type of problem encountered : **Communication Services**

Destination Country : **AMS-Y**

Description:

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

Thanking you, ASSIST is at your service.

assist.asean.org

ដំណើរការមានភាពខុសគ្នាបន្តិចបន្តួចនៅក្នុងករណីដែលបណ្តឹងរបស់អ្នកត្រូវបានទទួលយកដោយ DCP។ ក្នុងរយៈពេល ១០ថ្ងៃ(ថ្ងៃធ្វើការ) បន្ទាប់ពីទទួលបានការឆ្លើយតបពី CA ថាបណ្តឹងរបស់អ្នកត្រូវបានទទួលយក អ្នកនឹងទទួលបានអ៊ីមែលមួយ ដែលប្រាប់អ្នកថា បណ្តឹងរបស់អ្នកត្រូវបានទទួលយកដោយ DCP នៅក្នុង AMS-Y និងថា DCP នឹងសម្របសម្រួលជាមួយអាជ្ញាធរជាតិដែលមានសមត្ថកិច្ច ឬអាជ្ញាធរដែលទទួលខុសត្រូវ (RAs) ដើម្បីវិភាគទៅលើបណ្តឹងរបស់អ្នកលម្អិតបន្ថែមទៀត។

នៅពេលណាដែល RAs បញ្ចប់ការពិនិត្យរួចហើយ DCP នឹងពិនិត្យទៅលើដំណោះស្រាយ រួចហើយផ្តល់ទៅឱ្យ CA ក្នុងរយៈពេល ៤០ថ្ងៃ (ថ្ងៃធ្វើការ) គិតចាប់ពីថ្ងៃនៃការទទួលយកដោយ DCP។ ដូច្នេះ ដើម្បីគោរពតាមកាលកំណត់នេះ DCP ត្រូវដាក់កំហិតពេលវេលាឱ្យ RAs ស្វែងរកដំណោះស្រាយ។ វាជាទំនួលខុសត្រូវរបស់ DCP ក្នុងការជូនដំណឹងទៅ CA អំពីការផ្លាស់ប្តូរណាមួយ ដែលទាក់ទងនឹងគម្រោងពេលវេលារវាងខ្លួន និងអាជ្ញាធរជាតិ។

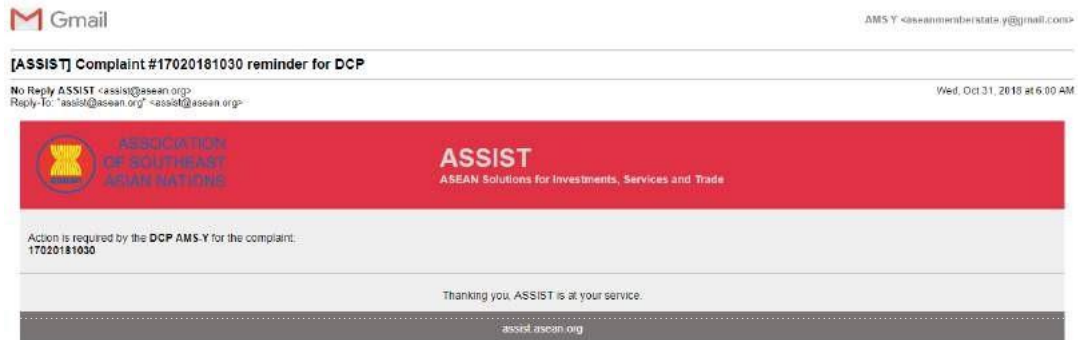
CA អាចពន្យារកាលកំណត់បានដល់ទៅ ២០ថ្ងៃ (ថ្ងៃធ្វើការ) បន្ថែមទៀត តាមការស្នើសុំរបស់ DCP។ ប្រព័ន្ធនឹងជូនដំណឹងដោយស្វ័យប្រវត្តិនៅពេលដែលកាលកំណត់ឈានចូលមកជិតដល់ (ឧ. ១០ថ្ងៃ (ថ្ងៃប្រតិទិន) នៅមុនពេលដល់កាលកំណត់)។ ប្រសិនបើ DCP ខកខានមិនបានផ្តល់ដំណោះស្រាយតាមកាលកំណត់ទៅឱ្យ CA ទេនោះ ប្រព័ន្ធអនឡាញនឹងជូនដំណឹងដល់ CA ដើម្បីឱ្យធ្វើការសាកសួរទៅ DCP។

បន្ទាប់មក អ្នកនឹងទទួលបានការជូនដំណឹងតាមអ៊ីមែលជាលើកទីពីរ ពី ASSIST ដែលប្រាប់ថា ដំណោះស្រាយមួយត្រូវបានស្នើឡើងដោយ DCP/AMS-Y និងទទួលយកដោយ CA។

ប៉ុន្តែក្នុងករណីនានាដូចករណីមួយនេះ ដែលបណ្តឹងត្រូវបាន“ច្រានចោល”ដោយ DCP អ្នកមិនអាចទទួលអ៊ីមែលពី ASSIST នៅក្នុងកាលកំណត់ ១០ថ្ងៃ(ថ្ងៃធ្វើការ)នោះទេ។ ការច្រានចោល និងមូលហេតុនៃការច្រានចោលដោយ DCP នឹងផ្ញើទៅឱ្យតែ CA តាមរយៈ ASSIST ក្នុងរយៈពេលកំណត់ ១០ថ្ងៃ។ បន្ទាប់មក CA នឹងពិនិត្យទៅលើភាសា និងភាពគ្រប់គ្រាន់នៃព័ត៌មានក្នុងរយៈពេល ៥ថ្ងៃ(ថ្ងៃធ្វើការ) គិតចាប់ពីថ្ងៃដែល CA បានទទួលអ៊ីមែលនៃការច្រានចោលដោយ DCP។

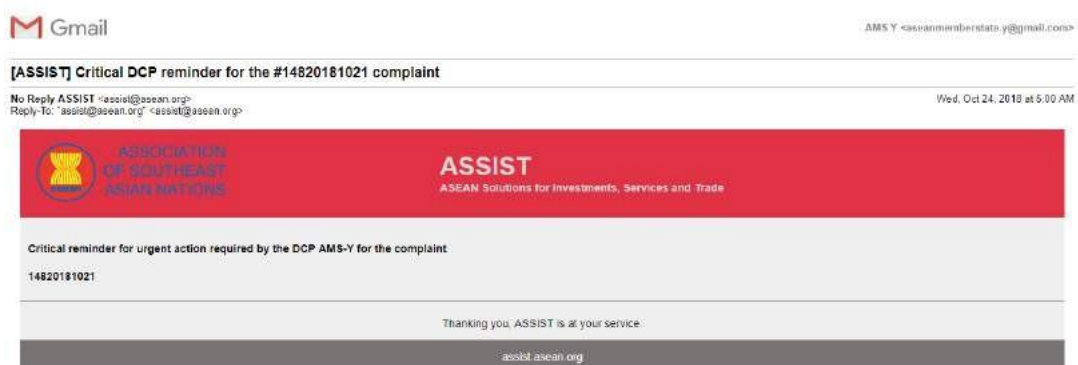
ប្រសិនបើ CA ទទួលយកហេតុផលនៃការច្រានចោល ការឆ្លើយតបមួយដែលត្រូវបានពិនិត្យនិងសម្រេចដោយ CA ត្រូវបានផ្ញើទៅកាន់អ៊ីមែលរបស់អ្នក ដូចជា អ៊ីមែលដែលបានឃើញខាងលើនេះ។

ប្រសិនបើ CA មិនពេញចិត្តនឹងមូលហេតុដែលបានលើកឡើងសម្រាប់ការច្រានចោលពីសំណាក់ DCP ទេ នោះប្រព័ន្ធ ASSIST អនុញ្ញាតឱ្យ CA ស្នើសុំឱ្យ DCP កែតម្រូវការច្រានចោលរបស់ខ្លួន។ ប៉ុន្តែ ជម្រើសបែបនេះរបស់ CA ពុំមានគុណភាពប្រសិនបើកាតព្វកិច្ចទៅលើ DCP ទេ ហើយប្រសិនបើគ្មានការឆ្លើយតបនៅក្នុងរយៈពេល ៥ថ្ងៃ(៥ថ្ងៃធ្វើការ) ទេ ប្រព័ន្ធអនុញ្ញាតនឹងផ្សព្វផ្សាយការច្រានចោលនេះដោយស្វ័យប្រវត្តិទៅដល់ AE។



ប្រសិនបើអ្នកមិនទទួលបានអ៊ីមែលពី ASSIST ស្តីពីការឆ្លើយតបពី DCP ក្នុងរយៈពេលដែលបានកំណត់ (១០ថ្ងៃនៃថ្ងៃធ្វើការ) បន្ទាប់ពីបណ្តឹងត្រូវបានទទួលយកដោយ CA ទេនោះ នេះមានន័យថា DCP មានចំណាត់ការយឺតយ៉ាវហើយ ។ DCP នឹងទទួលបានការរំលឹកដោយស្វ័យប្រវត្តិមួយលើកទៀត តាមអ៊ីមែល (១៤ថ្ងៃនៃថ្ងៃប្រតិទិន បន្ទាប់ពីបណ្តឹងត្រូវបានដាក់) ដែលប្រាប់ថាចំណាត់ការមួយត្រូវការជាបន្ទាន់ពីសំណាក់ DCP ទៅលើបណ្តឹងនេះ។

អ៊ីមែលរំលឹកជាលើកទី២ សម្រាប់កន្លែងទំនាក់ទំនងនៃប្រទេសគោលដៅ (DCP)៖



- (ខ) បំពេញឈ្មោះចូលទៅក្នុង dashboard របស់ ASSIST ដោយប្រើប្រាស់អ៊ីមែល និងលេខ ID បណ្តឹងរបស់អ្នក ដូចបានបង្ហាញនៅក្នុងជំហានទី៧(ក) និង (ខ) ខាងលើ។ ខាងក្រោមនេះ ជាប្រភាពបង្ហាញពី dashboard។ ដូចដែលអ្នកបានឃើញ ចំណាត់ការមួយទៀតទើបតែត្រូវបានបន្ថែមទៅក្នុង 'History' របស់អ្នក ដែលបង្ហាញថា ដំណោះស្រាយចំពោះបណ្តឹងរបស់អ្នកត្រូវបានស្នើឡើង។ ការឆ្លើយតប/ដំណោះស្រាយ ASSIST ពីសំណាក់ DCP ដែលត្រូវបានទទួលយកដោយ CA ក៏ផ្តល់ឱ្យផងដែរ នៅក្នុងកថាខណ្ឌទីមួយនៃ dashboard របស់អ្នក។



ASSOCIATION
OF SOUTHEAST
ASIAN NATIONS

ASSIST

ASEAN Solutions for Investments, Services and Trade

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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

Date	Action	Action By	Comments
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: (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
01/11/2018 22:37:34	Accepted	Central Administrator of ASSIST	Dear Mr Bruce Kent, Thank you for lodging your complaint under ASSIST. The Central Administrator has reviewed and verified your complaint and finds that it is complete. You have submitted your company registration document which proves that you are a business registered in AMS-X and you have also provided us with a copy of the AMS-Y's Specific Schedule of ASEAN Services Commitments, specifically in the Telecommunication Services sector, as well as the AMS-Y 2018 Telecommunications... (4)
01/11/2018 16:07:27	Email Confirmed	ASEAN-based Enterprise	Email Confirmed
01/11/2018 16:01:39	Solved	ASEAN-based Enterprise	

ASEAN ENTERPRISE

ASEAN Enterprise Name	AirTel Holdings, Inc.		
Company Size	200+	Address	Jinglo Avenue City U Country X
Phone	+261 7252991	City	City U
Website	www.airtel.com	ZIP Code	10090
		Country	AMS-X

CONTACT PERSON

First Name	Bruce	Address	Jinglo Avenue City U Country X
Last Name	Kent	City	City U
Phone	+261 8155255399	ZIP Code	10090
Position	President	Country	AMS-X
Email	aseanentoprice0@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	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. 86% 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).		
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 : POA-Jl. Setiabudi - Jakarta 12110 - Indonesia

ASSIST - Supported by AIGCC - (Indonesia)

ខាងក្រោមនេះ គឺជាការឆ្លើយតបពី DCP:

“AMS-Y រកឃើញមូលដ្ឋានគ្រប់គ្រាន់ដែលបញ្ជាក់ថា AMS-Y បានអនុលោមទៅតាមកិច្ចសន្យារបស់ខ្លួននៅក្រោមអាស៊ាន និងថាបណ្តឹងនេះខ្វះនូវមូលដ្ឋានគាំទ្រ។ AMS-Y លើកហេតុផលថា ទោះបីក្រោមកម្មវិធីនៃកិច្ចសន្យាជាក់លាក់ AFAS, AMS-Y ពុំមានការរឹតត្បិតទៅលើម្ចាស់កម្មសិទ្ធិជាជនបរទេសក្តី នៅក្នុងកិច្ចសន្យាខ្សែផ្នែកបានចែងថា ជាការរឹតត្បិតលើការចូលទៅទីផ្សារ វត្តមានពាណិជ្ជកម្មរបស់អ្នកផ្តល់សេវាកម្មជាជនបរទេសអាចមានទម្រង់ជាការរកស៊ីរួមទុនគ្នា និង/ឬការិយាល័យតំណាង ដែលត្រូវបំពេញតួនាទីដូចគ្នាទៅ ៖ (១) ភាគហ៊ុនដើមទុនក្រុមហ៊ុនមិនលើសពី ៤៩% អាចកាន់កាប់ដោយដៃគូបរទេស (២) យ៉ាងហោចណាស់ ៣ភាគ៤នៃមុខតំណែងគ្រប់គ្រងជាន់ខ្ពស់របស់ក្រុមហ៊ុនដាក់ពាក្យសុំ និងបុគ្គលដែលអនុញ្ញាតឱ្យចុះហត្ថលេខាលើកិច្ចសន្យាចងកាតព្វកិច្ចនានា ជាតំណាងឱ្យក្រុមហ៊ុនដែលដាក់ពាក្យសុំ ត្រូវតែជាអ្នកដែលមានសញ្ជាតិរបស់ AMS-Y។ ដូច្នេះវិសោធនកម្មច្បាប់ស្តីពីអាជ្ញាប័ណ្ណធុរកិច្ចទូរគមនាគមន៍ឆ្នាំ២០១៨ លេខ ១៥០០ មិនមែនជាការរំលោភទៅលើភាពងនៃកិច្ចសន្យាស្តីពីសេវាកម្មរបស់ AMS-Y ឡើយ។

ជាការឆ្លើយតបទៅនឹងការអះអាងរបស់ AE ដែលថា ខ្លួនមិនបានទទួលការជូនដំណឹងពី AMS-Y ស្តីពីវិសោធនកម្មថ្មីនេះ AMS-Y បានឆ្លើយតបថា រដ្ឋាភិបាលនៃ AMS-Y បានប្រកាសដាក់ឱ្យប្រើប្រាស់វិសោធនកម្មច្បាប់តាមរយៈកេហ្សង់ពីរផ្លូវការរបស់រដ្ឋាភិបាល និងកាសែតក្នុងស្រុក បន្ទាប់ពីវិសោធនកម្មនេះត្រូវបានអនុម័តនៅថ្ងៃទី១ ខែកញ្ញា ឆ្នាំ២០១៨។

- (ក) នៅខាងក្រោមនៃអ៊ីមែលពី ASSIST នៅក្នុងជំហានទី១០(ក)ខាងលើ អ្នកត្រូវបានស្នើឱ្យបញ្ជាក់ថា តើអ្នកពេញចិត្ត ឬមិនទាន់ពេញចិត្តចំពោះចម្លើយដែល DCP បានផ្តល់ឱ្យ និងដំណោះស្រាយដែលបានផ្តល់នៅក្នុងចម្លើយនោះ។ អ្នកអាចបញ្ជាក់ដោយជ្រើសរើសយក "Yes" ឬ "No" នៅក្នុងប្រអប់ដែលផ្តល់ឱ្យជ្រើសរើស។

នៅក្នុងករណីនេះ AE ជ្រើសរើសយក 'Yes'។

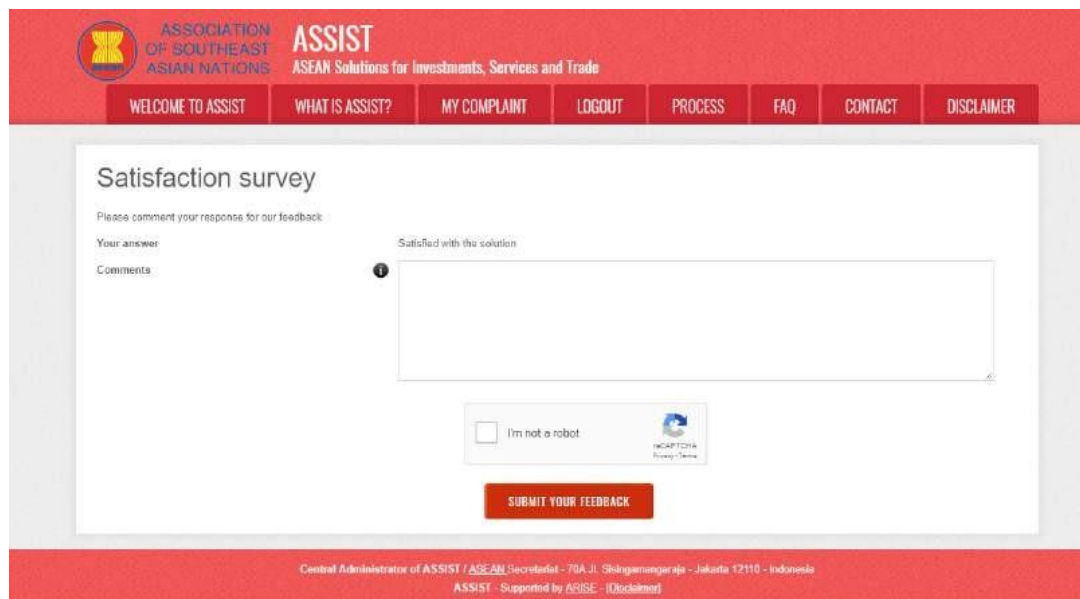
Please kindly indicate whether you are satisfied with the answer given by the DCP and the solution provided therein. You can do so by choosing 'Yes' or 'No' below:

☒ Yes / ☐ No

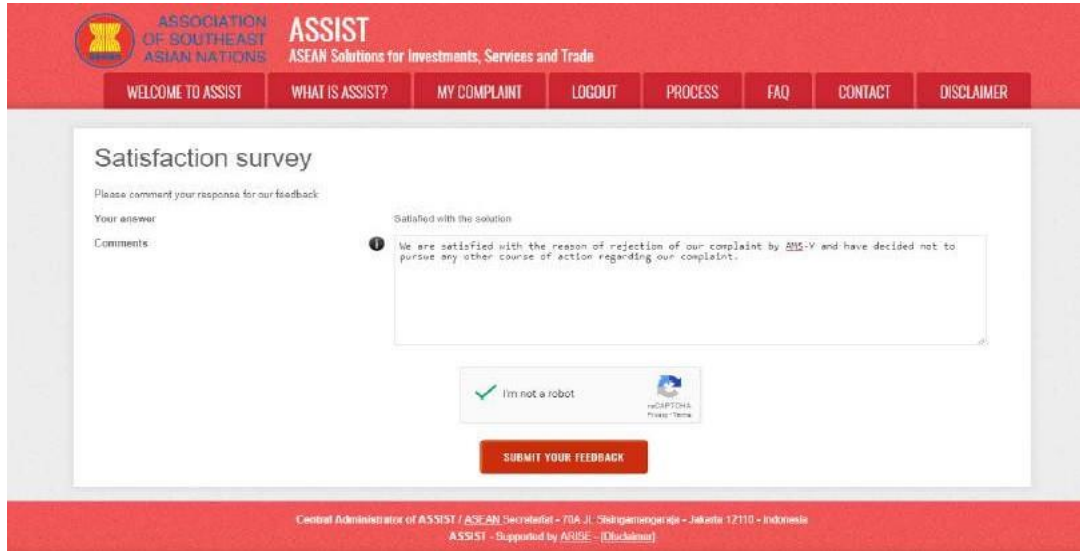
ជំហាន
11

ផ្តល់មតិគ្រឡប់របស់អ្នកចំពោះដំណោះស្រាយ/ចម្លើយដែលផ្តល់ដោយ AMS-Y នៅក្នុងការស្ទង់មតិការពេញចិត្ត និងទទួលអ៊ីមែលទទួលស្គាល់ពី ASSIST

កាលណាអ្នកជ្រើសរើស 'Yes/No' នៅក្នុងជំហានទី១០(ក)ខាងលើចំហើយ អ្នកនឹងត្រូវនាំទៅរកទំព័រមួយដូចបង្ហាញខាងក្រោមនេះ ដែលនៅលើទំព័រនោះអ្នកនឹងត្រូវស្នើឱ្យឆ្លើយសំណួរស្ទង់មតិអំពីការពេញចិត្ត ឬមិនពេញចិត្តរបស់អ្នក និងផ្តល់យោបល់របស់អ្នក ជាពិសេស ប្រសិនបើអ្នកមិនពេញចិត្តចំពោះចម្លើយ/ដំណោះស្រាយដែលបានស្នើឡើង។



- (ក) ចូរបំពេញការស្ទង់មតិ ។ ក្នុងករណីនេះ សមាគមពាណិជ្ជកម្មអាស៊ាន ពេញចិត្តចំពោះដំណោះស្រាយ/ការឆ្លើយតបដែលផ្តល់ដោយ ASSIST ដូច្នេះ បានបញ្ជាក់ថាពេញចិត្ត។



The screenshot shows the ASSIST Satisfaction Survey form. It includes the ASSIST logo and navigation menu. The form title is "Satisfaction survey". Below the title, it says "Please comment your response for our feedback". There are two main sections: "Your answer" and "Comments". The "Your answer" section has a dropdown menu with "Satisfied with the solution" selected. The "Comments" section has a text area with the text "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." Below the text area is a "CAPTCHA" section with a green checkmark and the text "I'm not a robot". At the bottom of the form is a red button labeled "SUBMIT YOUR FEEDBACK".

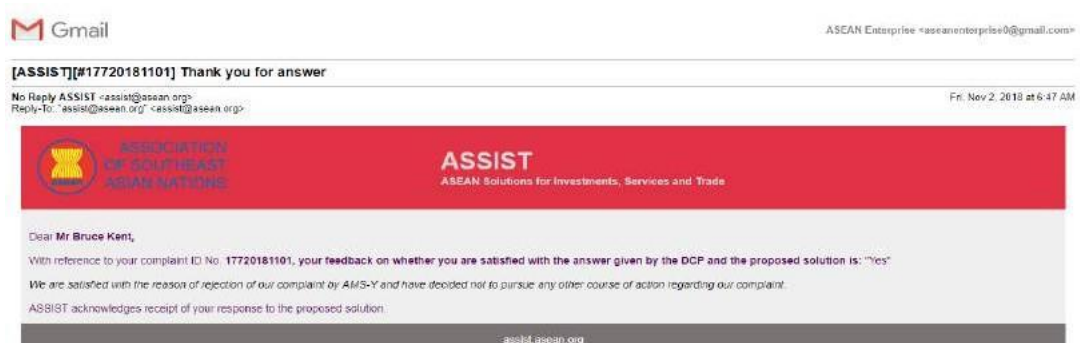
- (ខ) សូមចូលទៅកាន់គណនីអ៊ីមែលរបស់អ្នក ។ អ្នកនឹងទទួលបានអ៊ីមែលថ្មីមួយ ឬពីរ (ប្រសិនបើអ្នកបានបំពេញបែបបទស្ទង់មតិ) ពី ASSIST ដែលទទួលស្គាល់ពីការទទួលបានការឆ្លើយតបរបស់អ្នកចំពោះដំណោះស្រាយដែលបានស្នើឡើង ដោយ AMS-Y។ ចម្លើយរបស់អ្នកនឹងត្រូវបានផ្ញើទៅ DCP និង HCP ផងដែរ។

អ៊ីមែលទទួលស្គាល់ទីមួយ ពី ASSIST



អ៊ីមែលទទួលស្គាល់ទីពីរ ពី ASSIST

ប្រសិនបើអ្នកបានផ្តល់អធិប្បាយនៅលើទម្រង់ស្ទង់មតិ អ្នកនឹងទទួលបានអ៊ីមែលទីពីរដូចខាងក្រោមដែលទទួលស្គាល់ការបានទទួលចម្លើយរបស់អ្នក ចំពោះដំណោះស្រាយដែលបានស្នើឡើង ដែលនឹងត្រូវធ្វើចេញដោយ ASSIST ទៅឱ្យអ្នក, DCP និង HCP ។



- (ក) ចូរបំពេញទម្រង់ដើម្បីចូលទៅប្រើ dashboard របស់អ្នកនៅលើ ASSIST ដោយប្រើអ៊ីមែល និងលេខ ID បណ្តឹងរបស់អ្នក ដូចបានណែនាំនៅក្នុងជំហានទី៧(ក) និង(ខ)ខាងលើ។ ខាងក្រោមនេះ ជាប្រភាគនៃ dashboard របស់អ្នក។ ដូចដែលអ្នកអាចមើលឃើញ ចំណាត់ការមួយទៀតត្រូវបានបន្ថែមទៅក្នុង "History" របស់អ្នក ដែលបង្ហាញថាអ្នកបានបញ្ជាក់ពីការពេញចិត្តចំពោះដំណោះស្រាយដែលបានស្នើឡើងដោយ ASSIST។ យោបល់ដែលអ្នកបានផ្តល់នៅក្នុងការស្តង់ដារនេះ ក៏អាចមើលឃើញនៅក្នុងផ្នែក "អធិប្បាយ" ផងដែរ។



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

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: ...
01/11/2018 22:37:34	Accepted	Central Administrator of ASSIST	Dear Mr Bruce Kent, Thank you for lodging your complaint under ASSIST. The Central Administrator has reviewed and verified your complaint and finds that it is complete. You have submitted your company registration document which proves that you are a business registered in AMS-X and you have also provided us with a copy of the AMS-Y's Specific Schedule of ASEAN Services Commitments, specifically in the Telecommunication Services sector, as well as the AMS-Y 2010 Telecommunications ...
01/11/2018 16:97:27	Cancel Complaint	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 815525399	ZIP Code	10090
Position	President	Country	AMS-X
Email	aseanentorprice0@gmail.com (Confirmed)		

COMPLAINT DESCRIPTION

Country of Legal Registration	AMS-X	Business Sector	Services
Registration Number	123456	Type of Problem Encountered	Services / Communication Services
Company Registration Proof	Annex 1: Simulated Company Registration of AirTel Holdings, Inc1.pdf		
Type of Business	Service provider		
Description	We are a duly registered telecommunications company in AMS-X, AirTel Holdings, Inc. Our subsidiary company, AirTel Holdings, Inc. is based in AMS-Y. 86% 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).		
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 - P.O. 01, Sukatunggal Jaya - Jakarta 12110 - Indonesia

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ក្នុងករណីដែលគេមិនអាចរកដំណោះស្រាយតាមរយៈ ASSIST បានទេ ប្រសិនបើ DCP យល់ឃើញថា គេមានមូលដ្ឋានគ្រប់គ្រាន់ដែលបញ្ជាក់ថា រដ្ឋជាសមាជិករបស់ខ្លួន បានអនុវត្តតាមការប្តេជ្ញាចិត្តពាក់ព័ន្ធនៅក្រោមក្របខ័ណ្ឌអាស៊ាន និងថាបណ្តឹងខ្លះនូវសុពលភាព ការយល់ឃើញនេះ នឹងមូលដ្ឋាននៃការយល់ឃើញនេះ នឹងត្រូវបញ្ជូនបន្តជាបន្ទាន់ទៅកាន់ CA ដែលបន្ទាប់មក CA នឹងជូនដំណឹងដល់ដើមបណ្តឹងទៅតាមនេះដែរ ។ ដើមបណ្តឹងអាចបញ្ជូនសំណុំរឿងនេះទៅកាន់ស្ថាប័នអនុលោមភាពអាស៊ាន (ACB) យន្តការដោះស្រាយវិវាទជាន់ខ្ពស់អាស៊ាន (EDSM) ប្រសិនបើខ្លួនមានបំណងដូច្នេះ និងតាមរយៈកន្លែងទំនាក់ទំនងរបស់ប្រទេសដើមរបស់ខ្លួន និងរដ្ឋជាសមាជិកដែលខ្លួនចុះបញ្ជី ឬក៏ ប្តឹងទៅយន្តការដោះស្រាយវិវាទថ្នាក់ជាតិ ឬយន្តការផ្សេងពីនេះ (ឧ. ការសម្រុះសម្រួល, ការផ្សះផ្សា ឬមជ្ឈត្តកម្ម) នៅក្នុងយុត្តាធិការអាស៊ានថ្នាក់ជាតិ។

ASSIST នឹងចាត់ទុកនីតិវិធីនេះជានីតិវិធីមួយដែលបណ្តឹងត្រូវបានច្រានចោល ហើយដំណោះស្រាយមិនត្រូវបានផ្តល់ឱ្យ។

ចូរកត់សម្គាល់ថារយៈពេលសម្រាប់ការដោះស្រាយបញ្ហាឆ្លងដែន ដែលលើកឡើងនៅក្រោមប្រព័ន្ធ ASSIST គឺមិនលើសពី ៤០ថ្ងៃ (ថ្ងៃធ្វើការ) ឬពីរខែ (ខែប្រតិទិន) (លើកលែងតែមានការព្រមព្រៀងគ្នាលើការពន្យារពេលបន្ថែមមិនលើសពី ២០ថ្ងៃ(ថ្ងៃធ្វើការ) គិតពីថ្ងៃដែលបណ្តឹងត្រូវបានដាក់

