



ການສອນເພີ່ມຂອງ ASSIST

ຮູບພາບໂດຍ: Deborah Tomasowa for US-ACIT

ຍັງມີການສອນເພີ່ມໃນເວັບໄຊທ໌ຂອງ ASSIST ທີ່ <https://assist.asean.org/read/proces/20> ອີກດ້ວຍ

ຮູບພາບໂດຍ: Deborah Tomasowa ສຳລັບ US-ACIT



ASSIST

ການສອນເພີ່ມແບບເທື່ອລະກ້າວຂອງ **ກະນົດສຶກສາ 1**

ຮູບຟາບໂດຍ: eastspring investments

ຄໍາຮ້ອງທຸກທີ່ຍື່ນໂດຍວິສາຫະກິດອາຊຽນ (ASEAN Enterprise) ແລະ ຖືກປະຕິເສດ ໂດຍຜູ້ດູແລລະບົບ (Central Administrator)

ລາຍລະອຽດໂດຍຫຍໍ້ກ່ຽວກັບກະນົດ: ສະຖານະການນີ້ແມ່ນການຮ້ອງທຸກທີ່ຖືກປະຕິເສດໂດຍຜູ້ດູແລລະບົບ(CA) ຂອງ ASSIST ເນື່ອງຈາກວ່າມັນບໍ່ໄດ້ຖືກຍື່ນໂດຍຜູ້ຮ້ອງທຸກເອງ. ໃນກະນົດທີ່ເປັນການເດີມພັນ, ການປະຕິເສດໄດ້ເກີດຂຶ້ນກໍ່ຍ້ອນວ່າການຮ້ອງທຸກໄປກ່ຽວຂ້ອງກັບບັນຫາທີ່ຢູ່ນອກເຂດຂອງ ASSIST.

ຄໍາຮ້ອງທຸກແມ່ນກ່ຽວຂ້ອງກັບຄວາມລ່າຊ້າຂອງການອອກໃບອະນຸຍາດເຮັດວຽກຂອງຜູ້ຮ້ອງທຸກໃນປະເທດປາຍທາງ. ຜູ້ຮ້ອງທຸກແມ່ນຜູ້ອ່ານວຍການບໍລິສັດໃຫ້ຄໍາປຶກສາໃນປະເທດເຈົ້າບ້ານ ທີ່ມີການສຶກສາ

ໃນລະດັບປະລິນຍາຕິດ້ານເສດຖະກິດ, ຊຶ່ງເຄີຍໄດ້ສະເໜີວຽກໃຫ້ແກ່ບໍລິສັດທີ່ປຶກສາໃນປະເທດປາຍທາງ

ແລະ ຕັ້ງໃຈທີ່ຈະຍົກຍ້າຍແລະໄປອາໄສຢູ່ທີ່ນັ້ນເປັນການຖາວອນ. ເຖິງຢ່າງໃດກໍ່ຕາມ, ຂັ້ນຕອນດັ່ງກ່າວໃຊ້ເວລາດົນນານແລະມາຮອດບັດຈຸບັນມັນກໍ່ເກືອບ 3 ເດືອນແລ້ວທີ່ໃບອະນຸຍາດໄດ້ຖືກລະງັບຈາກປະເທດປາຍທາງ. ນີ້ເປັນການທໍາລາຍໂອກາດຂອງຜູ້ຮ້ອງທຸກທີ່ຈະໄດ້ວຽກເຮັດ. ດັ່ງນັ້ນ, ລາວມີຄວາມຕ້ອງການຈະຮ້ອງທຸກໃຫ້ກັບ ASSIST ຕໍ່ປະເທດປາຍທາງ, ໂດຍຜ່ານບໍລິສັດຂອງລາວຢູ່ປະເທດເຈົ້າບ້ານໃນຫົວຂໍ້ເຮື່ອງຄວາມລ່າຊ້າໃນການອອກໃບອະນຸຍາດເຮັດວຽກຂອງລາວ. ພື້ນຖານໃນການອ້າງອີງຂອງຄໍາຮ້ອງທຸກຂອງທ່ານ Upset ແມ່ນໄດ້ມີຂໍ້ຕົກລົງອາຊຽນວ່າດ້ວຍການເຄື່ອນຍ້າຍຂອງບຸກຄົນທໍາມະດາ, ເຊິ່ງອະນຸຍາດໃຫ້ມີການເຄື່ອນຍ້າຍຢ່າງເສລີຂອງບຸກຄົນທີ່ມີຄວາມຊໍານານພາຍໃນອາຊຽນ, ແລະໃນຂອບເຂດຄວາມຕົກລົງວ່າດ້ວຍການບໍລິການການຄ້າ (AFAS).

ລາຍຊື່ຜູ້ດໍາເນີນການຫລັກແລະຕົວຫຍໍ້:

- ຜູ້ຮ້ອງທຸກ = ວິສາຫະກິດອາຊຽນ (AE)
- ກອງເລຂາອາຊຽນ = ຜູ້ດູແລລະບົບ ASSIST (CA)
- ປະເທດເຈົ້າບ້ານ = ຈຸດທີ່ໃຊ້ຕິດຕໍ່ໃນປະເທດຕົ້ນທາງ (HCP) ໃນບັນດາປະເທດສະມາຊິກອາຊຽນ -X (AMS-X)
- ປະເທດປາຍທາງ = ຈຸດທີ່ໃຊ້ຕິດຕໍ່ໃນປະເທດປາຍທາງ (DCP) ໃນບັນດາປະເທດສະມາຊິກອາຊຽນ - -X (AMS-X)
- ປະເທດປາຍທາງ = ຈຸດທີ່ໃຊ້ຕິດຕໍ່ໃນປະເທດປາຍທາງ (DCP) ໃນບັນດາປະເທດສະມາຊິກອາຊຽນ -Y (AMS-Y)

ຂັ້ນຕອນ

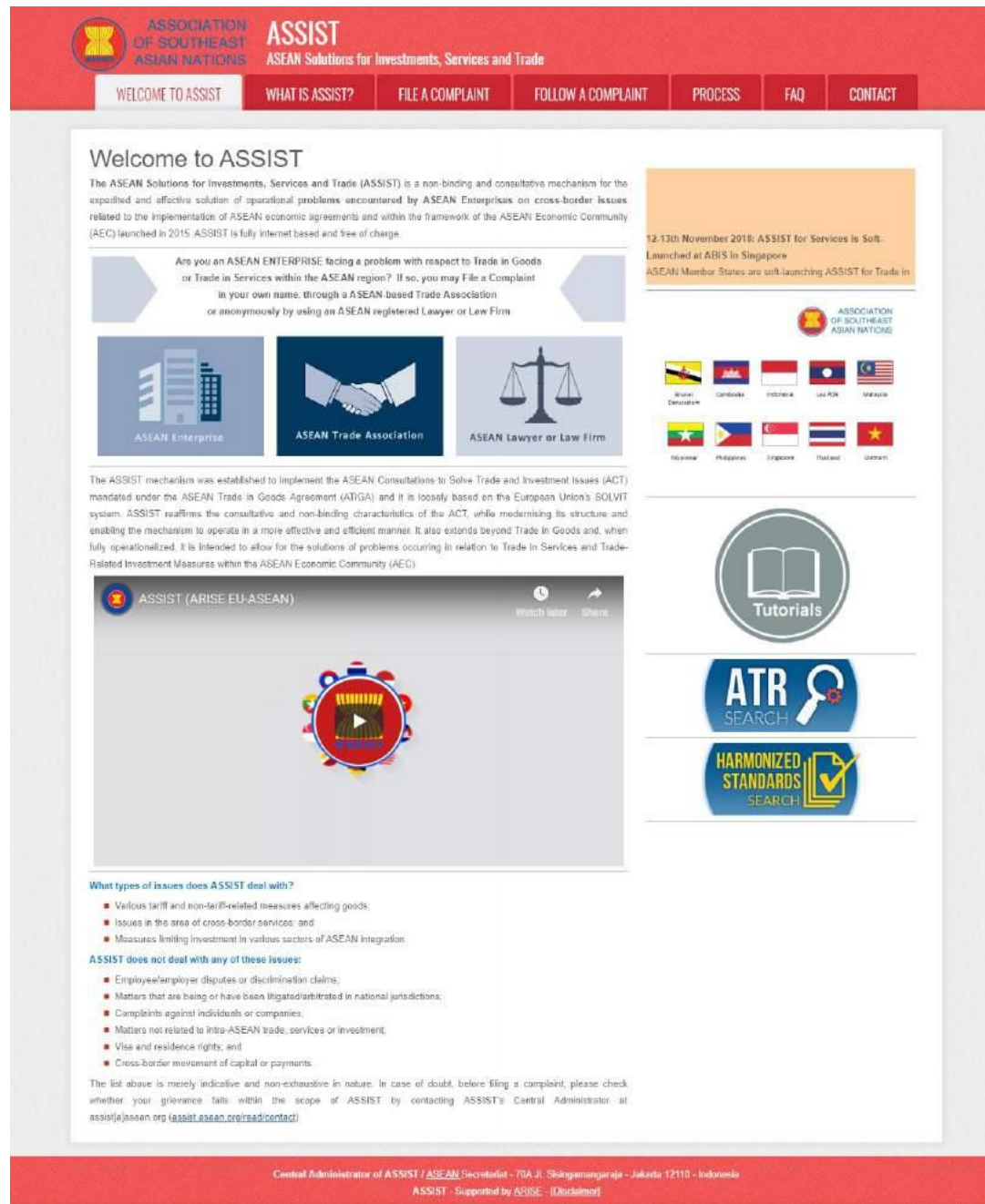
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ໄປທີ່ເວັບໄຊທ໌ຂອງ ASSIST

ຖ້າທ່ານຮູ້ສຶກວ່າຄະດີຂອງທ່ານແມ່ນບັນຫາກ່ຽວກັບການຄ້າຂ້າມຊາດຂອງອາຊຽນ, ແລະ ທ່ານເອງມີທຸລະກິດທີ່ຈົດທະບຽນຢູ່ໃນປະເທດສະມາຊິກອາຊຽນ, ແລະ ທ່ານຕ້ອງການການບໍລິການໃຫ້ຄໍາປຶກສາແບບບໍ່ເສຍຄ່າ, ບໍ່ຜູກມັດ, ແລະໄດ້ຮັບວິທີແກ້ໄຂແບບເລັ່ງດ່ວນ ແລະ ທີ່ມີປະສິດຕິພາບ, ຈົ່ງໄປທີ່ລິ້ງຕໍ່ໄປນີ້:

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

ຂ້າງລຸ່ມນີ້ແມ່ນ ໜ້າທຳອິດຂອງເວັບໄຊທ໌ ASSIST.



The screenshot shows the ASSIST website homepage. At the top is a red header with the ASEAN logo and the text 'ASSIST ASEAN Solutions for Investments, Services and Trade'. Below the header is a navigation bar with links: 'WELCOME TO ASSIST', 'WHAT IS ASSIST?', 'FILE A COMPLAINT', 'FOLLOW A COMPLAINT', 'PROCESS', 'FAQ', and 'CONTACT'. The main content area has a 'Welcome to ASSIST' section with a brief description of the mechanism. To the right, there's a date announcement: '12-13th November 2018: ASSIST for Services is Soft-Launched at ABIS in Singapore'. Below this, there are flags of ASEAN member states. The central part of the page features three icons: 'ASEAN Enterprise', 'ASEAN Trade Association', and 'ASEAN Lawyer or Law Firm'. Below these icons is a paragraph explaining the ASSIST mechanism. Further down, there's a video player titled 'ASSIST (ARISE EU-ASEAN)'. To the right of the video player are three circular icons: 'Tutorials', 'ATR SEARCH', and 'HARMONIZED STANDARDS SEARCH'. At the bottom, there's a footer with contact information for the Central Administrator of ASSIST and a disclaimer.

ຂັ້ນຕອນ

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ຈົ່ງເລືອກເອົາແຖບ 'FILE A COMPLAINT' (ໂອຄອນ ASEAN ENTERPRISE)

ຖ້າທ່ານກຳລັງຍື່ນຄຳຮ້ອງທຸກພາຍໃຕ້ບໍລິສັດຂອງທ່ານເອງ (ຄຳຮ້ອງທຸກໂດຍທີ່ບໍ່ລະບຸຊື່) ແລະທ່ານບໍ່ໄດ້ເປັນຕົວແທນຂອງສະມາຄົມການຄ້າທີ່ອາຊຽນ, ຫຼື ໜ່ວຍງານຕົວແທນອື່ນໆທີ່ທ່ານໄດ້ເລືອກ, ເຊັ່ນວ່າ ຫໍການຄ້າ, ສະພາທຸລະກິດ, ສະຫະພັນທຸລະກິດ, ຫຼືທະນາຍຄວາມທີ່ໄດ້ລົງທະບຽນ ຫລື ສຳນັກງານດ້ານກົດໝາຍ, ກໍ່ໃຫ້ທ່ານຄລິກທີ່ 'ASEAN Enterprise - ລັດວິສາຫະກິດອາຊຽນ' ຢູ່ໃນແຖບເມນູ 'File a Complaint' - ຍື່ນຄຳຮ້ອງທຸກ'.



ASSOCIATION
OF SOUTHEAST
ASIAN NATIONS

ASSIST

ASEAN Solutions for Investments, Services and Trade

WELCOME TO ASSIST

WHAT IS ASSIST?

FILE A COMPLAINT

FOLLOW A COMPLAINT

PROCESS

FAQ

CONTACT

File a Complaint

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



ASEAN Enterprise

NON-ANONYMOUS



ASEAN Trade Association

ANONYMOUS



ASEAN Lawyer or Law Firm

ANONYMOUS

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

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

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

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

เมื่อท่านคลิกที่ไอคอน ' ASEAN Enterprise', ข้างซ้ายต่อไปนี้จะเป็น



ASSOCIATION
OF SOUTHEAST
ASIAN NATIONS

ASSIST

ASEAN Solutions for Investments, Services and Trade

WELCOME TO ASSIST

WHAT IS ASSIST?

FILE A COMPLAINT

FOLLOW A COMPLAINT

PROCESS

FAQ

CONTACT

Complaint to be Filed by an ASEAN Enterprise

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

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

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

ASEAN ENTERPRISE

* ASEAN Enterprise Name

* Company Size

* Phone

* Website

* Address

* City ZIP Code

* Country

CONTACT PERSON

* Gender ☐ Mr ☐ Mrs ☐ Ms

* First Name * Last Name

* Phone

* Position

* Email

* Address



ໃຫ້ທ່ານປ້ອນຂໍ້ມູນໃສ່ໃນແບບຟອມຂ້າງເທິງນັ້ນເພື່ອໃຫ້ ASSIST ໄດ້ມີຂໍ້ມູນພຽງພໍກ່ຽວກັບບັນຫາການຄ້າທີ່ທ່ານກຳລັງປະສົບຢູ່. ຊ່ອງໃສ່ຂໍ້ມູນທີ່ມີເຄື່ອງໝາຍດາວ (*) ແມ່ນບັງຄັບໃຫ້ປ້ອນຂໍ້ມູນໃສ່. ຖ້າທ່ານບໍ່ແນ່ໃຈວ່າຈະຕື່ມຂໍ້ມູນແບບໃດໃສ່ໃນຊ່ອງປ້ອນຂໍ້ມູນ, ປຸ່ມຕ່າງໆທີ່ເປັນຮູບ ① ໄດ້ມີໄວ້ໃຫ້ໃຊ້ສໍາລັບເບິ່ງຄໍາແນະນໍາລະອຽດກ່ຽວກັບວ່າຈະປ້ອນຂໍ້ມູນແບບໃດໃສ່ໃນແຕ່ລະຊ່ອງ. ກະລຸນາກົດປຸ່ມທີ່ເປັນຮູບ ① ເພື່ອຮັບປະກັນວ່າທ່ານສາມາດເຂົ້າໃຈແລະຮູ້ໄດ້ວ່າຈະຕ້ອງປ້ອນຂໍ້ມູນແບບໃດທີ່ຖືກຕ້ອງລົງໃນແບບຟອມ.

ມັນເປັນສິ່ງສໍາຄັນທີ່ສຸດທີ່ທ່ານຕ້ອງປ້ອນຂໍ້ມູນໃສ່ໃນຊ່ອງ 'Description'. ທາງ CA ຈະຕ້ອງໄດ້ທໍາການກວດສອບວ່າ ຄໍາອະທິບາຍຕ່າງໆທີ່ໄດ້ກ່າວໄວ້ໃນຄໍາຮ້ອງທຸກນັ້ນແມ່ນມີຄວາມພຽງພໍທີ່ຈະກໍານົດບັນຫາໄດ້ຢ່າງຈະແຈ້ງໃນແງ່ຂອງຂໍ້ຕົກລົງກ່ຽວກັບຫົວຂໍ້ສະເພາະຫລືບໍ່. ດັ່ງນັ້ນ, ກະລຸນາໃຫ້ທ່ານຈັດແຈງຄໍາຮ້ອງທຸກຂອງທ່ານຢ່າງລະມັດລະວັງພ້ອມດ້ວຍຂໍ້ມູນການໂຕ້ຖຽງຕ່າງໆທາງກົດໝາຍ ແລະຫຼັກຖານທີ່ເປັນຈິງເພື່ອຊ່ວຍໃຫ້ທາງ CA ໃນການຕັດສິນໃຈວ່າຈະອະນຸມັດຄໍາຮ້ອງທຸກຂອງທ່ານໄດ້ຫຼືບໍ່.

ຂັ້ນ
ຕອນ
3

ຈົ່ງປະກອບແບບຟອມນີ້

ຂ້າງລຸ່ມນີ້ແມ່ນຕົວຢ່າງຂອງແບບຟອມທີ່ໄດ້ປ້ອນຂໍ້ມູນໄວ້ຮຽບຮ້ອຍສໍາລັບການສຶກສາກໍລະນີນີ້ໂດຍສະເພາະ.

ASEAN ENTERPRISE

* ASEAN Enterprise Name

* Company Size

* Phone

Website

* Address
City
Country

254 characters remaining (255 maximum)

* City ZIP Code

* Country

CONTACT PERSON

* Gender ☒ Mr ☐ Mrs ☐ Ms

* First Name * Last Name

* Phone

* Position

* Email

* Address
City
Country

254 characters remaining (255 maximum)

City ZIP Code

Country

COMPLAINT DESCRIPTION

* Country of Legal Registration

* Registration Number

* Company Registration Proof

* Type of Business

* Business Sector

* Services Sector Description

* Type of Problem Encountered

* Destination Country

* Description

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. Setiabudi Raya - Jakarta 12110 - Indonesia

ASSIST - Supported by ABSE - [Disclaimer]

ຂ້າງລຸ່ມນີ້ແມ່ນລາຍລະອຽດຂອງ AE ກ່ຽວກັບຄໍາຮ້ອງທຸກຂອງລາວໃນກໍລະນີສຶກສານີ້:

“ຂ້າພະເຈົ້າເປັນຜູ້ອຳນວຍການຂອງບໍລິສັດທີ່ປຶກສາ AMS-X. ຂ້າພະເຈົ້າໄດ້ຖືກສະເໜີໃຫ້ເຮັດວຽກໃນບໍລິສັດທີ່ປຶກສາໃນ AMS-Y ແລະມີຄວາມຕັ້ງໃຈທີ່ຈະຍົກຍ້າຍແລະໄປອາໄສຢູ່ທີ່ນັ້ນໂດຍຖາວອນ.

ອີງຕາມການຕິດຕາມຂອງການສະເໜີວຽກຂອງບໍລິສັດໃນ AMS-Y, ພວກເຂົາໄດ້ແຈ້ງໃຫ້ຂ້ອຍຮູ້ວ່າມັນຕ້ອງໃຊ້ເວລາປະມານ 1 ເດືອນເພື່ອຈະສາມາດອອກໃບອະນຸຍາດເຮັດວຽກໃຫ້ຂ້ອຍ. ເຖິງຢ່າງໃດກໍຕາມ, ຂັ້ນຕອນການອອກໃບອະນຸຍາດດັ່ງກ່າວໄດ້ໃຊ້ເວລາດົນຫລາຍແລະມາຮອດປະຈຸບັນກໍເກືອບ 3 ເດືອນແລ້ວທີ່ໃບອະນຸຍາດໄປຄ້າງຢູ່ທີ່ AMS-Y. ອັນນີ້ເປັນເລື່ອງອັນຕະລາຍຕໍ່ໂອກາດຂອງຂ້າພະເຈົ້າທີ່ຈະໄດ້ວຽກເຮັດ.

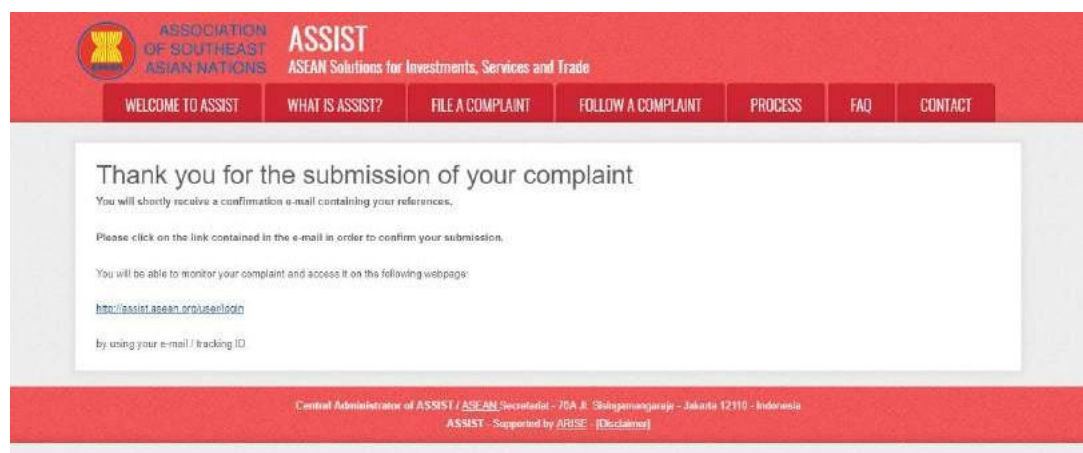
ດັ່ງນັ້ນ, ຂ້າພະເຈົ້າຈຶ່ງຕ້ອງການທີ່ຈະຮ້ອງທຸກຕໍ່ AMS-Y, ໂດຍຜ່ານບໍລິສັດຂອງຂ້າພະເຈົ້າຢູ່ AMS-X, ຕໍ່ຄວາມລ່າຊ້າໃນການອອກໃບອະນຸຍາດເຮັດວຽກຂອງຂ້າພະເຈົ້າ. ພື້ນຖານໃນການອ້າງອີງຂອງຄໍາຮ້ອງທຸກຂອງຂ້າພະເຈົ້າ ແມ່ນໄດ້ມີຂໍ້ຕົກລົງອາຊຽນວ່າດ້ວຍການເຄື່ອນຍ້າຍຂອງບຸກຄົນທຳມະດາ, ເຊິ່ງອະນຸຍາດໃຫ້ມີການເຄື່ອນໄຫວຢ່າງເສລີຂອງບຸກຄົນທີ່ມີຄວາມຊຳນານພາຍໃນອາຊຽນ, ແລະໃນຂອບເຂດຄວາມຕົກລົງວ່າດ້ວຍການບໍລິການການຄ້າ (AFAS). ຂ້າພະເຈົ້າຈຶ່ງໄດ້ຕິດຕັດຕິດເອກະສານການຈົດທະບຽນທຸລະກິດຂອງບໍລິສັດຂອງຂ້າພະເຈົ້າໃນ AMS-X ໃຫ້ຖືກຕ້ອງຕາມຫຼັກການ ເພື່ອຍື່ນຄໍາຮ້ອງທຸກພາຍໃຕ້ ASSIST."

ເມື່ອໄດ້ຍື່ນຄໍາຮ້ອງທຸກໄປແລ້ວ ດ້ວຍການຄລິກ 'Submit Your Complaint-ຍື່ນຄໍາຮ້ອງທຸກຂອງທ່ານ', ໜ້າເວັບຕໍ່ໄປນີ້ທີ່ຢູ່ໃນຂັ້ນຕອນທີ 4 ຈະປາກົດຂຶ້ນມາ.

ຂັ້ນຕອນ
4

ຮັບການແຈ້ງຈາກ ASSIST

ເມື່ອທ່ານໄດ້ຍື່ນຄໍາຮ້ອງທຸກເຂົ້າໄປຢູ່ໃນເວັບໄຊທ໌ ASSIST ແລ້ວ, ໜ້າເວັບຕໍ່ໄປນີ້ຈະປາກົດຂຶ້ນ, ເພື່ອແຈ້ງໃຫ້ທ່ານໄດ້ຮູ້ວ່າຈະມີອີເມລຢັ້ງຢືນສົ່ງໄປຫາອີເມລຂອງທ່ານທີ່ທ່ານໄດ້ໃຫ້ໄວ້ໃນແບບຟອມການຮ້ອງທຸກຂອງທ່ານ



ການໄດ້ຮັບການແຈ້ງເດືອນທາງອີເມລຕາມທີ່ເຫັນຂ້າງເທິງນັ້ນ ຊຶ່ງໃຫ້ເຫັນວ່າທ່ານຄວນຄລິກທີ່ລິ້ງທີ່ຢູ່ໃນໜ້າອີເມລຂອງທ່ານ ເພື່ອຍື່ນຢ້ຽມການສົ່ງຄໍາຮ້ອງທຸກຂອງທ່ານໃຫ້ກັບ ASSIST.

ຂັ້ນ
ຕອນ
5

ຍື່ນຢ້ຽມການສົ່ງຄໍາຮ້ອງທຸກຂອງທ່ານດ້ວຍອີເມລຂອງທ່ານ

(a) ໃຫ້ທ່ານເຂົ້າໄປໃນບັນຊີອີເມລຂອງທ່ານ ທີ່ທ່ານໄດ້ໃຫ້ໄວ້ກັບແບບຟອມການຮ້ອງທຸກ. ທ່ານຈະໄດ້ຮັບອີເມລຈາກ ASSIST ເພື່ອໃຫ້ທ່ານທຳການຍື່ນຢ້ຽມການສົ່ງຄໍາຮ້ອງທຸກຂອງທ່ານໂດຍໃຫ້ໄປຄລິກທີ່ລິ້ງທີ່ໄດ້ສົ່ງມາໃຫ້ທາງກັບອີເມລຫລືຖ້າບໍ່ຢາກຄລິກກໍ່ພຽງແຕ່ທ່ານຄັດລອກເອົາລິ້ງນັ້ນໄປແປະໃສ່ໃນ browser ອື່ນເຕີເນັດ. ອັນນີ້ແມ່ນຕ້ອງໄດ້ເຮັດຕາມທີ່ ASSIST ໄດ້ຮຽກຮ້ອງມາ ເພື່ອເປັນການຢືນຢັນວ່າ ອີເມລທີ່ທ່ານໄດ້ໃຫ້ໄປນັ້ນຖືກຕ້ອງ. ໝາຍເລກຄໍາຮ້ອງທຸກຂອງທ່ານກໍ່ໄດ້ສົ່ງມາໃຫ້ທ່ານດ້ວຍອີເມລນີ້ເຊັ່ນກັນ. ໃນກໍລະນີນີ້, ໝາຍເລກຄໍາຮ້ອງທຸກຂອງທ່ານແມ່ນ **16920181030**.

ຂ້າງລຸ່ມນີ້ແມ່ນອີເມລທີ່ທ່ານຈະໄດ້ຮັບຈາກ 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>

Tue, Oct 30, 2018 at 1:21 P



ASSIST

ASEAN Solutions for Investments, Services and Trade

Dear **Mr Very Upset**,

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

Please confirm your complaint **16920181030** on the following link (or by copy-pasting the following link onto your Internet browser):
http://assist.asean.org/development/space/user/confirm_email?email=aseanenterprise@gmail.com&id=16920181030&code=j8xk5a3g13we

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: aseanenterprise@gmail.com / **16920181030**

ASEAN Enterprise / Trade Association / Law Firm : Blue Sapphire Consulting Group (Type Enterprise)
 Company size : 10 to 50
 Phone : +96131415
 Website : www.bluessapphirecg.com
 Address : Red Sparrow Street No. 13 City V Country X
 City : City V / Zip Code : 12130
http://assist.asean.org/user/confirm_email

Contact person : Mr Very Upset
<http://assist.asean.org/user/login> by using your e-mail / tracking ID: aseanenterprise@gmail.com / **16920181030**
 Email : aseanenterprise@gmail.com
 Address : Red Sparrow Street No. 13 City V Country X
 City : City V / Zip Code : 12130
 Country : AMS-X

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

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

Thanking you, ASSIST is at your service.

assist.asean.org

 Simulated_Company_Registration_of_Blue_Sapphire_Consulting_Group.pdf
50K

(b) ໃຫ້ທ່ານຄລິກທີ່ລິ້ງທີ່ໄດ້ໃຫ້ມາກັບອີເມລເຊິ່ງຕ້ອງໄດ້ຄລິກ ແລະຫນ້າໃຫມ່ໃນອີເມລນັ້ນກໍຈະປະກົດໃຫ້ເຫັນ.



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, Sisinganungurajo - Jakarta 12110 - Indonesia
ASSIST - Supported by ARISE - [Disclaimers]

ການແຈ້ງເຕືອນທີ່ໄດ້ສະແດງໄວ້ຂ້າງເທິງນີ້ຈະແຈ້ງໃຫ້ທ່ານຊາບວ່າ ຄໍາຮ້ອງທຸກຂອງທ່ານຈະຖືກທົບທວນໂດຍ CA ແລະ ຫລັງຈາກນັ້ນ ທ່ານຈະໄດ້ຮັບການແຈ້ງກັບມາຫາທ່ານທາງອີເມລ ພາຍໃນເວລາເວລາສູງສຸດ 10 ວັນລັດຖະການ ໂດຍທີ່ການຍື່ນຄໍາຮ້ອງທຸກຂອງທ່ານນັ້ນຈະ:

- 1) ໄດ້ຮັບການຍອມຮັບແລະຖືກສົ່ງຕໍ່ເພື່ອສະເໜີຕໍ່ປະເທດປາຍທາງ; ຫຼື
 - 2) ບໍ່ຄົບຖ້ວນແລະໄດ້ຖືກສົ່ງກັບຄືນມາຫາທ່ານເພື່ອດັດແກ້; ຫຼື
 - 3) ຖືກປະຕິເສດ, ຖ້າຫາກຢູ່ນອກຂອບເຂດຂອງ ASSIST ຫຼື ເປັນການຮ້ອງທຸກທີ່ໃຊ້ການບໍ່ໄດ້.
- ຈຶ່ງໄປທີ່ບັນຊີອີເມລຂອງທ່ານ.



ຂັ້ນຕອນ

6

ໄດ້ຮັບອີເມລຈາກ ASSIST ເພື່ອໃຫ້ຮູ້ວ່າອີເມລແລະຄໍາຮ້ອງທຸກຂອງທ່ານນັ້ນຖືກຕ້ອງ

- (a) ໃຫ້ທ່ານໄປທີ່ອີເມລຂອງທ່ານ ແລະ ທ່ານຈະເຫັນມີອີເມລໃໝ່ ຈາກ ASSIST ສົ່ງມາຫາທ່ານ. ອີເມລນີ້ຈະຊີ້ບອກໃຫ້ເຫັນວ່າ ທ່ານຮູ້ວ່າ ທ່ານໄດ້ທໍາການຢືນຢັນຄໍາຮ້ອງທຸກຂອງທ່ານແລ້ວພ້ອມທັງທາງ CA ຈະກວດສອບຄວາມຖືກຕ້ອງຂອງຄໍາຮ້ອງທຸກ, ແລະ ກໍ່ໄດ້ຖືກນໍາເຂົ້າໄປເກັບໄວ້ໃນລະບົບພາຍໃນຂອງ ASSIST. ASSIST ຈະກັບມາຕິດຕໍ່ອີກເທື່ອໜຶ່ງພ້ອມດ້ວຍຄໍາຕອບທີ່ຈະບອກວ່າ ຄໍາຮ້ອງທຸກທີ່ໄດ້ສົ່ງໄປນັ້ນ ໄດ້ຮັບການຍອມຮັບແລ້ວ, ບໍ່ຄົບຖ້ວນ ຫຼື ຖືກປະຕິເສດພາຍໃນ 10 ມື້ລັດຖະການ.



ASEAN Enterprise <aseanenterprise0@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 anytime 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

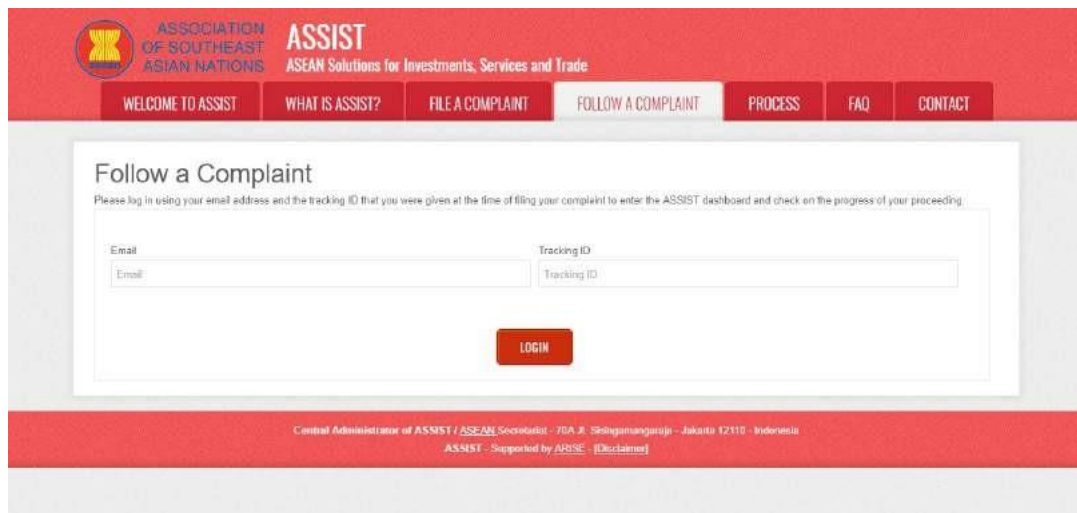
Simulated_Company_Registration_of_Blue_Sapphire_Consulting_Group.pdf
50K

ດັ່ງທີ່ໄດ້ລະບຸໄວ້ໃນອີເມລຂ້າງເທິງນັ້ນ, ໃນເວລານີ້ ທ່ານສາມາດຕິດຕາມເບິ່ງຄວາມຄືບໜ້າໄດ້ໂດຍໃຫ້ທ່ານຄລິກທີ່ລິ້ງທີ່ໄດ້ແນະນຳໄວ້ໃຫ້ ເຊິ່ງຈະພາທ່ານທີ່ແຖບ ' Follow a Complaint' ຕິດຕາມເບິ່ງຄໍາຮ້ອງທຸກ' ຢູ່ແຖບເມນູໃນເວັບໄຊທ໌ ASSIST.

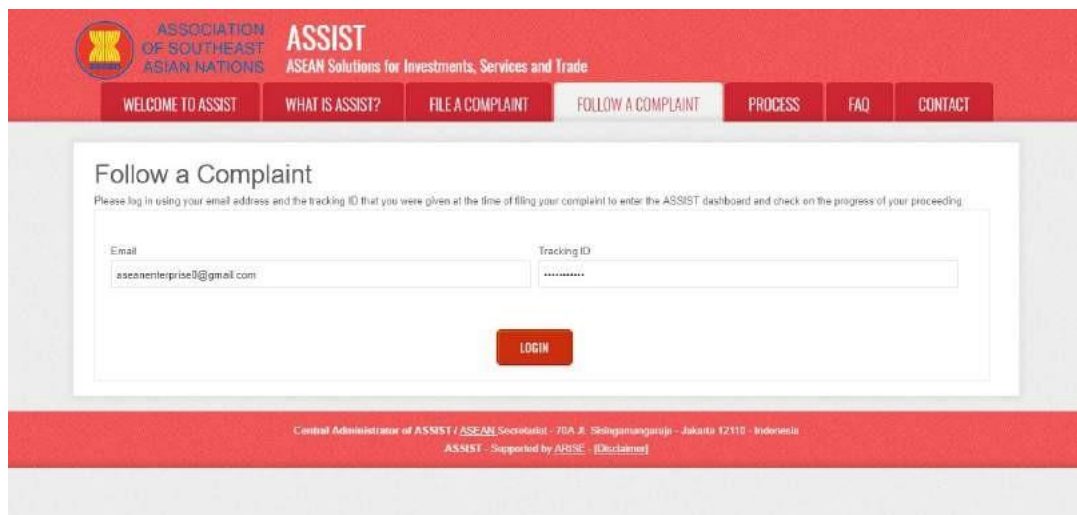
ຂັ້ນຕອນ
7

ຕິດຕາມຄວາມຄືບໜ້າຂອງການຮ້ອງທຸກຂອງທ່ານ

- (b) ໃຫ້ໄປທີ່ລິ້ງຕໍ່ໄປນີ້: <http://assist.asean.org/user/login> ຫຼືໄປທີ່ແຖບ ' Follow a Complaint ຕິດຕາມເບິ່ງຄໍາຮ້ອງທຸກ' ຢູ່ແຖບເມນູໃນເວັບໄຊທ໌ ASSIST. ໜ້າເວັບຕໍ່ໄປນີ້ກໍ່ຈະປາກົດຂຶ້ນມາໃຫ້ທ່ານ.

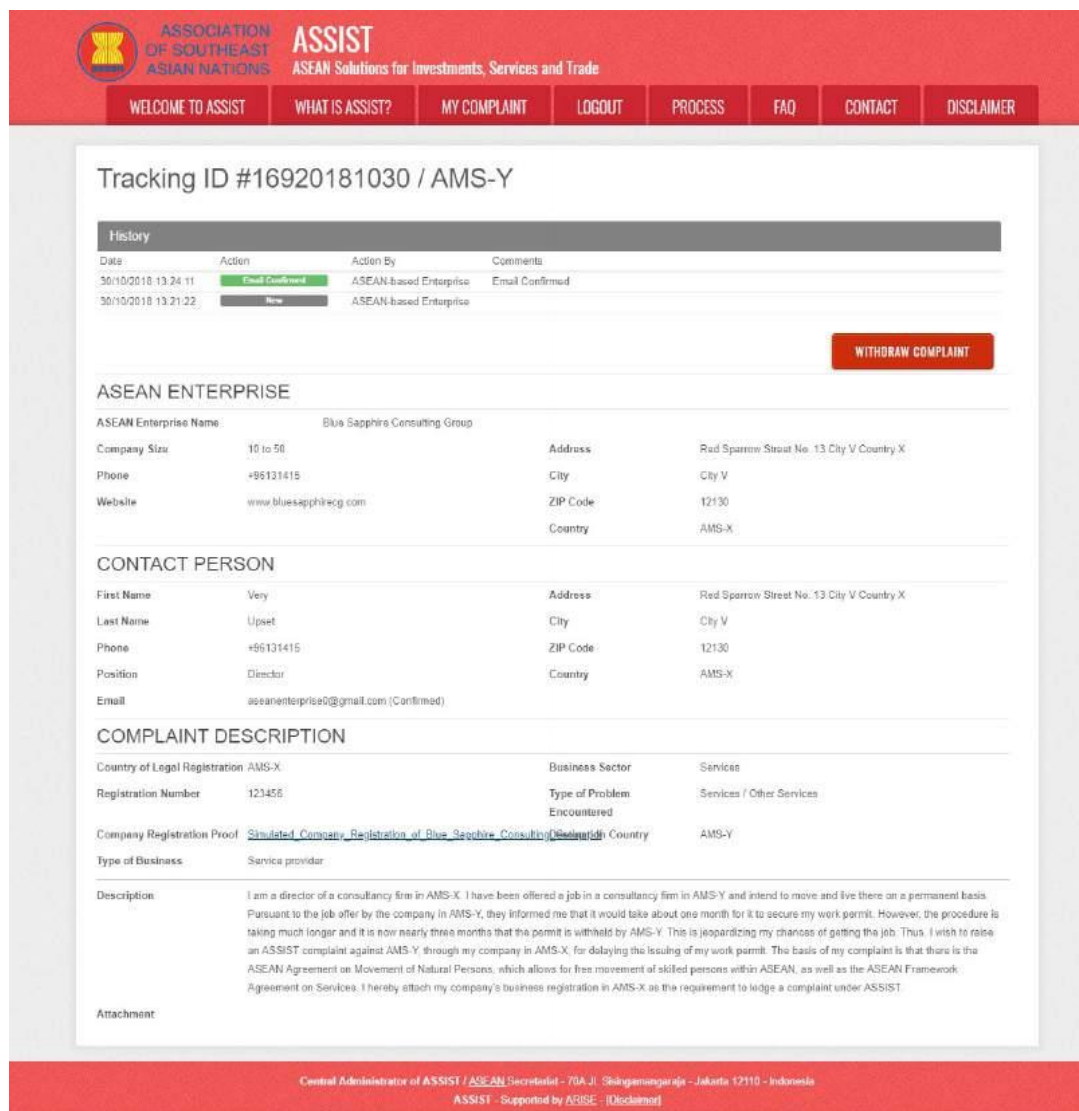


- (c) ໃຫ້ທ່ານໃສ່ອີເມລຂອງທ່ານແລະ ໝາຍເລກເພື່ອຕິດຕາມ (ກໍ່ຄືໝາຍເລກຄໍາຮ້ອງທຸກຂອງທ່ານ) ໃນຊ່ອງປ້ອນຂໍ້ມູນທີ່ມີໃຫ້ໄວ້ເພື່ອເຂົ້າສູ່ລະບົບ. ໃນກໍລະນີນີ້, ອີເມລແມ່ນ aseanenterprise@gmail.com ແລະ ໝາຍເລກເພື່ອຕິດຕາມ (ID) ແມ່ນ 16920181030.



ເມື່ອທ່ານໄດ້ເຂົ້າສູ່ລະບົບແລ້ວ, ທ່ານຈະເຫັນ Dashboard ຂອງ ASSIST ຂອງທ່ານເຊິ່ງເປັນບ່ອນທີ່ທ່ານສາມາດຕິດຕາມຄວາມຄືບໜ້າຂອງການຍື່ນຄໍາຮ້ອງທຸກຂອງທ່ານ.

(d) ເປີດເບິ່ງລາຍລະອຽດໃນ Dashboard ຂອງ ASSIST ຂອງທ່ານເມື່ອທ່ານໄດ້ເຂົ້າສູ່ລະບົບແລ້ວ.



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	+66131415	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	+66131415	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	<u>Simulated Company Registration of Blue Sapphire Consulting Group</u> 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 ARISE - [Disclaimer]

ດັ່ງທີ່ທ່ານສາມາດເຫັນໄດ້ໃນ dashboard ຂອງທ່ານ, ການດຳເນີນການຕ່າງໆຂອງການຮ້ອງທຸກຂອງທ່ານແມ່ນໄດ້ຖືກລະບຸໄວ້ຢ່າງຈະແຈ້ງໃນ dashboard ຂອງທ່ານແລະເນື້ອໃນລາຍການຕ່າງໆເຫລົ່ານີ້ຈະຖືກປັບໃຫ້ໃຫມ່ຢູ່ສະເໝີ ຫຼັງຈາກການດຳເນີນການໃນແຕ່ລະຄັ້ງ. ແບບຟອມຄຳຮ້ອງທຸກທີ່ທ່ານໄດ້ຍື່ນໄປແລ້ວນັ້ນ, ກໍ່ສາມາດເຂົ້າເບິ່ງໄດ້ໃນ dashboard ຂອງທ່ານເຊັ່ນກັນ.

ຂໍ້ມູນ
8

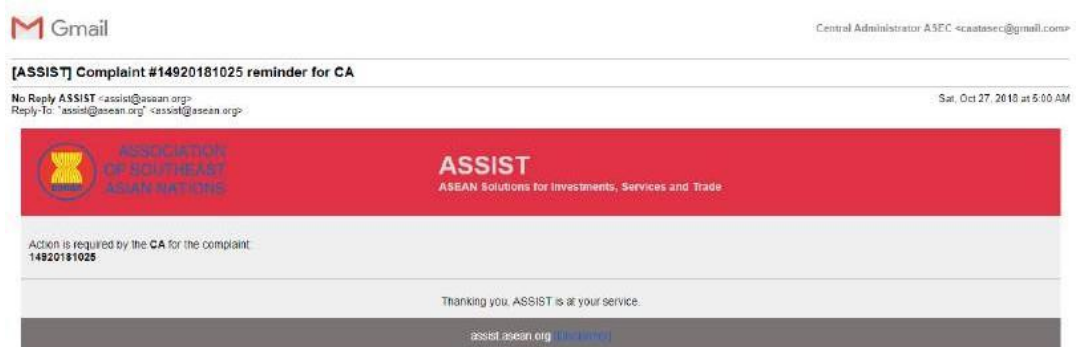
ຜູ້ຊຸມລະບົບກວດເບິ່ງຄໍາຮ້ອງທຸກຂອງທ່ານແລະຕອບທ່ານທາງອີເມລວ່າ (ຮັບຮອງ, ບໍ່ຄົບ ຫຼື ປະຕິເສດ)

ຫຼັງຈາກທີ່ CAໄດ້ທໍາການກວດກາເບິ່ງຄໍາຮ້ອງທຸກຂອງທ່ານເປັນທີ່ຮຽບຮ້ອຍແລ້ວແລະທັງໄດ້ຕັດສິນແລ້ວວ່າຄໍາຮ້ອງທຸກນັ້ນໄດ້ຜ່ານການຮັບຮອງ, ບໍ່ຄົບຖ້ວນ ຫຼື ຖືກປະຕິເສດນັ້ນ ຈະມີອີເມລສົ່ງໄປຫາທ່ານພາຍໃນ 10 ວັນລັດຖະການນັບຕັ້ງແຕ່ທ່ານໄດ້ສົ່ງຄໍາຮ້ອງທຸກຂອງທ່ານ.

ຖ້າຫາກວ່າບໍ່ມີການດໍາເນີນການໃດໆໂດຍCAໃນລະຍະນີ້ ທາງ CA ຈະໄດ້ຮັບຄໍາເຕືອນແບບອັດຕະໂນມັດດັ່ງທີ່ສະແດງຂ້າງລຸ່ມນີ້ຜ່ານທາງອີເມລຈາກລະບົບ online ຂອງ ASSIST ພາຍໃນ 7 ວັນຕາມເວລາປະຕິທິນ ຫຼັງຈາກການຮ້ອງທຸກໄດ້ຖືກຍື່ນ. ດັ່ງນັ້ນຕາມທີ່ໄດ້ລະບຸໄວ້ຂ້າງເທິງນັ້ນ, ທາງ CA ຈະຕ້ອງຕັດສິນໃຈພາຍໃນ 10 ວັນລັດຖະການວ່າຈະຮັບຮອງຍອມຮັບເອົາ, ຈະແຈ້ງວ່າຄໍາຮ້ອງທຸກບໍ່ຄົບຖ້ວນແລະໃຫ້ມີການແກ້ໄຂ, ຫຼືຈະຖືກປະຕິເສດ.

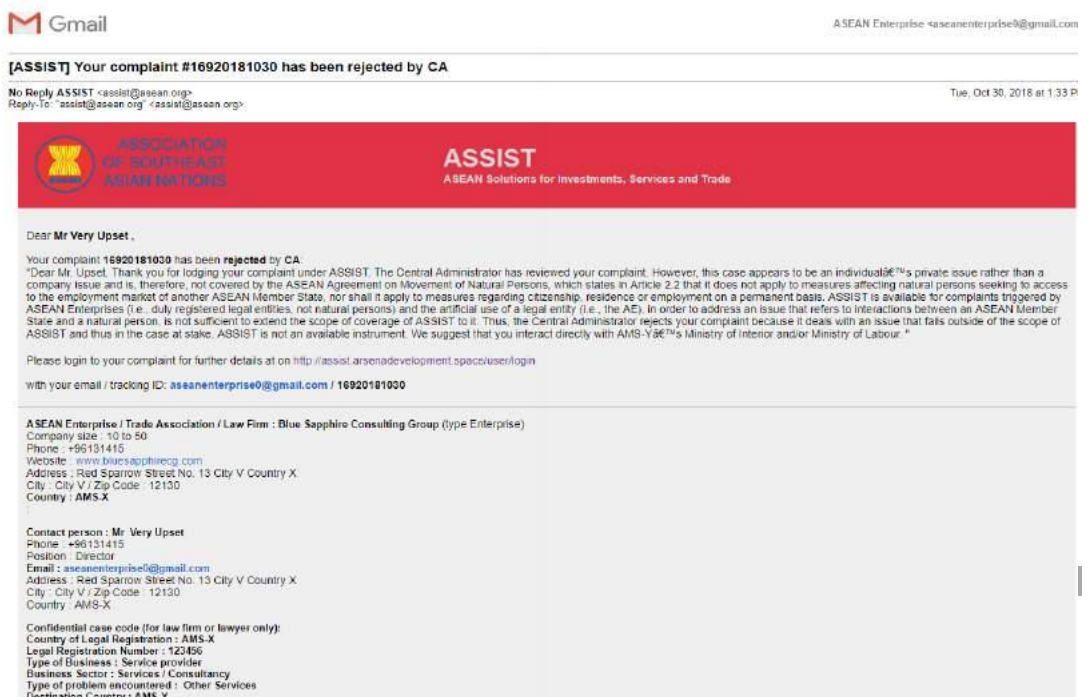
ອີເມລເຕືອນເທື່ອທີ 1 ສໍາລັບຜູ້ຊຸມລະບົບ:

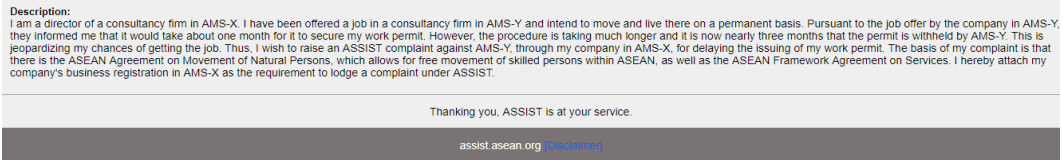
ຈົ່ງໝັ່ນກວດເບິ່ງອີເມລຂອງທ່ານເລື້ອຍໆ ພາຍໃນ 10 ມື້ລັດຖະການຫຼັງຈາກທ່ານໄດ້ຍື່ນຄໍາຮ້ອງທຸກ. ໃນທີ່ສຸດ



ທ່ານກໍ່ຈະໄດ້ຮັບອີເມລໃໝ່ຈາກ ASSIST.

Please login to your complaint for further details at on <http://assist.asean.org/user/login>

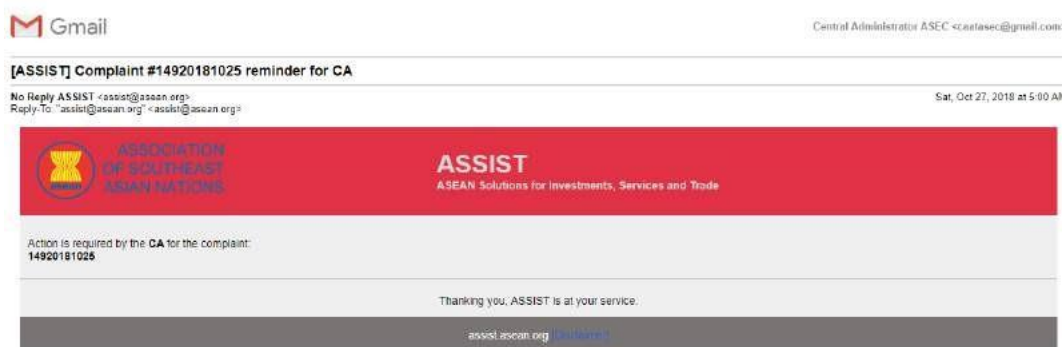




ໃນກໍລະນີນີ້, ຄຳຮ້ອງທຸກຂອງທ່ານໄດ້ນຳໄປທົບທວນແລ້ວ ແລະ ກໍ່ຖືກປະຕິເສດໂດຍ CA. CA ໄດ້ໃຫ້ຄວາມເຫັນວ່າບັນຫານີ້ເປັນບັນຫາເລື່ອງສ່ວນຕົວຂອງບຸກຄົນແທນທີ່ຈະແມ່ນບັນຫາຂອງບໍລິສັດແລະເພາະສະນັ້ນ, ຈິ່ງບໍ່ໄດ້ຖືວ່າຢູ່ພາຍໃຕ້ຂອບເຂດສັນຍາອາຊຽນວ່າດ້ວຍການເຄື່ອນຍ້າຍຂອງບຸກຄົນທຳມະດາ. ASSIST ນັ້ນໄດ້ມີໄວ້ເພື່ອ ໃຊ້ສຳລັບການຮ້ອງທຸກທີ່ເກີດຂຶ້ນໂດຍວິສາຫະກິດອາຊຽນ (ເຊັ່ນວ່າ ນິຕິບຸກຄົນທີ່ຈົດທະບຽນຖືກຕ້ອງ, ບໍ່ແມ່ນບຸກຄົນທຳມະດາທົ່ວໄປ) ແລະ ການນຳໃຊ້ນິຕິບຸກຄົນທີ່ບໍ່ມີຕົວຕົນແທ້ຈິງ (ຕົວຢ່າງ: AE), ເພື່ອແກ້ໄຂບັນຫາທີ່ກ່າວເຖິງການພົວພັນລະຫວ່າງລັດໃດໜຶ່ງທີ່ເປັນສະມາຊິກອາຊຽນ ແລະ ບຸກຄົນທຳມະດາ, ແມ່ນບໍ່ເໝາະສົມທີ່ຈະໄປຂະຫຍາຍຂອບເຂດການຄຸ້ມຄອງຂອງ ASSIST ໃຫ້ແກ່ເລື່ອງນີ້.

ຖ້າທ່ານບໍ່ໄດ້ຮັບອີເມລຈາກ ASSIST ພາຍໃນກຳນົດເວລາທີ່ໄດ້ກຳນົດໄວ້ (ກໍ່ຄື 10 ວັນເຮັດລັດຖະການນັບຕັ້ງແຕ່ວັນທີ່ຄຳຮ້ອງທຸກໄດ້ຖືກຍື່ນໄປ), ອັນນີ້ ມັນກໍ່ໝາຍຄວາມວ່າ CA ມີການດຳເນີນການທີ່ເກີນຂອບເຂດ. CA ຈະໄດ້ຮັບການແຈ້ງເຕືອນອັດຕະໂນມັດອີກທາງໜຶ່ງຜ່ານທາງອີເມລ (ພາຍໃນ 14 ວັນຕາມເວລາປະຕິທິນຫຼັງຈາກການຮ້ອງຮຽນໄດ້ຖືກຍື່ນ) CA ຈະໄດ້ຮັບອີເມລແບບຂ້າງລຸ່ມນີ້:

ອີເມວເຕືອນເທື່ອທີ 2 ສຳລັບຜູ້ດູແລະບົບ:



ຂັ້ນຕອນ
9

ຈິ່ງເຂົ້າສູ່ລະບົບ Dashboard ຂອງ ASSIST ຂອງທ່ານໂດຍໃຊ້ອີເມລ ແລະ ໝາຍເລກຕິດຕາມຂອງທ່ານ ເພື່ອເບິ່ງຄຳຕອບຕົວຈິງຈາກ ASSIST

ຖ້າທ່ານຕ້ອງການທີ່ຈະເຫັນການຕອບຮັບຢ່າງເຕັມທີ່ຈາກ CA, ທ່ານຈະຕ້ອງເຂົ້າສູ່ລະບົບ dashboard ASSIST ຂອງທ່ານໂດຍໃຊ້ອີເມລແລະ ໝາຍເລກຕິດຕາມຂອງທ່ານທີ່ລະບຸໄວ້ໃນຂັ້ນຕອນທີ 7 (a) ແລະ (b) ຂ້າງເທິງ.

ພາບລວມແບບທີ່ເຫັນໄດ້ເຕັມຕົວແລະຄົບຖ້ວນ ຂອງ dashboard ຂອງທ່ານນັ້ນສາມາດເບິ່ງໄດ້ຂ້າງລຸ່ມນີ້. ດັ່ງທີ່ທ່ານເຫັນ, ການດຳເນີນການຕ່າງໆລ້ວນແຕ່ໄດ້ຖືກບັນທຶກເພີ່ມເຂົ້າໄປໃນ 'History-ປະຫວັດ' ຂອງການດຳເນີນການຕ່າງໆ ຊຶ່ງສາມາດຊອກເຫັນການທີ່ໄດ້ລະບຸໄວ້ວ່າ CA ນັ້ນໄດ້ **“Rejected-ປະຕິເສດ”** ຄຳຮ້ອງທຸກຂອງທ່ານໄປແລ້ວ.



ASSOCIATION
OF SOUTHEAST
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ASSIST

ASEAN Solutions for Investments, Services and Trade

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[WHAT IS ASSIST?](#)
[MY COMPLAINT](#)
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[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	+66131415	City	City V
Website	www.bluesapphirecog.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	+66131415	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		
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. Sudirman - Jakarta 12110 - Indonesia
ASSIST - Supported by ASISE - (Disclaimer)

ໃຫ້ທ່ານຄລິກທີ່ໂອຄອນທີ່ເປັນຮູບແກ້ວຂະຫຍາຍໃນບ່ອນສະແດງຄຳເຫັນທີ່ເປັນຫ້ອງຍາວໆລົງມາ. ການຕອບຮັບອັນຄົບຖ້ວນ ຈາກທາງ CA ກໍ່ຈະປາກົດຂຶ້ນມາໃຫ້ເຫັນ, ດັ່ງທີ່ໄດ້ສະແດງໃນພາບຂ້າງລຸ່ມນີ້:



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.

ການປະຕິເສດຄໍາຮ້ອງຂໍ້ນັ້ນ ເມື່ອເບິ່ງແລ້ວກໍ່ຖືວ່າຖືກຕ້ອງ ແລະ ໄດ້ຜ່ານການພິຈາລະນາຢ່າງສົມເຫດສົມຜົນທີ່ພຽງພໍ. ທາງ ASSIST ຈຶ່ງພິຈາລະນາວ່າ ເປັນກໍລະນີໜຶ່ງທີ່ຄໍາຮ້ອງທຸກໆນັ້ນບໍ່ໄດ້ເຄີຍຍື່ນມາກ່ອນ.



ASSIST

ການສອນເພີ່ມແບບເທື່ອລະກ້າວຂອງກໍລະນີສຶກສາ 2 (ການຄ້າດ້ານສິນຄ້າ)

ຮູບພາບໂດຍ: Nathan Associates - PSDA Project, Myanmar

ຄໍາຮ້ອງທຸກທີ່ໄດ້ເກັບເຂົ້າໄວ້ໃນລະບົບ ໂດຍສະມາຄົມການຄ້າອາຊຽນໃນນາມຂອງສະມາຊິກອາຊຽນ, ທີ່ເປັນວິສາຫະກິດໜຶ່ງຂອງອາຊຽນ, ໄດ້ຮັບການຮັບຮອງຈາກຜູ້ດູແລລະບົບແລະໄດ້ຖືກປະຕິເສດໂດຍຜູ້ຕິດຕໍ່ທີ່ປາຍທາງ.

ລາຍລະອຽດໂດຍຫຍໍ້ຂອງກໍລະນີສຶກສາ: ໂດຍພາບລວມແລ້ວສະຖານະການນີ້ແມ່ນການຮ້ອງທຸກທີ່ໄດ້ຮັບການຍອມຮັບໂດຍຜູ້ດູແລລະບົບຂອງ ASSIST ວ່າໄດ້ມີການຍື່ນໃຫ້ຢ່າງຖືກຕ້ອງໂດຍສະມາຄົມການຄ້າອາຊຽນໃນນາມຂອງສະມາຊິກ, ເຊິ່ງເປັນວິສາຫະກິດອາຊຽນ/AE (ໝາຍຄວາມວ່າເປັນການຍື່ນທີ່ຄົບຖ້ວນ ແລະ ຢູ່ພາຍໃນຂອບເຂດການດູແລຂອງ ASSIST). ຄໍາຮ້ອງທຸກດັ່ງກ່າວໄດ້ຖືກຍື່ນໂດຍສະມາຄົມການຄ້າອາຊຽນດ້ວຍເຫດຜົນວ່າ AE ມີຄວາມຕ້ອງການຍື່ນໂດຍບໍ່ເປີດເຜີຍຕົວຕົນ. ເຖິງຢ່າງໃດກໍຕາມ, ເລື່ອງດັ່ງກ່າວກໍໄດ້ຖືກປະຕິເສດຈາກຜູ້ຕິດຕໍ່ທີ່ປາຍທາງດ້ວຍເຫດຜົນທີ່ວ່າ ເປັນ ບັນຫາຂັດແຍ້ງແບບດຽວກັນທີ່ເຄີຍຖືກຟ້ອງຮ້ອງຢູ່ທີ່ອົງການການຄ້າໂລກ (WTO) ມາກ່ອນແລ້ວ ຊຶ່ງເຫັນໄດ້ໃນຄໍາຮ້ອງທຸກທີ່ນໍາໄປຍື່ນໂດຍປະເທດທີ່ໄດ້ລົງທະບຽນໄວ້ກັບ AE (ບ່ອນທີ່ປະເທດຕົ້ນທາງຕັ້ງຢູ່) ເພື່ອຍື່ນຟ້ອງກັບປະເທດປາຍທາງ. ໃນກໍລະນີນີ້, ການປະຕິເສດຈາກປະເທດປາຍທາງຖືວ່າໄດ້ສ້າງແຮງຈູງໃຈທີ່ພຽງພໍແລະກໍຢູ່ໃນຂອບເຂດອະທິປະໄຕຂອງບັນດາປະເທດສະມາຊິກອາຊຽນ ແລະ ທັງຢູ່ໃນຂອບເຂດຂອງລະບົບ ASSIST ອີກດ້ວຍ.

ຄໍາຮ້ອງທຸກແມ່ນມີຄວາມກ່ຽວຂ້ອງກັບຫຼາຍມາດຕະການທາງດ້ານ

ງົບປະມານ ແລະ ຮີດຄອງປະເພນີຂອງປະເທດປາຍທາງທີ່ສົ່ງຜົນກະທົບຕໍ່ຢາສຸບທີ່ສົ່ງອອກຈາກປະເທດຕົ້ນທາງໄປຍັງປະເທດປາຍທາງ. ມາດຕະການດັ່ງກ່າວລວມມີການປະເມີນມູນຄ່າແຈ້ງພາສີຂອງປະເທດປາຍທາງ, ພາສີອາກອນຊີມໃຊ້, ອາກອນສຸ ຂະພາບ, ພາສີມູນຄ່າເພີ່ມ, ຂໍ້ກຳນົດການຂ້ອນນຸຍາດການຂາຍຍ່ອຍແລະການຄ້າປະກັນການນໍາເຂົ້າທີ່ໄດ້ມີການບັງຄັບໃຫ້ຜູ້ນໍາເຂົ້າຢາສຸບໃຫ້ມີການປະຕິບັດ. ສະມາຄົມການຄ້າອາຊຽນໄດ້ອ້າງວ່າ ປະເທດປາຍທາງໄດ້ມີການຄຸ້ມຄອງປະຕິບັດມາດຕະການເຫຼົ່ານີ້ພຽງບາງສ່ວນເທົ່ານັ້ນແລະຢ່າງບໍ່ມີເຫດຜົນ ດ້ວຍເຫດນີ້ຈຶ່ງເກີດມີການລະເມີດມາດຕາ 57 ຂອງສັນຍາການຄ້າອາຊຽນ (ATIGA), ຊຶ່ງໄດ້ນໍາໄປລວມເຂົ້າໄວ້ເພື່ອໃຫ້ໄດ້ປະຕິບັດໃນອາຊຽນແບບອະນຸໂລມບໍ່ຕ້ອງຈົງຈັງກັບສັນຍາ WTO ທີ່ກ່ຽວກັບການປະເມີນມູນຄ່າແຈ້ງພາສີ. ອີງຕາມສະມາຄົມການຄ້າອາຊຽນ, ປະເທດປາຍທາງບໍ່ໄດ້ນໍາໃຊ້ມູນຄ່າການເຮັດທຸລະກໍາທີ່ຖືວ່າເປັນພື້ນຖານອັນຕົ້ນຕໍໃນການການປະເມີນມູນຄ່າແຈ້ງພາສີແລະບໍ່ປະຕິບັດຕາມລໍາດັບຂັ້ນຕອນຂອງວິທີການປະເມີນມູນຄ່າທີ່ໄດ້ກໍານົດໄວ້ໃນມາດຕາ 57 ຂອງ ATIGA, ເຊິ່ງແທນທີ່ຈະໄປນໍາໃຊ້ວິທີການປະເມີນມູນຄ່າທີ່ບໍ່ມີພື້ນຖານໃນສັນຍາດັ່ງກ່າວ. ນອກນັ້ນ, ສະມາຄົມການຄ້າອາຊຽນອ້າງວ່າ ໃນການນໍາໃຊ້ໃບອະນຸຍາດແບບຄູ່ຂອງປະເທດປາຍທາງນັ້ນ, ຊຶ່ງຢາກໃຫ້ຜູ້ຂາຍຢາສຸບລາຍຍ່ອຍໄດ້ຖືໃບອະນຸຍາດທີ່ແຍກຕ່າງຫາກເພື່ອທໍາການຂາຍຢາສຸບພາຍໃນປະເທດແລະນໍາເຂົ້າຢາສຸບຈາກຕ່າງປະເທດ ເພື່ອໃຫ້ມັນສອດຄ່ອງກັບມາດຕາ 6 ຂອງ ATIGA, ລວມເອົາທັງມາດຕາ III ຂອງຂໍ້ຕົກລົງທົ່ວໄປກ່ຽວກັບອັດຕາພາສີ ແລະການຄ້າ (GATT) ຂອງປີ 1994, ເພາະວ່າມັນຈະຊ່ວຍໃຫ້ການປະຕິບັດເປັນກໍລະນີພິເສດຕໍ່ຜະລິດຕະພັນທີ່ນໍາເຂົ້າໃຫ້ໜ້ອຍກວ່າປະຕິບັດຕໍ່ຜະລິດຕະພັນພາຍໃນປະເທດ

ລາຍຊື່ຜູ້ດໍາເນີນການຫລັກແລະຕົວຫຍໍ້

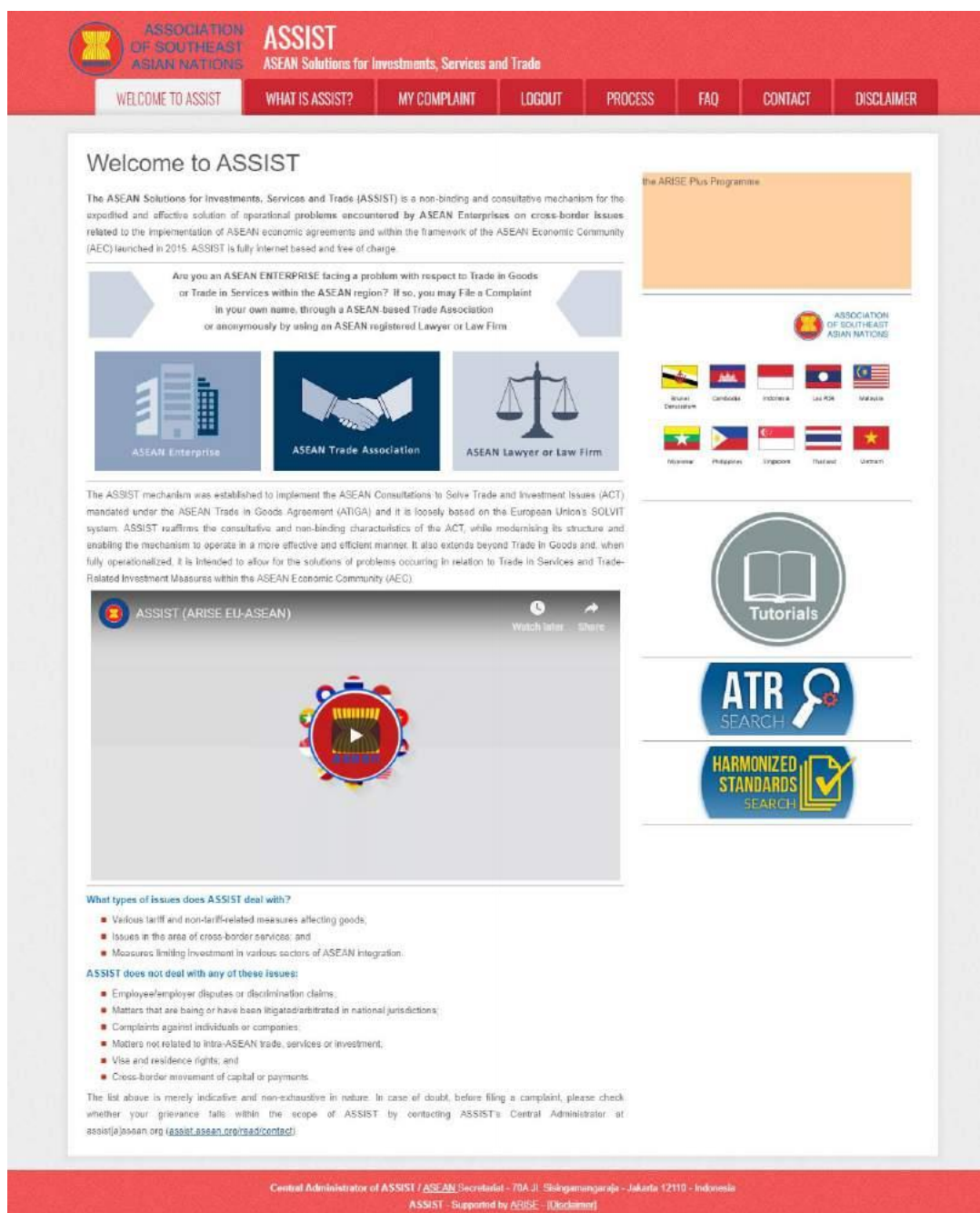
- ຜູ້ຮ້ອງທຸກ = ສະມາຄົມການຄ້າອາຊຽນ = ສະມາຄົມການຄ້າອາຊຽນ
- ກອງເລຂາອາຊຽນ = ຜູ້ດູແລລະບົບ ASSIST (CA)
- ປະເທດເຈົ້າພາບ = ຈຸດທີ່ໃຊ້ຕິດຕໍ່ໃນປະເທດຕົ້ນທາງ (HCP) ໃນບັນດາປະເທດສະມາຊິກອາຊຽນ -X (AMS-X)
- ປະເທດປາຍທາງ = ຈຸດທີ່ໃຊ້ຕິດຕໍ່ໃນປະເທດປາຍທາງ (DCP) ໃນບັນດາປະເທດສະມາຊິກອາຊຽນ -Y (AMS-Y)
- ເຈົ້າໜ້າທີ່ແຫ່ງຊາດທີ່ກ່ຽວຂ້ອງ = ອໍານາດການປົກຄອງທີ່ກ່ຽວຂ້ອງ (RAs)

ຂັ້ນ
ຕອນ
1

ໄປທີ່ເວັບໄຊທ໌ຂອງ ASSIST (HTTP://ASSIST.ASEAN.ORG)

ຖ້າທ່ານຮູ້ສຶກວ່າຄະດີຂອງທ່ານແມ່ນບັນຫາກ່ຽວກັບການຄ້າຂ້າມຊາດຂອງອາຊຽນ, ແລະເອງທ່ານແມ່ນມີທຸລະກິດທີ່ຈິດ
ທະບຽນຢູ່ໃນປະເທດສະມາຊິກອາຊຽນ, ແລະທ່ານຕ້ອງການບໍລິການແບບບໍ່ເສຍຄ່າ, ບໍ່ຜູກມັດ, ໃນການໃຫ້ຄໍາປຶກສາແລະໄດ້
ຮັບການເລັ່ງດ່ວນ ແລະວິທີແກ້ໄຂທີ່ມີປະສິດທິພາບ, ໃຫ້ໄປທີ່ລິ້ງຕໍ່ໄປນີ້: <http://assist.asean.org>.

ຂ້າງລຸ່ມນີ້ແມ່ນໜ້າທຳອິດຂອງເວັບໄຊທ໌ຂອງ ASSIST.



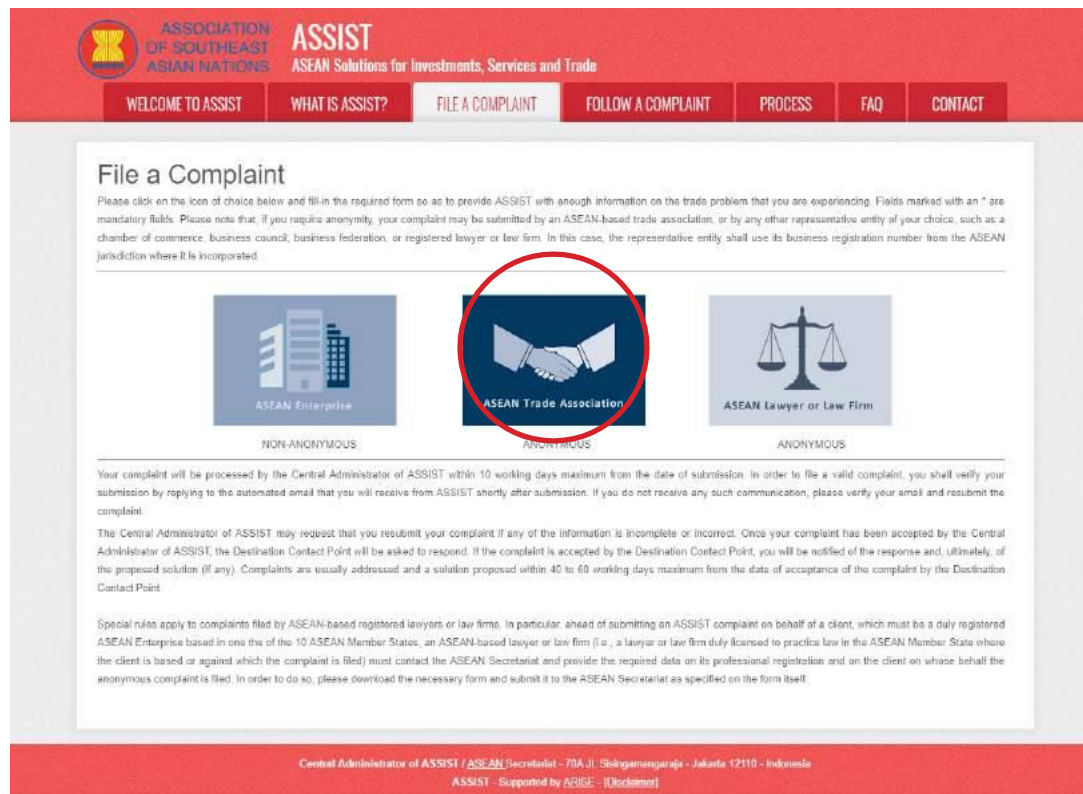
The screenshot shows the ASSIST website homepage. At the top is a red header with the ASEAN logo and the text "ASSIST ASEAN Solutions for Investments, Services and Trade". Below the header is a navigation bar with links: WELCOME TO ASSIST, WHAT IS ASSIST?, MY COMPLAINT, LOGOUT, PROCESS, FAQ, CONTACT, and DISCLAIMER. The main content area is titled "Welcome to ASSIST" and contains a brief description of the organization. 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 of the video player is a section titled "What types of issues does ASSIST deal with?" listing various trade and investment issues. At the bottom of the page is a footer with contact information for the Central Administrator of ASSIST and a note that ASSIST is supported by ARISE.

ຂນຕອນ
2

ຈົງກົດເລືອກເອົາແຖບ 'FILE A COMPLAINT' (ທີ່ເປັນຮູບໂອກອນຂອງສະມາຄົມການຄ້າອາຊຽນ)

ຖ້າທ່ານເປັນສະມາຄົມການຄ້າອາຊຽນທີ່ຍື່ນຄໍາຮ້ອງທຸກໃນນາມຂອງສະມາຊິກຂອງທ່ານເອງຫຼືສະມາຊິກຫຼາຍໆຄົນ (ທີ່ບໍ່ເປີດເຜີຍຊື່ຫລືຕົວຕົນ) ທີ່ມີບັນຫາການຄ້າແບບດຽວກັນ, ໃຫ້ທ່ານເລືອກຄລິກໄປທີ່ຮູບໂອກອນ “ASEAN Trade Association-ສະມາຄົມການຄ້າອາຊຽນ” ຢູ່ແຖບເມນູ ‘File a Complaint’ ເພື່ອຍື່ນຄໍາຮ້ອງທຸກ.

ຈົ່ງຈື່ວ່າ, ໃນຖານະທີ່ເປັນສະມາຄົມການຄ້າອາຊຽນ, ທ່ານຈໍາເປັນຕ້ອງຍື່ນ ຄໍາຮ້ອງທຸກໃນນາມຂອງທ່ານເອງເນື່ອງຈາກການເປັນສະມາຊິກຂອງທ່ານແມ່ນບໍ່ໄດ້ລະບຸຊື່. ບັນດາຜູ້ຕາງໜ້າທີ່ຂອງອາຊຽນ, ທີ່ລວມມີທັງສະມາຄົມການຄ້ານັ້ນ, ສາມາດຍື່ນຄໍາຮ້ອງທຸກຕໍ່ປະເທດສະມາຊິກອາຊຽນຕາມທີ່ພວກເຂົາເຈົ້າລົງທະບຽນໄວ້, ຕາບໃດທີ່ບັນຫາການຄ້າຍັງມີລັກສະນະທີ່ສາມາດດໍາເນີນການຂ້າມແດນໄດ້.



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

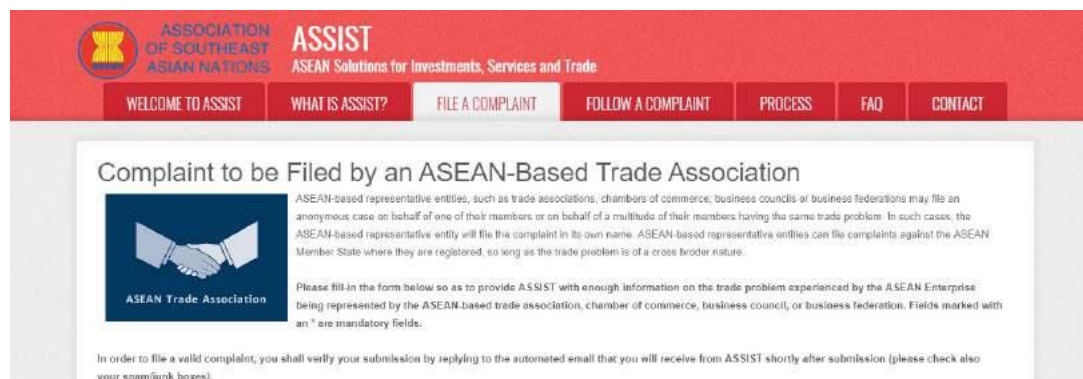
Your complaint will be processed by the Central Administrator of ASSIST within 10 working days maximum from the date of submission. In order to file a valid complaint, you shall verify your submission by replying to the automated email that you will receive from ASSIST shortly after submission. If you 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 - JDA Jl. Sisingamangaraja - Jakarta 12110 - Indonesia
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ເມື່ອທ່ານຄລິກໂອກອນ 'ສະມາຄົມການຄ້າອາຊຽນ', ເວັບໜ້າຕໍ່ໄປຈະປາກົດຂຶ້ນໃຫ້ເຫັນ.



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

Choose File

No file chosen

* Type of Business

* Business Sector

* Services Sector Description

* Type of Problem Encountered

* Destination Country

* Description

3000 characters remaining (3000 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

Privacy Terms

SUBMIT YOUR COMPLAINT

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

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ຈົ່ງປ້ອນຂໍ້ມູນໃສ່ໃນແບບຟອມຂ້າງເທິງນັ້ນເພື່ອສົ່ງໃຫ້ ASSIST ຈະໄດ້ມີຂໍ້ມູນພຽງພໍກ່ຽວກັບບັນຫາການຄ້າທີ່ທ່ານກຳລັງປະສົບຢູ່. ຊ່ອງໃສ່ຂໍ້ມູນທີ່ມີເຄື່ອງໝາຍດາວ (*) ແມ່ນບັງຄັບໃຫ້ປ້ອນຂໍ້ມູນໃສ່. ຖ້າທ່ານບໍ່ແນ່ໃຈວ່າຈະຕື່ມຂໍ້ມູນແບບໃດໃສ່ໃນຊ່ອງປ້ອນຂໍ້ມູນ, ປຸ່ມຕ່າງໆທີ່ເປັນຮູບ ① ໄດ້ມີໄວ້ໃຫ້ໃຊ້ສໍາລັບເບິ່ງຄໍາແນະນໍາລະອຽດກ່ຽວກັບວ່າຈະປ້ອນຂໍ້ມູນແບບໃດໃສ່ໃນແຕ່ລະຊ່ອງ. ກະລຸນາກົດປຸ່ມທີ່ເປັນຮູບ ① ເພື່ອຮັບປະກັນວ່າທ່ານສາມາດເຂົ້າໃຈແລະຮູ້ໄດ້ວ່າຈະຕ້ອງປ້ອນຂໍ້ມູນແບບໃດທີ່ຖືກຕ້ອງລົງໃນແບບຟອມ.

ເປັນສິ່ງສໍາຄັນທີ່ສຸດທີ່ທ່ານຕ້ອງປ້ອນຂໍ້ມູນໃສ່ໃນຊ່ອງ ‘Description’. CA ຈະຕ້ອງໄດ້ທໍາການກວດສອບວ່າ ຄໍາອະ ທິບາຍຕ່າງໆທີ່ໄດ້ກ່າວໄວ້ໃນຄໍາຮ້ອງທຸກນັ້ນແມ່ນມີຄວາມພຽງພໍທີ່ຈະກໍານົດບັນຫາໄດ້ຢ່າງຈະແຈ້ງໃນດ້ານຂໍ້ຕົກລົງກ່ຽວກັບຫົວຂໍ້ສະເພາະ ຫຼືບໍ່. ດັ່ງນັ້ນ, ຈົ່ງຈັດແຈງຄໍາຮ້ອງທຸກຂອງທ່ານຢ່າງລະມັດລະວັງພ້ອມດ້ວຍຂໍ້ມູນການໄດ້ຖຽງຕ່າງໆທາງກົດໝາຍ ແລະ ຫຼັກການທີ່ເປັນຈິງເພື່ອຊ່ວຍໃຫ້ທາງ CA ໃນການຕັດສິນໃຈວ່າຈະອະນຸມັດຄໍາຮ້ອງທຸກຂອງທ່ານໄດ້ຫຼືບໍ່

ຂໍ້ມູນ
3

ປ້ອນຂໍ້ມູນໃສ່ແບບຟອມສໍາລັບຍື່ນຄໍາຮ້ອງທຸກ

ຂ້າງລຸ່ມນີ້ແມ່ນຕົວຢ່າງຂອງແບບຟອມທີ່ໄດ້ປ້ອນຂໍ້ມູນໄວ້ຮຽບຮ້ອຍແລ້ວ ສໍາລັບກໍລະນີສຶກສານີ້ ໂດຍສະເພາະ.



ASSIST
ASEAN Solutions for Investments, Services and Trade

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Complaint to be Filed by an ASEAN-Based Trade Association

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

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

ASEAN-BASED TRADE ASSOCIATION

* ASEAN-based Trade Association Name:

* Phone:

Website:

* Address:
City A:
Country X:

255 characters remaining (255 maximum)

* City: ZIP Code:

* Country:

* ASEAN Jurisdiction where the Entity is Established:

CONTACT PERSON

* Gender: ☒ Mr ☐ Mrs ☐ Ms

* First Name: * Last Name:

* Phone:

* Position:

* Email:

* Address:
City A:
Country X:

255 characters remaining (255 maximum)

City: ZIP Code:

Country:

COMPLAINT DESCRIPTION

* Country of Legal Registration:

* Registration Number:

* Entity Registration Proof: Annex 1-Simulated...association.pdf

* Type of Business:

* Business Sector:

* Services Sector Description:

* Type of Problem Encountered:

* Destination Country:

* Description:

2551 characters remaining (2550 maximum)

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

☒ I have read and accept the ASSIST rules.

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

☒ I'm not a robot

Central Administration of ASSIST / ASEAN Secretariat - 75A Jl. Sekeloaoponegara - Jakarta 12110 - Indonesia
ASSIST - Supported by ARISE - [Disclaimers]

ມີການຍົກຕົວຢ່າງຂອງການອະທິບາຍຄໍາຮ້ອງທຸກທີ່ໄດ້ຂຽນໄວ້ຈະແຈ້ງແລະຊັດເຈນ, ຂ້າງລຸ່ມນີ້ແມ່ນຄໍາອະທິບາຍແລະລາຍລະອຽດ ສໍາລັບກໍລະນີສຶກສານີ້ໂດຍສະເພາະ:

“ພວກເຮົາແມ່ນສະມາຄົມການຄ້າຢາສູບທີ່ເປັນຕົວແທນໃຫ້ແກ່ບໍລິສັດຢາສູບທີ່ໄດ້ລົງທະບຽນຢູ່ AMS-X. ພວກເຮົາຢາກຈະຂໍ ສິ່ງຄໍາຮ້ອງທຸກໃຫ້ກັບ ASSIST ເພື່ອຕໍ່ວ່າ AMS-Y ກ່ຽວກັບມາດຕະການທາງດ້ານງົບປະມານແລະພາສີຂອງ AMS-Y ທີ່ສົ່ງ ຜົນກະທົບຕໍ່ຢາສູບທີ່ສົ່ງອອກຈໍາຫນ່າຍຈາກ AMS-X ໄປທີ່ AMS-Y. ມາດຕະການດັ່ງກ່າວລວມມີການປະຕິບັດການປະເມີນ ມູນຄ່າແຈ້ງພາສີຂອງ AMS-Y, ອາກອນຊົມໃຊ້, ພາສີສຸຂະພາບ, ພາສີມູນຄ່າເພີ່ມ, ຂໍ້ກຳນົດການຂໍອະນຸຍາດການຂາຍຍ່ອຍ ແລະ ການຄ້າປະກັນການນໍາເຂົ້າສິນຄ້າຢາສູບທີ່ບັງຄັບໃຫ້ຜູ້ ນໍາເຂົ້າຢາສູບຕ້ອງປະຕິບັດຕາມ.

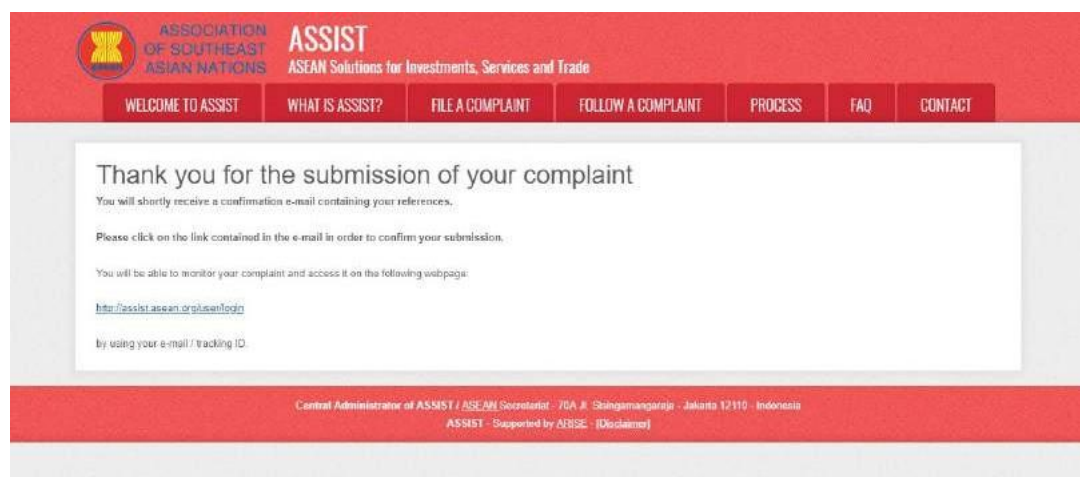
AMS-Y ຄຸ້ມຄອງບັນດາມາດຕະການດັ່ງກ່າວແບບບໍ່ເຕັມເມັດເຕັມຫນ່ວຍແລະຂາດເຫດຜົນແລະດັ່ງນີ້ເອງ ມັນຈຶ່ງເປັນການ ລະເມີດມາດຕາ 57 ຂອງສັນຍາການຄ້າສິນຄ້າອາຊຽນ (ATIGA), ເຊິ່ງໄດ້ນໍາໄປລວມເຂົ້າໄວ້ເພື່ອໃຫ້ໄດ້ປະຕິບັດໃນອາຊຽນແບບ ອະນຸໂລມບໍ່ຕ້ອງຈົງຈັງກັບສັນຍາ WTO ກ່ຽວກັບການປະເມີນມູນຄ່າແຈ້ງພາສີ. AMS-Y ບໍ່ໄດ້ນໍາໃຊ້ມູນຄ່າການເຮັດທຸລະກໍາທີ່ຖື ວ່າເປັນພື້ນຖານອັນຕົ້ນຕໍໃນການການປະເມີນມູນຄ່າແຈ້ງພາສີແລະບໍ່ປະຕິບັດຕາມລໍາດັບຂັ້ນຕອນຂອງວິທີການປະເມີນມູນຄ່າທີ່ໄດ້ ກຳນົດໄວ້ໃນມາດຕາ 57 ຂອງ ATIGA, ເຊິ່ງແທນທີ່ຈະໄປນໍາໃຊ້ວິທີການປະເມີນມູນຄ່າທີ່ບໍ່ມີພື້ນຖານໃນສັນຍາດັ່ງກ່າວ.

ນອກນັ້ນ, ການດໍາເນີນການໃຫ້ມີໃບອະນຸຍາດສອງໃບຂອງ AMS-Y, ເຊິ່ງຮຽກຮ້ອງໃຫ້ຜູ້ຄ້າໃບຢາແລະ/ຫລືຢາສູບລາຍຍ່ອຍຖືໃບ ອະນຸຍາດແຍກຕ່າງຫາກເພື່ອຂາຍຢາສູບພາຍໃນປະເທດແລະນໍາເຂົ້າຢາສູບຈາກຕ່າງປະເທດນັ້ນບໍ່ສອດຄ່ອງກັບມາດຕາ 6 ຂອງ ATIGA, ທີ່ລວມເອົາມາດຕາ III ຂອງຂໍ້ຕົກລົງທົ່ວໄປກ່ຽວກັບພາສີແລະການຄ້າ (GATT) ປີ 1994, ເພາະວ່າມັນຈະຊ່ວຍ ໃຫ້ການປະຕິບັດເປັນກໍລະນີພິເສດຕໍ່ຜະລິດຕະພັນທີ່ນໍາເຂົ້າໃຫ້ໜ້ອຍກວ່າປະຕິບັດຕໍ່ຜະລິດຕະພັນພາຍໃນປະເທດ” .

ເມື່ອຄໍາຮ້ອງທຸກຖືກຍື່ນໂດຍການຄລິກທີ່ແຖບເມນູ 'ຍື່ນຄໍາຮ້ອງທຸກຂອງທ່ານ', ໜ້າເວັບຕໍ່ໄປນີ້ທີ່ຈະຢູ່ໃນຂັ້ນຕອນທີ 4 ຈະປາກົດ ຂຶ້ນໃຫ້ເຫັນ.

ຂັ້ນຕອນ 4

ຮັບການແຈ້ງເຕືອນຈາກ ASSIST



ການໄດ້ຮັບການແຈ້ງເຕືອນທາງອີເມລຕາມທີ່ເຫັນຂ້າງເທິງນັ້ນ ຊຶ່ງໃຫ້ເຫັນວ່າທ່ານຄວນຄລິກທີ່ລິ້ງທີ່ຢູ່ໃນຫນ້າອີເມລຂອງທ່ານເພື່ອ ຍືນຍັນການສົ່ງຄໍາຮ້ອງທຸກຂອງທ່ານໃຫ້ກັບ ASSIST.

ຂັ້ນ
ຕອນ
5

ຍືນຍັນການສົ່ງຄໍາຮ້ອງທຸກຂອງທ່ານດ້ວຍອີເມລຂອງທ່ານເອງ

- (a) ໃຫ້ທ່ານເຂົ້າໄປໃນບັນຊີອີເມລຂອງທ່ານທີ່ທ່ານໄດ້ໃຫ້ໄວ້ກັບແບບຟອມການຮ້ອງທຸກ. ທ່ານຈະໄດ້ຮັບອີເມລຈາກ ASSIST ເພື່ອໃຫ້ທ່ານທຳການຍືນຍັນການສົ່ງຄໍາຮ້ອງທຸກຂອງທ່ານໂດຍໃຫ້ໄປຄລິກທີ່ລິ້ງທີ່ໄດ້ສົ່ງມາໃຫ້ທ່ານກັບອີເມລຫລືຖ້າບໍ່ຢາກ ຄລິກກໍ່ພຽງແຕ່ທ່ານຄັດລອກເອົາລິ້ງນັ້ນໄປແປະໃສ່ໃນ browser ອື່ນເຕີເນັດ. ອັນນີ້ແມ່ນຕ້ອງໄດ້ເຮັດຕາມທີ່ ASSIST ໄດ້ຮຽກຮ້ອງມາ ເພື່ອເປັນການຍືນຍັນວ່າ ອີເມລທີ່ທ່ານໄດ້ໃຫ້ໄປນັ້ນຖືກຕ້ອງ. ໝາຍເລກຄໍາຮ້ອງທຸກຂອງທ່ານກໍ່ໄດ້ສົ່ງມາໃຫ້ທ່ານດ້ວຍອີເມລນີ້ເຊັ່ນກັນ. ໃນກໍລະນີນີ້, ໝາຍເລກຄໍາຮ້ອງທຸກຂອງທ່ານແມ່ນ **17420181031**.

ຂ້າງລຸ່ມນີ້ແມ່ນອີເມລທີ່ທ່ານຈະໄດ້ຮັບຈາກ 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



ASSIST
ASEAN Solutions for Investments, Services and Trade

Dear Mr Stephen Bogus,

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

Please **confirm** your complaint **17420181031** on the following link (or by copy-pasting the following link onto your Internet browser):
http://assist.aseantradeassociation.org/confirm_email?email=aseantradeassociation@gmail.com&id=17420181031&code=3d5unyrco8sh

After your confirmation, ASSIST will monitor your complaint and you will be able to access it on the following webpage:
http://assist.aseantradeassociation.org/track_id?email=aseantradeassociation@gmail.com / 17420181031

ASEAN Enterprise / Trade Association / Law Firm : ASEAN Tobacco Trade Association (Type Trade)
http://assist.asean.org/user/confirm_email
 Website : www.aseantobacco.com
 Address : Barbecue Road No. 78 City A, Country X
<http://assist.asean.org/user/login> by using your e-mail / tracking ID: aseanenterprise@gmail.com / **17420181031**
 ASEAN Jurisdiction where the Entity is Established : Country X.

Contact person : Mr Stephen Bogus
 Phone : +12 905903501
 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 : 121212
 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.

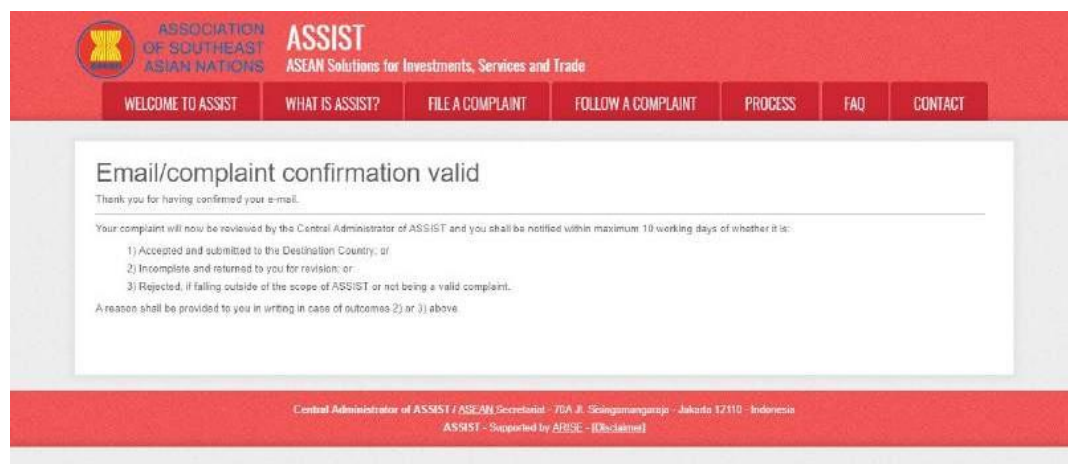
assist.asean.org

2 attachments:

 Annex_2-Simulated_Fiscal_Customs_Measures_Dual_License_Scheme_of_AMS-Y21.pdf
49K

 Annex_1-Simulated_Entity_Registration_of_ASEAN_Tobacco_Trade_Association18.pdf
49K

- (b) ໃຫ້ທ່ານຄລິກທີ່ລິ້ງທີ່ໄດ້ໃຫ້ມາກັບອີເມລເຊິ່ງຕ້ອງໄດ້ຄລິກ ແລະຫນ້າໃຫມ່ໃນອີເມລນັ້ນກໍ່ຈະສະແດງໃຫ້ເຫັນ.



ການແຈ້ງເຕືອນທີ່ໄດ້ສະແດງໄວ້ຂ້າງເທິງນີ້ຈະແຈ້ງໃຫ້ທ່ານຊາບວ່າ ຄໍາຮ້ອງທຸກຂອງທ່ານຈະຖືກທົບທວນໂດຍ CA ແລະຫຼັງຈາກນັ້ນ ທ່ານຈະໄດ້ຮັບການແຈ້ງກັບມາຫາທ່ານທາງອີເມລ ພາຍໃນເວລາເວລາສູງສຸດ 10 ວັນລັດຖະການ ໂດຍທີ່ການຍື່ນຄໍາຮ້ອງທຸກຂອງທ່ານນັ້ນຈະ:

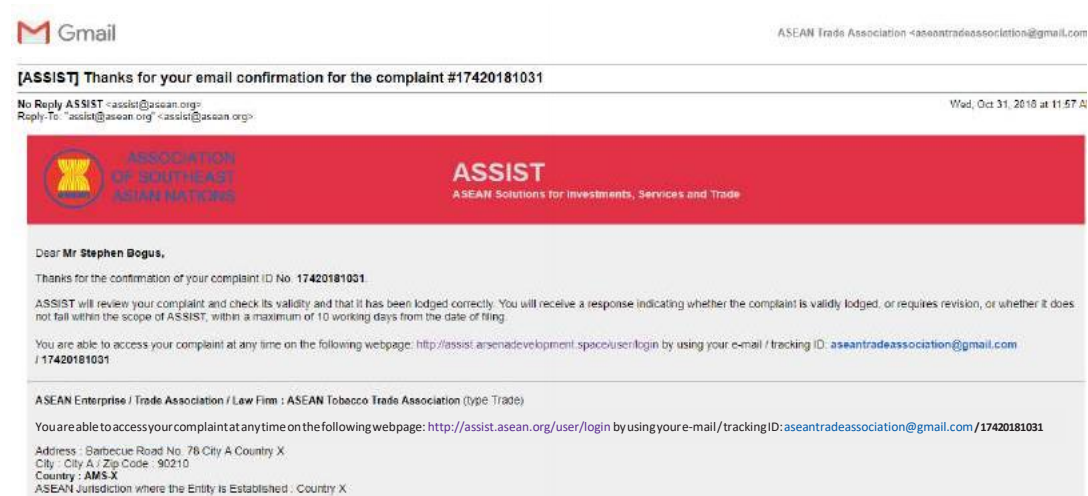
- 1) ໄດ້ຮັບການຍອມຮັບແລະຖືກສົ່ງຕໍ່ເພື່ອສະເໜີຕໍ່ປະເທດປາຍທາງ; ຫຼື
- 2) ບໍ່ຄົບຖ້ວນແລະໄດ້ຖືກສົ່ງກັບຄືນມາຫາທ່ານເພື່ອດັດແກ້; ຫຼື
- 3) ຖືກປະຕິເສດ, ຖ້າຫາກຢູ່ນອກຂອບເຂດຂອງ ASSIST ຫຼື ເປັນການຮ້ອງທຸກທີ່ໃຊ້ການບໍ່ໄດ້.

ຈຶ່ງໄປທີ່ບັນຊີອີເມລຂອງທ່ານ.

ຂັ້ນຕອນ
6

ໄດ້ຮັບອີເມລຈາກ ASSIST ເພື່ອໃຫ້ຮູ້ວ່າອີເມລແລະຄໍາຮ້ອງທຸກຂອງທ່ານຖືກຕ້ອງ

ຈຶ່ງໄປທີ່ອີເມລຂອງທ່ານ ແລະ ທ່ານຈະເຫັນມີອີເມລໃໝ່ຈາກ ASSIST ສົ່ງມາຫາທ່ານ. ອີເມລນີ້ຈະຊີ້ບອກໃຫ້ເຫັນວ່າທ່ານຮູ້ວ່າ ທ່ານໄດ້ທໍາການຍື່ນຍື່ນຄໍາຮ້ອງທຸກຂອງທ່ານແລ້ວພ້ອມທັງທາງ CA ຈະກວດສອບຄວາມຖືກຕ້ອງຂອງຄໍາຮ້ອງທຸກ, ແລະກໍໄດ້ຖືກນໍາເຂົ້າໄປເກັບໄວ້ໃນລະບົບພາຍໃນຂອງ ASSIST. ASSIST ຈະກັບມາຕິດຕໍ່ອີກເທື່ອໜຶ່ງພ້ອມດ້ວຍຄໍາຕອບທີ່ຈະບອກວ່າ ຄໍາຮ້ອງທຸກທີ່ໄດ້ສົ່ງໄປນັ້ນ ໄດ້ຮັບການຍອມຮັບແລ້ວ, ບໍ່ຄົບຖ້ວນ ຫຼື ຖືກປະຕິເສດພາຍໃນ 10 ມື້ລັດຖະການ.



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 falls 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

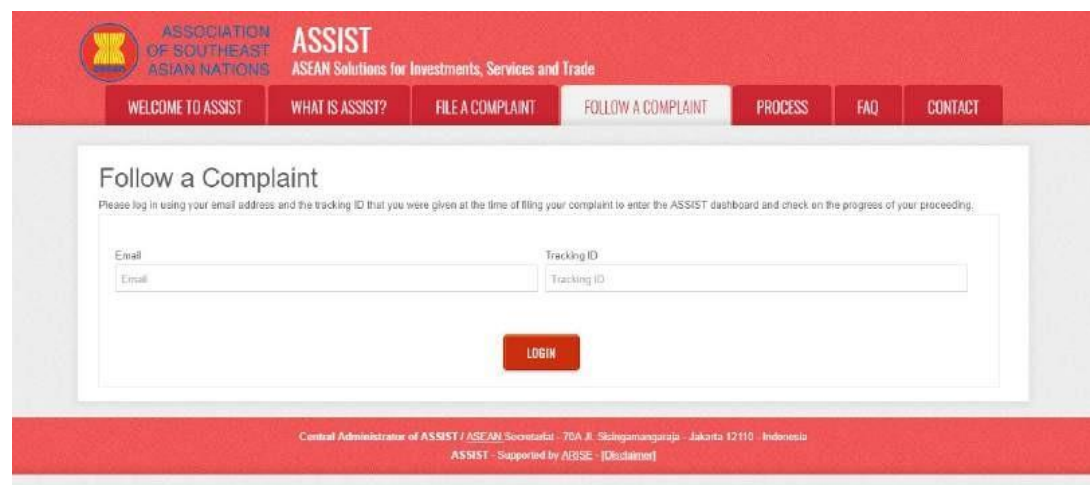
 Annex_1-Simulated_Entity_Registration_of_ASEAN_Tobacco_Trade_Association18.pdf
48K

ຕາມທີ່ໄດ້ລະບຸໄວ້ໃນອີເມລຂ້າງເທິງນັ້ນ, ໃນເວລານີ້ ທ່ານສາມາດຕິດຕາມເບິ່ງຄວາມຄືບໜ້າໄດ້ໂດຍໃຫ້ທ່ານຄລິກທີ່ລິ້ງທີ່ໄດ້
ແນະນຳໄວ້ໃຫ້ ເຊິ່ງຈະພາທ່ານທີ່ແຖບ 'Follow a Complaint' ຕິດຕາມເບິ່ງຄຳຮ້ອງທຸກ' ຢູ່ແຖບເມນູໃນເວັບໄຊທ໌
ASSIST.

ຂັ້ນຕອນ
7

ຕິດຕາມກວດກາຄວາມຄືບໜ້າຂອງການຮ້ອງທຸກຂອງທ່ານ

- (a) ຈົ່ງໄປທີ່ລິ້ງຕໍ່ໄປນີ້: <http://assist.asean.org/user/login> ຫຼືໄປທີ່ແຖບ 'Follow a Complaint - ຕິດຕາມເບິ່ງຄຳ
ຮ້ອງທຸກ' ຢູ່ແຖບເມນູໃນເວັບໄຊທ໌ ASSIST. ໜ້າເວັບຕໍ່ໄປນີ້ກໍ່ຈະປາກົດຂຶ້ນ.



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Email Tracking ID

Central Administrator of ASSIST / ASEAN Secretariat - 70A Jl. Salekramanegara - Jakarta 12110 - Indonesia
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- (b) ຈົ່ງໃສ່ອີເມລ ແລະ ໝາຍເລກເພື່ອຕິດຕາມຂອງທ່ານ (ກໍ່ຄືໝາຍເລກຄຳຮ້ອງທຸກຂອງທ່ານ) ໃນຊ່ອງປ້ອນຂໍ້ມູນທີ່ມີໃຫ້
ໄວ້ເພື່ອເຂົ້າສູ່ລະບົບ. ໃນກໍລະນີນີ້, ອີເມລແມ່ນ aseantradeassociation@gmail.com ແລະ ໝາຍເລກເພື່ອ
ຕິດຕາມແມ່ນ 17420181031.



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Tracking ID

aseantradeassociation@gmail.com

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ເມື່ອທ່ານໄດ້ເຂົ້າສູ່ລະບົບແລ້ວ, ທ່ານຈະເຫັນ Dashboard ຂອງ ASSIST ຂອງທ່ານເຊິ່ງເປັນບ່ອນທີ່ທ່ານສາມາດຕິດຕາມຄວາມຄືບໜ້າຂອງການຍື່ນຄໍາຮ້ອງທຸກຂອງທ່ານ.

(c) ເປີດເບິ່ງລາຍລະອຽດໃນ Dashboard ຂອງ ASSIST ຂອງທ່ານ ເມື່ອທ່ານໄດ້ສໍາເລັດການເຂົ້າສູ່ລະບົບແລ້ວ:



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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](#) - PDA JI. Shidigamangaraja - Jakarta 12110 - Indonesia
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ດັ່ງທີ່ທ່ານສາມາດເຫັນໄດ້ໃນ dashboard ຂອງທ່ານ, ການດຳເນີນການຕ່າງໆຂອງການຮ້ອງທຸກຂອງທ່ານແມ່ນໄດ້ລະບຸໄວ້ຢ່າງຈະແຈ້ງໃນ dashboard ຂອງທ່ານ ແລະ ເນື້ອໃນລາຍການຕ່າງໆເຫຼົ່ານີ້ຈະຖືກປັບໃຫ້ໃໝ່ຢູ່ສະເໝີ ຫຼັງຈາກການດຳເນີນການໃນແຕ່ລະຄັ້ງ. ແບບຟອມຄຳຮ້ອງທຸກທີ່ທ່ານໄດ້ຍື່ນໄປແລ້ວນັ້ນ, ກໍ່ສາມາດເຂົ້າເບິ່ງໄດ້ໃນ dashboard ຂອງທ່ານເຊັ່ນກັນ.

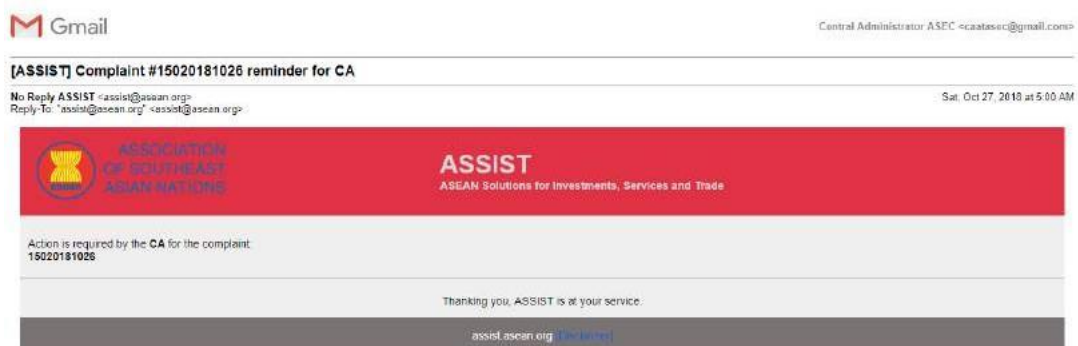
ຂັ້ນຕອນ

ຜູ້ດູແລລະບົບກວດເບິ່ງຄຳຮ້ອງທຸກຂອງທ່ານແລະຕອບທ່ານທາງອີເມລ (ວ່າຮັບຮອງ,ບໍ່ຄົບຖ້ວນ ຫຼື ປະຕິເສດ)

ເມື່ອ CAໄດ້ກວດກາເບິ່ງຄຳຮ້ອງທຸກຂອງທ່ານເປັນທີ່ຮຽບຮ້ອຍແລ້ວ ແລະ ທັງໄດ້ຕັດສິນແລ້ວວ່າຄຳຮ້ອງທຸກນັ້ນໄດ້ຜ່ານການຮັບຮອງ, ບໍ່ຄົບຖ້ວນ ຫຼື ຖືກປະຕິເສດນັ້ນຈະມີອີເມລສົ່ງໄປຫາທ່ານພາຍໃນ 10 ມື້ລັດຖະການນັບຕັ້ງແຕ່ທ່ານໄດ້ສົ່ງຄຳຮ້ອງທຸກຂອງທ່ານ.

ຖ້າວ່າບໍ່ມີການດຳເນີນການໃດໆໂດຍCAໃນລະຍະນີ້ ທາງ CA ຈະໄດ້ຮັບຄຳເຕືອນແບບອັດຕະໂນມັດດັ່ງທີ່ສະແດງຂ້າງລຸ່ມນີ້ຜ່ານທາງອີເມລຈາກລະບົບ online ຂອງ ASSIST ພາຍໃນ 7 ມື້ຕາມປະຕິທິນ ຫຼັງຈາກການຮ້ອງທຸກໄດ້ຖືກຍື່ນ. ດັ່ງນັ້ນຕາມທີ່ໄດ້ລະບຸໄວ້ຂ້າງເທິງນັ້ນ, CA ຈະຕ້ອງຕັດສິນໃຈພາຍໃນ 10 ມື້ລັດຖະການວ່າ ຈະຍອມຮັບເອົາ, ຈະແຈ້ງວ່າຄຳຮ້ອງທຸກບໍ່ຄົບຖ້ວນ ແລະ ໃຫ້ມີການແກ້ໄຂ, ຫຼື ຈະຖືກປະຕິເສດ.

ອີເມລເຕືອນເທື່ອທີ 1 ສຳລັບຜູ້ດູແລລະບົບ:



ຈົ່ງໝັ້ນກວດເບິ່ງອີເມລຂອງທ່ານພາຍໃນ 10 ມື້ລັດຖະການ ຫຼັງຈາກທ່ານໄດ້ຍື່ນຄໍາຮ້ອງທຸກ. ໃນທີ່ສຸດທ່ານກໍ່ຈະໄດ້ຮັບອີເມລ ໃໝ່ຈາກ 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 P



ASSIST
ASEAN Solutions for Investments, Services and Trade

Dear Mr Stephen Bogus,

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

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

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

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

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

ASEAN Complaint / Trade Association / Law Firm / Arbitration / Dispute Resolution (11/2017)

Company size:
Phone : +12 905903901
Website : www.aseaninfo.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 : 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 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.

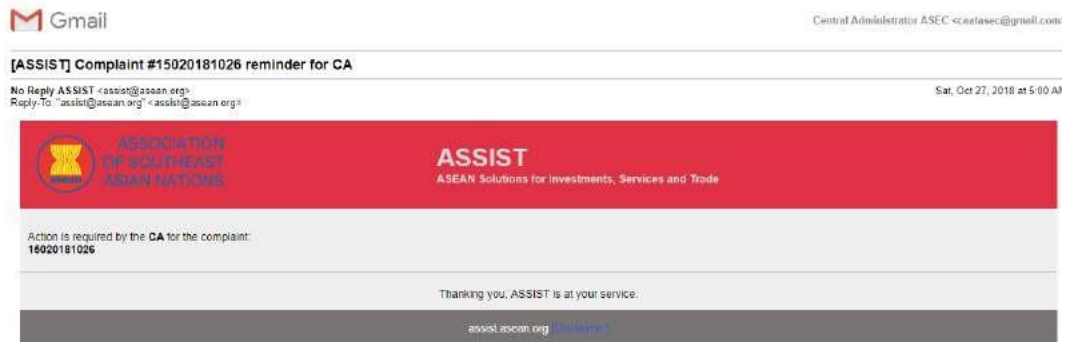
assist.asean.org

ໃນກໍລະນີນີ້, ອີເມລຂ້າງເທິງນີ້ສະແດງໃຫ້ເຫັນວ່າ CA ໄດ້ຍອມຮັບເອົາຄໍາຮ້ອງທຸກຂອງທ່ານ. ອີເມລນີ້ຍັງໄດ້ແຈ້ງໃຫ້ທ່ານຊາບວ່າ, ຄໍາຮ້ອງທຸກຂອງທ່ານຈະຖືກສົ່ງໄປທີ່ຈຸດຕິດຕໍ່ທາງປາຍທາງ, ຊຶ່ງແມ່ນອົງການຂອງລັດຖະບານ (ASSIST Focal Point) ໃນ AMS-Y ບ່ອນທີ່ທ່ານກໍາລັງປະເຊີນກັບບັນຫາດ້ານການຄ້າ ແລະ ເປັນບ່ອນທີ່ຄໍາຮ້ອງທຸກຂອງທ່ານຖືກນໍາສົ່ງ ແລະ ພວມ ຢູ່ໃນຊ່ວງການດໍາເນີນການແກ້ໄຂ. DCP ໃນ AMS-Y ຈະມີເວລາ 10 ມື້ເພື່ອດໍາເນີນການທົບທວນຄໍາຮ້ອງທຸກຂອງທ່ານ ແລະ ເພື່ອຈະຍອມຮັບ, ປະຕິເສດ ຫຼື ສົ່ງຄືນໄປໃຫ້ທ່ານພ້ອມທັງສະເໜີຂໍ້ມູນເພີ່ມເຕີມຈາກທ່ານ. ອັນນີ້ມີຈຸດປະສົງເພື່ອ ສະແດງເຖິງຄວາມຕັ້ງໃຈທີ່ຈະໃຫ້ເວລາແກ້ DCP ໄດ້ສາມາດກວດກາເບິ່ງລາຍລະອຽດຂອງການຮ້ອງທຸກ, ແລະ ຂໍ້ຄໍາປຶກສາຫາລື ຕາມຄວາມຈໍາເປັນກັບເຈົ້າໜ້າທີ່ແຫ່ງຊາດທີ່ກ່ຽວຂ້ອງ.

ຈຸດຕິດຕໍ່ຕົ້ນທາງ, ຊຶ່ງແມ່ນອົງການຂອງລັດຖະບານ (ASSIST Focal Point) ໃນ AMS-X (ກໍ່ຕົ້ນເຫດບ້ານເກີດຂອງທ່ານ) ກໍ່ໄດ້ຮັບການແຈ້ງເຕືອນວ່າ ຄໍາຮ້ອງທຸກຂອງທ່ານໄດ້ຖືກຍື່ນໄປແລ້ວ.

ຖ້າທ່ານບໍ່ໄດ້ຮັບອີເມລຈາກ ASSIST ພາຍໃນກໍາເນີດເວລາທີ່ໄດ້ກໍານົດໄວ້ (ກໍ່ຄື 10 ວັນເຮັດລັດຖະການນັບຕັ້ງແຕ່ວັນທີ່ຄໍາຮ້ອງທຸກໄດ້ຖືກຍື່ນໄປ), ອັນນີ້ມັນກໍ່ໝາຍຄວາມວ່າ CA ມີການດໍາເນີນການທີ່ເກີນຂອບເຂດ. CA ຈະໄດ້ຮັບການແຈ້ງເຕືອນອັດຕະໂນມັດອີກທາງໜຶ່ງຜ່ານທາງອີເມລ (ພາຍໃນ 14 ວັນຕາມເວລາປະຕິທິນຫຼັງຈາກການຮ້ອງຮຽນໄດ້ຖືກຍື່ນ) CA ຈະໄດ້ຮັບອີເມລແບບຂ້າງລຸ່ມນີ້:

ອີເມລເດືອນເທື່ອທີ 2 ສໍາລັບຜູ້ຖືແລະລະບົບ:

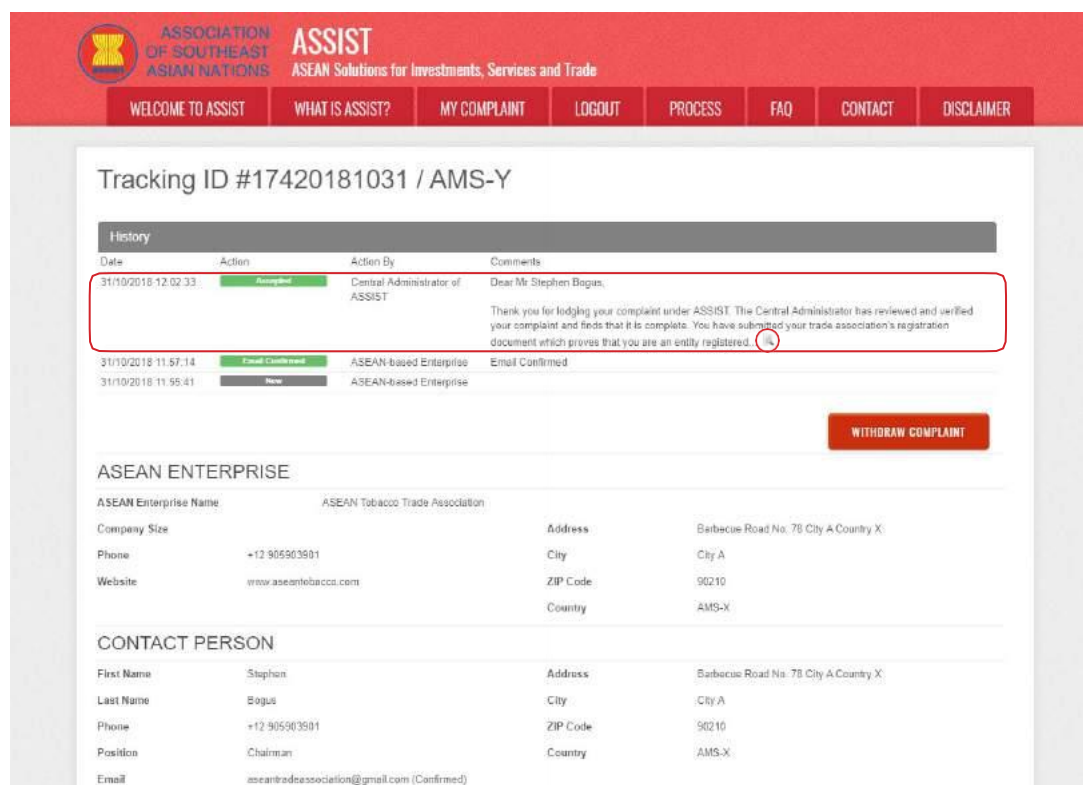


ຂັ້ນຕອນ
9

ໃຫ້ທ່ານເຂົ້າສູ່ລະບົບ Dashboard ຂອງ ASSIST ຂອງທ່ານໂດຍໃຊ້ອີເມລແລະ ໝາຍເລກຕິດຕາມຂອງທ່ານເພື່ອເບິ່ງຄໍາຕອບຕົວຈິງຈາກຜູ້ຖືແລະລະບົບ

ຖ້າທ່ານຢາກເຫັນການຕອບຮັບຢ່າງເຕັມທີ່ຈາກ CA, ທ່ານຕ້ອງເຂົ້າສູ່ລະບົບ dashboard ASSIST ຂອງທ່ານໂດຍໃຊ້ອີເມລແລະ ໝາຍເລກຕິດຕາມຂອງທ່ານທີ່ລະບຸໄວ້ໃນຂັ້ນຕອນທີ 7 (a) ແລະ (b) ຂ້າງເທິງ.

ສາມາດເບິ່ງພາບລວມແບບທີ່ເຫັນໄດ້ເຕັມຕົວ ແລະ ຄົບຖ້ວນຂອງ dashboard ຂອງທ່ານນັ້ນໄດ້ຂ້າງລຸ່ມນີ້. ດັ່ງທີ່ທ່ານເຫັນ, ການດໍາເນີນການຕ່າງໆລ້ວນແຕ່ໄດ້ຖືກເກັບບັນທຶກເພີ່ມເຂົ້າໄປໃນ ' History-ປະຫວັດ' ຂອງການດໍາເນີນການຕ່າງໆ ຊຶ່ງສາມາດຊອກເຫັນການທີ່ໄດ້ລະບຸໄວ້ວ່າ CA ນັ້ນ ໄດ້ **“Accepted-ຍອມຮັບ”** ຄໍາຮ້ອງທຸກຂອງທ່ານໄປແລ້ວ.



Tracking ID #17420181031 / AMS-Y

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

WITHDRAW COMPLAINT

ASEAN ENTERPRISE

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

CONTACT PERSON

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

COMPLAINT DESCRIPTION

Country of Legal Registration	AMS-X	Business Sector	Goods
Registration Number	131313	Type of Problem Encountered	Goods / Deceased Customs valuations
Company Registration Proof	Annex 1- Simulated Entity Registration of ASEAN Tobacco Trade Association18.pdf		
Type of Business	Retailer	Destination Country	AMS-Y
Description	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. Sisingamangaraja - Jakarta 12110 - Indonesia
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ຈຶ່ງຄລິກທີ່ໄອຄອນທີ່ເປັນຮູບແກ້ວຂະຫຍາຍໃນບ່ອນສະແດງຄຳເຫັນທີ່ເປັນຫ້ອງຍາວລົງມາ. ການຕອບຮັບອັນຄົບຖ້ວນຈາກທາງ CA ກໍ່ຈະປາກົດຂຶ້ນມາໃຫ້ເຫັນ, ດັ່ງທີ່ໄດ້ສະແດງໃນພາບຂ້າງລຸ່ມນີ້:

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.

ດັ່ງທີ່ໄດ້ແຈ້ງໃນຂັ້ນຕອນທີ 8, ເມື່ອຄຳຮ້ອງທຸກໄດ້ຮັບການຍອມຮັບຈາກ CA ແລ້ວນັ້ນ, ຄຳຮ້ອງທຸກຂອງທ່ານຈະຖືກສົ່ງໄປທີ່ຈຸດຕິດຕໍ່ທາງປາຍທາງ, ເຊິ່ງແມ່ນອົງການຂອງລັດຖະບານ (ASSIST Focal Point) ໃນ AMS-Y ບ່ອນທີ່ທ່ານກຳລັງປະເຊີນກັບບັນຫາດ້ານການຄ້າ. DCP ໃນ AMS-Y ຈະໄດ້ຮັບເວລາ 10 ມື້ເພື່ອໃຊ້ໃນການເຮັດວຽກເພື່ອທົບທວນຄຳຮ້ອງທຸກຂອງທ່ານ ແລະເພື່ອທີ່ຈະຍອມຮັບ, ປະຕິເສດຫຼືສົ່ງຄືນກັບໄປໃຫ້ທ່ານ. ນີ້ແມ່ນມີຈຸດປະສົງທີ່ສະແດງເຖິງຄວາມຕັ້ງໃຈທີ່ຈະໃຫ້ເວລາແກ່ DCP ໄດ້ສາມາດກວດກາເບິ່ງລາຍລະອຽດຂອງການຮ້ອງທຸກ, ແລະ ຂໍຄຳປຶກສາຫາລືຕາມຄວາມຈຳເປັນກັບເຈົ້າໜ້າທີ່ແຫ່ງຊາດທີ່ກ່ຽວຂ້ອງ. ເມື່ອ DCP ໃຫ້ຄຳຕອບ, ASSIST ຈະສົ່ງອີເມລໂທທ່ານ ເພື່ອແຈ້ງໃຫ້ທ່ານຮູ້ວ່າຄຳຮ້ອງທຸກຂອງທ່ານໄດ້ຖືກຍອມຮັບ ຫຼື ຖືກປະຕິເສດໂດຍ DCP ໃນ AMS-Y.

ຈຶ່ງໝັ້ນກວດເບິ່ງອີເມລຂອງທ່ານພາຍໃນ 10 ມື້ລັດຖະການຫຼັງຈາກທ່ານໄດ້ຍື່ນຄຳຮ້ອງທຸກ. ໃນທີ່ສຸດທ່ານກໍ່ຈະໄດ້ຮັບອີເມລ ໃໝ່ຈາກ ASSIST.

ຂໍ້ຕອນ
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ໄດ້ຮັບແຈ້ງທາງອີເມລຈາກທາງASSISTທີ່ຕອບຮັບການຢືນຄໍາຮ້ອງທຸກຂອງທ່ານທີ່ໂດຍທາງ AMS-Y ແລະ ໄດ້ຮັບການຍອມຮັບໂດຍຜູ້ດູແລລະບົບ

(a) ໃຫ້ທ່ານເຂົ້າໄປທີ່ບັນຊີອີເມລຂອງທ່ານ ທ່ານຈະໄດ້ຮັບອີເມລໃໝ່ຈາກທາງ ASSIST ທີ່ສະແດງເຖິງການຕອບຮັບຕໍ່ຄໍາຮ້ອງທຸກຂອງທ່ານຈາກ DCP. ໃນກໍລະນີນີ້, ຄໍາຮ້ອງທຸກຂອງທ່ານຖືກ DCP (AMS-Y) ປະຕິເສດແລ້ວ.

 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 8:06 PM



ASSIST
ASEAN Solutions for Investments, Services and Trade

Dear Mr. Stephen Bogus,

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

"The complainant's case is the same that AMS-X had brought against AMS-Y under the WTO dispute settlement mechanism. In fact, on 29 September 2006, AMS-X had requested the establishment of a panel to resolve a dispute that challenged exactly the same customs valuation regime of AMS-Y as it applied to imported cigarettes. At its meeting on 17 November 2008, the WTO Dispute Settlement Body (DSB) had established a panel, which circulated its report to the Members on 15 November 2010. On 22 February 2011, AMS-Y notified the DSB of its decision to appeal to the Appellate Body certain issues of law and legal interpretation covered in the panel report. On 17 June 2011, the Appellate Body report was circulated to Members and, at its meeting on 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 19 June 2014, AMS-Y reported that it did not have to take any further action to implement the DSB's recommendations and rulings. AMS-X disagreed and was of the view that AMS-Y had failed to comply. Although there has not been an agreement between AMS-X and AMS-Y on whether the WTO dispute was actually resolved, the complaint lodged through ASSIST is one that AMS-Y rightfully considers as already addressed within the WTO framework, including in light of the ASEAN obligations that the complainant had referred to in its ASSIST complaint. Thus, AMS-Y rejects this complaint under ASSIST."

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

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

Yes ☐ No ☐

ASEAN Enterprise / Trade Association / Law Firm : ASEAN Tobacco Trade Association (type Trade)
Company size:
Phone : +12 905903901
Website : www.aseantobacco.com
Address : Barbecue Road No. 78 City A Country X
City : City A / Zip Code : 90210
Country : AMS-X
ASEAN Jurisdiction where the 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 trade rules, 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 37 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

ຂໍ້ຕອນຕ່າງໆຈະແຕກຕ່າງກັນເລັກນ້ອຍໃນກໍລະນີທີ່ຄໍາຮ້ອງທຸກຂອງທ່ານໄດ້ຖືກຍອມຮັບໂດຍ DCP. ພາຍໃນ 10 ວັນລັດຖະການ ຫຼັງຈາກໄດ້ຮັບຄໍາຕອບຈາກ CA ທີ່ຄໍາຮ້ອງທຸກຂອງທ່ານຖືກຍອມຮັບ, ທ່ານຈະໄດ້ຮັບອີເມລທີ່ແຈ້ງໃຫ້ທ່ານຊາບວ່າ ຄໍາຮ້ອງທຸກຂອງ ທ່ານໄດ້ຖືກຍອມຮັບໂດຍ DCP ໃນ AMS-Y ເປັນທີ່ຮຽບຮ້ອຍແລ້ວແລະ ທາງ DCP ຈະປະສານງານກັບເຈົ້າໜ້າທີ່ແຫ່ງຊາດຫຼືເຈົ້າໜ້າທີ່ຮັບຜິດຊອບ (RAs) ທີ່ມີຄວາມສາມາດເພື່ອວິເຄາະຄໍາຮ້ອງທຸກຂອງທ່ານໂດຍລະອຽດ.

ໃນເມື່ອ RAs ໄດ້ດໍາເນີນການຢ່າງສຸດຄວາມພະຍາຍາມຂອງພວກເຂົາເປັນທີ່ຮຽບຮ້ອຍແລ້ວ, DCP ກໍ່ຄວນຈະກວດກາວິທີແກ້ໄຂ ແລະສິ່ງຕໍ່ໃຫ້ແກ້ CA ພາຍໃນ 40 ວັນລັດຖະການນັບແຕ່ມື້ທີ່ DCP ໄດ້ໃຫ້ການຍອມຮັບ. ດັ່ງນັ້ນ, ເພື່ອໃຫ້ທັນກັບວັນກໍານົດການ ໃນຄັ້ງນີ້, ການກໍານົດຂອບເວລາຄວນຖືກກໍານົດໂດຍ DCP ເພື່ອທີ່ຈະໃຫ້ RAs ດໍາເນີນການຫາວິທີທາງແກ້ໄຂ. ມັນແມ່ນຄວາມ ຮັບຜິດຊອບຂອງ DCP ເພື່ອແຈ້ງໃຫ້ກັບ CA ກ່ຽວກັບການປ່ຽນແປງໃດໆທີ່ກ່ຽວຂ້ອງກັບການກໍານົດໄລຍະເວລາລະຫວ່າງເຂົ້າເຈົ້າ ແລະ ເຈົ້າໜ້າທີ່ແຫ່ງຊາດ.

CA ອາດຈະຍຶດເວລາກຳນົດການເພີ່ມໄປອີກເຖິງ 20 ມື້ລັດຖະການຕາມການຮ້ອງຂໍຂອງ DCP. ລະບົບຈະແຈ້ງໃຫ້ຊາບໂດຍອັດຕະໂນມັດເມື່ອເວລາກຳນົດໄດ້ຫຍັບໃກ້ເຂົ້າມາ (ເຊັ່ນ, ໂດຍປົກກະຕິ, 10 ມື້ຕາມປະຕິທິນກ່ອນທີ່ຈະໝົດເວລາ). ຖ້າ DCP ສົ່ງວິທີແກ້ໄຂບັນຫາໃຫ້ກັບ CA ບໍ່ທັນຕາມກຳນົດການແລ້ວ, ລະບົບ online ຈະແຈ້ງໃຫ້ທາງ CA ໄດ້ຮັບຊາບເພື່ອໃຫ້ຕິດຕາມເລື່ອງນີ້ກັບທາງ DCP.

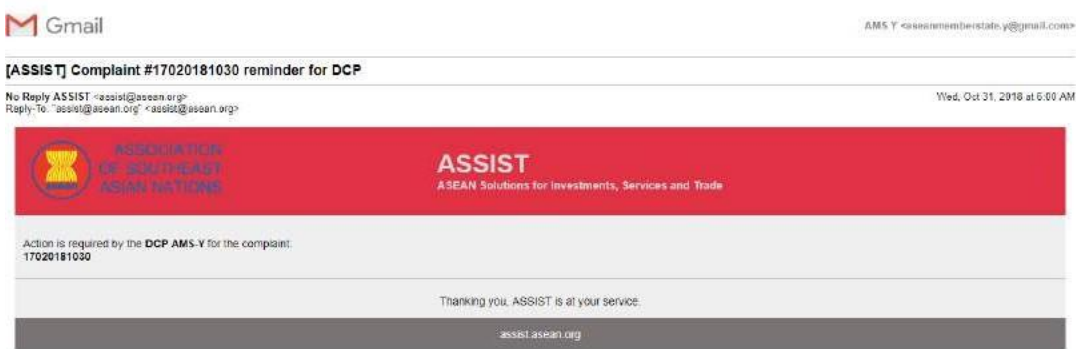
ຈາກນັ້ນທ່ານຈະໄດ້ຮັບແຈ້ງການທາງອີເມລຄັ້ງທີສອງຈາກ ASSIST ວ່າການແກ້ໄຂບັນຫາໄດ້ຖືກສະເໜີ ໂດຍ DCP / AMS-Y ແລະ ກໍ່ໄດ້ຮັບການຍອມຮັບຈາກ CA.

ເຖິງຢ່າງໃດກໍ່ຕາມ, ໃນກໍລະນີທີ່ຄ້າຍກັນແບບນີ້ ຊຶ່ງຄຳຮ້ອງທຸກ ຖືກ DCP "Rejected-ປະຕິເສດ", ທ່ານອາດຈະບໍ່ໄດ້ຮັບອີເມລຈາກ ASSIST ພາຍໃນກຳນົດເວລາ 10 ມື້ລັດຖະການ. ການປະຕິເສດແລະເຫດຜົນສຳລັບການປະຕິເສດໂດຍ DCP ນັ້ນຈະຖືກສົ່ງໄປທີ່ CA ໂດຍຜ່ານ ASSIST ເທົ່ານັ້ນພາຍໃນ 10 ມື້ລັດຖະການ. ຫຼັງຈາກນັ້ນ CA ຈະກວດເບິ່ງໃນເລື່ອງຂອງພາສາທີ່ໃຊ້ໃນການຂຽນວ່າຈະແຈ້ງຫຼືບໍ່ ແລະ ມີຂໍ້ມູນພຽງພໍຫຼືບໍ່ ພາຍໃນ 5 ມື້ເຮັດວຽກ ຫຼັງຈາກ CA ໄດ້ຮັບອີເມລທີ່ DCP ຕອບປະຕິເສດ.

ຖ້າວ່າ CA ຍອມຮັບເຫດຜົນຂອງການປະຕິເສດ, ການຕອບຮັບທີ່ໄດ້ຖືກທົບທວນ ແລະ ອະນຸມັດຈາກ CA ນັ້ນ ຈະຖືກສົ່ງໄປຫາທ່ານທາງອີເມລ, ແບບດຽວກັນກັບກໍລະນີຂ້າງເທິງ. ຖ້າວ່າ CA ບໍ່ພໍໃຈກັບເຫດຜົນທີ່ລະບຸໄວ້ໃນການປະຕິເສດຂອງ DCP ນັ້ນ, ລະບົບ ASSIST ຈະອະນຸຍາດໃຫ້ CA ທຳການຮ້ອງຂໍໃຫ້ DCP ແກ້ໄຂການປະຕິເສດ. ເຖິງຢ່າງໃດກໍ່ຕາມ, ທາງເລືອກແບບນີ້ທີ່ກຳນົດໂດຍ CA ນັ້ນແມ່ນບໍ່ມີຄ່າຜູກມັດໃດໆກັບ DCP, ແລະ ຖ້າຫາກບໍ່ມີການຕອບຮັບພາຍໃນ 5 ມື້ລັດຖະການ, ລະບົບ online ຈະກະຈາຍການປະຕິເສດຕໍ່ຜູ້ຮ້ອງທຸກໂດຍອັດຕະໂນມັດ.

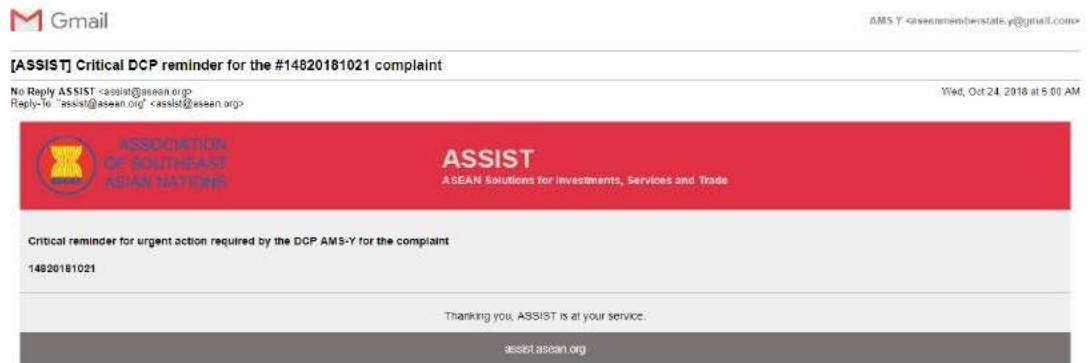
ຖ້າວ່າບໍ່ມີການດຳເນີນການໃດໆໂດຍDCPໃນຊ່ວງນີ້, DCP ຈະໄດ້ຮັບຄຳເຕືອນແບບອັດຕະໂນມັດດັ່ງທີ່ສະແດງຂ້າງລຸ່ມນີ້ຜ່ານທາງອີເມລຈາກລະບົບ online ຂອງ ASSIST ພາຍໃນ 7 ມື້ຕາມເວລາປະຕິທິນ ຫຼັງຈາກໄດ້ຍື່ນການຮ້ອງທຸກ. ດັ່ງນັ້ນຕາມທີ່ໄດ້ລະບຸໄວ້ຂ້າງເທິງນັ້ນ, DCP ຈະຕ້ອງຕັດສິນໃຈພາຍໃນ 10 ມື້ລັດຖະການວ່າຈະຍອມຮັບເອົາ ຫຼື ປະຕິເສດຄຳຮ້ອງທຸກນັ້ນ ນັບຕັ້ງແຕ່ວັນທີ່ CA ໄດ້ຮັບຄຳຮ້ອງທຸກແລ້ວ.

ອີເມລເຕືອນເທື່ອທີ 1 ສຳລັບຈຸດຕິດຕໍ່ປາຍທາງ:

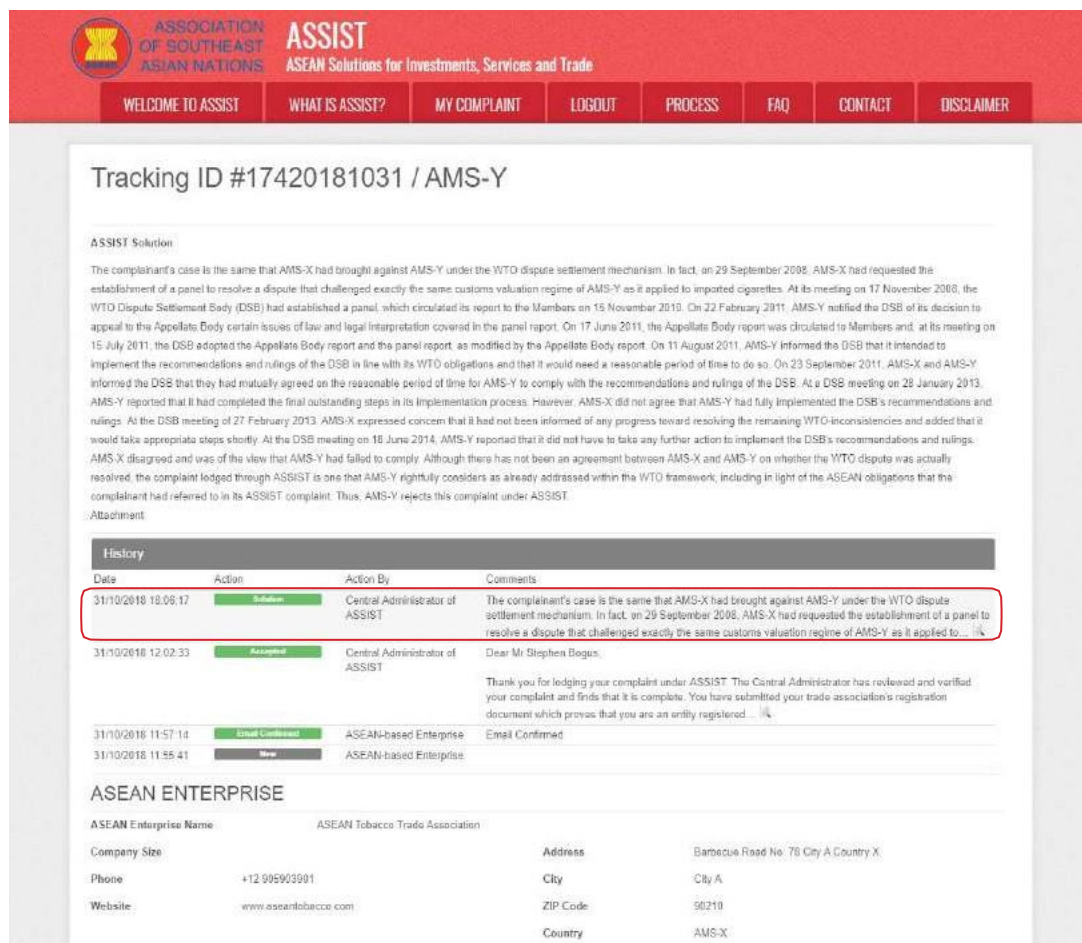


ຖ້າທ່ານບໍ່ໄດ້ຮັບອີເມລຈາກ ASSIST ກ່ຽວກັບການຕອບຮັບໂດຍທາງ DCP ພາຍໃນກຳນົດເວລາທີ່ກຳນົດໄວ້ (10 ວັນລັດຖະການ) ຫຼັງຈາກຄຳຮ້ອງທຸກໄດ້ຮັບການຍອມຮັບຈາກ CA, ນັ້ນກໍ່ໝາຍຄວາມວ່າ DCP ມີການດຳເນີນການທີ່ເກີນຂອບເຂດ ຊຶ່ງ DCP ຈະໄດ້ຮັບຄຳເຕືອນແບບອັດຕະໂນມັດອີກເທື່ອໜຶ່ງຜ່ານທາງອີເມລ (ພາຍໃນ 14 ມື້ຕາມປະຕິທິນຫຼັງຈາກ ໄດ້ຍື່ນການຮ້ອງທຸກໄປແລ້ວ).

ອີເມວເຕືອນຄັ້ງທີ 2 ສໍາລັບຈຸດຕິດຕໍ່ປາຍທາງ:



- (b) ຈົ່ງເຂົ້າລະບົບ dashboard ຂອງ ASSIST ຂອງທ່ານໂດຍໃຊ້ອີເມວ ແລະ ໝາຍເລກຕິດຕາມ ຂອງທ່ານຕາມທີ່ລະບຸໄວ້ໃນຂັ້ນຕອນທີ 7 (a) ແລະ (b) ຂ້າງເທິງນັ້ນ. ພາບລວມແບບທີ່ເຫັນໄດ້ເດັ່ນຕົວແລະຄົບຖ້ວນຂອງ dashboard ຂອງທ່ານນັ້ນສາມາດເບິ່ງໄດ້ຂ້າງລຸ່ມນີ້. ດັ່ງທີ່ທ່ານເຫັນ, ການດໍາເນີນການອື່ນໆລ້ວນແຕ່ໄດ້ຖືກເກັບບັນທຶກເພີ່ມເຂົ້າໄປໃນ ' History - ປະຫວັດ' ຂອງການດໍາເນີນການຕ່າງໆ ຂອງທ່ານທີ່ຊື່ໃຫ້ເຫັນວ່າມີການສະເໜີວິທີແກ້ໄຂຄໍາຮ້ອງທຸກຂອງທ່ານ. ວິທີການແກ້ໄຂບັນຫາ/ການຕອບຮັບຂອງASSIST ທີ່ມາຈາກ DCP, ທີ່ CA ໄດ້ໃຫ້ການຍອມຮັບນັ້ນ ກໍ່ໄດ້ສະແດງໄວ້ໃຫ້ທ່ານເບິ່ງຢູ່ໃນວັກທີ່ໜຶ່ງໃນ dashboard ຂອງທ່ານ..



Tracking ID #17420181031 / AMS-Y

ASSIST Solution

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

Attachment:

Date	Action	Action By	Comments
31/10/2018 18:06:17	Solution	Central Administrator of ASSIST	The complainant's case is the same that AMS-X had brought against AMS-Y under the WTO dispute settlement mechanism. In fact, on 29 September 2008, AMS-X had requested the establishment of a panel to resolve a dispute that challenged exactly the same customs valuation regime of AMS-Y as it applied to...
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: 96218

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	80210
Position	Chairman	Country	AMS-X
Email	assentradeassociation@gmail.com (Confirmed)		

COMPLAINT DESCRIPTION

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

Central Administrator of ASSIST / ASEAN Secretariat - POA JI, Sidikamangaja - Jakarta 12110 - Indonesia
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ຂ້າງລຸ່ມນີ້ແມ່ນຄໍາຕອບຈາກ DCP:

“ກໍລະນີຂອງຜູ້ຮ້ອງທຸກກໍ່ແມ່ນຄືກັນກັບກໍລະນີຂອງ AMS-X ໄດ້ນໍາໄປພ້ອງກັບ AMS-Y ພາຍໃຕ້ກົນໄກຂໍ້ຕົກລົງບັນຫາຂໍ້ຂັດແຍ່ງຂອງ WTO. ໃນຄວາມເປັນຈິງແລ້ວ, ໃນວັນທີ 29 ເດືອນກັນຍາ 2008, AMS-X ໄດ້ຮຽກຮ້ອງໃຫ້ມີການສ້າງຕັ້ງຄະນະກຳມະການພິຈາລະນາເພື່ອແກ້ໄຂຂໍ້ຂັດແຍ່ງທີ່ທ້າທາຍການປະເມີນມູນຄ່າແຈ້ງພາສີແບບດຽວກັນຂອງ AMS-Y ຍ້ອນວ່າມັນໄດ້ຖືກນໍາໃຊ້ກັບຢາສູບທີ່ນໍາເຂົ້າມາຈາກຕ່າງປະເທດ. ດັ່ງໃນກອງປະຊຸມຂອງ WTO ໃນວັນທີ 17 ພະຈິກ 2008, ໜ່ວຍງານການແກ້ໄຂຂໍ້ຂັດແຍ່ງຂອງ WTO (DSB) ໄດ້ສ້າງຕັ້ງຄະນະກຳມະການພິຈາລະນາ, ເຊິ່ງກະຈາຍບົດລາຍງານຂອງຕົນຕໍ່ບັນດາສະມາຊິກໃນວັນທີ 15 ພະຈິກ 2010. ໃນວັນທີ 22 ເດືອນກຸມພາປີ 2011, AMS-Y ໄດ້ແຈ້ງໃຫ້ DSB ໄດ້ຮັບຊາບກ່ຽວກັບການຕັດສິນໃຈຂອງຕົນໃນການອຸທອນຮ່າງກົດໝາຍແລະການຕີລາຄາທາງກົດໝາຍທີ່ມີຢູ່ໃນບົດລາຍງານຂອງຄະນະກຳມະການ. ໃນວັນທີ 17 ມິຖຸນາ 2011, ບົດລາຍງານຂອງອົງການອຸທອນໄດ້ຖືກເຜີຍແຜ່ໃຫ້ແກ່ບັນສະມາຊິກ ແລະ ໃນກອງປະຊຸມຂອງຕົນໃນວັນທີ 15 ກໍລະກົດ 2011, DSB ໄດ້ຮັບຮອງເອົາບົດລາຍງານຂອງອົງການອຸທອນແລະບົດລາຍງານຂອງຄະນະກຳມະການດັ່ງທີ່ໄດ້ຖືກດັດແປງແກ້ໄຂໂດຍບົດລາຍງານຂອງອົງການອຸທອນ. ໃນວັນທີ 11 ເດືອນສິງຫາປີ 2011, AMS-Y ໄດ້ແຈ້ງໃຫ້ DSB ຊາບວ່າມັນມີຄວາມຕັ້ງໃຈໃນການຈັດຕັ້ງປະຕິບັດຄໍາແນະນໍາ ແລະ ກົດລະບຽບການຂອງ DSB ໃຫ້ສອດຄ່ອງກັບພັນທະໜ້າທີ່ຂອງ WTO ແລະມັນກໍ່ຕ້ອງການໄລຍະເວລາດໍາເນີນການທີ່ເໝາະສົມເພື່ອລົງມືປະຕິບັດ. ໃນວັນທີ 23 ເດືອນກັນຍາປີ 2011, AMS-X ແລະ AMS-Y ໄດ້ແຈ້ງໃຫ້ DSB ຊາບວ່າ ພວກເຂົາໄດ້ຕົກລົງເຊິ່ງກັນແລະກັນໃນໄລຍະເວລາທີ່ເໝາະສົມເພື່ອທີ່ຈະໃຫ້ AMS-Y ສາມາດປະຕິບັດຕາມຂໍ້ສະເໜີແນະແລະກົດລະບຽບຂອງ DSB. ໃນກອງປະຊຸມ DSB ໃນວັນທີ 28 ມັງກອນ 2013, AMS-Y ໄດ້ລາຍງານວ່າ ຂັ້ນຕອນສຸດທ້າຍທີ່ຍັງຄ້າງຄາໃນຂັ້ນຕອນການຈັດຕັ້ງປະຕິບັດນັ້ນໄດ້ສໍາເລັດລຸ່ມໄປດ້ວຍດີ.

ເຖິງຢ່າງໃດກໍ່ຕາມ, AMS-X ບໍ່ໄດ້ຕົກລົງເຫັນດີນໍາວ່າ AMS-Y ໄດ້ປະຕິບັດຕາມຄໍາແນະນໍາແລະກົດລະບຽບຕ່າງໆຂອງ DSB ໄດ້ຢ່າງເຕັມສ່ວນ. ໃນກອງປະຊຸມ DSB ທີ່ຈັດຂຶ້ນໃນວັນທີ 27 ເດືອນກຸມພາປີ 2013, AMS-X ໄດ້ສະແດງຄວາມກັງວົນວ່າ ເຂົາເຈົ້າບໍ່ໄດ້ຮັບການແຈ້ງໃຫ້ຊາບກ່ຽວກັບຄວາມຄືບໜ້າໃດໆໃນການແກ້ໄຂບັນຫາຂອງຄວາມບໍ່ສອດຄ່ອງຂອງ WTO ທີ່ຍັງເຫຼືອຢູ່ແລະເຂົາເຈົ້າກໍ່ໄດ້ກ່າວຕື່ມອີກວ່າ ຈະມີການດໍາເນີນບາດກ້າວທີ່ເໝາະສົມໃນໄວໆນີ້. ໃນກອງປະຊຸມ DSB ທີ່ໄດ້ຈັດຂຶ້ນໃນວັນທີ 18 ມິຖຸນາ 2014, AMS-Y ໄດ້ລາຍງານວ່າ ມັນບໍ່ຈໍາເປັນທີ່ຈະຕ້ອງມີການດໍາເນີນການໃດໆອີກຕໍ່ໄປເພື່ອປະຕິບັດຄໍາແນະນໍາ ແລະ ຄໍາຕັດສິນຂອງ DSB. AMS-X ບໍ່ເຫັນດີນໍາແລະແມ່ນໄດ້ສະແດງທັດສະນະໃຫ້ເຫັນວ່າ AMS-Y ບໍ່ປະຕິບັດຕາມ.

ເຖິງແມ່ນວ່າ ຍັງບໍ່ທັນມີຂໍ້ຕົກລົງກັນລະຫວ່າງ AMS-X ແລະ AMS-Y ກ່ຽວກັບວ່າຂໍ້ຂັດແຍ່ງຂອງ WTO ວ່າ ໄດ້ຖືກແກ້ໄຂຢ່າງແທ້ຈິງແລ້ວຫຼືບໍ່ກໍ່ຕາມ, ຄໍາຮ້ອງທຸກທີ່ຍື່ນຜ່ານລະບົບຂອງ ASSIST ແມ່ນໜຶ່ງໃນສິ່ງທີ່ AMS-Y ສາມາດທີ່ຈະພິຈາລະນາໄດ້ຢ່າງຖືກຕ້ອງ ແລະ ທີ່ໄດ້ກ່າວມາໄວ້ແລ້ວວ່າແມ່ນຢູ່ພາຍໃຕ້ຂອບເຂດຂອງ WTO, ລວມທັງໃນຂອບເຂດພັນທະໜ້າທີ່ອາຊຽນທີ່ຜູ້ຮ້ອງທຸກນັ້ນໄດ້ອ້າງອີງເຖິງການຮ້ອງທຸກໃຫ້ກັບການຮ້ອງທຸກກັບ ASSIST. ດັ່ງນັ້ນ, AMS-Y ປະຕິເສດຄໍາຮ້ອງທຸກເຫລົ່ານີ້ທີ່ຢູ່ພາຍໃຕ້ ASSIST.”

(c) ຂ້າງລຸ່ມຂອງອີເມລທີ່ ASSIST ສົ່ງມາ ໃນຂໍ້ 10 (a) ຂ້າງເທິງນັ້ນ, ທ່ານຕ້ອງລະບຸວ່າທ່ານພໍໃຈ ຫຼື ບໍ່ ກັບຄໍາຕອບທີ່ DCP ໄດ້ໃຫ້ທ່ານ ແລະ ລວມທັງວິທີແກ້ໄຂທີ່ມີຢູ່ໃນນັ້ນ. ທ່ານສາມາດບອກໄດ້ໂດຍການເລືອກວ່າ 'Yes-ແມ່ນ' ຫຼື 'No-ບໍ່ແມ່ນ' ໃນຊ່ອງປ້ອນຂໍ້ມູນທີ່ໄດ້ມີໄວ້ໃຫ້.

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

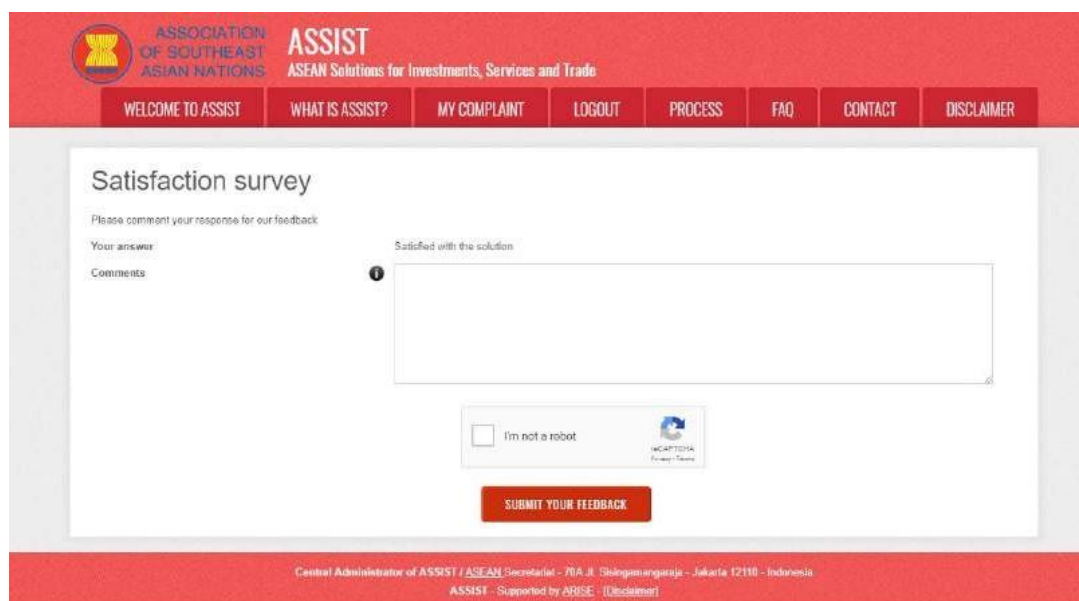
☒ Yes / ☐ No

In this case, the AE chooses “Yes”.

ຂັ້ນຕອນ
11

ໃຫ້ປະກອບຄໍາຄິດເຫັນຂອງທ່ານຕໍ່ກັບການແກ້ໄຂ / ການຕອບຮັບທີ່ສະເໜີໂດຍ AMS-Y ໃນແບບຟອມການສໍາຫຼວດຄວາມເພິ່ງພໍໃຈແລະການຮັບຊາບຈາກ ASSIST ໂດຍທາງອີເມລ

ເມື່ອທ່ານໄດ້ເລືອກຄໍາຕອບ 'Yes/No' ຢູ່ໃນຂັ້ນຕອນທີ 10 (c) ຂ້າງເທິງນັ້ນແລ້ວ, ທ່ານຈະຖືກນໍາໄປຫາໜ້າເວັບລຸ່ມນີ້ທີ່ເປັນບ່ອນທີ່ທ່ານຈະຖືກຮ້ອງຂໍໃຫ້ຕອບແບບສໍາຫຼວດຄວາມເພິ່ງພໍໃຈ ແລະ ຖືກເຊີນໃຫ້ອອກຄໍາເຫັນ, ໂດຍສະເພາະຖ້າທ່ານບໍ່ພໍໃຈກັບຂໍ້ສະເໜີຂອງການຕອບຮັບ/ການແກ້ໄຂ.



(a) ຈົ່ງຕື່ມຂໍ້ມູນໃນແບບຟອມການສໍາຫຼວດຄວາມເພິ່ງພໍໃຈ. ໃນກໍລະນີນີ້, ສະມາຄົມການຄ້າອາຊຽນມີຄວາມເພິ່ງພໍໃຈຕໍ່ວິທີການແກ້ໄຂ/ການຕອບຮັບໂດຍ ASSIST ແລະ ດັ່ງນັ້ນຈຶ່ງຊື້ໃຫ້ເຫັນຕາມຄວາມເໝາະສົມ..



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WELCOME TO ASSIST

WHAT IS ASSIST?

MY COMPLAINT

LOGOUT

PROCESS

FAQ

CONTACT

DISCLAIMER

Satisfaction survey

Please comment your response for our feedback

Your answer

Comments

Satisfied with the solution

1 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

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- (b) ຈົ່ງເຂົ້າໄປທີ່ບັນຊີອີເມລຂອງທ່ານ. ທ່ານອາດຈະໄດ້ຮັບອີເມລໜຶ່ງ ຫຼື ສອງສະບັບ (ຖ້າທ່ານໄດ້ປ້ອນຂໍ້ມູນເຂົ້າໄປໃນແບບຟອມການສໍາຫຼວດຄວາມເພິ່ງພໍໃຈແລ້ວ) ຈາກ ASSIST, ທີ່ໄດ້ສະແດງຄວາມຮັບຮູ້ວ່າໄດ້ຮັບຄໍາຕອບຂອງທ່ານທີ່ທ່ານໄດ້ໃຫ້ໄວ້ຕໍ່ກັບວິທີການແກ້ໄຂບັນຫາທີ່ AMS-Y ໄດ້ສະເໜີ. ສໍາເນົາຄໍາຕອບຂອງທ່ານຈະຖືກສົ່ງໄປຫາ DCP ແລະ HCP.

ອີເມລການສະແດງຄວາມຮັບຮູ້ຄັ້ງທໍາອິດຈາກ ASSIST



ASEAN Trade Association <aseantradeassociation@gmail.com>

[ASSIST] [#17020181030] Thank you for answer

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

Wed, Oct 31, 2018 at 5:52 PM



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Dear Mr Stephen Bogus,

With reference to your complaint ID No. 17420181031, your feedback on whether you are satisfied with the answer given by the DCP and the proposed solution is: "Yes"

ASSIST acknowledges receipt of your response to the proposed solution.

assist.asean.org

ອີເມລການສະແດງຄວາມຮັບຮູ້ຄັ້ງທີສອງຈາກ ASSIST

ຖ້າທ່ານໄດ້ໃຫ້ຄໍາເຫັນກ່ຽວກັບແບບຟອມການສໍາຫຼວດຄວາມເພິ່ງພໍໃຈແລ້ວ, ທ່ານກໍ່ຈະໄດ້ຮັບອີເມລສະບັບທີສອງດັ່ງທີ່ສະແດງຢູ່ທາງລຸ່ມນີ້, ຊຶ່ງປັນການສະແດງເຖິງວ່າໄດ້ຮັບຮູ້ການໄດ້ຮັບຄໍາຕອບຂອງທ່ານຕໍ່ການແກ້ໄຂບັນຫາທີ່ໄດ້ສະເໜີໄປນັ້ນ ແລະ ASSIST ໄດ້ສົ່ງໃຫ້ທ່ານ, DCP ແລະ HCP.



ASEAN Trade Association <aseantradeassociation@gmail.com>

[ASSIST] [#17020181030] Thank you for answer

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

Wed, Oct 31, 2018 at 9:58 PM



ASSOCIATION
OF SOUTHEAST
ASIAN NATIONS

ASSIST

ASEAN Solutions for Investments, Services and Trade

Dear Mr Stephen Bogus,

With reference to your complaint ID No. 17420181031, your feedback on whether you are satisfied with the answer given by the DCP and the proposed solution is: "Yes"

We are satisfied with the reason of rejection of our complaint by AMS-Y. 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.

ASSIST acknowledges receipt of your response to the proposed solution.

assist.asean.org

- (c) ຈົ່ງເຂົ້າສູ່ລະບົບ dashboard ຂອງ ASSIST ຂອງທ່ານໂດຍໃຊ້ອີເມລ ແລະ ໝາຍເລກຕິດຕາມຂອງທ່ານຕາມທີ່ລະບຸໄວ້ໃນຂັ້ນຕອນທີ 7 (a) ແລະ (b) ຂ້າງເທິງ. ພາບລວມແບບທີ່ເຫັນໄດ້ເຕັມຕົວ ແລະ ຄົບຖ້ວນຂອງ dashboard ໃນຂັ້ນຕອນສຸດທ້າຍຂອງທ່ານນັ້ນສາມາດເບິ່ງໄດ້ຂ້າງລຸ່ມນີ້. ຕາມທີ່ທ່ານເຫັນ, ຂັ້ນຕອນການດໍາເນີນການອື່ນໆໄດ້ຖືກເພີ່ມເຂົ້າໃນ 'ປະຫວັດ' ຂອງການດໍາເນີນການຕ່າງໆຂອງທ່ານທີ່ທ່ານໄດ້ສະແດງຄວາມພໍໃຈຕໍ່ວິທີການແກ້ໄຂບັນຫາທີ່ ASSIST ໄດ້ສະເໜີ.



ASSOCIATION
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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 18 June 2014, AMS-Y reported that it did not have to take any further action to implement the DSB's recommendations and rulings. AMS-X disagreed and was of the view that AMS-Y had failed to comply. Although there has not been an agreement between AMS-X and AMS-Y on whether the WTO dispute was actually resolved, the complaint lodged through ASSIST is one that AMS-Y rightfully considers as already addressed within the WTO framework, including in light of the ASEAN obligations that the complainant had referred to in its ASSIST complaint. Thus, AMS-Y rejects this complaint under ASSIST.

Attachment:

History			
Date	Action	Action By	Comments
31/10/2016 16:06:17	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	aseantradesassociation@gmail.com (Confirmed)		

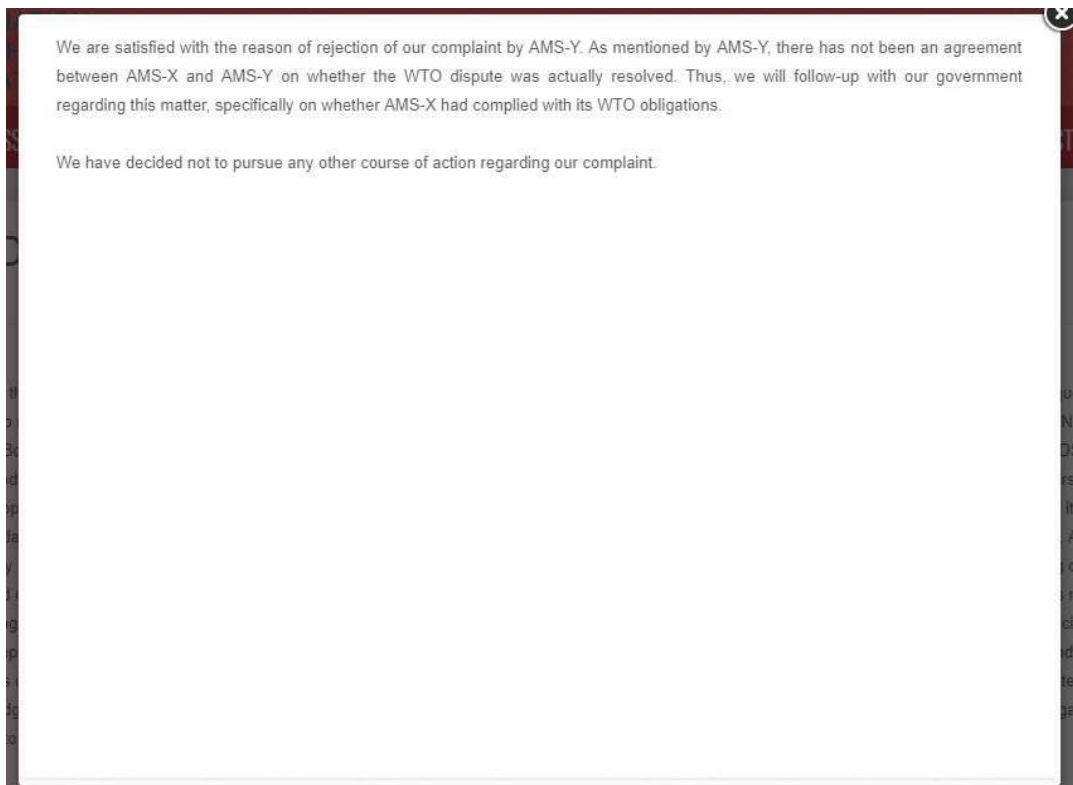
COMPLAINT DESCRIPTION

Country of Legal Registration	AMS-X	Business Sector	Goods	
Registration Number	131313	Type of Problem Encountered	Goods / Decreased Customs valuations	
Company Registration Proof	Annex 1: Simulated Entity Registration of ASEAN Tobacco Trade Association16.pdf		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 - PRA J. Shidegungga - Jakarta 12110 - Indonesia

ASSIST - Supported by ABSE - (Disclaimer)

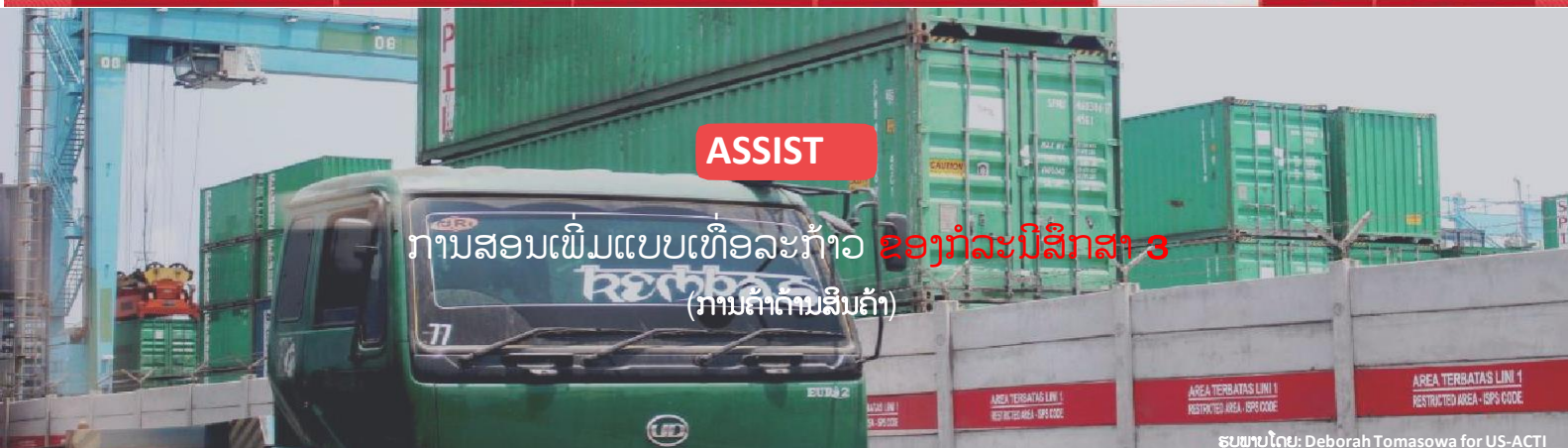
- (d) ຖ້າວ່າທ່ານຢາກເຫັນຄຳເຫັນທີ່ທ່ານໄດ້ໃຫ້ໄວ້ໃນແບບຟອມການສຳຫຼວດຄວາມເພິ່ງພໍໃຈນັ້ນ, ຈຶ່ງຄລິກທີ່ໂອກອນທີ່ເປັນຮູບແກ້ວຂະຫຍາຍ ແລະ ໜ້າຈໍທາງລຸ່ມນີ້ຈະປາກົດຂຶ້ນ.



ໃນກໍລະນີທີ່ບໍ່ມີການແກ້ໄຂບັນຫາຜ່ານທາງ ASSIST ຫຼືຖ້າຫາກ DCP ໄດ້ພົບເຫັນວ່າມີພື້ນຖານພຽງພໍທີ່ RAs ຂອງຕົນນັ້ນໄດ້ປະຕິບັດໄປຕາມຄຳສັ່ນສັນຍາຂອງອາຊຽນທີ່ກ່ຽວຂ້ອງແລະພົບວ່າການຮ້ອງທຸກຍັງຂາດຄຸນລັກສະນະທີ່ຄວນມີ, ການຄົ້ນພົບແລະລວມທັງພື້ນຖານສຳລັບການຄົ້ນພົບດັ່ງກ່າວນີ້ແມ່ນໄດ້ຖືກສົ່ງໄປໃຫ້ທາງ CA ໂດຍທັນທີເຊິ່ງຈະໄດ້ທຳການແຈ້ງໃຫ້ຜູ້ຮ້ອງທຸກໄດ້ຮັບຊາບຕາມຄວາມເໝາະສົມ. ຖ້າຫາກຜູ້ຮ້ອງທຸກມີຄວາມຕ້ອງການອ້າງອີງເລື່ອງຮ້ອງທຸກໂດຍຜ່ານຈຸດຕິດຕໍ່ທີ່ປະເທດຕົ້ນທາງຂອງຜູ້ຮ້ອງທຸກແລະອົງກອນການລົງທະບຽນສະມາຊິກອາຊຽນ, ສິ່ງເລື່ອງໄປຫາອົງກອນລະດັບເຈົ້າໜ້າທີ່ອາວຸໂສອາຊຽນ (ACB), ກົນໄກການແກ້ໄຂຂັດແຍ່ງດ້ານເສດຖະກິດອາຊຽນ (EDSM), ເພື່ອດຳເນີນຄະດີໃນລະດັບຊາດ ຫຼື ຊອກຫາກົນໄກອື່ນໆເພື່ອແກ້ໄຂຂັດແຍ່ງ (ເຊັ່ນ: ການໄກ່ແກ່ຍ, ການຄຶນດີຕໍ່ກັນ ຫຼື ການລະງັບຂັດແຍ່ງ) ພາຍໃນຂອບເຂດອຳນາດລະດັບຊາດຂອງອາຊຽນ.

ASSIST ຈະພິຈາລະນາຂັ້ນຕອນນີ້ໂດຍຖືວ່າເປັນໜຶ່ງໃນຄຳຮ້ອງທຸກທີ່ໄດ້ຖືກປະຕິເສດແລະບໍ່ໄດ້ຮັບການແກ້ໄຂ.

ຈຶ່ງຮັບຮູ້ວ່າໄລຍະເວລາ ສຳລັບການແກ້ໄຂບັນຫາຂ້າມແດນທີ່ນຳມາດຳເນີນການພາຍໃຕ້ ASSIST ຈະຕ້ອງບໍ່ກາຍ 40 ມື້ລັດຖະການ ຫຼື 2 ເດືອນຕາມມື້ປະຕິທິນ (ເວັ້ນເສຍແຕ່ຈະມີການຕໍ່ເວລາກຳນົດການສູງສຸດ 20 ມື້ລັດຖະການ) ນັບແຕ່ມື້ທີ່ໄດ້ຍື່ນຄຳຮ້ອງ ທຸກໄປແລ້ວ.



ຄໍາຮ້ອງທຸກທີ່ໄດ້ຍື່ນໂດຍທະນາຍຄວາມຫລືສໍານັກງານກົດໝາຍທີ່ໄດ້ລົງທະບຽນໃນນາມຂອງລູກຄ້າຂອງຕົນ, ທີ່ເປັນວິສາຫະກິດອາຊຽນ, ໄດ້ຮັບການຍອມຮັບຈາກຜູ້ດູແລລະບົບ ແລະ ການແກ້ໄຂບັນຫາທີ່ໄດ້ສະເໜີ ໂດຍຈຸດຕິດຕໍ່ທາງປາຍທາງ ແລະ ໄດ້ຮັບການຍອມຮັບຈາກວິສາຫະກິດອາຊຽນ

ລາຍລະອຽດໂດຍຫຍໍ້ກ່ຽວກັບກໍລະນີນີ້ແມ່ນ: ສະຖານະການນີ້ແມ່ນການຮ້ອງທຸກທີ່ໄດ້ຮັບການຍອມຮັບຈາກຜູ້ດູແລລະບົບ (ASSIST) ວ່າໄດ້ຖືກຍື່ນຢ່າງຖືກຕ້ອງ ແລະ ຄົບຖ້ວນໂດຍທະນາຍຄວາມ/ສໍານັກງານກົດໝາຍ (ທະນາຍຄວາມອາຊຽນ) ໃນນາມລູກຄ້າຂອງຕົນເອງ, ທີ່ເປັນວິສາຫະກິດອາຊຽນ (AE) ແລະ ຍັງໄດ້ຮັບການຍອມຮັບຈາກປະເທດປາຍທາງທີ່ເປັນປະເທດເດີມໜຶ່ງທີ່ເຕັມໃຈທີ່ຈະເຂົ້າໄປພົວພັນກັບທະນາຍຄວາມອາຊຽນໂດຍຜ່ານ ASSIST, ພົວພັນປະສານງານກັບເຈົ້າໜ້າທີ່ແຫ່ງລັດທີ່ກ່ຽວຂ້ອງພາຍໃນປະເທດແລະໃຫ້ການແກ້ໄຂບັນຫາໃຫ້ທະນາຍຄວາມອາຊຽນໂດຍຜ່ານ ASSIST. ໃນກໍລະນີທີ່ມີສ່ວນຮ່ວມນັ້ນ, ປະເທດຕົ້ນທາງບໍ່ໄດ້ມີສ່ວນຮ່ວມຢ່າງຈິງຈັງ, ແຕ່ທຸກຂັ້ນຕອນທີ່ເປັນໄປໄດ້ໃນຂັ້ນຕອນການດໍາເນີນການຂອງ ASSIST, ລວມທັງການຮ້ອງຂໍໃນເບື້ອງຕົ້ນໂດຍ CA ສໍາລັບຂໍ້ມູນເພີ່ມເຕີມຈາກທະນາຍຄວາມອາຊຽນນັ້ນ, ໄດ້ຖືກຈໍາລອງຂຶ້ນເພື່ອຈຸດປະສົງໃນການທົບທວນການດໍາເນີນການຂອງ ASSIST ຢ່າງເຕັມຮູບແບບ.

ຄໍາຮ້ອງທຸກນີ້ແມ່ນກ່ຽວຂ້ອງກັບພາລະໜ້າທີ່ໃໝ່ທີ່ໄດ້ກໍານົດໂດຍປະເທດປາຍທາງ

ກ່ຽວກັບນໍ້າມັນປາມ ແລະ ຜະລິດຕະພັນອາຫານທີ່ມີສ່ວນປະກອບຂອງນໍ້າມັນປາມພາຍໃຕ້ລະບຽບການຂອງກະຊວງສາທາລະນະສຸກປີ 2015, ໝວດທີ 1000, ວັກທີ100. ມາດຕະການທີ່ໄດ້ຖືກຮັບຮອງເອົາໂດຍປະເທດປາຍທາງໄດ້ແນະນໍາການນໍາໃຊ້ພາສີອາຫານທີ່ມີນໍ້າຕານແລະໄຂມັນອີ່ມຕົວສູງເຊິ່ງເປັນສ່ວນໜຶ່ງຂອງຍຸດທະສາດໃນການແກ້ໄຂບັນຫາທີ່ໄດ້ຍົກຂຶ້ນມາກ່ຽວກັບໂຮກອ້ອມໃນປະເທດປາຍທາງ. ທະນາຍຄວາມອາຊຽນອ້າງວ່າມາດຕະການຂອງປະເທດປາຍທາງນັ້ນໄດ້ສະແດງອອກມາດ້ວຍຄວາມຊັດເຈນທີ່ໄດ້ເລັ່ງໃສ່ນໍ້າມັນປາມແລະທັງບໍ່ພຽງແຕ່ສ່ວນປະກອບຂອງໄຂມັນອີ່ມຕົວຂອງນໍ້າມັນປາມລວມທັງແລະ ຂອງຜະລິດຕະພັນທີ່ບັນຈຸນໍ້າມັນປາມເທົ່ານັ້ນ, ດ້ວຍເຫດນີ້ຈຶ່ງໄດ້ມີການແບ່ງແຍກກົດກັນນໍ້າມັນປາມ ແລະ ໃສ່ຮ້າຍໃຫ້ກັບຜະລິດຕະພັນເຫຼົ່ານັ້ນແບບເໝາະສົມ ແທນທີ່ວ່າ ພຽງແຕ່ບໍ່ສົ່ງເສີມການຊົມໃຊ້ຜະລິດຕະພັນປະກອບດ້ວຍໄຂມັນອີ່ມຕົວທີ່ຫຼາຍເກີນໄປ, ໂດຍທີ່ບໍ່ກ່ຽວຂ້ອງກັບຜະລິດຕະພັນທີ່ປະກອບໄປດ້ວຍໄຂມັນທີ່ມາຈາກພືດຜັກ ຫຼື ສັດ. ທະນາຍຄວາມອາຊຽນໄດ້ອ້າງໃນຄໍາຮ້ອງທຸກທີ່ຢູ່ໃນ ASSIST ນັ້ນວ່າ ມາດຕະການທີ່ຖືກຮັບຮອງ ແລະ ເອົາໄປນໍາໃຊ້ໂດຍປະເທດປາຍທາງນັ້ນແມ່ນຂັດແຍ້ງກັບມາດຕາ 6 ຂອງສັນຍາການຄ້າອາຊຽນ (ATIGA) (ກ່ຽວກັບການຈັດການ ແລະ ລະບຽບການພາສີພາຍໃນແຫ່ງຊາດ), ໂດຍເທົ່າທີ່ມັນໄດ້ແບ່ງແຍກກົດກັນນໍ້າມັນປາມແບບເໝາະສົມ ແລະ ບໍ່ໄດ້ຖືກນໍາເອົາໄປໃຊ້ກັບຜະລິດຕະພັນອື່ນທີ່ຄ້າຍຄືກັນທີ່ຜະລິດ ຫຼື ຈໍາໜ່າຍໃນປະເທດປາຍທາງ (ເຊັ່ນ: ຜະລິດຕະພັນອາຫານທີ່ມີໄຂມັນອີ່ມຕົວທີ່ເຮັດມາຈາກຖົ່ວເຫຼືອງ, ດອກຕາເວັນ, ຜັກກາດກ້ານຂາວ, ໝາກສາລີ, ໝາກຖົ່ວດິນ ຫຼື ໄຂມັນສັດ).

ລາຍຊື່ຜູ້ດໍາເນີນການຫລັກແລະຕົວຫຍໍ້:

- ຜູ້ຮ້ອງທຸກ = ທະນາຍຄວາມຫລືສໍານັກງານກົດໝາຍອາຊຽນ
- ກອງເລຂາອາຊຽນ = ຜູ້ດູແລລະບົບ ASSIST (CA)
- ປະເທດເຈົ້າພາບ = ຈຸດທີ່ໃຊ້ຕິດຕໍ່ໃນປະເທດຕັ້ຣທາງ (HCP) ໃນບັນດາປະເທດສະມາຊິກອາຊຽນ -X (AMS-X)
- ປະເທດປາຍທາງ = ຈຸດທີ່ໃຊ້ຕິດຕໍ່ໃນປະເທດປາຍທາງ (DCP) ໃນບັນດາປະເທດສະມາຊິກອາຊຽນ -Y (AMS-Y)
- ເຈົ້າໜ້າທີ່ແຫ່ງຊາດທີ່ກ່ຽວຂ້ອງ = ອໍານາດການປົກຄອງທີ່ກ່ຽວຂ້ອງ (RAS)

ຂັ້ນຕອນ
1

ໄປທີ່ເວັບໄຊຂອງ ASSIST (HTTP://ASSIST.ASEAN.ORG)

ຖ້າທ່ານຮູ້ສຶກວ່າຄະດີຂອງທ່ານແມ່ນບັນຫາກ່ຽວກັບການຄ້າຂ້າມຊາດຂອງອາຊຽນ, ແລະ ທ່ານມີທຸລະກິດທີ່ຈົດທະບຽນຢູ່ໃນປະເທດສະມາຊິກອາຊຽນ, ແລະ ທ່ານຕ້ອງການບໍລິການການໃຫ້ຄໍາປຶກສາແບບບໍ່ເສຍຄ່າ, ບໍ່ຜູກມັດ, ແລະ ໄດ້ຮັບວິທີແກ້ໄຂແບບເລັ່ງດ່ວນ ແລະ ມີປະສິດທິພາບ, ຈຶ່ງໄປທີ່ລິ້ງຕໍ່ໄປນີ້: <http://assist.asean.org>.

ຂ້າງລຸ່ມນີ້ແມ່ນໜ້າທຳອິດຂອງເວັບໄຊທ໌ຂອງ ASSIST.

ASSIST
ASEAN Solutions for Investments, Services and Trade

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

Welcome to ASSIST

The ASEAN Solutions for Investments, Services and Trade (ASSIST) is a non-binding and consultative mechanism for the expeditious 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 modernizing its structure and enabling the mechanism to operate in a more effective and efficient manner. It also extends beyond Trade in Goods and, when fully operationalized, it is intended to allow for the solutions of problems occurring in relation to Trade in Services and Trade-Related Investment Measures within the ASEAN Economic Community (AEC).

ASSIST (ARISE EU-ASEAN)

Watch later Share

Tutorials

ATR SEARCH

HARMONIZED STANDARDS SEARCH

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.

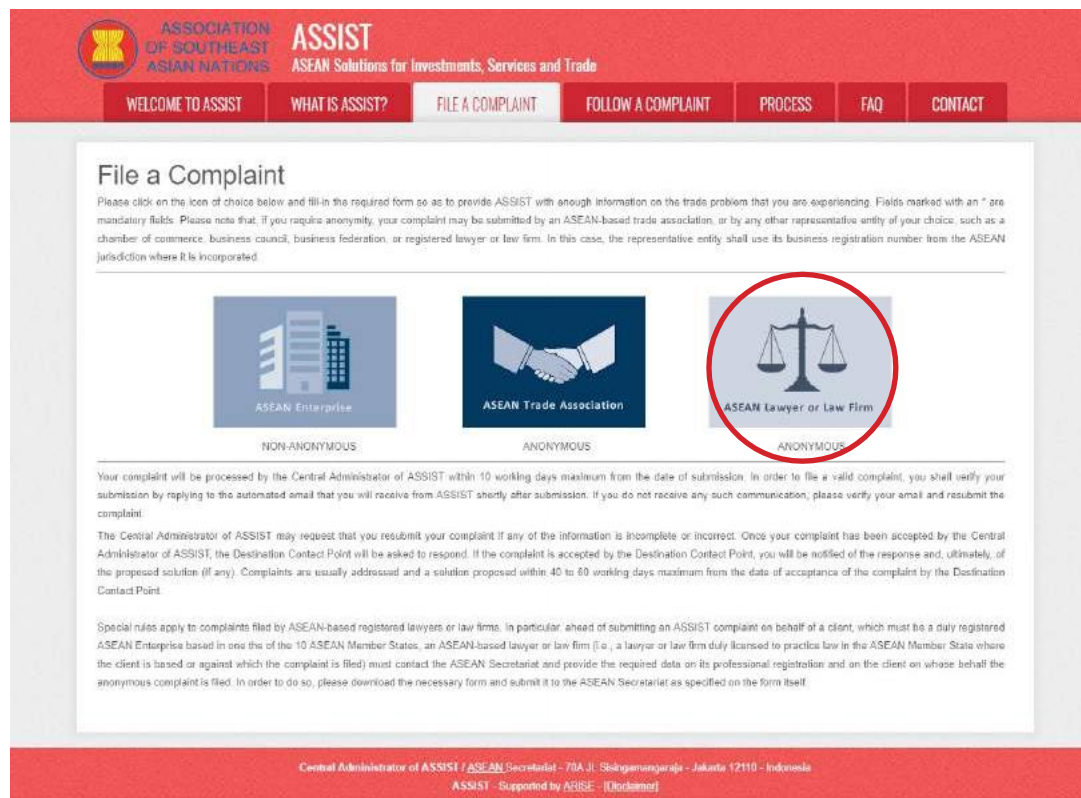
The list above is merely indicative and non-exhaustive in nature. In case of doubt, before filing a complaint, please check whether your grievance falls within the scope of ASSIST by contacting ASSIST's Central Administrator at assist@asean.org (assist.asean.org/trad/contact).

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

ຂັ້ນຕອນ
2

ໃຫ້ຄລິກເລືອກເອົາ 'FILE A COMPLAINT- ຍື່ນຄໍາຮ້ອງທຸກ' (ທະນາຍຄວາມ ຫຼື ບໍລິສັດກົດໝາຍຂອງອາຊຽນ)

- (a) ຖ້າທ່ານແມ່ນທະນາຍຄວາມ ຫຼື ທະນາຍຄວາມທີ່ຂຶ້ນທະບຽນໃນອາຊຽນ, ທ່ານຍື່ນຄໍາຮ້ອງທຸກໃນນາມລູກຄ້າຂອງທ່ານ (ເຊັ່ນ: ວິສາຫະກິດອາຊຽນທີ່ມີບັນຫາການຄ້າ) ແລະ ໄດ້ຮັບອະນຸຍາດຢ່າງຖືກຕ້ອງໃນການດໍາເນີນການດ້ານກົດໝາຍ ໃນປະເທດສະມາຊິກອາຊຽນບ່ອນທີ່ລູກຄ້າຂອງທ່ານຕັ້ງຢູ່ ຫຼື ຕໍ່ກັບຄໍາຮ້ອງທຸກທີ່ໄດ້ຍື່ນນັ້ນ, ໃຫ້ທ່ານເລືອກຄລິກໃສ່ ຮູບສັນຍາລັກ 'ASEAN Lawyer or Law Firm - ທະນາຍຄວາມ ຫຼື ບໍລິສັດກົດໝາຍອາຊຽນ' ຢູ່ໃນແຖບເມນູ 'File a Complaint-ຍື່ນຄໍາຮ້ອງທຸກ’



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

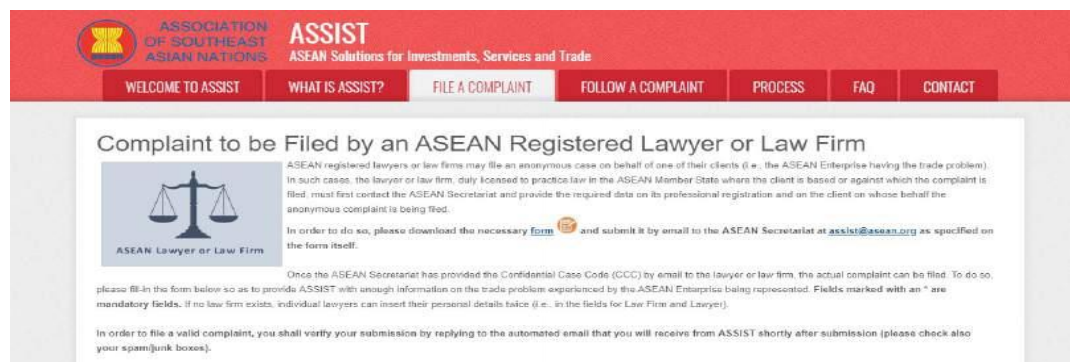
Your complaint will be processed by the Central Administrator of ASSIST within 10 working days maximum from the date of submission. In order to file a valid complaint, you shall verify your submission by replying to the automated email that you will receive from ASSIST shortly after submission. If you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

- (b) ເມື່ອທ່ານຄລິກທີ່ໂອຕອນ ' ASEAN Enterprise', ໜ້າເວັບຕໍ່ໄປກໍ່ຈະປາກົດຂຶ້ນ.



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

Choose File

No file chosen

* Type of Business

* Business Sector

* Services Sector Description

* Type of Problem Encountered

* Destination Country

* Description

5000 characters remaining (5000 maximum)

Attachment

Choose File

No file chosen

+ Attachment

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

☐ I'm not a robot

SUBMIT YOUR COMPLAINT

Central Administrator of ASSIST / ASEAN Secretariat / JBA Ji. Sudirmanraja - Jakarta 12110 - Indonesia

ASSIST - Supported by ARSE - [Disclaimer](#)

(c) ໃນຖານະທີ່ເປັນທະນາຍຄວາມ ຫຼື ບໍລິສັດກົດໝາຍ ທີ່ໄດ້ຂຶ້ນທະບຽນມາໃນອາຊຽນ, ທ່ານຈຳເປັນຕ້ອງຍື່ນຄໍາຮ້ອງທຸກດ້ວຍຊື່ຂອງທ່ານເອງ ແລະ/ຫຼື ຊື່ບໍລິສັດກົດໝາຍຂອງທ່ານໂດຍຮັກສາຕົວຕົນຂອງລູກຄ້າຂອງທ່ານໄວ້ແບບບໍ່ລະບຸຊື່. ເພື່ອເຮັດແນວນັ້ນ, ທ່ານຕ້ອງປະຕິບັດຕາມຄໍາແນະນຳທີ່ຢູ່ໃນໜ້າຂ້າງເທິງນັ້ນ. ກ່ອນອື່ນໝົດ, ທ່ານຕ້ອງໄດ້ດາວໂຫລດແບບຟອມທີ່ຈຳເປັນເພື່ອຕື່ມໃສ່ ແລະ ສົ່ງໃຫ້ກອງເລຂາອາຊຽນ, ຕາມທີ່ໄດ້ກຳນົດໄວ້ໃນແບບຟອມເອງ.

ເມື່ອທ່ານຄລິກໃສ່ຮູບສັນຍາລັກ "round orange - ວົງມົນສີສົ້ມ" ທີ່ຢູ່ໃນໜ້າເວັບຂ້າງເທິງນັ້ນ, ແບບຟອມຕໍ່ໄປນີ້ກໍ່ຈະຖືກດາວໂຫລດລົງໄປຢູ່ໃນຄອມພິວເຕີຂອງທ່ານ.



ຂັ້ນ
ຕອນ

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ດາວໂຫຼດແບບຟອມການຮ້ອງທຸກທີ່ບໍ່ລະບຸຊື່ຜູ້ຮ້ອງທຸກ ຈາກໜ້າເວັບ “COMPLAINT TO BE FILED BY AN ASEAN REGISTERED LAWYER OR LAW FIRM - ຄໍາຮ້ອງທຸກ ອີ່ມໂດຍທະນາຍຄວາມ ຫຼື ບໍລິສັດກົດໝາຍຂອງອາຊຽນ”.

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:

ຈົ່ງຕື່ມແບບຟອມຂ້າງເທິງນີ້ ແລະ ສົ່ງທາງອີເມວໄປຫາກອງເລຂາອາຊຽນທີ່ assist@asean.org, ຕາມທີ່ໄດ້ລະບຸໄວ້ໃນແບບຟອມຂອງມັນເອງ. ກະລຸນາສົ່ງຂໍ້ມູນທີ່ຕ້ອງການດັ່ງຕໍ່ໄປນີ້ພ້ອມດ້ວຍແບບຟອມດັ່ງນີ້: (i) ເອກະສານການລົງທະບຽນ/ໃບອະນຸຍາດທີ່ກ່ຽວຂ້ອງກັບວິຊາອາຊີບຂອງທ່ານ (ຖ້າຫາກພາສາເດີມບໍ່ແມ່ນພາສາອັງກິດ, ຄວນຕິດຄັດການແປເປັນພາສາອັງກິດແບບບໍ່ເປັນທາງສົ່ງມານາ) ແລະ (ii) ເອກະສານການລົງທະບຽນຂອງບໍລິສັດລູກຄ້າ (ວິສາຫະກິດອາຊຽນ) ໃນນາມຜູ້ທີ່ ອີ່ມຄໍາຮ້ອງທຸກແບບບໍ່ລະບຸຊື່

ຈົງຕື່ມຂໍ້ມູນໃສ່ໃນແບບຟອມທີ່ໄດ້ດາວໂຫລດມາ. ຂ້າງລຸ່ມນີ້ແມ່ນຕົວຢ່າງຂອງແບບຟອມທີ່ຕື່ມຮຽບຮ້ອຍແລ້ວສໍາລັບກໍລະນີສຶກສານີ້.

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

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

LAWYER

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

LAW FIRM

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

PROFESSIONAL LICENCE

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

Professional Licence is attached as Annex 0.

DETAILS OF ASEAN ENTERPRISE

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

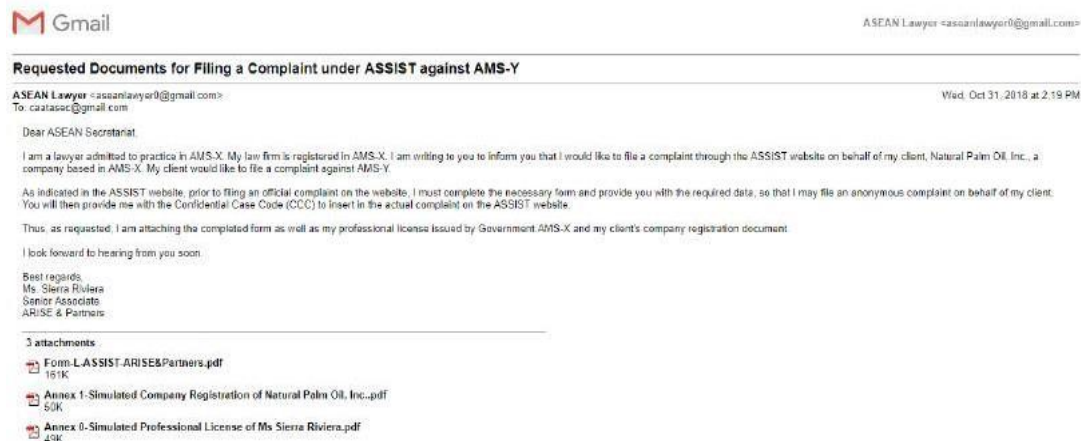


ຂັ້ນຕອນ

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ສົ່ງແບບຟອມທີ່ໄດ້ຕື່ມເປັນທີ່ຮຽບຮ້ອຍໄປຫາ ຜູ້ດູແລະບົບຂອງ ASSIST/ກອງເລຂາອາຊຽນ ທາງອີເມລ.

ດັ່ງທີ່ໄດ້ລະບຸໄວ້ໃນແບບຟອມນັ້ນ, ໃຫ້ທ່ານສົ່ງແບບຟອມທີ່ສໍາເລັດແລ້ວເຖິງຫ້ອງການເລຂາອາຊຽນ/ຜູ້ດູແລະບົບຂອງ ASSIST ທີ່ອີເມລ assist@asean.org, ພ້ອມດ້ວຍເອກະສານອື່ນໆທີ່ຕ້ອງການດັ່ງທີ່ໄດ້ລະບຸໄວ້ໃນຂັ້ນຕອນ 3 ຂ້າງເທິງນັ້ນ. ຂ້າງລຸ່ມນີ້ແມ່ນຕົວຢ່າງຂອງອີເມລທີ່ສົ່ງຈາກທະນາຍຄວາມອາຊຽນໄປຍັງຫ້ອງການເລຂາອາຊຽນສໍາລັບກໍລະນີສຶກສານີ້.



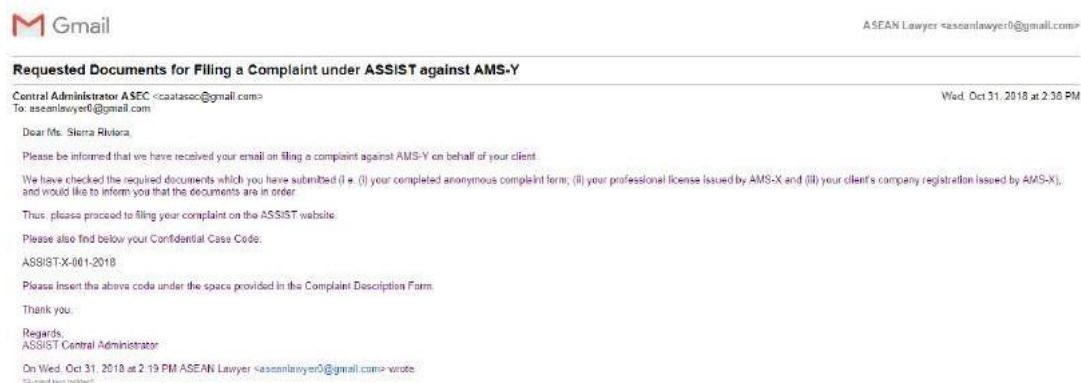
ຂັ້ນຕອນ

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ຮັບເອົາຄໍາຕອບຈາກກອງເລຂາອາຊຽນ/ຜູ້ດູແລະບົບ ໂດຍທາງບັນຊີອີເມລຂອງທ່ານ.

(a) ຫ້ອງການເລຂາອາຊຽນ/CA ຈະຕອບອີເມລຂອງທ່ານ ເພື່ອແຈ້ງໃຫ້ທ່ານຊາບວ່າ ເອກະສານທີ່ທ່ານໄດ້ສົ່ງມານັ້ນຄົບຖ້ວນຕາມຄວາມຕ້ອງການແລ້ວຫຼືບໍ່. ຕົວຢ່າງຂ້າງລຸ່ມນີ້, ທະນາຍຄວາມອາຊຽນໄດ້ຍື່ນເອກະສານທີ່ຈໍາເປັນທັງໝົດຢ່າງຄົບຖ້ວນ..

ຫ້ອງການເລຂາອາຊຽນ/CA ຈະສົ່ງລະຫັດລັບຂອງເລື່ອງຮ້ອງທຸກທີ່ທ່ານໄດ້ຍື່ນໄປນັ້ນ ເພື່ອໃຫ້ຕື່ມໃສ່ເຂົ້າໃນແບບຟອມການຮ້ອງທຸກທາງເວັບໄຊທ໌ ASSIST.





(b) ເມື່ອທ້ອງຖານເລຂາອາຊຽນໄດ້ລະຫັດລັບ (CCC) ຂອງຄໍາຮ້ອງທຸກທີ່ທ່ານໄດ້ຍື່ນໄປນັ້ນ ແລະ ທັງແຈ້ງໃຫ້ທ່ານຊາບວ່າທ່ານອາດຈະດໍາເນີນການຕື່ມລະຫັດນັ້ນໃນຄໍາຮ້ອງທຸກ, ໂດຍທີ່ເຂົ້າໄປທີ່ໜ້າເວັບໄຊທ໌ ASSIST ອີກຄັ້ງໜຶ່ງ ແລະ ເລືອກແຖບ ເມນູ 'File a Complaint - ຍື່ນຄໍາຮ້ອງທຸກ' (ສໍາລັບທະນາຍຄວາມອາຊຽນ ຫຼື ສໍານັກງານກົດໝາຍ). ແບບຟອມການຮ້ອງທຸກທີ່ບໍ່ທັນໄດ້ຕື່ມຫຍັງ ຕາມທີ່ສະແດງຢູ່ໃນຂັ້ນຕອນທີ 2 (ຂ) ນັ້ນກໍ່ຈະປະກົດອອກມາໃຫ້ເຫັນ. ໃນກໍລະນີນີ້, CCC ຂອງທ່ານແມ່ນ **ASSIST-X-001-2018**.

ຂັ້ນຕອນ

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ປະກອບແບບຟອມ 'COMPLAINT TO BE FILED BY AN ASEAN REGISTERED LAWYER - ຄໍາຮ້ອງທຸກທີ່ຍື່ນໂດຍທະນາຍຄວາມອາຊຽນ ຫຼື ສໍານັກງານກົດໝາຍທີ່ໄດ້ລົງທະບຽນ'

ໃຫ້ທ່ານຕື່ມຂໍ້ມູນໃສ່ແບບຟອມທີ່ຢູ່ໃນຂັ້ນຕອນ 2 (b) ເພື່ອໃຫ້ ASSIST ໄດ້ມີຂໍ້ມູນພຽງພໍກ່ຽວກັບບັນຫາການຄ້າທີ່ລູກຄ້າຂອງທ່ານກໍາລັງປະສົບຢູ່. ຊ່ອງໃສ່ຂໍ້ມູນທີ່ມີເຄື່ອງໝາຍດາວ (*) ແມ່ນບັງຄັບໃຫ້ປ້ອນຂໍ້ມູນໃສ່. ໃສ່. ຖ້າທ່ານບໍ່ແນ່ໃຈວ່າຈະຕື່ມຂໍ້ມູນແບບໃດໃສ່ໃນຊ່ອງປ້ອນຂໍ້ມູນ, ປຸ່ມຕ່າງໆທີ່ເປັນຮູບ ① ໄດ້ມີໄວ້ໃຫ້ໃຊ້ສໍາລັບເບິ່ງຄໍາແນະນໍາລະອຽດກ່ຽວກັບວ່າຈະປ້ອນຂໍ້ມູນແບບໃດໃສ່ໃນແຕ່ລະຊ່ອງ. ຈົ່ງກົດປຸ່ມທີ່ເປັນຮູບ ① ເພື່ອຮັບປະກັນວ່າທ່ານສາມາດເຂົ້າໃຈ ແລະ ຮູ້ໄດ້ວ່າຈະຕ້ອງປ້ອນຂໍ້ມູນແບບໃດທີ່ຖືກຕ້ອງລົງໃນແບບຟອມ. ຖ້າບໍ່ມີບໍລິສັດກົດໝາຍ, ທະນາຍຄວາມແຕ່ລະຄົນກໍ່ສາມາດໃສ່ລາຍລະອຽດສ່ວນຕົວຂອງພວກເຂົາໄດ້ສອງຄັ້ງ (ໝາຍຄວາມວ່າ ໃນຊ່ອງປ້ອນຂໍ້ມູນສໍາລັບທະນາຍຄວາມ ແລະ ບໍລິສັດກົດໝາຍ).

ເປັນສິ່ງສໍາຄັນທີ່ສຸດທີ່ທ່ານຕ້ອງປ້ອນຂໍ້ມູນໃສ່ໃນຊ່ອງ 'Description'. ທາງ CA ຈະຕ້ອງໄດ້ທໍາການກວດສອບວ່າ ຄໍາອະທິບາຍຕ່າງໆທີ່ໄດ້ກ່າວໄວ້ໃນຄໍາຮ້ອງທຸກນັ້ນແມ່ນມີຄວາມພຽງພໍທີ່ຈະກໍານົດບັນຫາໄດ້ຢ່າງຈະແຈ້ງໃນແງ່ຂອງຂໍ້ຕົກລົງກ່ຽວກັບຫົວຂໍ້ສະເພາະຫຼືບໍ່. ດັ່ງນັ້ນ, ຈົ່ງຈັດແຈງຄໍາຮ້ອງທຸກຂອງທ່ານຢ່າງລະມັດລະວັງ ພ້ອມດ້ວຍຂໍ້ມູນການໂຕ້ຖຽງຕ່າງໆທາງກົດໝາຍ ແລະ ຫຼັກຖານທີ່ເປັນຈິງເພື່ອຊ່ວຍໃຫ້ CA ໃນການຕັດສິນໃຈວ່າຈະອະນຸມັດຄໍາຮ້ອງທຸກຂອງທ່ານໄດ້ຫຼືບໍ່.

ຂ້າງລຸ່ມນີ້ແມ່ນຕົວຢ່າງຂອງແບບຟອມທີ່ໄດ້ປ້ອນຂໍ້ມູນໄວ້ຮຽບຮ້ອຍສໍາລັບການສຶກສາກໍລະນີນີ້ໂດຍສະເພາະ.

ASSOCIATION
OF SOUTHEAST
ASIAN NATIONS

ASSIST
ASEAN Solutions for Investments, Services and Trade

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WHAT IS ASSIST?

FILE A COMPLAINT

FOLLOW A COMPLAINT

PROCESS

FAQ

CONTACT

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

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

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

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

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

LAW FIRM

* Law Firm Name:

* Phone:

Website:

* Address:
City P:
Country X:

259 characters remaining (259 maximum)

* City:

* ZIP Code:

* Country:

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



LAWYER

Gender

Mr

Mrs

☒ Ms

First Name

Sierra

Last Name

Riviera

Phone

+36 7676137086

Position

Senior Associate

Email

aseenlawyer0@gmail.com

Address

Denube Street No. 13

City P

Country X

City

City P

ZIP Code

12310

ASEAN Jurisdiction(s) where Admitted to Practice Law

AMS-X

COMPLAINT DESCRIPTION

Confidential Case Code

ASSIST-X-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

3.5.7 Internal taxes and charges levied on imports

Destination Country

AMS-Y

Description

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 ATISG (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 - 70A-B, Sisingamangaraja - Jakarta 12110 - Indonesia

ASSIST - Supported by ARISE - [Disclaimer]

ມີການຍົກຕົວຢ່າງຂອງການອະທິບາຍຄໍາຮ້ອງທຸກທີ່ໄດ້ຂຽນໄວ້ຈະແຈ້ງແລະຊັດເຈນ, ຂ້າງລຸ່ມນີ້ແມ່ນຄໍາອະທິບາຍແລະລາຍລະອຽດສໍາລັບກໍລະນີສຶກສານີ້ໂດຍສະເພາະ:

“ພວກເຮົາແມ່ນບໍລິສັດກົດໝາຍທີ່ໄດ້ຈົດທະບຽນພາຍໃຕ້ ASSIST ແລະ ຢູ່ໃນ AMS-X ທີ່ໄດ້ຍື່ນຄໍາຮ້ອງທຸກໃນນາມລູກຄ້າຂອງພວກເຮົາ, ທີ່ເປັນບໍລິສັດນໍ້າມັນປາມທີ່ໄດ້ຈົດທະບຽນຖືກຕ້ອງໃນ AMS-X. ຄໍາຮ້ອງທຸກດັ່ງກ່າວແມ່ນກ່ຽວຂ້ອງກັບເລື່ອງພາສີໃໝ່ທີ່ໄດ້ວາງອອກໂດຍ AMS-Y (ຈຸດຕິດຕໍ່ທາງປາຍທາງຫລື DCP) ກ່ຽວກັບນໍ້າມັນປາມ ແລະ ຜະລິດຕະພັນອາຫານທີ່ມີນໍ້າມັນປາມພາຍໃຕ້ລະບຽບການອາຫານຂອງກະຊວງສາທາລະນະສຸກ ໝວດທີ 1000, ວັກທີ 100 ຂອງປີ 2015. ມາດຕະການທີ່ໄດ້ຮັບຮອງເອົາໂດຍ AMS-Y ໄດ້ທໍາການແນະນໍາເລື່ອງພາສີອາຫານທີ່ມີນໍ້າຕານແລະໄຂມັນອີ່ມຕົວໃນປະລິມານສູງເຊິ່ງເປັນສ່ວນໜຶ່ງຂອງຍຸດທະສາດໃນການແກ້ໄຂບັນຫາທີ່ເພີ່ມຂຶ້ນຂອງໂຮກອ້ວນໃນ AMS-Y.

ພວກເຮົາມີທັດສະນະທີ່ເຫັນວ່າ ມາດຕະການຂອງ AMS-Y ໄດ້ສະແດງອອກຢ່າງຈິງຈັງກ່ຽວກັບນໍ້າມັນປາມແລະບໍ່ພຽງແຕ່ສ່ວນປະກອບໄຂມັນອີ່ມຕົວຂອງນໍ້າມັນປາມ ແລະ ຂອງຜະລິດຕະພັນທີ່ບັນຈຸນໍ້າມັນປາມນັ້ນ, ດ້ວຍເຫດນີ້ຈຶ່ງໄດ້ມີການແບ່ງແຍກກົດກັນນໍ້າມັນປາມແລະໃສ່ຮ້າຍໃຫ້ກັບຜະລິດຕະພັນເຫລົ່ານັ້ນແບບເຫມາະ ແທນທີ່ວ່າ ພຽງແຕ່ບໍ່ສົ່ງເສີມການຊົມໃຊ້ຜະລິດຕະພັນປະກອບດ້ວຍໄຂມັນອີ່ມຕົວທີ່ຫຼາຍເກີນໄປ, ໂດຍທີ່ບໍ່ກ່ຽວຂ້ອງກັບຜະລິດຕະພັນທີ່ປະກອບໄປດ້ວຍໄຂມັນທີ່ມາຈາກພືດຜັກຫຼືສັດ.

ດັ່ງນັ້ນ, ພວກເຮົາເຫັນວ່າມາດຕະການທີ່ຖືກຮັບຮອງແລະເອົາໄປນໍາໃຊ້ໂດຍ AMS-Yນັ້ນແມ່ນຂັດແຍ່ງກັບມາດຕາ 6 ຂອງສັນຍາການຄ້າອາຊຽນ (ATIGA) (ກ່ຽວກັບການຈັດການ ແລະ ລະບຽບການພາສີພາຍໃນແຫ່ງຊາດ), ໂດຍເທົ່າທີ່ມັນໄດ້ແບ່ງແຍກກົດກັນນໍ້າມັນປາມແບບເຫມາະແລະບໍ່ໄດ້ຖືກນໍາເອົາໄປໃຊ້ກັບຜະລິດຕະພັນອື່ນທີ່ຄ້າຍຄືກັນທີ່ຜະລິດ ຫຼື ຈໍາໜ່າຍໃນAMS-Y (ເຊັ່ນຜະລິດຕະພັນອາຫານທີ່ມີໄຂມັນອີ່ມຕົວທີ່ເຮັດມາຈາກຖົ່ວເຫຼືອງ, ດອກຕາເວັນ, ຜັກກາດກ້ານຂາວ, ໝາກສາລີ, ໝາກຖົ່ວດິນ ຫຼື ໄຂມັນສັດ)” .

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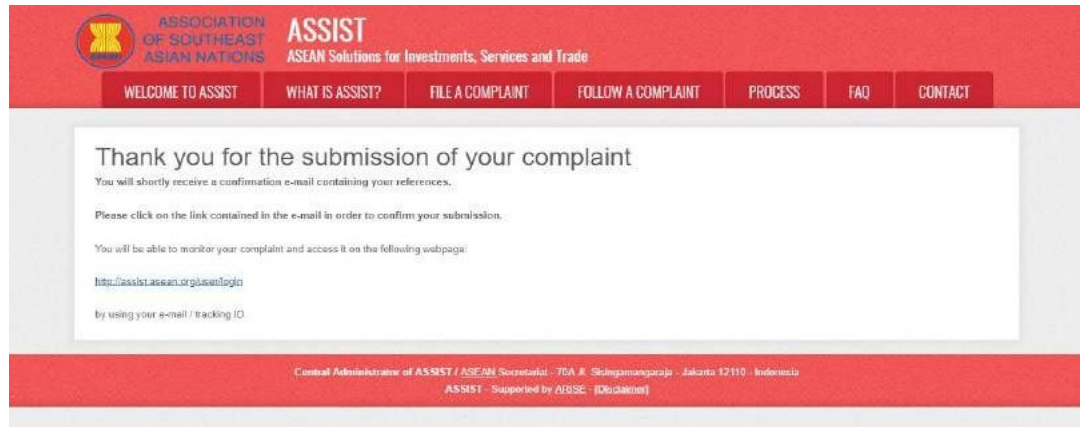


ໃນເມື່ອຄໍາຮ້ອງທຸກໄດ້ຖືກຍື່ນໂດຍການຄລິກທີ່ ' Submit Your Complaint - ຍື່ນຄໍາຮ້ອງທຸກຂອງທ່ານ', ເວັບໜ້າຕໍ່ໄປນີ້ທີ່ຢູ່ໃນຂັ້ນຕອນທີ 8 ກໍ່ຈະປະກົດຂຶ້ນ.

ຂັ້ນຕອນ

8

ໄດ້ຮັບແຈ້ງການຈາກ ASSIST



ການແຈ້ງການຂ້າງເທິງນັ້ນຊຶ່ງໃຫ້ເຫັນວ່າທ່ານຄວນຄລິກທີ່ລິ້ງທີ່ໄດ້ໃຫ້ໄວ້ຢູ່ໃນບັນຊີອີເມລຂອງທ່ານເພື່ອຢືນຢັນຄໍາຮ້ອງທຸກຂອງທ່ານໃຫ້ກັບ ASSIST.

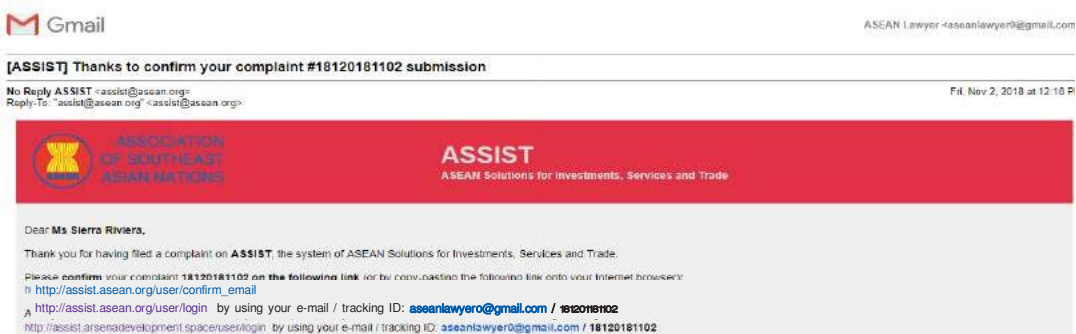
ຂັ້ນຕອນ

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ຢືນຢັນຄໍາຮ້ອງທຸກຂອງທ່ານຈາກບັນຊີອີເມລຂອງທ່ານ

(a) ຈົ່ງເຂົ້າໄປໃນບັນຊີອີເມລຂອງທ່ານທີ່ທ່ານໄດ້ໃຫ້ໄວ້ກັບແບບຟອມການຮ້ອງທຸກ. ທ່ານຈະໄດ້ຮັບອີເມລຈາກ ASSIST ເພື່ອໃຫ້ທ່ານຢືນຢັນການສົ່ງຄໍາຮ້ອງທຸກຂອງທ່ານ ໂດຍຄລິກທີ່ລິ້ງທີ່ໄດ້ສົ່ງມາໃຫ້ທາງອີເມລ ຫຼື ຖ້າບໍ່ຢາກຄລິກກໍ່ພຽງແຕ່ທ່ານຄັດລອກອີເລັກໂນນໄປແປະໃສ່ໃນ browser ອື່ນເຕີເນັດ. ອັນນີ້ແມ່ນຕ້ອງໄດ້ເຮັດຕາມທີ່ ASSIST ໄດ້ຮຽກຮ້ອງມາ ເພື່ອເປັນການຢືນຢັນວ່າ ອີເມລທີ່ທ່ານໄດ້ໃຫ້ໄປນັ້ນຖືກຕ້ອງ. ໝາຍເລກຄໍາຮ້ອງທຸກຂອງທ່ານກໍ່ໄດ້ສົ່ງມາໃຫ້ທ່ານດ້ວຍອີເມລນີ້ເຊັ່ນກັນ. ໃນກໍລະນີນີ້, ໝາຍເລກຄໍາຮ້ອງທຸກຂອງທ່ານແມ່ນ **18120181102**.

ຂ້າງລຸ່ມນີ້ແມ່ນອີເມລທີ່ທ່ານຈະໄດ້ຮັບຈາກ ASSIST.



Enter your email address, phone number, and location. Your submission data will be used to contact you and to develop your complaint.

<http://assist.arsenadevelopment.space/user/login> by using your e-mail / tracking ID: aseanlawyer0@gmail.com / 16120181102

ASEAN Enterprise / Trade Association / Law Firm : ARISE & Partners (type Law)
 Company size
 Phone : +66 1 7633572
 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 : 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 ASEAN products manufactured or sold in AMS-Y (i.e., food products containing saturated fats deriving from soy, sunflower, rapeseed, corn, peanut or animal fat).

Thanking you, ASSIST is at your service.

assist.asean.org

(b) ຈົ່ງລົກທີ່ລົງທີ່ໄດ້ໃຫ້ມາກັບອີເມລ ຊຶ່ງຕ້ອງໄດ້ລົກ ແລະ ໜ້າໃໝ່ໃນອີເມລນັ້ນກໍ່ຈະປະກົດໃຫ້ເຫັນ.

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 - [Disclaimers]

ການແຈ້ງເຕືອນທີ່ໄດ້ສະແດງໄວ້ຂ້າງເທິງນີ້ຈະແຈ້ງໃຫ້ທ່ານຊາບວ່າ ຄໍາຮ້ອງທຸກຂອງທ່ານຈະຖືກທົບທວນໂດຍ CA ແລະຫຼັງຈາກນັ້ນ ທ່ານຈະໄດ້ຮັບການແຈ້ງກັບມາຫາທ່ານທາງອີເມລ ພາຍໃນເວລາເວລາສູງສຸດ 10 ວັນລັດຖະການ ໂດຍທີ່ການຍື່ນຄໍາຮ້ອງທຸກຂອງທ່ານນັ້ນຈະ:

- 1) ໄດ້ຮັບການຍອມຮັບແລະຖືກສົ່ງຕໍ່ເພື່ອສະເໜີຕໍ່ປະເທດປາຍທາງ; ຫຼື
- 2) ບໍ່ຄົບຖ້ວນແລະໄດ້ຖືກສົ່ງກັບຄືນມາຫາທ່ານເພື່ອດັດແກ້; ຫຼື
- 3) ຖືກປະຕິເສດ, ຖ້າຫາກຢູ່ນອກຂອບເຂດຂອງ ASSIST ຫຼື ເປັນການຮ້ອງທຸກທີ່ໃຊ້ການບໍ່ໄດ້.

ໄປທີ່ບັນຊີອີເມລຂອງທ່ານ.

STEP
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ໄດ້ຮັບອີເມລຈາກ ASSIST ເພື່ອໃຫ້ຮູ້ວ່າອີເມລແລະຄຳຮ້ອງທຸກຂອງທ່ານນັ້ນຖືກຕ້ອງ

ຈົ່ງໄປທີ່ອີເມລຂອງທ່ານ ແລະ ທ່ານຈະເຫັນມີອີເມລໃໝ່ ສົ່ງມາຫາທ່ານຈາກ ASSIST. ອີເມລນີ້ຈະຊີ້ບອກວ່າທ່ານຮູ້ວ່າ ທ່ານໄດ້ທຳການຢືນຢັນຄຳຮ້ອງທຸກຂອງທ່ານແລ້ວ ພ້ອມທັງ CA ຈະກວດສອບຄວາມຖືກຕ້ອງຂອງຄຳຮ້ອງທຸກ, ແລະ ກໍ່ໄດ້ຖືກນຳເຂົ້າໄປເກັບໄວ້ໃນລະບົບພາຍໃນຂອງ ASSIST. ASSIST ຈະຕິດຕໍ່ກັບມາອີກເທື່ອໜຶ່ງ ພ້ອມດ້ວຍຄຳຕອບທີ່ຈະບອກວ່າ ຄຳຮ້ອງທຸກທີ່ໄດ້ສົ່ງໄປນັ້ນ ໄດ້ຮັບການຍອມຮັບແລ້ວ, ບໍ່ຄົບຖ້ວນ ຫຼື ຖືກປະຕິເສດພາຍໃນ 10 ມື້ລັດຖະການ.



ASEAN Lawyer <aseanlawyer@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 P



ASSIST
ASEAN Solutions for Investments, Services and Trade

Dear Ms Sierra Riviera,

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

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

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

ASEAN Enterprise / Trade Association / Law Firm : ARISE & Partners (type Law)
 Company size:
 Phone : +36 1 7653572
 Website : www.arise8partners.com
 Address : Danube Street No. 13 City P Country X
 City : City P / Zip Code : 12310
 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: aseanlawyer@gmail.com / 18120181102

Contact person : Ms. Sierra Riviera
 Phone : +36 7878137586
 Position : Senior Associate
 Email : aseanlawyer@gmail.com
 Address : Danube Street No. 13 City P Country X
 City : City P / Zip Code : 12310
 Country : AMS-X

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

Description:
 We are a registered law firm in AMS-X filing a complaint under ASSIST on behalf of our client, a duly registered palm oil company in AMS-X. The complaint is in relation to the new excise duty imposed by AMS-Y (the Destination Contact Point or DCP) on palm oil and food products containing palm oil under its Ministry of Health's Food Regulation Chapter 1000, Section 100 of 2015. The measure adopted by AMS-Y introduced taxes on foods high in sugar and saturated fat as part of a strategy for addressing the rising problem of obesity in AMS-Y. We are of the view that AMS-Y's measure expressly targeted palm oil and not just the saturated fat component of palm oil and of products containing palm oil, thereby discriminating against palm oil and demonizing the product as a whole instead of just discouraging excessive consumption of products containing saturated fats. Independently of the vegetable or animal origin of the fats. Thus, we find the measure adopted and applied by AMS-Y is contrary to Article 6 of the ATIGA (on National Treatment on Internal Taxation and Regulation) in as much as it discriminates against palm oil as a whole and is not applied to other 'fat-based' 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_Riviera.pdf
49K

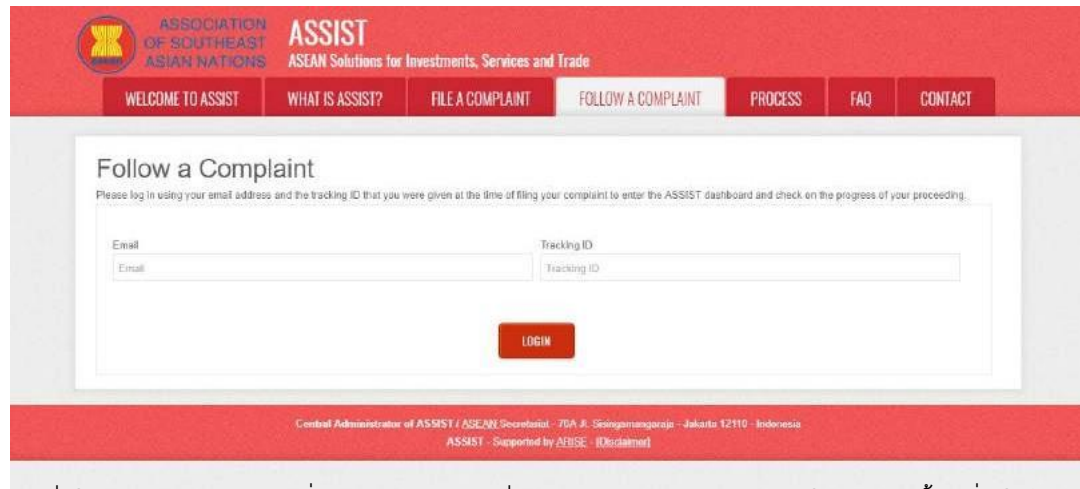
ຕາມທີ່ໄດ້ລະບຸໄວ້ໃນອີເມລຂ້າງເທິງນັ້ນ, ໃນເວລານີ້ ທ່ານສາມາດຕິດຕາມເບິ່ງຄວາມຄືບໜ້າໄດ້ ໂດຍໃຫ້ທ່ານຄລິກທີ່ລິ້ງທີ່ໄດ້ແນະນຳໄວ້ໃຫ້ ຊຶ່ງຈະພາທ່ານທີ່ແຖບ 'Follow a Complaint - ຕິດຕາມເບິ່ງຄຳຮ້ອງທຸກ' ຢູ່ແຖບເມນູໃນເວັບໄຊທ໌ຂອງ ASSIST.

ຂັ້ນຕອນ

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ຕິດຕາມຄວາມຄືບໜ້າຂອງການຮ້ອງທຸກຂອງທ່ານ

- (a) ຈົ່ງໄປທີ່ລິ້ງຕໍ່ໄປນີ້: <http://assist.asean.org/user/login> ຫຼືໄປທີ່ແຖບ ' Follow a Complaint-ຕິດຕາມເບິ່ງຄຳຮ້ອງທຸກ' ຢູ່ແຖບເມນູໃນເວັບໄຊທ໌ ASSIST. ໜ້າເວັບຕໍ່ໄປນີ້ກໍ່ຈະປາກົດຂຶ້ນ.



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

(b) ຈົ່ງໃສ່ອີເມລ ແລະ ໝາຍເລກເພື່ອຕິດຕາມຂອງທ່ານ (ກໍ່ຄືໝາຍເລກຄໍາຮ້ອງທຸກຂອງທ່ານ) ໃນຊ່ອງປ້ອນຂໍ້ມູນທີ່ມີໃຫ້ໄວ້ ເພື່ອເຂົ້າສູ່ລະບົບ. ໃນກໍລະນີນີ້, ອີເມລແມ່ນ aseanlawyer0@gmail.com ແລະ ໝາຍເລກເພື່ອຕິດຕາມແມ່ນ **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 Jl. Salekpitangaraja - Jakarta 12110 - Indonesia
ASSIST - Supported by ARISE - (Disclaimer)

ເມື່ອທ່ານໄດ້ເຂົ້າສູ່ລະບົບແລ້ວ, ທ່ານຈະເຫັນ Dashboard ຂອງ ASSIST ຂອງທ່ານເຊິ່ງເປັນບ່ອນທີ່ທ່ານສາມາດຕິດຕາມ ຄວາມຄືບໜ້າຂອງການຍື່ນຄໍາຮ້ອງທຸກຂອງທ່ານ.

(c) ຈົ່ງເປີດເບິ່ງລາຍລະອຽດໃນ Dashboard ຂອງ ASSIST ຂອງທ່ານ ເມື່ອທ່ານໄດ້ເຂົ້າສູ່ລະບົບແລ້ວ:



ASSIST
ASEAN Solutions for Investments, Services and Trade

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

Tracking ID #18120181102 / AMS-Y

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

[WITHDRAW COMPLAINT](#)

ASEAN ENTERPRISE

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

CONTACT PERSON

First Name	Sierra	Address	Danube Street No. 13 City P Country X
Last Name	Rivera	City	City P
Phone	+36 7878137686	ZIP Code	12310
Position	Senior Associate	Country	AMS-X
Email	ariseanlawyer@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	Anexo II - Simulated Professional License of Ms Sierra Rivera.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 Administrator of ASSIST / ASEAN Secretariat / PBA Jl. Sudirman 1 Jakarta 12110 - Indonesia
ASSIST - Supported by ARISE - (Disclaimer)

ດັ່ງທີ່ທ່ານສາມາດເຫັນໄດ້ໃນ dashboard ຂອງທ່ານ, ການດຳເນີນການຕ່າງໆຂອງການຮ້ອງທຸກຂອງທ່ານແມ່ນໄດ້ຖືກລະບຸໄວ້ຢ່າງຈະແຈ້ງໃນ dashboard ຂອງທ່ານ ແລະ ເນື້ອໃນລາຍການຕ່າງໆເຫຼົ່ານີ້ຈະຖືກປັບໃຫ້ໃໝ່ລ່າສຸດຢູ່ສະເໝີ ຫຼັງຈາກການດຳເນີນການແຕ່ລະຄັ້ງ. ແບບຟອມຄຳຮ້ອງທຸກທີ່ທ່ານໄດ້ຍື່ນໄປແລ້ວນັ້ນ, ກໍ່ສາມາດເຂົ້າເບິ່ງໄດ້ໃນ dashboard ຂອງທ່ານເຊັ່ນກັນ.

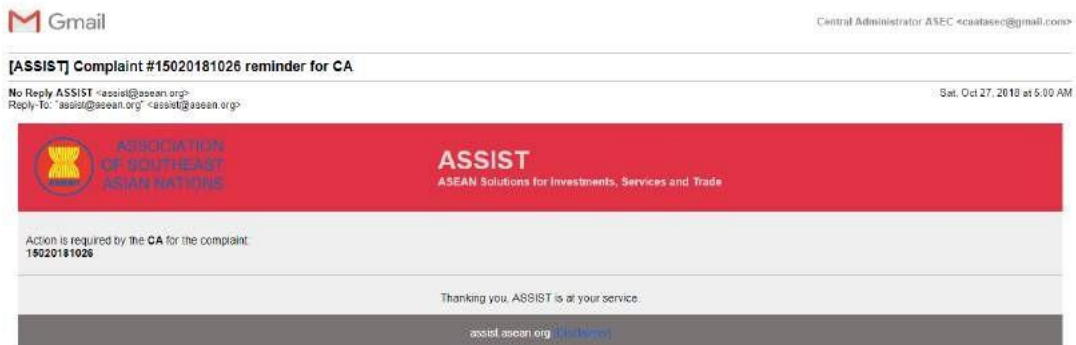
ຂັ້ນຕອນ 12

ຜູ້ດູແລລະບົບກວດເບິ່ງຄຳຮ້ອງທຸກຂອງທ່ານ ແລະ ຕອບທ່ານທາງອີເມລ (ວ່າຮັບຮອງ, ບໍ່ຄົບຖ້ວນ ຫຼື ປະຕິເສດ)

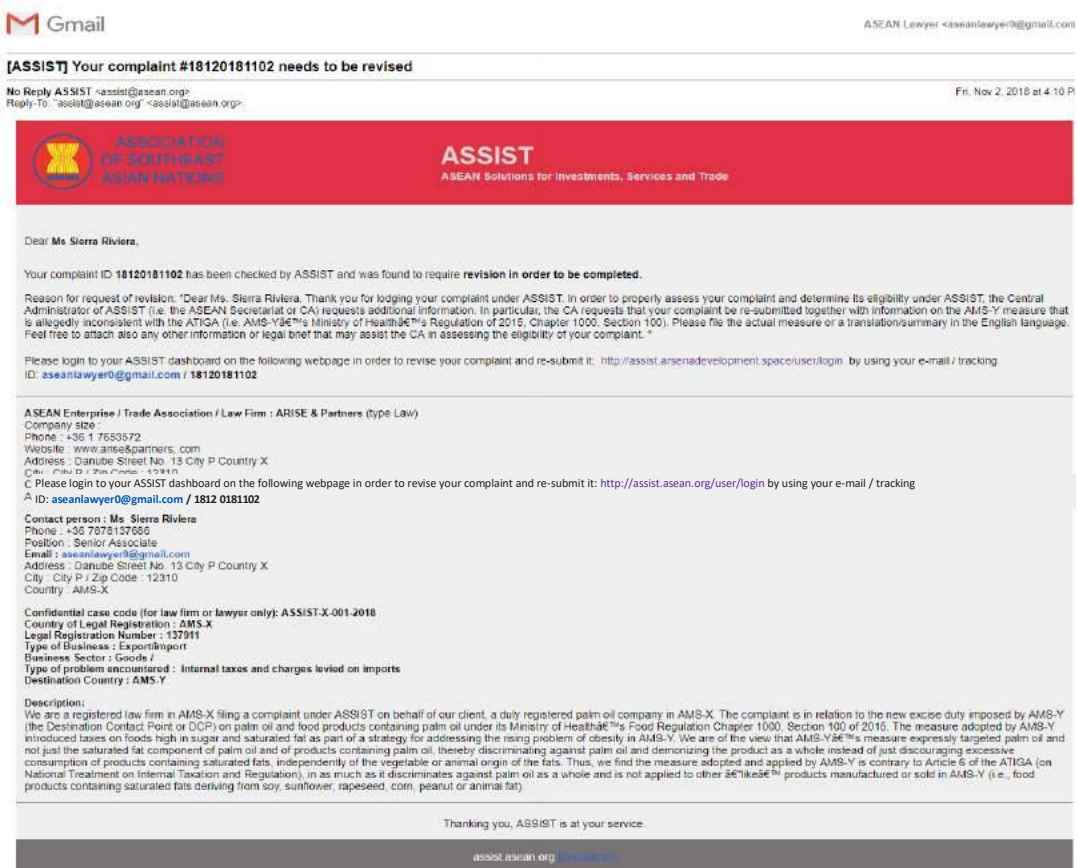
ຫຼັງຈາກທີ່ CA ໄດ້ທຳການກວດກາເບິ່ງຄຳຮ້ອງທຸກຂອງທ່ານເປັນທີ່ຮຽບຮ້ອຍແລ້ວແລະທັງໄດ້ຕັດສິນແລ້ວວ່າຄຳຮ້ອງທຸກນັ້ນໄດ້ຜ່ານການຮັບຮອງ, ບໍ່ຄົບຖ້ວນ ຫລື ຖືກປະຕິເສດນັ້ນ ຈະມີອີເມລສົ່ງໄປຫາທ່ານພາຍໃນ 10 ວັນລັດຖະການນັບຕັ້ງແຕ່ທ່ານໄດ້ສົ່ງຄຳຮ້ອງທຸກຂອງທ່ານ.

ຖ້າວ່າ CA ບໍ່ມີການດຳເນີນການໃດໆໃນຊ່ວງນີ້, CA ຈະໄດ້ຮັບຄຳເຕືອນແບບອັດຕະໂນມັດດັ່ງທີ່ສະແດງຂ້າງລຸ່ມນີ້ຜ່ານທາງອີເມລຈາກລະບົບ online ຂອງ ASSIST ພາຍໃນ 7 ມື້ຕາມມື້ປະຕິທິນ ຫຼັງຈາກການຮ້ອງທຸກໄດ້ຖືກຍື່ນ. ດັ່ງນັ້ນຕາມທີ່ໄດ້ລະບຸໄວ້ຂ້າງເທິງນັ້ນ, CA ຈະຕ້ອງຕັດສິນໃຈພາຍໃນ 10 ມື້ລັດຖະການວ່າຈະຍອມຮັບເອົາ, ຈະແຈ້ງວ່າຄຳຮ້ອງທຸກບໍ່ຄົບຖ້ວນ ແລະ ໃຫ້ມີການແກ້ໄຂ, ຫຼື ຈະປະຕິເສດ.

ອີເມລເດືອນເທື່ອທີ 1 ສໍາລັບຜູ້ດູແລລະບົບ:



ຈຶ່ງໝັ້ນກວດເບິ່ງອີເມລຂອງທ່ານພາຍໃນ 10 ມື້ລັດຖະການ ຫຼັງຈາກທ່ານໄດ້ຍື່ນຄໍາຮ້ອງທຸກແລ້ວ. ໃນທີ່ສຸດທ່ານກໍ່ຈະໄດ້ຮັບອີເມລໃໝ່ຈາກ ASSIST.

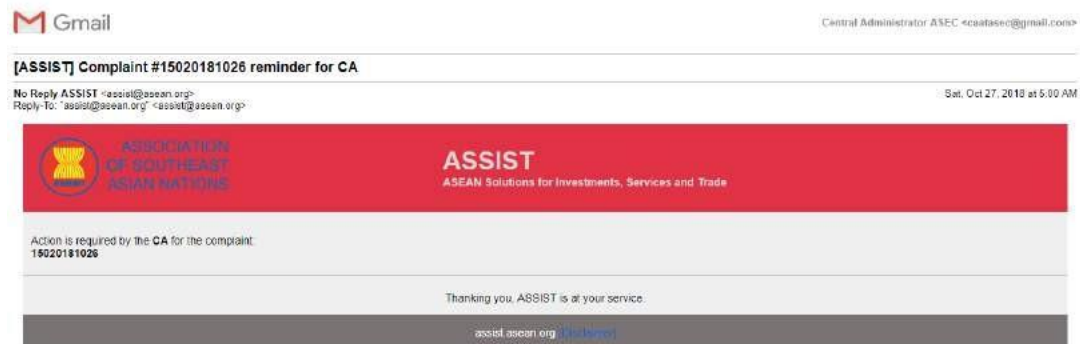


ໃນກໍລະນີນີ້, CA ໄດ້ກວດສອບແບບຟອມ ແລະ ເຫັນວ່າບໍ່ຄົບຖ້ວນ. CA ຕ້ອງການຂໍ້ມູນເພີ່ມເຕີມຈາກທ່ານ ເພາະວ່າທ່ານໄດ້ຍື່ນແຕ່ເອກະສານໃບອະນຸຍາດວິຊາຊີບຂອງທ່ານຢ່າງດຽວເທົ່ານັ້ນ. ດັ່ງນັ້ນ, CA ຈຶ່ງໄດ້ສົ່ງອີເມລຕອບໄປຫາທ່ານ ເພື່ອຮຽກຮ້ອງໃຫ້ທ່ານສົ່ງຄໍາຮ້ອງທຸກອີກຄືນໃໝ່ໂດຍຕິດຕັດຂໍ້ກຳນົດ ຫຼື ມາດຕະການຂອງ AMS-Y ທີ່ກ່ຽວຂ້ອງກັບບັນຫາທີ່ກ່າວເຖິງໄປນຳກັນ ພ້ອມກັບລາຍລະອຽດສັ້ນໆທາງກົດໝາຍ ທີ່ກ່າວເຖິງຂໍ້ກ່າວຫາຂອງທ່ານ ແລະ ທັງຂໍ້ໂຕ້ແຍ້ງທີ່ທ່ານເຊື່ອວ່າຄວນຈະໄດ້ຮັບການພິຈາລະນາເພື່ອຈຸດປະສົງໃນການທີ່ຄໍາຮ້ອງທຸກນັ້ນໄດ້ຮັບການຍອມຮັບ ແລະ ມີຄວາມເປັນໄປໄດ້ທີ່ຈະໄດ້ຮັບການແກ້ໄຂ.

ດັ່ງທີ່ໄດ້ລະບຸໄວ້ໃນອີເມລຂ້າງເທິງນັ້ນ, ເພື່ອເປັນການແກ້ໄຂຄໍາຮ້ອງທຸກຂອງທ່ານ ແລະ ສົ່ງກັບໄປຄືນໃໝ່, ທ່ານຈະຕ້ອງເຂົ້າສູ່ລະບົບ dashboard ຂອງ ASSIST ທີ່ທ່ານມີ.

ຖ້າທ່ານບໍ່ໄດ້ຮັບອີເມລຈາກ ASSIST ພາຍໃນກຳນົດເວລາທີ່ໄດ້ກຳນົດໄວ້ (ກໍ່ຄື 10 ມື້ລັດຖະການ ນັບແຕ່ທີ່ໄດ້ຍື່ນຄຳຮ້ອງທຸກໄປ), ອັນນີ້ ມັນກໍ່ໝາຍຄວາມວ່າ CA ມີການດຳເນີນການກາຍຂອບເຂດ. CA ຈະໄດ້ຮັບການແຈ້ງເຕືອນອັດຕະໂນມັດອີກທາງໜຶ່ງຜ່ານທາງອີເມລ (ພາຍໃນ 14 ມື້ຕາມມື້ປະຕິທິນຫຼັງຈາກໄດ້ຍື່ນຄຳຮ້ອງທຸກແລ້ວ) CA ຈະໄດ້ຮັບອີເມລແບບຂ້າງລຸ່ມນີ້:

ອີເມລເຕືອນເທື່ອທີ 2 ສຳລັບຜູ້ດູແລະບົບ:

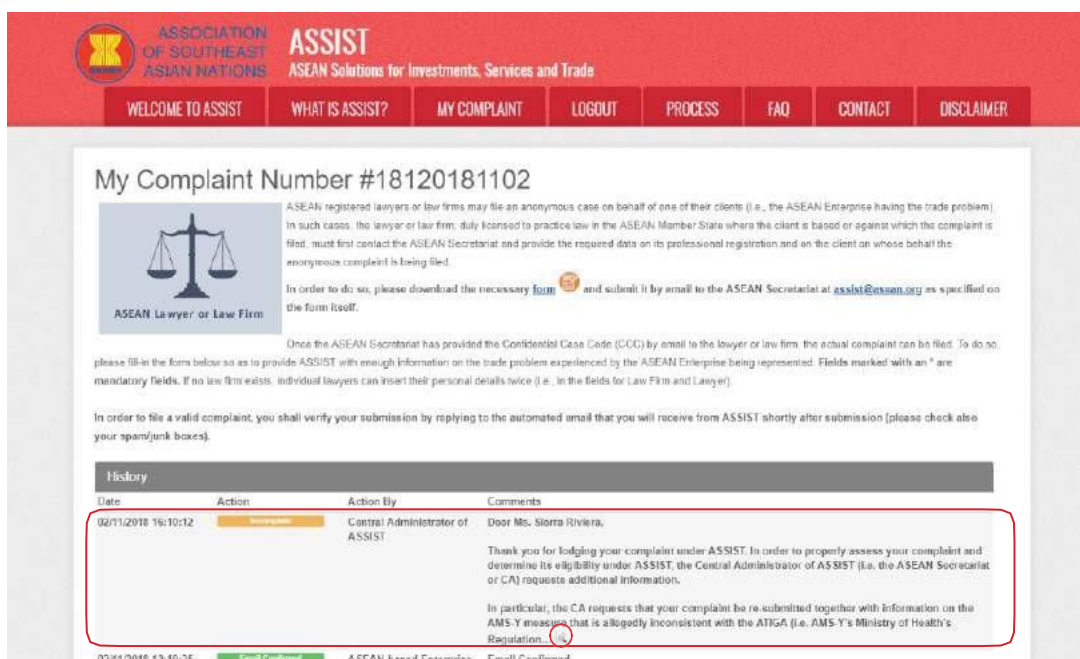


ຂັ້ນຕອນ
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ໃຫ້ທ່ານເຂົ້າສູ່ລະບົບ Dashboard ຂອງ ASSIST ຂອງທ່ານໂດຍໃຊ້ອີເມລ ແລະ ໝາຍເລກຕິດຕາມຂອງທ່ານ ເພື່ອເບິ່ງຄຳຕອບຕົວຈິງຈາກ ASSIST ແລະ ດັດແກ້ ຄຳຮ້ອງທຸກທີ່ “ບໍ່ຄົບຖ້ວນຂອງທ່ານ

(a) ຖ້າທ່ານຢາກເຫັນການຕອບຮັບຢ່າງເຕັມທີ່ຈາກ CA, ທ່ານຕ້ອງເຂົ້າສູ່ລະບົບ dashboard ASSIST ຂອງທ່ານໂດຍໃຊ້ອີເມລ ແລະ ໝາຍເລກຕິດຕາມຂອງທ່ານທີ່ລະບຸໄວ້ໃນຂັ້ນຕອນທີ 11 (a) ແລະ (b) ຂ້າງເທິງ.

ສາມາດເບິ່ງພາບລວມເຕັມຕົວ ແລະ ຄົບຖ້ວນ ຂອງ dashboard ຂອງທ່ານນັ້ນໄດ້ຂ້າງລຸ່ມນີ້. ດັ່ງທີ່ທ່ານເຫັນ, ການດຳເນີນການຕ່າງໆ ລ້ວນແຕ່ໄດ້ຖືກບັນທຶກເພີ່ມເຂົ້າໄປໃນ 'ປະຫວັດ' ຂອງການດຳເນີນການຕ່າງໆ ຊຶ່ງສາມາດຊອກເຫັນດັ່ງທີ່ CA ໄດ້ລະບຸວ່າຄຳຮ້ອງທຸກຂອງທ່ານ “Incomplete - ບໍ່ຄົບຖ້ວນ”.



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Dear Ms. Sierra Riviera,

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

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

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

- (c) ຈົ່ງຄັດຕິດເອກະສານເພີ່ມເຕີມທີ່ CA ໄດ້ຮ້ອງຂໍ ແລະ ສົ່ງຄໍາຮ້ອງທຸກກັບຄືນໄປໃໝ່ໂດຍຜ່ານທາງ dashboard ຂອງ ທ່ານ ໝາຍເຖິງ ລະບຽບການ ຫຼື ມາດຕະການຕ່າງໆທີ່ກ່ຽວຂ້ອງກັບບັນຫານີ້ ແລະ ບົດສະຫຼຸບຫຍໍ້ທາງກົດໝາຍ



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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	Completed	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 12:18:02	New	ASEAN-based Enterprise	

[WITHDRAW COMPLAINT](#)

LAW FIRM

* Law Firm Name:

* Phone:

Website:

* Address

Denube Street No. 13
City P
Country X

255 characters remaining (DIB maximum)

* City

City P ZIP Code 12310

* Country

AMS-X

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

Country X

LAWYER

* Gender

☐ Mr ☒ Mrs ☐ Ms

* First Name

Serra * Last Name Riviera

* Phone

+36 7878137685

* Position

Senior Associate

* Email

aseanlawyrr@icloud.com

Address

Denube Street No. 13
City P
Country X

255 characters remaining (DIB maximum)

City

City P ZIP Code 12310

ASEAN Jurisdiction(s) where Admitted to Practice Law

AMS-X

COMPLAINT DESCRIPTION

* Confidential Case Code

ASSIST-X-001-2018

* Country of Legal Registration

AMS-X

* Legal Registration Number

137911

* Registration Proof

No file chosen

[Annex D-Simulated_Professional License of Ms. Serra Riviera.pdf](#)

* Type of Business

Export/Import

* Business Sector

Goods

* Services Sector Description

* Type of Problem Encountered

3.6.7 Internal taxes and charges levied on imports

* Destination Country

AMS-Y

* Description

We are a registered law firm in AMS-X filing a complaint under ASSIST on behalf of our client, a duly registered palm oil company in AMS-Y. 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 1008, Section 100 of 2015. The measure adopted by AMS-Y introduced taxes on foods high in sugar and saturated fat as part of a strategy for addressing the rising problem of obesity in AMS-Y.

We are of the view that AMS-Y's measure expressly targeted palm oil and not just the saturated fat component of palm oil and of products containing palm oil, thereby discriminating against AMS-X.

255 characters remaining (3100 maximum)

Attachment

Annex 2-Simulated Relegation of AMS-Y.pdf

Annex 3-Simulated Lg. RUSE & Pantonn.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

RECAPTCHA
Please Turn

(d) ໄດ້ຮັບການແຈ້ງການຈາກ ASSIST ກ່ຽວກັບການຍື່ນຄໍາຮ້ອງທາງທີ່ໄດ້ຮັບການແກ້ໄຂປັບປຸງໃໝ່ຂອງທ່ານ.



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Thank you for the submission of your complaint

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

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

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

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

by using your e-mail / tracking ID.

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

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ຂັ້ນຕອນ
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ຮັບແຈ້ງທາງອີເມລຈາກ ASSIST ກ່ຽວກັບການທົບທວນຄໍາຮ້ອງທຸກຂອງທ່ານ

ຈົ່ງໄປທີ່ບັນຊີອີເມລຂອງທ່ານແລະທ່ານກໍ່ຈະເຫັນອີເມລໃໝ່ຈາກ ASSIST ສົ່ງເຖິງທ່ານ. ອີເມລນີ້ຊີ້ໃຫ້ເຫັນວ່າ ຄໍາຮ້ອງທຸກທີ່ໄດ້ຮັບການແກ້ໄຂຂອງທ່ານນັ້ນແມ່ນໄດ້ຮັບແລ້ວ ແລະ ASSIST ຈະທົບທວນຄືນ ແລະ ຕອບກັບ ດ້ວຍຄໍາຕອບທີ່ຈະຊີ້ໃຫ້ເຫັນວ່າ ຄໍາຮ້ອງທຸກນັ້ນໄດ້ຖືກຍອມຮັບ, ຍັງບໍ່ຄົບຖ້ວນ ຫຼື ຖືກປະຕິເສດພາຍໃນ 10 ມື້ລັດຖະການ.



ASEAN Lawyer <aseanlawyer0@gmail.com>

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

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

Fri, Nov 2, 2018 at 4:52 PM



ASSIST
ASEAN Solutions for Investments, Services and Trade

Dear Ms Sierra 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 Size
 Phone : +36 1 7653572
 Website : www.arisepartners.com
 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
 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 7878137586
 Position : Senior Associate
 Email : aseanlawyer0@gmail.com
 Address : Dabube 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 likeable 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

ຖ້າວ່າ CA ຍັງບໍ່ດໍາເນີນການໃດໆໃນເວລານີ້, CA ກໍ່ຈະໄດ້ຮັບຄໍາເຕືອນທາງອີເມລແບບອັດຕະໂນມັດຜ່ານທາງອີເມລຈາກລະບົບອອນລາຍທີ່ລະບຸໄວ້ໃນຂັ້ນຕອນ 12 ຕາມຂ້າງເທິງນັ້ນ.

ຈົ່ງໝັ່ນກວດເບິ່ງອີເມລຂອງທ່ານພາຍໃນ 10 ມື້ລັດຖະການ ຫຼັງຈາກທ່ານໄດ້ຍື່ນຄໍາຮ້ອງທຸກແລ້ວ. ໃນທີ່ສຸດທ່ານກໍ່ຈະໄດ້ຮັບອີເມລໃໝ່ຈາກ ASSIST.

ຜູ້ດູແລະລະບົບທົບທວນຄໍາຮ້ອງທຸກ ທີ່ໄດ້ປັບປຸງໃໝ່ຂອງທ່ານ ແລະ ສົ່ງຄໍາຕອບໄປທາງອີເມລຂອງທ່ານ.

ຂັ້ນຕອນ
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ໃນເມື່ອ CA ໄດ້ທໍາການກວດສອບຄໍາຮ້ອງທຸກທີ່ຖືກປັບປຸງໃໝ່ຂອງທ່ານເປັນທີ່ຮຽບຮ້ອຍແລ້ວ, ກໍ່ຈະມີອີເມລຖືກສົ່ງໄປຫາທ່ານ.

ເຂົ້າໄປທີ່ບັນຊີອີເມລຂອງທ່ານແລະເປີດເບິ່ງອີເມລທີ່ມີລັກສະນະຄ້າຍໆຂ້າງລຸ່ມນີ້ຈາກ ASSIST.



ASEAN Lawyer <aseanlawyer@gmail.com>

[ASSIST] Your complaint #13120180921 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,

Your complaint ID No. 13120180921 has been accepted by ASSIST.

Dear Ms Sierra Riviera,

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

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 : +62 21 7262991
 Website : www.arise5oanners.com

ASEAN Enterprise / Trade Association / Law Firm : ARISE & Partners (type Law)
 Company size
 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 7878137686
 Position : Senior Associate
 Email : aseatlawyer@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

act Point or DCP) on palm oil and food products containing palm oil under its Ministry of Health's Food Regulation - ods high in sugar and saturated fat as part of a strategy for addressing the rising problem of obesity in AMS-Y. We are of 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

ອີເມລຂ້າງເທິງນີ້ສະແດງໃຫ້ເຫັນວ່າຄໍາຮ້ອງທຸກທີ່ໄດ້ປັບປຸງໃໝ່ຂອງທ່ານ ຖືກ CA ຍອມຮັບແລ້ວ. ຍັງຊຶ້ໃຫ້ເຫັນອີກວ່າ ຄໍາຮ້ອງທຸກຂອງທ່ານຈະຖືກສົ່ງໄປທີ່ຈຸດຕິດຕໍ່ປາຍທາງ, ຊຶ່ງແມ່ນອົງການຂອງລັດຖະບານ (ASSIST Focal Point) ໃນ AMS-Y ເປັນບ່ອນທີ່ທ່ານກໍາລັງປະເຊີນໜ້າກັບບັນຫາດ້ານການຄ້າ ແລະ ບ່ອນທີ່ຄໍາຮ້ອງທຸກຂອງທ່ານຖືກສົ່ງໄປຫາ ແລະ ພວມຫາທາງແກ້ໄຂບັນຫານັ້ນຢູ່. DCP ໃນ AMS-Y ຈະມີເວລາ 10 ມື້ເພື່ອດໍາເນີນການທົບທວນຄໍາຮ້ອງທຸກຂອງທ່ານ ແລະ ເພື່ອຍອມຮັບເອົາ, ປະຕິເສດ ຫຼື ສົ່ງຄືນໄປໃຫ້ທ່ານພ້ອມທັງສະເໜີຂໍ້ມູນເພີ່ມເຕີມຈາກທ່ານ. ອັນນີ້ມີຈຸດປະສົງເພື່ອສະແດງເຖິງຄວາມຕັ້ງໃຈທີ່ຈະໃຫ້ເວລາແກ່ DCP ສາມາດກວດກາເບິ່ງລາຍລະອຽດຂອງການຮ້ອງທຸກ, ແລະ ຂໍຄໍາປຶກສາຫາລືຕາມຄວາມຈຳເປັນກັບເຈົ້າໜ້າທີ່ແຫ່ງຊາດທີ່ກ່ຽວຂ້ອງ.

ຈຸດຕິດຕໍ່ຕົ້ນທາງ, ຊຶ່ງແມ່ນອົງການຂອງລັດຖະບານ (ASSIST Focal Point) ໃນ AMS-X (ກໍ່ຄືປະເທດບ້ານເກີດຂອງທ່ານ) ກໍ່ໄດ້ຮັບການແຈ້ງເຕືອນວ່າ ຄໍາຮ້ອງທຸກຂອງທ່ານໄດ້ຖືກຍື່ນໄປແລ້ວ.

ຂັ້ນຕອນ
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ຈົ່ງເຂົ້າສູ່ລະບົບ Dashboard ຂອງ ASSIST ຂອງທ່ານໂດຍໃຊ້ອີເມລ ແລະ ໝາຍເລກຕິດຕາມຂອງທ່ານ ເພື່ອເບິ່ງຄໍາຕອບຕົວຈິງຈາກຜູ້ດູແລລະບົບ

ຖ້າທ່ານຢາກເຫັນການຕອບຮັບຢ່າງເຕັມທີ່ຈາກ CA, ທ່ານຕ້ອງເຂົ້າສູ່ລະບົບ dashboard ASSIST ຂອງທ່ານໂດຍໃຊ້ອີເມລ ແລະ ໝາຍເລກຕິດຕາມຂອງທ່ານທີ່ລະບຸໄວ້ໃນຂັ້ນຕອນທີ 11 (a) ແລະ (b) ຂ້າງເທິງ.

ທ່ານສາມາດເບິ່ງພາບລວມທີ່ເຫັນໄດ້ເຕັມຕົວ ແລະ ຄົບຖ້ວນຂອງ dashboard ໄດ້ດັ່ງລຸ່ມນີ້. ດັ່ງທີ່ທ່ານເຫັນ, ການດໍາເນີນການຕ່າງໆລ້ວນແຕ່ຖືກບັນທຶກເພີ່ມເຂົ້າໄປໃນ 'ປະຫວັດ' ຂອງການດໍາເນີນການຕ່າງໆ ຊຶ່ງສາມາດຊອກເຫັນດັ່ງທີ່ໄດ້ລະບຸໄວ້ວ່າ CA ໄດ້ “Accepted - ຍອມຮັບ” ຄໍາຮ້ອງທຸກຂອງທ່ານໄປແລ້ວ.



ASSOCIATION
OF SOUTHEAST
ASIAN NATIONS

ASSIST

ASEAN Solutions for Investments, Services and Trade

WELCOME TO ASSIST

WHAT IS ASSIST?

MY COMPLAINT

LOGOUT

PROCESS

FAQ

CONTACT

DISCLAIMER

Tracking ID #18120181102 / AMS-Y

History			
Date	Action	Action By	Comments
02/11/2018 16:31:54	Completed	Central Administrator of ASSIST	Thank you for the completion or revision of your complaint. The Central Administrator has verified that the complaint is now complete, with the submission of the following documents: (i) AMS-Y's Ministry of Health's Regulation of 2015, Chapter 1000, Section 100, and (ii) Legal Brief on the Complaint. Thus, the Central Administrator finds that the nature of your complaint falls within the scope of ASSIST and that you have fulfilled all the necessary requirements to file a complaint under ASSIST.
02/11/2018 16:52:15	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)

ຈິງຄລິກທີ່ໂອກອນທີ່ເປັນຮູບແກ້ວຂະຫຍາຍໃນບ່ອນສະແດງຄຳເຫັນທີ່ເປັນຫ້ອງຍາວລົງມາ. ການຕອບຮັບອັນຄົບຖ້ວນຈາກ CA ກໍ່ຈະປາກົດຂຶ້ນ, ດັ່ງທີ່ໄດ້ສະແດງໃນພາບຂ້າງລຸ່ມນີ້:



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.

ດັ່ງທີ່ໄດ້ແຈ້ງໃຫ້ຊາບໃນຂັ້ນຕອນທີ 15 ໄປແລ້ວນັ້ນ, ເມື່ອຄໍາຮ້ອງທຸກໄດ້ຮັບການຍອມຮັບຈາກ CA, ຄໍາຮ້ອງທຸກກໍ່ຈະຖືກສົ່ງໄປທີ່ຈຸດຕິດຕໍ່ທາງປາຍທາງ (DCP) ໃນ AMS-Y ບ່ອນທີ່ທ່ານກໍາລັງປະເຊີນກັບບັນຫາດ້ານການຄ້າ. DCP ໃນ AMS-Y ຈະໄດ້ຮັບເວລາ 10 ວັນເພື່ອໃຊ້ໃນການເຮັດວຽກເພື່ອທົບທວນຄໍາຮ້ອງທຸກຂອງທ່ານແລະເພື່ອທີ່ຈະຍອມຮັບ, ປະຕິເສດຫຼືສົງຄົນກັບໄປໃຫ້ທ່ານ. ນີ້ແມ່ນມີຈຸດປະສົງທີ່ສະແດງເຖິງຄວາມຕັ້ງໃຈທີ່ຈະໃຫ້ເວລາແກ່ DCP ໄດ້ສາມາດກວດກາເບິ່ງລາຍລະອຽດຂອງການຮ້ອງທຸກ, ແລະຂໍຄໍາປຶກສາຫາລືຕາມຄວາມຈຳເປັນກັບເຈົ້າໜ້າທີ່ແຫ່ງຊາດທີ່ກ່ຽວຂ້ອງ. ເມື່ອ DCP ໃຫ້ຄໍາຕອບ, ອີເມລຈະຖືກສົ່ງມາຫາທ່ານຈາກ ASSIST ເພື່ອແຈ້ງໃຫ້ທ່ານຮູ້ວ່າຄໍາຮ້ອງທຸກຂອງທ່ານໄດ້ຖືກຍອມຮັບຫຼືປະຕິເສດໂດຍ DCP ໃນ AMS-Y.

ຈົ່ງໝັ້ນກວດເບິ່ງອີເມລຂອງທ່ານພາຍໃນ 10 ມື້ລັດຖະການ ຫຼັງຈາກທ່ານໄດ້ຍື່ນຄໍາຮ້ອງທຸກ. ໃນທີ່ສຸດທ່ານກໍ່ຈະໄດ້ຮັບອີເມລໃໝ່ຈາກ ASSIST.

ຂັ້ນຕອນ

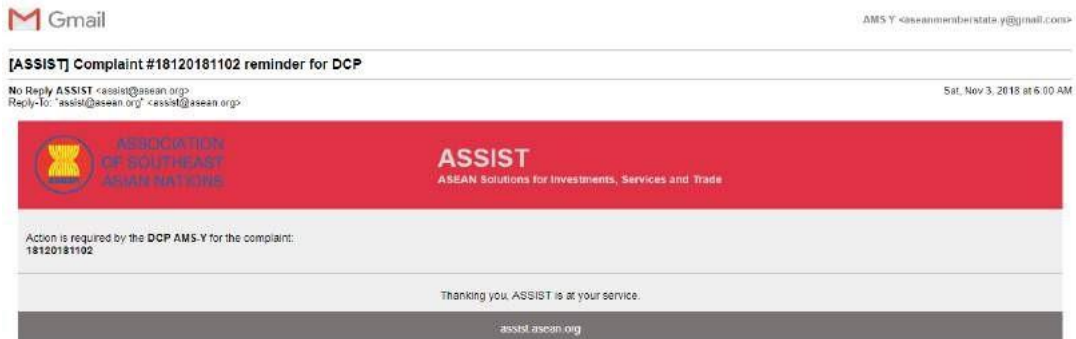
17

ຮັບບ່ອນແຈ້ງທາງອີເມລຈາກ ASSISTວ່າ ຄໍາຮ້ອງທຸກຂອງທ່ານຖືກຍອມຮັບ ຫຼື ຖືກປະຕິເສດ ໂດຍຈຸດຕິດຕໍ່ປາຍທາງທີ່ AMS-Y

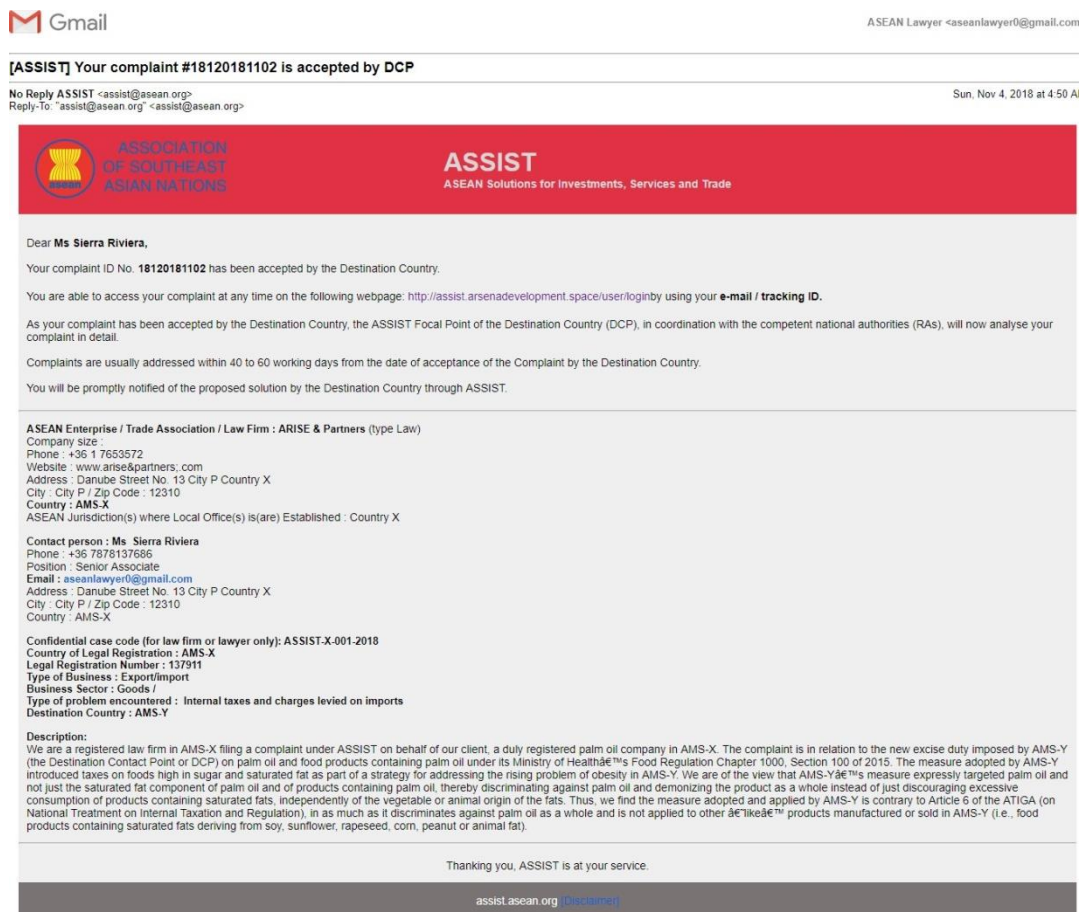
ພາຍໃນ 10 ມື້ລັດຖະການ ຫຼັງຈາກໄດ້ຮັບຄໍາຕອບຈາກ CA ວ່າຄໍາຮ້ອງທຸກຂອງທ່ານຖືກຍອມຮັບແລ້ວ, ທ່ານຈະໄດ້ຮັບອີເມລທີ່ແຈ້ງໃຫ້ທ່ານຊາບວ່າ ຄໍາຮ້ອງທຸກຂອງທ່ານຖືກຍອມຮັບ ຫຼື ຖືກປະຕິເສດໂດຍ DCP ໃນ AMS-Y ເປັນທີ່ຮຽບຮ້ອຍແລ້ວ.

ຖ້າວ່າ DCP ບໍ່ມີການດໍາເນີນການໃດໆ ໃນຊ່ວງນີ້, DCP ຈະໄດ້ຮັບຄໍາເຕືອນແບບອັດຕະໂນມັດດັ່ງທີ່ສະແດງຂ້າງລຸ່ມນີ້ ຜ່ານທາງອີເມລຈາກລະບົບ online ຂອງ ASSIST ພາຍໃນ 7 ມື້ ຕາມມື້ປະຕິທິນ ຫຼັງຈາກໄດ້ຍື່ນການຮ້ອງທຸກແລ້ວ. ດັ່ງນັ້ນ, ຕາມທີ່ໄດ້ລະບຸໄວ້ຂ້າງເທິງນັ້ນ, DCP ຈະຕ້ອງຕັດສິນໃຈພາຍໃນ 10 ມື້ລັດຖະການວ່າຈະຍອມຮັບເອົາ ຫຼື ປະຕິເສດຄໍາຮ້ອງທຸກນັ້ນ ນັບຕັ້ງແຕ່ມື້ທີ່ CA ໄດ້ຮັບຄໍາຮ້ອງທຸກແລ້ວ.

ອີເມລເກືອນເທື່ອທີ 1 ສໍາລັບຈຸດຕິດຕໍ່ປາຍທາງ:



ຈຶ່ງໝັ້ນກວດເບິ່ງອີເມລຂອງທ່ານພາຍໃນ 10 ມື້ລັດຖະການຫຼັງຈາກທ່ານໄດ້ຍື່ນຄໍາຮ້ອງທຸກ. ໃນທີ່ສຸດທ່ານກໍ່ຈະໄດ້ຮັບອີເມລໃໝ່ຈາກ ASSIST



ໃນກໍລະນີນີ້, ຄໍາຮ້ອງທຸກຖືກຍອມຮັບເອົາແລ້ວຈາກ DCP ແລ້ວ ດັ່ງທີ່ເຫັນໄດ້ຂ້າງເທິງ.

ຖ້າທ່ານບໍ່ໄດ້ຮັບອີເມລຈາກ ASSIST ກ່ຽວກັບການຕອບຮັບໂດຍ DCP ພາຍໃນກໍານົດເວລາທີ່ກໍານົດໄວ້ (10 ມື້ລັດຖະການ) ຫຼັງຈາກຄໍາຮ້ອງທຸກໄດ້ຮັບການຍອມຮັບຈາກ CA, ນັ້ນກໍ່ໝາຍຄວາມວ່າ DCP ມີການດໍາເນີນການທີ່ເກີນຂອບເຂດຊຶ່ງ DCP ຈະໄດ້ຮັບຄໍາເຕືອນແບບອັດຕະໂນມັດອີກເທື່ອໜຶ່ງຜ່ານອີເມລ (ພາຍໃນ 14 ມື້ຕາມມື້ປະຕິທິນຫຼັງຈາກການຮ້ອງທຸກໄດ້ຖືກຍື່ນໄປແລ້ວ) ຊຶ່ງເປັນການດໍາເນີນການທີ່ເລັ່ງດ່ວນທີ່ DCP ໄດ້ຮ້ອງຂໍສໍາລັບການຮ້ອງທຸກນີ້.



ອີເມວເດືອນເທື່ອທີ 2 ສໍາລັບຈຸດຕິດຕໍ່ປາຍທາງ

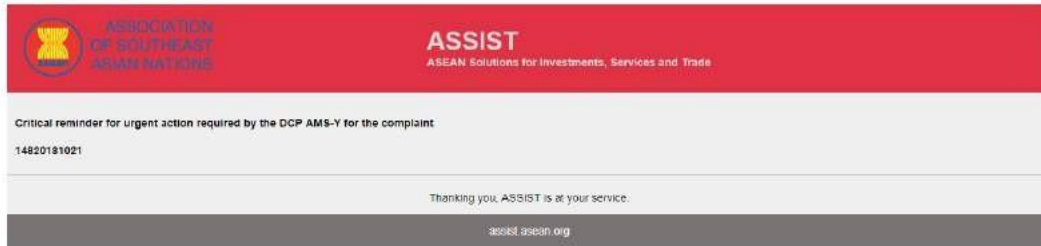


AMS-Y <aseanments@state.y@gmail.com>

[ASSIST] Critical DCP reminder for the #14820181021 complaint

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

Fri, Oct 26, 2018 at 5:00 AM



ເມື່ອ DCP ຍອມຮັບຄໍາຮ້ອງທຸກແລ້ວ, ເລື່ອງດັ່ງກ່າວຈະຖືກສົ່ງຕໍ່ເຈົ້າໜ້າທີ່ຮັບຜິດຊອບ (RAs) ເພື່ອຂໍຄວາມເຫັນ. ເມື່ອ RAs ໄດ້ດໍາເນີນການຕາມຄວາມພະຍາຍາມຂອງພວກເຂົາແລ້ວ, DCP ຄວນກວດກາວິທີແກ້ໄຂ ແລະ ສົ່ງໃຫ້ແກ່ CA ພາຍໃນກໍານົດເວລາ 40 ມື້ລັດຖະການ. ດັ່ງນັ້ນ, ເພື່ອໃຫ້ສາມາດເຮັດໃຫ້ໄດ້ພາຍໃນກໍານົດການນີ້, DCP ຄວນມີກໍານົດໃຫ້ RAs ເພື່ອຊອກຫາວິທີແກ້ໄຂ. ເປັນຄວາມຮັບຜິດຊອບຂອງ DCP ເພື່ອແຈ້ງໃຫ້ CA ໄດ້ຮັບຊາບ ກ່ຽວກັບທຸກການປ່ຽນແປງທີ່ກ່ຽວຂ້ອງກັບໄລຍະເວລາລະຫວ່າງພວກເຂົາ ແລະ ເຈົ້າໜ້າທີ່ແຫ່ງຊາດ.

CA ອາດຈະຕໍ່ກໍານົດເວລາອອກໄປອີກ 20 ມື້ລັດຖະການຕາມການຮ້ອງຂໍຂອງ DCP. ທາງລະບົບຈະແຈ້ງໃຫ້ຊາບໂດຍອັດຕະໂນມັດເມື່ອເວລາກໍານົດໄດ້ຫຍັບໃກ້ເຂົ້າມາ (ເຊັ່ນ: ໂດຍປົກກະຕິແລ້ວກໍ່ຈະແມ່ນ 10 ມື້ຕາມມື້ປະຕິທິນກ່ອນຈະໝົດກໍານົດ). ຖ້າວ່າ DCP ດໍາເນີນການຂອງຕົນໃນການສົ່ງວິທີແກ້ໄຂຕໍ່ CA ນັ້ນບໍ່ທັນ, ລະບົບ online ກໍ່ຈະແຈ້ງ CA ໃຫ້ໄດ້ຮັບຊາບ ເພື່ອໄປຕິດຕາມກັບ DCP.

ຈຶ່ງໝັ້ນກວດເບິ່ງອີເມລຂອງຕົນເປັນປະຈຳພາຍໃນ 40 + 20 ມື້ລັດຖະການ ຫຼັງຈາກທີ່ທ່ານໄດ້ຮັບແຈ້ງວ່າ DCP ໄດ້ຍອມຮັບຄໍາຮ້ອງທຸກຂອງທ່ານແລ້ວ. ໃນທີ່ສຸດທ່ານຈະໄດ້ຮັບອີເມລອັນໃໝ່ຈາກ ASSIST ທີ່ຊີ້ບອກເຖິງການແກ້ໄຂບັນຫາທີ່ສະເໜີໂດຍ DCP.

ຂັ້ນຕອນ

18

ຮັບແຈ້ງທາງອີເມລຈາກ ASSIST ວ່າ AMS-Y ໄດ້ສະເໜີວິທີແກ້ໄຂບັນຫາ ແລະ ຜູ້ດູແລລະບົບຍອມຮັບເອົາແລ້ວ

ຫຼັງຈາກ DCP (AMS-Y) ໄດ້ຮັບເອົາວິທີແກ້ໄຂບັນຫາທີ່ RA(s) ຂອງຕົນໄດ້ສະເໜີ ແລະ ພິຈາລະນາວ່າ ຂໍສະເໜີດັ່ງກ່າວແນໃສ່ປະເດັນທີ່ໄດ້ຍົກຂຶ້ນໃນຄໍາຮ້ອງທຸກ, DCPກໍ່ຈະສົ່ງວິທີແກ້ໄຂທີ່ໄດ້ສະເໜີໄປໃຫ້ CA.

CA ຈະ: (i) ທົບທວນວິທີແກ້ໄຂໃນແງຂອງການຮ້ອງທຸກອັນດັ່ງເດີມ; (ii) ລົງທະບຽນວິທີແກ້ໄຂ ແລະ ສົ່ງໃຫ້ AE ທາງອີເມລ; ແລະ (iii) ຄັດລອກວິທີແກ້ໄຂບັນຫາ ສົ່ງໃຫ້ທາງຈຸດຕິດຕໍ່ທາງຕົ້ນທາງໃນ AMS-X (ກໍ່ຄືປະເທດບ້ານເກີດຂອງທ່ານ).

(a) ຈຶ່ງໄປທີ່ບັນຊີອີເມລຂອງທ່ານ. ທ່ານຈະໄດ້ຮັບອີເມລໃໝ່ຈາກ ASSIST ທີ່ສະແດງການຕອບຮັບຕໍ່ຄໍາຮ້ອງທຸກຂອງທ່ານຈາກ 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



ASSOCIATION
OF SOUTHEAST
ASIAN NATIONS

ASSIST

ASEAN Solutions for Investments, Services and Trade

Dear Ms Sierra Riviera,

The response for your complaint 18120181102 is ready.

"Upon internal discussions between the DCP and the 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 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 : +36 1 7553572
Website : www.arise4partners.com
Address : Danube Street No. 13 City P Country X
City : City P / Zip Code : 12310
Country : AMS-X
ASEAN Jurisdiction(s) where Local Office(s) is(are) Established : Country X

Contact person : Ms. Sierra Riviera
Phone : +36 7878137686
Position : Senior Associate
Email : aseanlawyer@gmail.com
Address : Danube Street No. 13 City P Country X
City : City P / Zip Code : 12310
Country : AMS-X

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

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

Thanking you, ASSIST is at your service.

assist.asean.org

(b) ຈຶ່ງເຂົ້າລະບົບ dashboard ຂອງ ASSIST ຂອງທ່ານໂດຍໃຊ້ອີເມລ ແລະ ໝາຍເລກຕິດຕາມຂອງທ່ານ ຕາມທີ່ລະບຸໄວ້ໃນຂັ້ນຕອນທີ 7 (a) ແລະ (b) ຂ້າງເທິງນັ້ນ. ພາບລວມແບບທີ່ເຫັນໄດ້ເຕັມຕົວ ແລະ ຄົບຖ້ວນຂອງ dashboard ຂອງທ່ານນັ້ນສາມາດເບິ່ງໄດ້ຂ້າງລຸ່ມນີ້. ດັ່ງທີ່ທ່ານເຫັນ, ການດຳເນີນການອື່ນໆລ້ວນແຕ່ໄດ້ຖືກບັນທຶກເພີ່ມເຂົ້າໄປໃນ 'ປະຫວັດ' ຂອງການດຳເນີນການຕ່າງໆ ຂອງທ່ານທີ່ຊື່ໃຫ້ເຫັນວ່າມີການສະເໜີວິທີແກ້ໄຂຄຳຮ້ອງທຸກຂອງທ່ານ. ວິທີການແກ້ໄຂບັນຫາ/ການຕອບຮັບຂອງ ASSIST ທີ່ມາຈາກ DCP, ຊຶ່ງ CA ໄດ້ໃຫ້ການຍອມຮັບນັ້ນ ກໍ່ສະແດງໄວ້ໃຫ້ທ່ານເບິ່ງຢູ່ໃນວັກທີ່ໜຶ່ງໃນ dashboard ຂອງທ່ານ.



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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 effect or objective, being justified in science and in light of its health protection purpose and applying to all 'like' products containing saturated fats.

Attachment

History

Date	Action	Action By	Comments
04/11/2018 05:21:40	Solution	Central Administrator of ASSIST	Upon internal discussions between the DCP and the RAs, it emerges that, indeed, the measure adopted by AMS-Y, imposing increased excise duties to a range of foods high in sugar and saturated fat, is aimed at discouraging excessive consumption of substances considered dangerous under AMS-Y's strategy for addressing the rising problem of obesity among its citizens. This is in line with similar actions taken by several countries around the world and with the World Health Organization's Global Action...
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 16:18:12	Completed	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	None	ASEAN-based Enterprise	

ASEAN ENTERPRISE

ASEAN Enterprise Name	ARISE & Partners		
Company Size		Address	Danube Street No. 13 City P. Country X
Phone	+36 1 7653672	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 7678137886	ZIP Code	12310
Position	Senior Associate	Country	AMS-X
Email	seanrivierariviera@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 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-Y.pdf Annex 3 Simulated Legal Brief-ARISE Partners1.pdf		

Central Administrator of ASSIST / ASEAN Secretariat - 7BA JI. Setiabudi - Jakarta 12110 - Indonesia
ASSIST - Supported by ARISE - (Disclaimer)

ຂ້າງລຸ່ມນີ້ແມ່ນການແກ້ໄຂທີ່ສະເໜີມາຈາກ DCP:

"ພາຍຫຼັງໄດ້ສືບທອນການພາຍໃນລະຫວ່າງ DCP ແລະ Ras ແລ້ວ, ປະກົດວ່າ ແທ້ຈິງແລ້ວ, ມາດຕະການທີ່ AMS-Y ໄດ້ຮັບຮອງເອົາ ຊຶ່ງໄດ້ຍົກເວັ້ນການຂຶ້ນພາສີໃຫ້ກັບອາຫານທີ່ມີລະດັບນ້ຳຕານ ແລະ ໄຂມັນອີ່ມຕົວສູງ, ໂດຍແນໃສ່ເພື່ອສະກັດກັ້ນການບໍລິໂພກສານອາຫານທີ່ເຫັນວ່າເປັນອັນຕະລາຍຫຼາຍເກີນໄປ ຊຶ່ງຢູ່ພາຍໃຕ້ກົນລະຍຸດຂອງ AMS-Y ສໍາລັບການແກ້ໄຂບັນຫາທີ່ເພີ່ມຂຶ້ນຂອງໂຮກອ້ອມໃນບັນດາພື້ນລະເມືອງຂອງປະເທດຕົນເອງ. ອັນນີ້ກໍ່ແມ່ນສອດຄ່ອງກັນກັບການດໍາເນີນການທີ່ຄ້າຍຄືກັນຂອງຫຼາຍປະເທດໃນທົ່ວໂລກ ແລະ ດ້ວຍແຜນປະຕິບັດງານທົ່ວໂລກຂອງອົງການອະນາໄມໂລກເພື່ອປ້ອງກັນ ແລະ ຄວບຄຸມພະຍາດທີ່ບໍ່ສາມາດຕິດຕໍ່ກັນໃນຊ່ວງປີ 2013-2020 ເຊັ່ນ: ພະຍາດເບົາຫວານ ແລະ ພາວະອ້ອມ.

ເຖິງຢ່າງໃດກໍ່ຕາມ, AMS-Y ກໍ່ຮັບຮູ້ວ່າມາດຕະການດັ່ງກ່າວໄດ້ເນັ້ນໃສ່ຜະລິດຕະພັນສິນຄ້າບາງຢ່າງ (ຕົວຢ່າງ: ນໍ້າມັນປາມ) ແລະ ບໍ່ໄດ້ວາງເປົ້າໝາຍໃຫ້ມີລັກສະນະເປັນກາງ, ສານຕ່າງໆ (ເຊັ່ນ: ໄຂມັນອີ່ມຕົວ) ທີ່ລັດຖະບານຖືວ່າເປັນອັນຕະລາຍ (ຖ້າບໍລິໂພກຫຼາຍເກີນໄປ) ໃນມຸມມອງຂອງນະໂຍບາຍດ້ານອາຫານ ແລະ ສຸຂະພາບ.

ດັ່ງນັ້ນ, DCP ໂດຍໄດ້ປະສານສົມທົບກັບ AMS-Y's RA, ໄດ້ສະເໜີໃຫ້ໂຈະມາດຕະການທີ່ມີຢູ່ໃນລະບຽບການອາຫານຂອງ ກະຊວງສາທາລະນະສຸກ ປີ 2015, ໝວດ 1000, ວັກ 100, ໃຫ້ລໍຖ້າການດັດແກ້ຂອງຕົນ ເພື່ອລົບລ້າງການອ້າງອີງຕ່າງໆທີ່ໄດ້ ສະແດງອອກຕໍ່ຜະລິດຕະພັນ ແລະ ການນໍາໃຊ້ກັບຜະລິດຕະພັນທີ່ມີໄຂມັນອີ່ມຕົວ, ໂດຍບໍ່ສົນໃຈວ່ານໍ້າມັນເຫຼົ່ານັ້ນມາຈາກຜັກ ຫຼື ສັດ. AMS-Y ໄດ້ເນັ້ນໜັກໃຫ້ເຫັນວ່າ ມາດຕະການຂອງພວກເຂົາບໍ່ເຄີຍມີຈຸດປະສົງ ເພື່ອໃຫ້ເກີດຜົນກະທົບທີ່ມີການແບ່ງແຍກ ກົດກັນໃດໆ, ມີແຕ່ເຮັດໃຫ້ຖືກຕ້ອງຕາມຫຼັກການທາງວິທະຍາສາດ ແລະ ໃນຈຸດປະສົງເພື່ອການຮັກສາສຸຂະພາບ ແລະ ນໍາໃຊ້ກັບ ຜະລິດຕະພັນທີ່ມີສານທີ່ມີຄວາມຄ້າຍຄືກັບໄຂມັນອີ່ມຕົວ” .

(c) ຂ້າງລຸ່ມຂອງອີເມລຈາກ ASSIST ໃນ ຂໍ້ 18 (a) ຂ້າງເທິງນັ້ນ, ໄດ້ຮຽກຮ້ອງໃຫ້ທ່ານລະບຸວ່າ ທ່ານພໍໃຈ ຫຼື ບໍ່ພໍໃຈ ກັບຄໍາຕອບທີ່ DCPໄດ້ໃຫ້ໄວ້ ແລະ ວິທີແກ້ໄຂບັນຫາທີ່ມີຢູ່ໃນນັ້ນ. ທ່ານສາມາດລະບຸໄດ້ໂດຍການເລືອກເອົາ 'Yes' - ແມ່ນ' ຫຼື 'No' - ບໍ່ແມ່ນ' ໃນຊ່ອງປ້ອນຂໍ້ມູນທີ່ມີໃຫ້ໄວ້.

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

ໃນກໍລະນີນີ້, AE ເລືອກ “ Yes-ແມ່ນ” .

ຂັ້ນຕອນ

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ໃຫ້ຄໍາຄິດເຫັນຂອງທ່ານຕໍ່ກັບການແກ້ໄຂທີ່ AmS-y ໄດ້ສະເໜີ ໃນການສໍາຫຼວດຄວາມເພິ່ງພໍໃຈ ແລະ ໄດ້ຮັບອີເມລການຮັບຮູ້ຈາກ ASSIST

ເມື່ອທ່ານໄດ້ເລືອກ "Yes'-ແມ່ນ/'No'-ບໍ່ແມ່ນ' ໃນຂັ້ນຕອນທີ 18 (c) ຂ້າງເທິງແລ້ວ, ທ່ານຈະຖືກນໍາໄປຫາໜ້າເວັບລຸ່ມນີ້ບ່ອນ ທີ່ທ່ານຈະຖືກຮ້ອງຂໍໃຫ້ຕອບແບບຟອມການສໍາຫຼວດຄວາມເພິ່ງພໍໃຈ ແລະ ຖືກເຊີນໃຫ້ອອກຄໍາເຫັນ,ໂດຍສະເພາະຖ້າທ່ານບໍ່ ພໍໃຈກັບຂໍ້ສະເໜີການແກ້ໄຂດັ່ງກ່າວ.

(a) ຈົ່ງຕື່ມຂໍ້ມູນໃນຟອມການສໍາຫຼວດຄວາມເພິ່ງພໍໃຈ. ໃນກໍລະນີນີ້, ບໍລິສັດກົດໝາຍ/ທະນາຍຄວາມຂອງອາຊຽນມີ ຄວາມເພິ່ງພໍໃຈຕໍ່ການແກ້ໄຂບັນຫາທີ່ ASSIST ໄດ້ສະໜອງໃຫ້ ແລະເພາະສະນັ້ນຈຶ່ງໄດ້ສະແດງອອກມາຕາມນັ້ນ.



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Satisfaction survey

Please comment your response for our feedback.

Your answer

Comments

Satisfied with the solution

1

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

I'm not a robot

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- (b) ຈົ່ງໄປທີ່ບັນຊີອີເມລຂອງທ່ານ. ທ່ານຈະໄດ້ຮັບໜຶ່ງ ຫຼື ສອງອີເມລໃໝ່ຈາກ ASSIST (ຖ້າທ່ານໄດ້ຕື່ມຂໍ້ມູນໃນແບບຟອມການສຳຫຼວດຄວາມເພິ່ງພໍໃຈແລ້ວ), ຊຶ່ງເປັນການຮັບຮູ້ການຮັບເອົາຄໍາຕອບຂອງທ່ານຕໍ່ກັບການແກ້ໄຂທີ່ AMS-Y ໄດ້ສະເໜີ. ນອກນັ້ນ, ສາເນົາຄໍາຕອບຂອງທ່ານກໍ່ຍັງຈະຖືກສົ່ງໄປໃຫ້ DCP ແລະ HCP ນຳດ້ວຍ.

ອີເມລຈາກ ASSIST ສະບັບທໍາອິດທີ່ສະແດງການຮັບຮູ້



ASEAN Lawyer <aseanlawyer0@gmail.com>

[ASSIST][#18120181102] Thank you for answer

No Reply ASSIST <assist@asean.org>

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

Sun, Nov 4, 2018 at 5:35 AM



ອີເມລຈາກ ASSIST ສະບັບທີສອງທີ່ສະແດງການຮັບຮູ້

ຖ້າທ່ານໃຫ້ຄໍາເຫັນກ່ຽວກັບການສຳຫຼວດຄວາມເພິ່ງພໍໃຈ, ທ່ານກໍ່ຈະໄດ້ຮັບອີເມລທີສອງຂ້າງລຸ່ມນີ້, ທີ່ໄດ້ສະແດງການຮັບຮູ້ການໄດ້ຮັບຄໍາຕອບຂອງທ່ານຕໍ່ກັບການແກ້ໄຂບັນຫາທີ່ໄດ້ສະເໜີໄວ້ທີ່ຈະຖືກສົ່ງໂດຍ ASSIST ໃຫ້ແກ່ທ່ານ, DCP ແລະ HCP.



ASEAN Lawyer <aseanlawyer0@gmail.com>

[ASSIST][#18120181102] Thank you for answer

No Reply ASSIST <assist@asean.org>

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

Sun, Nov 4, 2018 at 5:35 AM



- (c) ຈຶ່ງເຂົ້າສູ່ລະບົບ dashboard ASSIST ຂອງທ່ານໂດຍໃຊ້ອີເມລ ແລະ ໝາຍເລກຕິດຕາມຂອງທ່ານທີ່ລະບຸໄວ້ໃນຂັ້ນຕອນທີ 11 (a) ແລະ (b) ຂ້າງເທິງ. ພາບລວມແບບທີ່ເຫັນໄດ້ເຕັມຕົວ ແລະ ຄົບຖ້ວນ ຂອງ dashboard ຂອງທ່ານນັ້ນສາມາດເບິ່ງໄດ້ຂ້າງລຸ່ມນີ້. ດັ່ງທີ່ທ່ານເຫັນ, ການດຳເນີນການຕ່າງໆ ລ້ວນແຕ່ຖືກບັນທຶກເພີ່ມເຂົ້າໄປໃນ 'ປະຫວັດ' ຂອງການດຳເນີນການຕ່າງໆ ຊຶ່ງສາມາດຫາເຫັນການທີ່ໄດ້ລະບຸໄວ້ວ່າ ທ່ານໄດ້ລະບຸຄວາມເພິ່ງພໍໃຈຕໍ່ການທີ່ ASSIST ໄດ້ສະເໜີ ວິທີແກ້ໄຂບັນຫາໃຫ້.



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

CONTACT PERSON

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

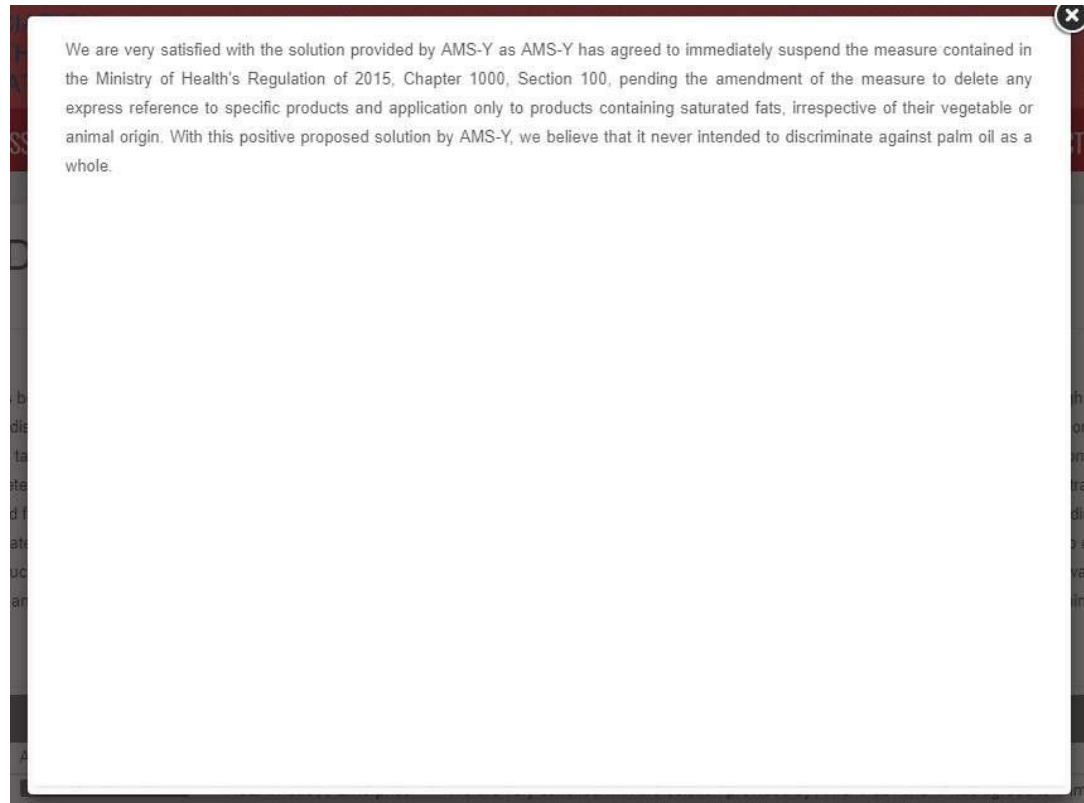
COMPLAINT DESCRIPTION

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

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- (d) ຖ້າທ່ານຢາກເຫັນຄຳເຫັນທີ່ທ່ານໄດ້ສະເໜີໄວ້ໃນການສຳຫຼວດຄວາມເພິ່ງພໍໃຈນັ້ນ, ຈຶ່ງຄລິກທີ່ໂອຄອນທີ່ເປັນຮູບ 'ແກ້ວຂະຫຍາຍ' ແລະ ໜ້າຈໍເວັບດ້ານລຸ່ມຈະປາກົດຂຶ້ນ.



ກ່ຽວກັບການແຈ້ງການວ່າວິທີການສະເໜີຕໍ່ AE ນັ້ນໄດ້ຖືກຍອມຮັບເປັນທີ່ພໍໃຈຂອງບໍລິສັດກົດໝາຍ/ທະນາຍຄວາມຂອງອາຊຽນ, DCP ຄວນໃຫ້ມີການແຈ້ງການກ່ຽວກັບການຍອມຮັບຕໍ່ RA(s), ເພື່ອຮັບປະກັນວ່າການຈັດການດ້ານການບໍລິຫານທີ່ຈຳເປັນເພື່ອຈັດຕັ້ງປະຕິບັດວິທີແກ້ໄຂໃນທັນທີຍັງໄວຍິ່ງດີ.

ASSIST ຈະພິຈາລະນາຂັ້ນຕອນນີ້ວ່າເປັນໜຶ່ງຂັ້ນຕອນໃນຄຳຮ້ອງທຸກທີ່ຖືກຍອມຮັບແລະວິທີການແກ້ໄຂໄດ້ຖືກແນະນາໂດຍ DCP ແລະ ເປັນທີ່ຍອມຮັບໂດຍທະນາຍຄວາມ/ບໍລິສັດກົດໝາຍຂອງອາຊຽນ.

ຈຶ່ງຮັບຮູ້ວ່າ ໄລຍະເວລາສຳລັບການແກ້ໄຂບັນຫາຂ້າມແດນທີ່ນຳມາພາຍໃຕ້ຂອບເຂດຂອງ ASSIST ຈະຕ້ອງບໍ່ກາຍ 40 ມື້ລັດຖະການ ຫຼື 2 ເດືອນຕາມມື້ປະຕິທິນ (ເວັ້ນເສຍແຕ່ວ່າຈະມີການຕໍ່ກຳນົດເວລາສູງສຸດ 20 ມື້ລັດຖະການ) ຈາກວັນທີ່ຄຳຮ້ອງທຸກທີ່ DCP ໄດ້ຍອມຮັບເອົາ (ໝາຍເຖິງປະເທດສະມາຊິກອາຊຽນທີ່ໄດ້ມີປະຕິກິລິຍາຕໍ່ກັບຄຳຮ້ອງທຸກທີ່ຖືກຍື່ນໄປ).

ASSIST

ການສອນເພີ່ມແບບເທື່ອລະກ້າວຂອງກໍລະນີສຶກສາ 4 (ການຄ້າດ້ານການບໍລິການ)

ຮູບພາບໂດຍ : Rio Lecatompessy on Unsplash

ຄໍາຮ້ອງທຸກທີ່ຍື່ນໂດຍວິສາຫະກິດອາຊຽນ, ໄດ້ຮັບການຍອມຮັບຈາກຜູ້ດູແລລະບົບ ແລະ ຈຸດຕິດຕໍ່ຈຸປາຍທາງ ແລະ ການແກ້ໄຂທີ່ສະເໜີໂດຍຈຸດຕິດຕໍ່ປາຍທາງ ແລະ ໄດ້ຮັບການຍອມຮັບຈາກວິສາຫະກິດອາຊຽນ.

ລາຍລະອຽດໂດຍຫຍໍ້ກ່ຽວກັບກໍລະນີ: ສະຖານະການນີ້ແມ່ນກໍລະນີທີ່ ເຍາະເຍີ້ຍ ຫຼື ທ້າທາຍທີ່ຖືກສ້າງຂຶ້ນເພື່ອສະທ້ອນໃຫ້ເຫັນຮູບແບບທີ 1 ຫຼື ທີ່ເອີ້ນວ່າ ການບໍລິການຂ້າມເຂດແດນ) ຂອງການຄ້າການ ບໍລິການລະຫວ່າງປະເທດ, ຊຶ່ງໄດ້ກຳນົດໄວ້ໃນສັນຍາຂອບເຂດການ ບໍລິການ (AFAS) ແລະ ຂໍ້ຕົກລົງທົ່ວໄປກ່ຽວກັບການຄ້າການ ບໍລິການ (GATS), ຊຶ່ງເປັນການໃຫ້ການບໍລິການຈາກອານາເຂດ ຂອງປະເທດໜຶ່ງເຂົ້າໄປໃນອານາເຂດຂອງປະເທດອື່ນ ຫຼື ເວົ້າອີກຢ່າງ ໜຶ່ງວ່າ ແມ່ນ ທຸກກໍລະນີການຄ້າການບໍລິການເຄື່ອນຍ້າຍຂ້າມແດນ. ສະຖານະການນີ້ແມ່ນຄໍາຮ້ອງທຸກທີ່ໄດ້ຮັບການຍອມຮັບຈາກຜູ້ດູແລ ລະບົບຂອງ ASSIST ວ່າມີການຍື່ນຄໍາຮ້ອງທຸກຢ່າງຖືກຕ້ອງໂດຍຜູ້ ຮ້ອງທຸກ (ໝາຍຄວາມວ່າໄດ້ຍື່ນໃຫ້ຢ່າງຄົບຖ້ວນ ແລະ ຢູ່ໃນຂອບ ເຂດຂອງ ASSIST) ແລະ ຍັງໄດ້ຮັບການຍອມຮັບຈາກປະເທດ ປາຍທາງ ຊຶ່ງເປັນປະເທດທີ່ບັນດາປະເທດສະມາຊິກອາຊຽນມີຄວາມ

ທີ່ຈະພົວພັນປະສານກັບຜູ້ຮ້ອງທຸກຜ່ານ ASSIST, ກໍ່ຄືພົວພັນກັບຜູ້ທີ່ ກ່ຽວຂ້ອງພາຍໃນປະເທດ. ຄໍາຮ້ອງທຸກແມ່ນມີຄວາມກ່ຽວຂ້ອງກັບກົດໝາຍ ຂົນສົ່ງສະບັບໃໝ່ ທີ່ໄດ້ອອກໂດຍປະເທດປາຍທາງ ຄືກະຊວງການຄ້າສະບັບ ເລກທີ 13 ປີ 2018 ໂດຍກຳນົດວ່າ ສິນຄ້າບາງຊະນິດສາມາດຂົນສົ່ງເພື່ອນຳ ເຂົ້າ ຫຼື ສົ່ງອອກໂດຍບໍລິສັດຂົນສົ່ງທາງທະເລແຫ່ງຊາດເທົ່ານັ້ນ. ສິນຄ້າ 4 ຊະນິດ (ເຊັ່ນ: ເຫຼັກ, ອາລູມິນຽມ, ຢາງພາລາ ແລະ ຝ້າຍ) ແມ່ນໜຶ່ງໃນບັນດາ ສິນຄ້າທີ່ມີລາຍຊື່ທີ່ໄດ້ລະບຸໄວ້ໃນກົດໝາຍວ່າດ້ວຍຂົນສົ່ງສະບັບໃໝ່ນີ້. ແມ່ນອນວ່າ ກົດໝາຍສະບັບໃໝ່ນີ້ ຈະເຮັດໃຫ້ເກີດມີການສູນເສຍດ້ານການ ເງິນສຳລັບທຸລະກິດຂອງຜູ້ຮ້ອງທຸກ ແລະ ປ້ອງກັນບໍ່ໃຫ້ມີການບໍລິການຂົນສົ່ງ ທາງທະເລລະ ຫວ່າງປະເທດຕົ້ນທາງ ແລະ ປະເທດປາຍທາງເກີດຂຶ້ນໄດ້. ຜູ້ ຮ້ອງທຸກມີຄວາມວິຕົກກັງວົນເປັນຢ່າງຍິ່ງ ແລະ ເຊື່ອວ່າການສ້າງນິຕິບັນຍັດນີ້ ແມ່ນຂັດແຍ່ງກັບການຄ້າເສລີ, ທັງຕໍ່ກັບຈິດໃຈຂອງປະຊາຄົມເສດຖະກິດ ອາຊຽນ (AEC) ແລະ ອາດເປັນໄປໄດ້ອີກວ່າ, ຂັດຕໍ່ຄວາມມຸ່ງໝັ້ນ ແລະ ພັນທະສະເພາະຂອງປະເທດປາຍທາງທີ່ຢູ່ພາຍໃຕ້ສັນຍາເສດຖະກິດອາຊຽນ ທັງຫຼາຍທີ່ກ່ຽວຂ້ອງ (ເຊັ່ນ: ກອບສັນຍາອາຊຽນກ່ຽວກັບການບໍລິການ, ຫຼື AFAS ນັ້ນເອງ).

ລາຍຊື່ຜູ້ດຳເນີນການຫລັກແລະຕົວຫຍໍ້:

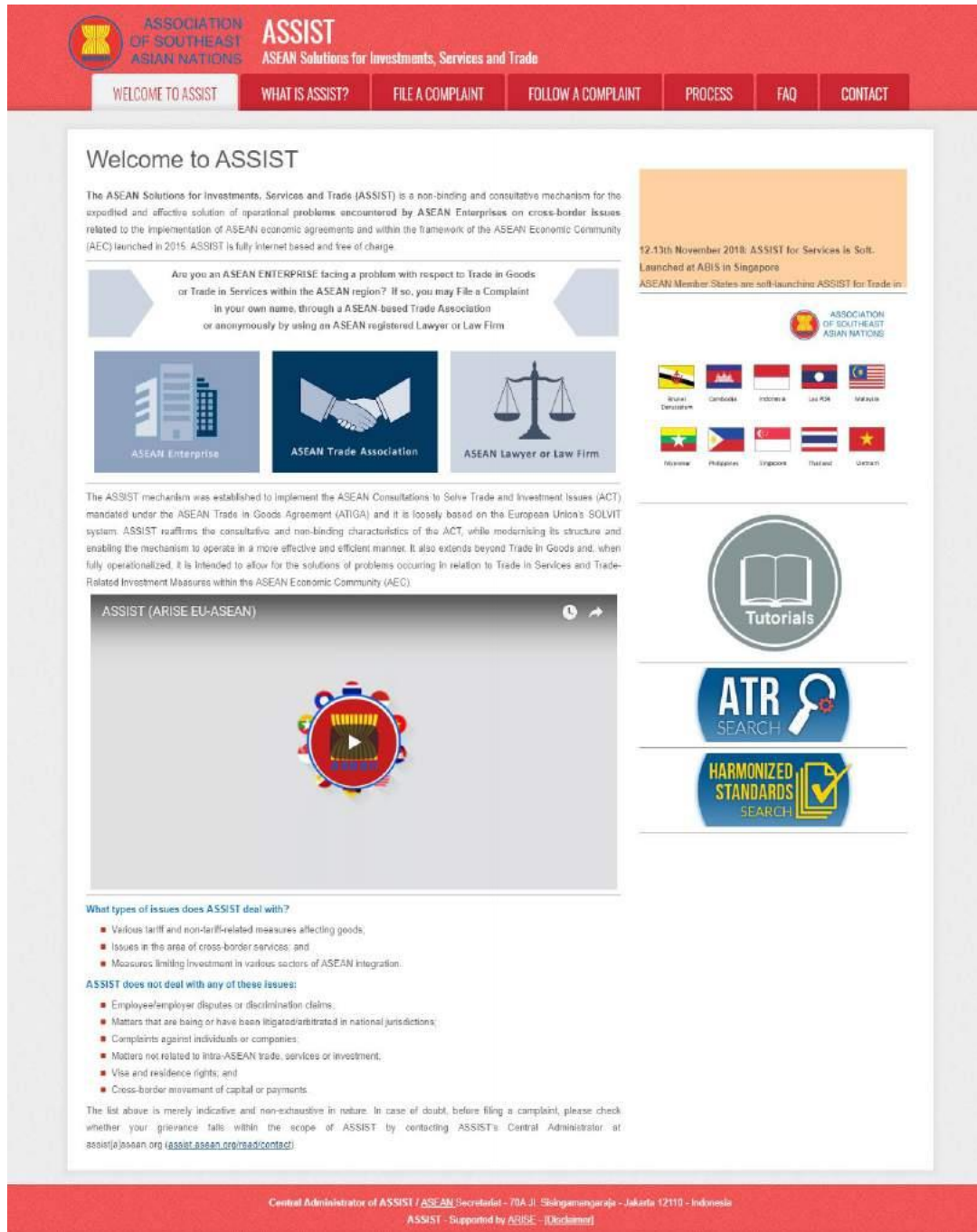
- ຜູ້ຮ້ອງທຸກ = ວິສາຫະກິດອາຊຽນ (AE)
- ກອງເລຂາອາຊຽນ = ຜູ້ດູແລລະບົບ ASSIST (CA)
- ປະເທດເຈົ້າບ້ານ = ຈຸດທີ່ໃຊ້ຕິດຕໍ່ໃນປະເທດຕົ້ນທາງ (HCP) ໃນບັນດາປະເທດສະມາຊິກອາຊຽນ -X (AMS-X)
- ປະເທດປາຍທາງ = ຈຸດທີ່ໃຊ້ຕິດຕໍ່ໃນປະເທດປາຍທາງ (DCP) ໃນບັນດາປະເທດສະມາຊິກອາຊຽນ -Y (AMS-Y)
- ເຈົ້າໜ້າທີ່ແຫ່ງຊາດທີ່ກ່ຽວຂ້ອງ = ອຳນາດການປົກຄອງທີ່ກ່ຽວຂ້ອງ (RAs)

ຂັ້ນຕອນ 1

ໄປທີ່ເວັບໄຊ ([HTTP://ASSIST.ASEAN.ORG](http://assist.asean.org))

ຖ້າທ່ານຮູ້ສຶກວ່າກໍລະນີຂອງທ່ານແມ່ນບັນຫາທີ່ກ່ຽວກັບປະເດັນທີ່ກ່ຽວຂ້ອງກັບການຄ້າຂ້າມຊາຍແດນຂອງອາຊຽນ, ທ່ານເອງກໍ່ແມ່ນທຸລະກິດທີ່ຈົດທະບຽນຢູ່ໃນປະເທດສະມາຊິກອາຊຽນ, ແລະ ທ່ານຢາກໃຊ້ບໍລິການໃຫ້ຄໍາປຶກສາ ແບບບໍ່ເສຍຄ່າ, ບໍ່ມີການຜູກມັດ, ແລະ ໄດ້ຮັບວິທີແກ້ໄຂແບບເລັ່ງດ່ວນ ແລະ ມີປະສິດທິພາບ, ຈົ່ງຕິດຕໍ່ໄປທີ່ລິ້ງຕໍ່ໄປນີ້:
<http://assist.asean.org>.

ຂ້າງລຸ່ມນີ້ແມ່ນເວັບໜ້າທຳອິດຂອງ ASSIST



The screenshot shows the ASSIST website homepage. At the top is a red navigation bar with the ASSIST logo and menu items: WELCOME TO ASSIST, WHAT IS ASSIST?, FILE A COMPLAINT, FOLLOW A COMPLAINT, PROCESS, FAQ, and CONTACT. Below the navigation bar is a large white area with the heading "Welcome to ASSIST". The main content area includes a description of ASSIST as a non-binding and consultative mechanism for resolving trade and investment issues. It features a flowchart showing the process: ASEAN Enterprise → ASEAN Trade Association → ASEAN Lawyer or Law Firm. There are also sections for "What types of issues does ASSIST deal with?" and "ASSIST does not deal with any of these issues:". On the right side, there are links to "Tutorials", "ATR SEARCH", and "HARMONIZED STANDARDS SEARCH". At the bottom, there is contact information for the Central Administrator of ASSIST / ASEAN Secretariat in Jakarta, Indonesia.

ຈົ່ງເລືອກເອົາ “ຍື່ນຄຳຮ້ອງທຸກ” ໃນແຖບເມນູ (ທີ່ມີໂອຄອນ ASEAN ENTERPRISE ICON)

ຖ້າທ່ານພວມຍື່ນຄຳຮ້ອງທຸກໃນນາມຂອງບໍລິສັດຂອງທ່ານເອງ (ຄຳຮ້ອງທຸກບໍ່ແມ່ນແບບບໍ່ລະບຸຊື່) ແລະ ບໍ່ແມ່ນສະມາຄົມການຄ້າອາຊຽນ, ຫຼື ໜ່ວຍງານຕົວແທນອື່ນໆທີ່ທ່ານເລືອກໃຫ້ເປັນຕົວແທນຂອງທ່ານ, ເຊັ່ນ: ສະພາການຄ້າ, ສະພາທຸລະກິດ, ສະຫະພັນທຸລະກິດ, ຫຼື ທະນາຍຄວາມຫຼື ບໍລິສັດກົດໝາຍທີ່ລົງທະບຽນ, ຈົ່ງຄລິກທີ່ຮູບໂອຄອນ “ASEAN Enterprise ວິສາຫະກິດອາຊຽນ” ທີ່ຢູ່ໃນແຖບເມນູຂອງການຍື່ນຄຳຮ້ອງທຸກ.



ASSOCIATION
OF SOUTHEAST
ASIAN NATIONS

ASSIST

ASEAN Solutions for Investments, Services and Trade

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

File a Complaint

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



ASEAN Enterprise

NON-ANONYMOUS



ASEAN Trade Association

ANONYMOUS



ASEAN Lawyer or Law Firm

ANONYMOUS

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

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

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

Central Administrator of ASSIST / ASEAN Secretariat - 73A Jl. Setiabudi - Jakarta 12110 - Indonesia
ASSIST - Supported by ASISE - [Disclaimers]

ເມື່ອທ່ານຄລິກທີ່ໂອກອນ 'ASEAN Enterprise-ວິສາຫະກິດອາຊຽນ', ເວັບໜ້າຕໍ່ໄປຈະປາກົດຂຶ້ນ.



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[WELCOME TO ASSIST](#)
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[PROCESS](#)
[FAQ](#)
[CONTACT](#)

Complaint to be Filed by an ASEAN Enterprise



ASEAN Enterprise

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

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

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

ASEAN ENTERPRISE

* ASEAN Enterprise Name

* Company Size

* Phone

Website

* Address

300 characters remaining (300 maximum)

* City ZIP Code

* Country

CONTACT PERSON

* Gender ☐ Mr. ☐ Mrs. ☐ Ms.

* First Name * Last Name

* Phone

* Position

* Email

Address

200 characters remaining (200 maximum)

City

ZIP Code

Country

COMPLAINT DESCRIPTION

* Country of Legal Registration

* Registration Number

* Company Registration Proof

* Type of Business

* Business Sector

- Services Sector Description

* Type of Problem Encountered

* Destination Country

* Description

2000 characters remaining (2000 maximum)

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 want to remain anonymous

☐ I'm not a robot

reCAPTCHA

SUBMIT YOUR COMPLAINT

Central Administrator of ASSIST (ASEAN Secretariat - 70A Jl. Senopati - Jakarta 12110 - Indonesia)

ASSIST - Supported by ASISE - [Disclaimer]

ຈົ່ງປ້ອນຂໍ້ມູນໃສ່ໃນແບບຟອມຂ້າງເທິງນັ້ນເພື່ອສົ່ງໃຫ້ ASSIST ຈະໄດ້ມີຂໍ້ມູນພຽງພໍກ່ຽວກັບບັນຫາການຄ້າທີ່ທ່ານກຳລັງປະສົບຢູ່. ຊ່ອງໃສ່ຂໍ້ມູນທີ່ມີເຄື່ອງໝາຍດາວ (*) ແມ່ນບັງຄັບໃຫ້ປ້ອນຂໍ້ມູນໃສ່. ຖ້າທ່ານບໍ່ແນ່ໃຈວ່າຈະຕື່ມຂໍ້ມູນແບບໃດໃສ່ໃນຊ່ອງປ້ອນຂໍ້ມູນ, ປຸ່ມຕ່າງໆທີ່ເປັນຮູບ ① ໄດ້ມີໄວ້ໃຫ້ໃຊ້ສໍາລັບເບິ່ງຄໍາແນະນຳລະອຽດກ່ຽວກັບວ່າຈະປ້ອນຂໍ້ມູນແບບໃດໃສ່ໃນແຕ່ລະຊ່ອງ. ຈົ່ງກົດປຸ່ມທີ່ເປັນຮູບ ① ເພື່ອຮັບປະກັນວ່າທ່ານສາມາດເຂົ້າໃຈ ແລະ ຮູ້ໄດ້ວ່າຈະຕ້ອງປ້ອນຂໍ້ມູນແບບໃດທີ່ຖືກຕ້ອງລົງໃນແບບຟອມ.

ມັນເປັນສິ່ງສໍາຄັນທີ່ສຸດທີ່ທ່ານຕ້ອງປ້ອນຂໍ້ມູນໃສ່ໃນຊ່ອງ ‘Description’ . ທາງ CA ຈະຕ້ອງ ໄດ້ທຳການກວດສອບວ່າ ຄໍາອະທິບາຍຕ່າງໆທີ່ໄດ້ກ່າວໄວ້ໃນຄໍາຮ້ອງທຸກນັ້ນແມ່ນມີຄວາມພຽງພໍທີ່ຈະກຳນົດບັນຫາໄດ້ຢ່າງຈະແຈ້ງໃນແງ່ຂອງຂໍ້ຕົກລົງກ່ຽວກັບຫົວຂໍ້ສະເພາະຫລືບໍ່. ດັ່ງນັ້ນ, ກະລຸນາໃຫ້ທ່ານຈັດແຈງຄໍາຮ້ອງທຸກຂອງ ທ່ານ ຢ່າງລະມັດລະວັງພ້ອມດ້ວຍຂໍ້ມູນການໂຕ້ຖຽງຕ່າງໆທາງກົດໝາຍ ແລະ ຫຼັກຖານທີ່ເປັນຈິງເພື່ອຊ່ວຍໃຫ້ທາງ CA ໃນການຕັດສິນໃຈວ່າຈະອະນຸມັດຄໍາຮ້ອງທຸກຂອງທ່ານໄດ້ຫຼືບໍ່.

ຂັ້ນຕອນ

3

ປ້ອນ ຂໍ້ມູນໃສ່ແບບຟອມສໍາລັບຍື່ນຄໍາຮ້ອງທຸກ

ຂ້າງລຸ່ມນີ້ແມ່ນຕົວຢ່າງຂອງແບບຟອມທີ່ໄດ້ປ້ອນຂໍ້ມູນໄວ້ຮຽບຮ້ອຍສໍາລັບການສຶກສາກໍລະນີນີ້ໂດຍສະເພາະ.

ASSOCIATION
OF SOUTHEAST
ASIAN NATIONS

ASSIST
ASEAN Solutions for Investments, Services and Trade

WELCOME TO ASSIST

WHAT IS ASSIST?

FILE A COMPLAINT

FOLLOW A COMPLAINT

PROCESS

FAQ

CONTACT

Complaint to be Filed by an ASEAN Enterprise

ASEAN Enterprise

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

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

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

ASEAN ENTERPRISE

* ASEAN Enterprise Name: 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

251 characters remaining (250 maximum)

* City: City W ZIP Code: 1711

* Country: AMS-X

CONTACT PERSON

* Gender: ☒ Mr ☐ Mrs ☐ Ms

* First Name: Paul * Last Name: Smith

* Phone: +905 524 1532

* Position: Chief Executive Officer

* Email: aseanenterprise@gmail.com

* Address: Better Living Street
City: W
Country: X

251 characters remaining (250 maximum)

* City: City W ZIP Code: 1711

* Country: AMS-X

COMPLAINT DESCRIPTION

* Country of Legal Registration: AMS-X

* Registration Number: 123456

* Company Registration Proof: Choose File Annex 1-Simulated... 8 Co., Ltd.pdf

* Type of Business: Service provider

* Business Sector: Services

* Services Sector Description:

* Type of Problem Encountered: 11. 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.

191 characters remaining (200 maximum)

Attachment: Choose File Annex 2-Simulated Law of AMS-Y.pdf + Attachment
Choose File Annex 3-Simulated AM...port Services.pdf Remove

☒ I have read and accept the ASSIST rules

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

☐ I want to remain anonymous



SUBMIT YOUR COMPLAINT

Central Administrator of ASSIST / ASEAN Secretariat - 70A Jl. Senopati - Jakarta 12110 - Indonesia
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ມີການຍົກຕົວຢ່າງຂອງການອະທິບາຍຄໍາຮ້ອງທຸກທີ່ໄດ້ຂຽນໄວ້ຈະແຈ້ງ ແລະ ຊັດເຈນ, ຂ້າງລຸ່ມນີ້ແມ່ນຄໍາອະທິບາຍ ແລະ ລາຍລະອຽດສໍາລັບກໍລະນີສຶກສານີ້ໂດຍສະເພາະ:

“ພວກເຮົາແມ່ນບໍລິສັດຂົນສົ່ງທີ່ໄດ້ຈົດທະບຽນຖືກຕ້ອງໃນ AMS-X. ພວກເຮົາໄດ້ເຂົ້າຮ່ວມ ຂໍ້ຕົກລົງຜູກມັດສອງປີນັບຕັ້ງແຕ່ເດືອນມັງກອນ 2018 ກັບບໍລິສັດຂາເຂົ້າ - ຂາອອກໃນ AMS-X. ຂອບເຂດຂອງຂໍ້ຕົກລົງແມ່ນການສົ່ງເຫຼັກ ແລະ ອະລຸມິນຽມຈາກ AMS-X ເຂົ້າໄປທີ່ AMS-Y ແລະ ນໍາເຂົ້າຢາງພາລາ ແລະ ຝ້າຍຈາກ AMS-Y ເຂົ້າໃນ AMS-X ໂດຍນໍາໃຊ້ກໍາປັ່ນຂອງພວກເຮົາ. ພວກເຮົາໄດ້ຕົກລົງທີ່ຈະດໍາເນີນທຸລະກໍາກ່ຽວກັບການສົ່ງສິນຄ້າຂາອອກ-ຂາເຂົ້າ ໃນການເດີນທາງຄົບຮອບແບບໄປກັບຈາກ AMS-X ເຖິງ AMS-Y ໂດຍໃຊ້ເຮືອລໍາດຽວກັນ. ຄວາມຕັ້ງໃຈ, ແມ່ນເພື່ອປະ ຍັດຄ່າໃຊ້ຈ່າຍໃນການນໍາໃຊ້ນໍ້າມັນເຊື້ອໄຟ ແລະ ແຮງງານໂດຍມີກໍາລັງການຂົນສົ່ງສິນຄ້າຢ່າງເຕັມທີ່ໃນການເດີນທາງທັງພາຍໃນແລະຕ່າງປະເທດດັ່ງນັ້ນຈຶ່ງມີຄວາມສາມາດໃນການໃຫ້ບໍລິການທີ່ມີລາຄາຖືກ ແລະ ມີຄວາມສາມາດໃນການແຂ່ງຂັນບົນພື້ນຖານການຄ້າຂັ້ນເຂດແດນໃຫ້ກັບລູກຄ້າທັງທີ່ AMS-X ແລະ ທີ່ AMS-Y.



ເມື່ອບໍ່ດົນມານີ້, ພວກເຮົາໄດ້ຮຽນຮູ້ວ່າ AMS-Y ໄດ້ອອກກົດໝາຍວ່າດ້ວຍການຂົນສົ່ງໃໝ່, ຄືໃນນາມຂອງກະຊວງການຄ້າສະບັບເລກທີ 13 ປີ 2018, ໂດຍກຳນົດວ່າ ສິນຄ້າບາງຊະນິດສາມາດຂົນສົ່ງເພື່ອນຳເຂົ້າ ຫຼື ສົ່ງອອກ ໂດຍບໍລິສັດຂົນສົ່ງທາງທະເລແຫ່ງຊາດເທົ່ານັ້ນ. ສິນຄ້າ 4 ຊະນິດທີ່ເປັນເຫຼັກ, ອາລູມິນຽມ, ຢາງພາລາ ແລະ ຝ້າຍ ຖືກຈັດຢູ່ໃນບັນດາສິນຄ້າທີ່ມີລາຍຊື່ໃນກົດໝາຍວ່າດ້ວຍຂົນສົ່ງສະບັບໃໝ່ນີ້. ກົດໝາຍສະບັບໃໝ່ນີ້ ແນ່ນອນວ່າຈະເຮັດໃຫ້ທຸລະກິດຂອງພວກເຮົາເກີດການສູນເສຍດ້ານການເງິນ ແລະ ເປັນການສະກັດກັ້ນພວກເຮົາຈາກການໃຫ້ບໍລິການຂົນສົ່ງທາງທະເລລະຫວ່າງ AMS-X ແລະ AMS-Y. ພວກເຮົາມີຄວາມວິຕົກກັງວົນເປັນຢ່າງຍິ່ງວ່າການສ້າງນິຕິກຳເພື່ອອອກກົດໝາຍນີ້ ແມ່ນຄວາມຂັດແຍ່ງກັບການຄ້າເສລີ, ຕໍ່ກັບປະຊາຄົມເສດຖະກິດອາຊຽນ (AEC) ແລະ ອາດເປັນໄປໄດ້, ທັງຕໍ່ກັບຄວາມມຸ່ງໝັ້ນ ແລະ ພັນທະສະເພາະຂອງ AMS-Y ຕາມຂໍ້ຕົກລົງດ້ານເສດຖະກິດອາຊຽນທີ່ກ່ຽວຂ້ອງ (ເຊັ່ນ: ກອບຂໍ້ຕົກລົງກ່ຽວກັບການໃຫ້ບໍລິການຂອງອາຊຽນ, ຫຼື AFAS).

ທັດສະນະຂອງພວກເຮົາມີຄວາມເຫັນວ່າກົດໝາຍສະບັບໃໝ່ແມ່ນມາດຕະການອັນແນ່ນອນຂອງການປົກປ້ອງ ແລະ ເປັນສິ່ງທີ່ບໍ່ສອດຄ່ອງກັບຫຼັກການການຄ້າເສລີ ແລະ ກົດໝາຍທີ່ເຄີຍນຳໃຊ້ໃນການໃຫ້ບໍລິການທາງທະເລສາກົນ ຊຶ່ງຈະສົ່ງຜົນກະທົບຢ່າງຮ້າຍແຮງຕໍ່ບັນດາບໍລິສັດຂົນສົ່ງຂອງ AMS-X ທີ່ກຳລັງໃຫ້ບໍລິການຂົນສົ່ງທາງທະເລຂ້າມເຂດແດນທີ່ກ່ຽວຂ້ອງກັບການທີ່ສິນຄ້າທີ່ຖືກກະທົບຈາກກົດໝາຍນີ້. ຍິ່ງໄປກວ່ານັ້ນ, ມາດຕະການໃໝ່ນີ້ທີ່ມາຈາກ AMS-Y ແມ່ນການລະເມີດຢ່າງຈະແຈ້ງຂອງຄວາມມຸ່ງໝັ້ນຂອງ AMS-Y ຕໍ່ອົງການການຄ້າໂລກ ແລະ ເປັນການລະເມີດຢ່າງຈະແຈ້ງຕໍ່ຂັ້ນຕອນການດຳເນີນການທີ່ AMS-Y ມີຄວາມມຸ່ງໝັ້ນສະເພາະ ພາຍໃຕ້ AFAS, ຊຶ່ງ AMS-Y ໄດ້ອະນຸຍາດໃຫ້ບໍລິສັດຂົນສົ່ງຕ່າງປະເທດທີ່ດຳເນີນການບໍລິການຂົນສົ່ງສິນຄ້າຂ້າມເຂດແດນພາຍໃນອາຊຽນ ສາມາດດຳເນີນທຸລະກິດຢູ່ໃນເຂດນ່ານນ້ຳຂອງຕົນໂດຍບໍ່ມີຂໍ້ຈຳກັດໃນການເຂົ້າເຖິງຕະຫຼາດ ແລະ ການປະຕິບັດຕໍ່ກັນລະຫວ່າງຊາດ. ດັ່ງນັ້ນ, ພວກເຮົາຈຶ່ງໄດ້ຂໍຮຽກຮ້ອງໃຫ້ AMS-Y ຍົກເລີກ ຫຼື ປ່ຽນແປງກົດໝາຍໃໝ່ນີ້ຕາມຄວາມເໝາະສົມດ້ວຍ”

ເມື່ອຄຳຮ້ອງທຸກຖືກຍື່ນໂດຍການຄລິກໄປທີ່ “ສົ່ງ Submit Your Complaint-ຄຳຮ້ອງທຸກຂອງທ່ານ” , ໜ້າຕໍ່ໄປນີ້ໃນຂັ້ນຕອນທີ 4 ກໍ່ຈະປາກົດຂຶ້ນ.

ຂັ້ນຕອນ 4

ໄດ້ຮັບແຈ້ງການຈາກ ASSIST

ເມື່ອທ່ານຍື່ນຄຳຮ້ອງທຸກໃນເວັບໄຊທ໌ຂອງ ASSIST ແລ້ວ, ເວັບຕໍ່ໄປນີ້ກໍ່ຈະປາກົດຂຶ້ນ, ແລະ ແຈ້ງໃຫ້ທ່ານຮູ້ວ່າອີເມລການຢັ້ງຢືນຈະຖືກສົ່ງໄປຫາອີເມລທີ່ທ່ານໃຫ້ໄວ້ໃນຟອມການຮ້ອງທຸກຂອງທ່ານ.



ແຈ້ງການຂ້າງເທິງຊຶ່ງໃຫ້ເຫັນວ່າທ່ານຄວນຄລິກທີ່ລິ້ງທີ່ຢູ່ໃນບັນຊີອີເມລຂອງທ່ານເພື່ອຢືນຢັນຄຳຮ້ອງທຸກຂອງທ່ານ ກັບ ASSIST

ຍືນຍັນການສົ່ງຄໍາຮ້ອງທຸກຂອງທ່ານດ້ວຍອີເມລຂອງທ່ານເອງ

(a) ຈົ່ງເຂົ້າໄປໃນບັນຊີອີເມລຂອງທ່ານທີ່ທ່ານໄດ້ໃຫ້ໄວ້ກັບແບບຟອມການຮ້ອງທຸກ. ທ່ານຈະໄດ້ຮັບອີເມລຈາກ ASSIST ເພື່ອໃຫ້ທ່ານຍືນຍັນການສົ່ງຄໍາຮ້ອງທຸກຂອງທ່ານ ໂດຍຄລິກທີ່ລິ້ງທີ່ໄດ້ສົ່ງມາໃຫ້ທ່ານອີເມລ ຫຼື ຖ້າບໍ່ຢາກຄລິກກໍພຽງແຕ່ຄັດລອກເອົາລິ້ງນັ້ນໄປແປະໃສ່ໃນ browser ອິນເຕີເນັດ. ອັນນີ້ແມ່ນຕ້ອງໄດ້ເຮັດຕາມທີ່ ASSIST ໄດ້ຮຽກຮ້ອງມາ ເພື່ອເປັນການຍືນຍັນວ່າ ອີເມລທີ່ທ່ານໄດ້ໃຫ້ໄປນັ້ນຖືກຕ້ອງ. ໝາຍເລກຄໍາຮ້ອງທຸກຂອງທ່ານກໍໄດ້ສົ່ງມາໃຫ້ທ່ານດ້ວຍອີເມລນີ້ເຊັ່ນກັນ. ໃນກໍລະນີນີ້, ໝາຍເລກຄໍາຮ້ອງທຸກຂອງທ່ານແມ່ນ **14620181017**.

ຂ້າງລຸ່ມນີ້ແມ່ນອີເມລທີ່ທ່ານຈະໄດ້ຮັບຈາກ 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



ASSOCIATION
OF SOUTHEAST
ASIAN NATIONS

ASSIST

ASEAN Solutions for Investments, Services and Trade

Dear Mr Paul Smith,

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

Please **confirm** your complaint **14620181017** on the following link (or by copy-pasting the following link onto your internet browser):
http://assist.arsenadevelopment.space/userconfirm_email?email=aseanenterprise@gmail.com&id=14620181017&code=3y4r38bq660

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

ASEAN Enterprise / Trade Association / Law Firm : Star 88 Co., Ltd. (type Enterprise)

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

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

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

Description:

We are a duly registered shipping company in AMS-X. We have entered into a two-year binding agreement since January 2018 with an import-export company in AMS-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 and its shipping companies that are offering cross-border maritime transport services in relation to the commodities affected by this law. Furthermore, this new measure by AMS-Y is a clear violation of the commitments made by AMS-Y to the World Trade Organization and is a clear violation of the Schedule of Specific Commitments of AMS-Y under AFAS, where AMS-Y have committed to allow foreign shipping companies that are offering cross-border freight transport services within ASEAN to operate within its waters without any limitations to market access and national treatment. Thus, we would like to request for AMS-Y to revoke or amend this new law accordingly.

Thanking you, ASSIST is at your service.

assist.asean.org

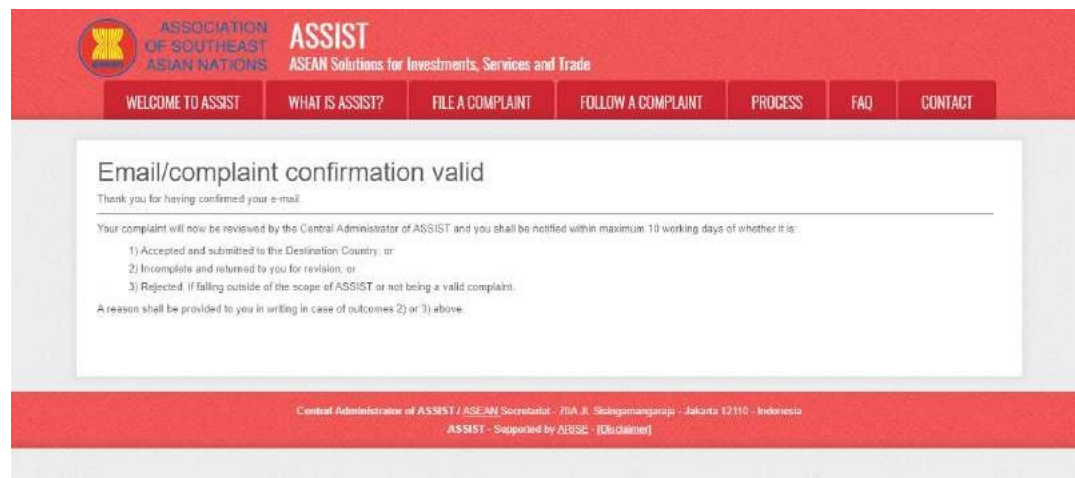
3 attachments

[Annex_2_Simulated_Law_of_AMS_Y2.pdf](#)
47K

[Annex_3_Simulated_AMS_Y_Schedule_of_Specific_Commitments-Maritime_Transport_Services.pdf](#)
99K

[Annex_1_Simulated_Company_Registration_of_Star_88_Co_Ltd_.pdf](#)
50K

(b) ຈົ່ງຄລິກທີ່ລິ້ງທີ່ໄດ້ໃຫ້ມາກັບອີເມລ ຊຶ່ງຕ້ອງໄດ້ຄລິກ ແລະ ໜ້າໃໝ່ໃນອີເມລນັ້ນກໍ່ຈະປະກົດຂຶ້ນ.



ການແຈ້ງເຕືອນທີ່ສະແດງໄວ້ຂ້າງເທິງນີ້ ຈະແຈ້ງໃຫ້ທ່ານຊາບວ່າ CA ຈະທົບທວນຄຳຮ້ອງທຸກຂອງທ່ານ ແລະ ຫຼັງຈາກນັ້ນ ທ່ານຈະໄດ້ຮັບ ແຈ້ງກັບມາທາງອີເມລ ພາຍໃນເວລາເວລາສູງສຸດ 10 ມື້ລັດຖະການ ໂດຍທີ່ການຍື່ນຄຳຮ້ອງທຸກຂອງທ່ານນັ້ນຈະ:

- 1) ໄດ້ຮັບການຍອມຮັບ ແລະ ຖືກສົ່ງຕໍ່ເພື່ອສະເໜີຕໍ່ປະເທດປາຍທາງ; ຫຼື
- 2) ບໍ່ຄົບຖ້ວນ ແລະ ໄດ້ຖືກສົ່ງກັບຄືນມາຫາທ່ານເພື່ອດັດແກ້; ຫຼື
- 3) ຖືກປະຕິເສດ, ຖ້າຫາກຢູ່ນອກຂອບເຂດຂອງ ASSIST ຫຼື ເປັນການຮ້ອງທຸກທີ່ໃຊ້ການບໍ່ໄດ້.

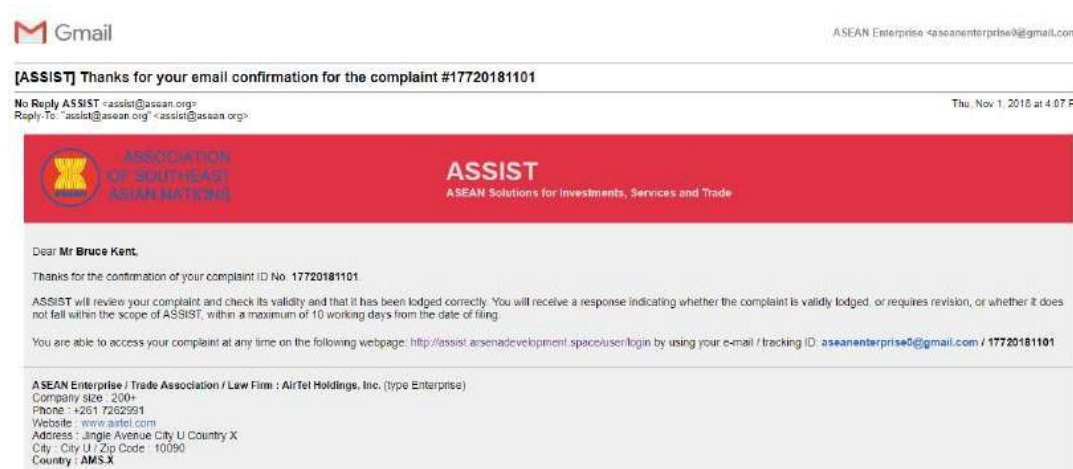
ໄປທີ່ບັນຊີອີເມລຂອງທ່ານ.

ຂັ້ນຕອນ

6

ໄດ້ຮັບອີເມລຈາກ ASSIST ເພື່ອໃຫ້ຮູ້ວ່າອີເມລ ແລະ ຄຳຮ້ອງທຸກຂອງທ່ານຖືກຕ້ອງ

ຈົ່ງໄປທີ່ອີເມລຂອງທ່ານ ແລະ ທ່ານຈະເຫັນມີອີເມລໃໝ່ຈາກ ASSIST ສົ່ງມາຫາທ່ານ. ອີເມລນີ້ຈະຊີ້ບອກໃຫ້ເຫັນວ່າ ທ່ານຮູ້ວ່າທ່ານໄດ້ຍື່ນຍື່ນຄຳຮ້ອງທຸກຂອງທ່ານແລ້ວ ພ້ອມທັງ CA ຈະກວດສອບຄວາມຖືກຕ້ອງຂອງຄຳຮ້ອງທຸກ, ແລະ ກໍ່ໄດ້ນຳເຂົ້າໄປໃນລະບົບພາຍໃນຂອງ ASSIST ແລ້ວ. ASSIST ຈະຕິດຕໍ່ອີກເທື່ອໜຶ່ງ ພ້ອມດ້ວຍຄຳຕອບທີ່ຈະບອກວ່າ ຄຳຮ້ອງທຸກທີ່ໄດ້ສົ່ງໄປນັ້ນໄດ້ຮັບການຍອມຮັບແລ້ວ, ບໍ່ຄົບຖ້ວນ ຫຼື ຖືກປະຕິເສດພາຍໃນ 10 ມື້ລັດຖະການ.



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

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

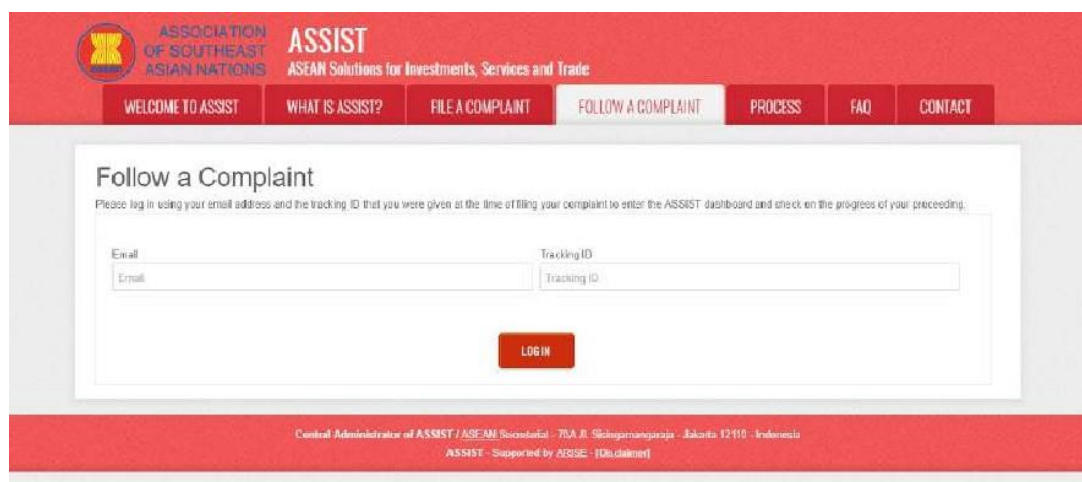
ຕາມທີ່ໄດ້ລະບຸໄວ້ໃນອີເມລຂ້າງເທິງນັ້ນ, ໃນເວລານີ້ ທ່ານສາມາດຕິດຕາມເບິ່ງຄວາມຄືບໜ້າໄດ້ໂດຍໃຫ້ທ່ານຄລິກທີ່ລິ້ງທີ່ໄດ້ແນະນຳໄວ້ໃຫ້ ຊຶ່ງຈະພາທ່ານທີ່ແຖບ 'Follow a Complaint-ຕິດຕາມເບິ່ງຄຳຮ້ອງທຸກ' ຢູ່ແຖບເມນູໃນເວັບໄຊທ໌ ASSIST.

ຂັ້ນຕອນ

7

ຕິດຕາມຄວາມຄືບໜ້າຂອງການຮ້ອງທຸກຂອງທ່ານ

- (a) ຈົ່ງໄປທີ່ລິ້ງຕໍ່ໄປນີ້: <http://assist.asean.org/user/login> ຫຼືໄປທີ່ແຖບ 'Follow a Complaint-ຕິດຕາມເບິ່ງຄຳຮ້ອງທຸກ' ຢູ່ແຖບເມນູໃນເວັບໄຊທ໌ ASSIST. ໜ້າເວັບຕໍ່ໄປນີ້ກໍ່ຈະປາກົດຂຶ້ນ.



Follow a Complaint

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

Email Tracking ID

Central Administrator of ASSIST / ASEAN Secretariat - JICA B. Selangangaraja - Jakarta 12110 - Indonesia
ASSIST - Supported by ASEAN [Indonesia]

- (b) ໃຫ້ທ່ານໃສ່ອີເມລຂອງທ່ານແລະໝາຍເລກເພື່ອຕິດຕາມ (ກໍ່ຄືໝາຍເລກຄຳຮ້ອງທຸກຂອງທ່ານ) ໃນຊ່ອງ ປ້ອນຂໍ້ມູນທີ່ມີໃຫ້ໄວ້ເພື່ອເຂົ້າສູ່ລະບົບ. ໃນກໍລະນີນີ້, ອີເມລແມ່ນ aseanenterprise@gmail.com ແລະ ໝາຍເລກເພື່ອຕິດຕາມແມ່ນ 14620181017.



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ເມື່ອທ່ານໄດ້ເຂົ້າສູ່ລະບົບແລ້ວ, ທ່ານຈະເຫັນ Dashboard ຂອງ ASSIST ຂອງທ່ານເຊິ່ງ ເປັນບ່ອນທີ່ທ່ານ ສາມາດ ຕິດຕາມຄວາມຄືບໜ້າຂອງການຍື່ນຄໍາຮ້ອງທຸກຂອງທ່ານ.

(c) ເມື່ອທ່ານໄດ້ເຂົ້າສູ່ລະບົບແລ້ວ, ຈຶ່ງເປີດເບິ່ງລາຍລະອຽດໃນ Dashboard ຂອງ ASSIST ຂອງທ່ານ:



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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	Services / Transport services
Company Registration Proof	Annex 1: Simulated Company Registration of Star 88 Co., Ltd.pdf	Encountered	
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-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



ດັ່ງທີ່ທ່ານສາມາດເຫັນໄດ້ໃນ dashboard ຂອງທ່ານ, ການດຳເນີນການຕ່າງໆ ຂອງການຮ້ອງທຸກຂອງທ່ານ ແມ່ນໄດ້ຖືກລະບຸໄວ້ ຢ່າງຈະແຈ້ງໃນ dashboard ຂອງທ່ານແລະ ເນື້ອໃນລາຍການຕ່າງໆ ເຫລົ່ານີ້ຈະຖືກປັບໃຫ້ໃຫມ່ຢູ່ສະເໝີ ຫຼັງຈາກການດຳເນີນ ການໃນແຕ່ລະຄັ້ງ. ແບບຟອມຄຳຮ້ອງທຸກທີ່ທ່ານໄດ້ຍື່ນໄປແລ້ວນັ້ນ, ກໍ່ສາມາດເຂົ້າເບິ່ງໄດ້ໃນ dashboard ຂອງທ່ານເຊັ່ນກັນ.

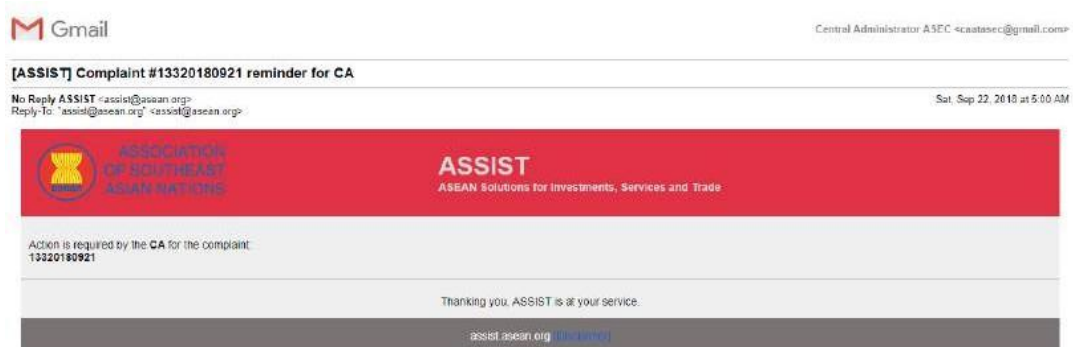
ຂັ້ນຕອນ
8

ຜູ້ດູແລະບົບກວດເບິ່ງຄຳຮ້ອງທຸກຂອງທ່ານ ແລະ ຕອບທ່ານທາງອີເມລວ່າ (ຮັບຮອງ, ບໍ່ຄົບຖ້ວນ ຫຼື ປະຕິເສດ)

ຫຼັງຈາກ CA ໄດ້ທຳການກວດກາເບິ່ງຄຳຮ້ອງທຸກຂອງທ່ານເປັນທີ່ຮຽບຮ້ອຍແລ້ວ ແລະ ທັງໄດ້ຕັດສິນແລ້ວວ່າຄຳຮ້ອງທຸກນັ້ນໄດ້ ຜ່ານການຮັບຮອງ, ບໍ່ຄົບຖ້ວນ ຫຼື ຖືກປະຕິເສດນັ້ນ ຈະມີອີເມລສົ່ງໄປຫາທ່ານພາຍໃນ 10 ມື້ລັດຖະການ ນັບຕັ້ງແຕ່ທ່ານໄດ້ສົ່ງ ຄຳຮ້ອງທຸກຂອງທ່ານ.

ຖ້າວ່າ CA ບໍ່ດຳເນີນການໃດໆ ໃນລະຍະນີ້, CA ຈະໄດ້ຮັບຄຳເຕືອນແບບອັດຕະໂນມັດ ດັ່ງທີ່ສະແດງຂ້າງລຸ່ມນີ້ຜ່ານທາງອີເມລ ຈາກລະບົບ online ຂອງ ASSIST ພາຍໃນ 7 ມື້ຕາມປະຕິທິນ ຫຼັງຈາກການຮ້ອງທຸກໄດ້ຖືກຍື່ນ. ດັ່ງນັ້ນຕາມທີ່ໄດ້ລະບຸໄວ້ຂ້າງ ເທິງນັ້ນ, CA ຈະຕ້ອງຕັດສິນໃຈພາຍໃນ 10 ມື້ລັດຖະການວ່າ ຈະຮັບຮອງເອົາ, ຈະແຈ້ງວ່າ ຄຳຮ້ອງທຸກບໍ່ຄົບຖ້ວນ ແລະ ໃຫ້ມີ ການແກ້ໄຂ, ຫຼື ປະຕິເສດ.

ອີເມລເຕືອນເທື່ອທີ 1 ສຳລັບຜູ້ດູແລະບົບ:



ຈົ່ງໝັ້ນກວດເບິ່ງອີເມລຂອງທ່ານພາຍໃນ 10 ມື້ລັດຖະການຫຼັງຈາກທ່ານໄດ້ຍື່ນຄໍາຮ້ອງທຸກ. ໃນທີ່ສຸດທ່ານກໍ່ຈະໄດ້ຮັບອີເມລໃໝ່ຈາກ ASSIST.



ASEAN Trade Association <aseantradeassociation@gmail.com>

[ASSIST] Your complaint #17420181031 is accepted by CA

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

Wed, Oct 31, 2018 at 12:02 PM



ASSIST
ASEAN Solutions for Investments, Services and Trade

Dear Mr Stephen Bogus,

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

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

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

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

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

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

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

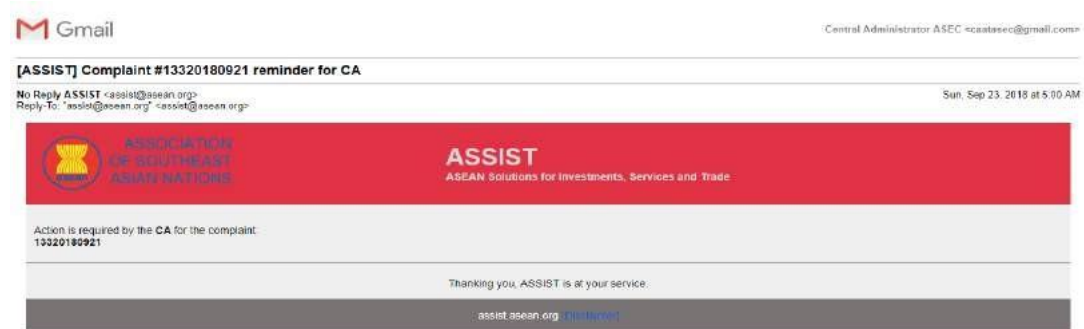
ໃນກໍລະນີນີ້, ອີເມລຂ້າງເທິງນີ້ສະແດງໃຫ້ເຫັນວ່າ ຄໍາຮ້ອງທຸກຂອງທ່ານໄດ້ຮັບການຍອມຮັບຈາກ CA. ອີເມລນີ້ຍັງໄດ້ແຈ້ງໃຫ້ທ່ານຊາບວ່າ, ຄໍາຮ້ອງທຸກຂອງທ່ານຈະຖືກສົ່ງໄປທີ່ຈຸດຕິດຕໍ່ທາງປາຍທາງ, ເຊິ່ງແມ່ນອົງການຂອງລັດຖະບານ (ASSIST

Focal Point) ໃນ AMS-Y ບ່ອນທີ່ທ່ານກໍາລັງປະເຊີນກັບບັນຫາດ້ານການຄ້າແລະເປັນບ່ອນທີ່ຄໍາຮ້ອງທຸກຂອງທ່ານໄດ້ຖືກນໍາສົ່ງແລະທາງແກ້ໄຂກໍກໍາລັງຢູ່ໃນລະຫວ່າງການດໍາເນີນການ. DCP ໃນ AMS-Y ຈະໄດ້ຮັບເວລາ 10 ວັນເພື່ອໃຊ້ໃນການເຮັດວຽກເພື່ອທົບທວນຄໍາຮ້ອງທຸກຂອງທ່ານແລະເພື່ອທີ່ຈະຍອມຮັບ, ປະຕິເສດຫຼືສົ່ງຄືນກັບໄປໃຫ້ທ່ານພ້ອມທັງສະເໜີຂໍ້ມູນເພີ່ມເຕີມຈາກທ່ານ. ນີ້ແມ່ນມີຈຸດປະສົງທີ່ສະແດງເຖິງຄວາມຕັ້ງໃຈທີ່ຈະໃຫ້ເວລາແກ່ DCP ໄດ້ສາມາດກວດກາເບິ່ງລາຍລະອຽດຂອງການຮ້ອງທຸກ, ແລະຂໍຄໍາປຶກສາຫາລືຕາມຄວາມຈໍາເປັນກັບເຈົ້າໜ້າທີ່ແຫ່ງຊາດທີ່ກ່ຽວຂ້ອງ.

ຈຸດຕິດຕໍ່ຕົ້ນທາງ, ເຊິ່ງແມ່ນອົງການຂອງລັດຖະບານ (ASSIST Focal Point) ໃນ AMS-X (ກໍ່ຄືປະເທດບ້ານເກີດຂອງທ່ານ) ກໍ່ໄດ້ຮັບການແຈ້ງເຕືອນວ່າ ຄໍາຮ້ອງທຸກຂອງທ່ານໄດ້ຖືກຍື່ນໄປແລ້ວ.

ຖ້າທ່ານບໍ່ໄດ້ຮັບອີເມລຈາກ ASSIST ພາຍໃນກໍາລັດເວລາທີ່ໄດ້ກໍາລັດໄວ້ (ກໍ່ຄື 10 ວັນເຮັດລັດຖະການນັບຕັ້ງແຕ່ວັນທີ່ຄໍາຮ້ອງທຸກໄດ້ຖືກຍື່ນໄປ), ອັນນີ້ມັນກໍ່ໝາຍຄວາມວ່າ CA ມີການດໍາເນີນການທີ່ເກີນຂອບເຂດ. CA ຈະໄດ້ຮັບການແຈ້ງເຕືອນອັດຕະໂນມັດອີກທາງໜຶ່ງຜ່ານທາງອີເມລ (ພາຍໃນ 14 ວັນຕາມເວລາປະຕິທິນຫຼັງຈາກການຮ້ອງຮຽນໄດ້ຖືກຍື່ນ) CA ຈະໄດ້ຮັບອີເມລແບບຂ້າງລຸ່ມນີ້:

ອີເມລເຕືອນເທື່ອທີ 2 ສໍາລັບຜູ້ດູແລະບົບ:

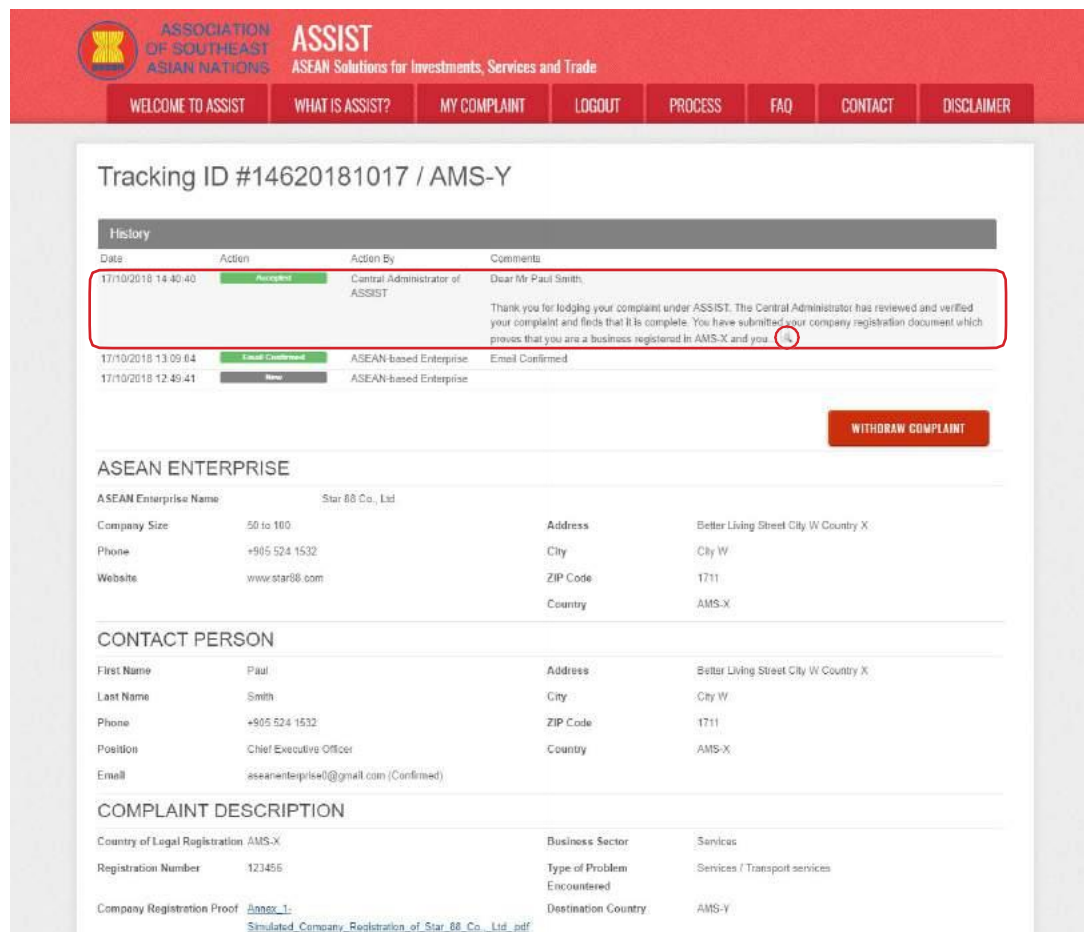


ຂັ້ນຕອນ
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ຈົ່ງເຂົ້າສູ່ລະບົບ Dashboard ຂອງ ASSIST ຂອງທ່ານໂດຍໃຊ້ອີເມລແລະ ໝາຍເລກຕິດຕາມຂອງທ່ານເພື່ອເບິ່ງຄໍາຕອບຕົວຈິງຈາກຜູ້ດູແລະບົບ

ຖ້າທ່ານຢາກເຫັນການຕອບຮັບຢ່າງເຕັມທີ່ຈາກ CA, ຈົ່ງເຂົ້າສູ່ລະບົບ dashboard ASSIST ຂອງທ່ານໂດຍໃຊ້ອີເມລ ແລະ ໝາຍເລກຕິດຕາມຂອງທ່ານທີ່ລະບຸໄວ້ໃນຂັ້ນຕອນທີ 7 (a) ແລະ (b) ຂ້າງເທິງ.

ພາບລວມແບບທີ່ເຫັນໄດ້ເຕັມຕົວ ແລະ ຄົບຖ້ວນຂອງ dashboard ຂອງທ່ານນັ້ນສາມາດເບິ່ງໄດ້ຂ້າງລຸ່ມນີ້. ດັ່ງທີ່ທ່ານເຫັນ, ການດໍາເນີນການຕ່າງໆລ້ວນແຕ່ຖືກບັນທຶກເພີ່ມເຂົ້າໄປໃນ ' History-ປະຫວັດ' ຂອງການດໍາເນີນການຕ່າງໆ ຊຶ່ງສາມາດຊອກເຫັນການທີ່ໄດ້ລະບຸໄວ້ວ່າ CA ນັ້ນ ໄດ້ **“Accepted-ຍອມຮັບ”** ຄໍາຮ້ອງທຸກຂອງທ່ານໄປແລ້ວ.



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. Shilpakartagala - Jakarta 12110 - Indonesia
 ASSIST - Supported by ABISE - (Disclaimer)

ຈົ່ງຄລິກທີ່ໂອກອນທີ່ເປັນຮູບແກ້ວຂະຫຍາຍໃນບ່ອນສະແດງຄໍາເຫັນທີ່ເປັນຫ້ອງຍາວໆລົງມາ. ການຕອບຮັບອັນຄົບຖ້ວນຈາກທາງ CA ກໍ່ຈະປາກົດຂຶ້ນ, ດັ່ງທີ່ໄດ້ສະແດງໃນພາບຂ້າງລຸ່ມນີ້:

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.

ດັ່ງທີ່ໄດ້ແຈ້ງໃນຂັ້ນຕອນທີ 8, ເມື່ອຄໍາຮ້ອງທຸກໄດ້ຮັບການຍອມຮັບຈາກ CA ແລ້ວນັ້ນ, ຄໍາຮ້ອງທຸກຂອງທ່ານຈະຖືກສົ່ງໄປທີ່ຈຸດຕິດຕໍ່ທາງປາຍທາງ, ເຊິ່ງແມ່ນອົງການຂອງລັດຖະບານ (ASSIST Focal Point) ໃນ AMS-Y ບ່ອນທີ່ທ່ານກໍາລັງປະເຊີນກັບບັນຫາດ້ານການຄ້າ. DCP ໃນ AMS-Y ຈະໄດ້ຮັບເວລາ 10 ມື້ເພື່ອໃຊ້ໃນການເຮັດວຽກເພື່ອທົບທວນຄໍາຮ້ອງທຸກຂອງທ່ານແລະເພື່ອທີ່ຈະຍອມຮັບ, ປະຕິເສດຫຼືສົ່ງຄືນກັບໄປໃຫ້ທ່ານ. ນີ້ແມ່ນມີຈຸດປະສົງທີ່ສະແດງເຖິງຄວາມຕັ້ງໃຈທີ່ຈະໃຫ້ເວລາແກ່ DCP ໄດ້ສາມາດກວດກາເບິ່ງລາຍລະອຽດຂອງການຮ້ອງທຸກ, ແລະ ຂໍຄໍາປຶກສາຫາລືຕາມຄວາມຈໍາເປັນກັບເຈົ້າໜ້າທີ່ແຫ່ງຊາດທີ່ກ່ຽວຂ້ອງ. ເມື່ອ DCP ໃຫ້ຄໍາຕອບ, ອີເມລຈະຖືກສົ່ງມາຫາທ່ານຈາກ ASSIST ເພື່ອແຈ້ງໃຫ້ທ່ານຮູ້ວ່າຄໍາຮ້ອງທຸກຂອງທ່ານໄດ້ຖືກຍອມຮັບຫຼື ປະຕິເສດໂດຍ DCP ໃນ AMS-Y.

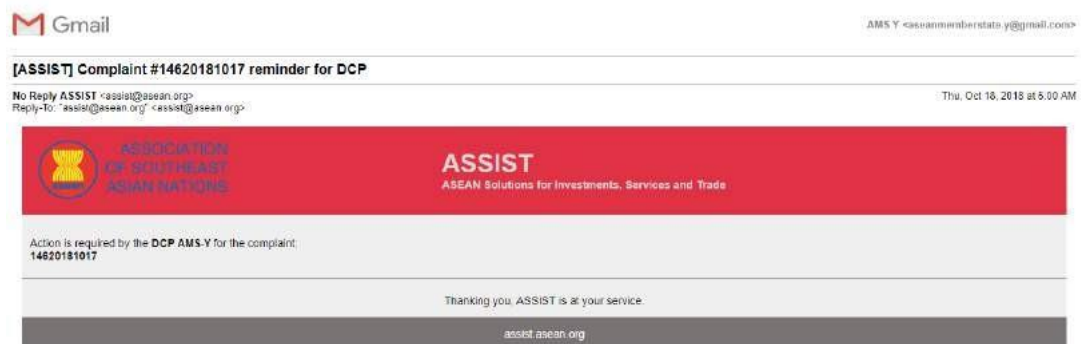
ຂັ້ນຕອນ
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ໄດ້ຮັບແຈ້ງທາງອີເມລຈາກ ASSIST ວ່າຄໍາຮ້ອງທຸກຂອງທ່ານໄດ້ຖືກຍອມຮັບ ຫຼື ຖືກປະຕິເສດໂດຍຈຸດຕິດຕໍ່ປາຍທາງທີ່ AMS-Y

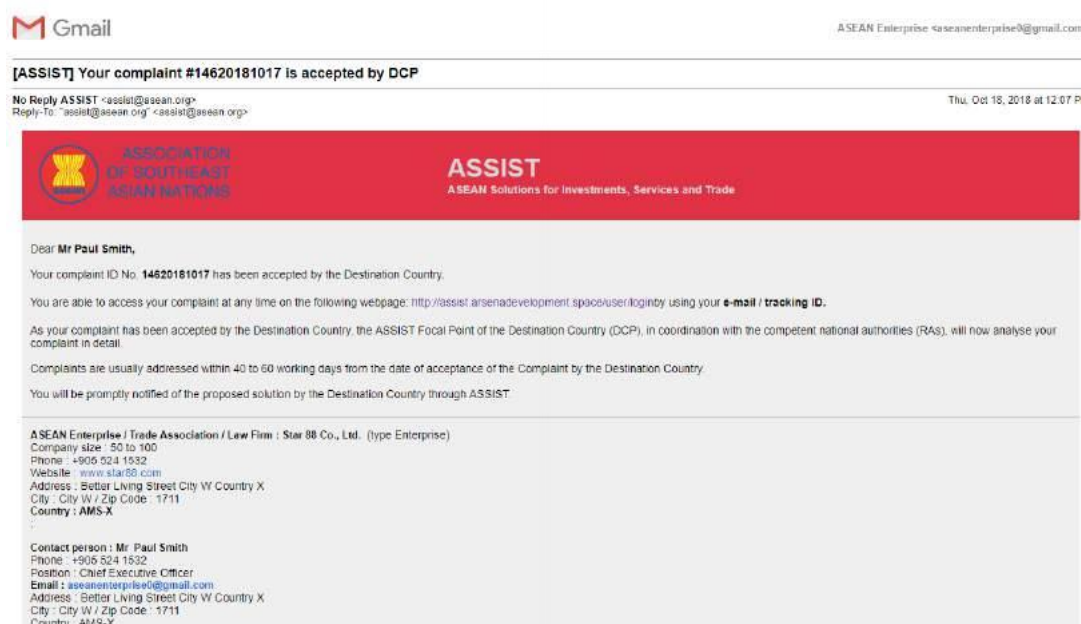
ພາຍໃນ 10 ມື້ລັດຖະການ ຫຼັງຈາກໄດ້ຮັບຄໍາຕອບຈາກ CA ທີ່ຄໍາຮ້ອງທຸກຂອງທ່ານ ຖືກຍອມຮັບ, ທ່ານຈະໄດ້ຮັບອີເມລທີ່ແຈ້ງໃຫ້ທ່ານຊາບວ່າ ຄໍາຮ້ອງທຸກຂອງທ່ານໄດ້ຖືກຍອມຮັບໂດຍ DCP ໃນ AMS-Y ເປັນທີ່ຮຽບຮ້ອຍແລ້ວ.

ຖ້າຫາກວ່າບໍ່ມີການດໍາເນີນການໃດໆໂດຍ DCP ໃນລະຍະນີ້ ທາງ DCP ຈະໄດ້ຮັບຄໍາເຕືອນແບບອັດຕະໂນມັດດັ່ງທີ່ສະແດງຂ້າງລຸ່ມນີ້ຜ່ານທາງອີເມລຈາກລະບົບ online ຂອງ ASSIST ພາຍໃນ 7 ມື້ຕາມປະຕິທິນ ຫຼັງຈາກການຮ້ອງທຸກໄດ້ຖືກຍື່ນ. ດັ່ງນັ້ນຕາມທີ່ໄດ້ລະບຸໄວ້ຂ້າງເທິງນັ້ນ, ທາງ DCP ຈະຕ້ອງຕັດສິນໃຈພາຍໃນ 10 ມື້ລັດຖະການວ່າ ຈະຮັບຮອງຍອມຮັບເອົາຫຼື ປະຕິເສດຄໍາຮ້ອງທຸກນັ້ນ ນັບຕັ້ງແຕ່ວັນທີ່ CA ໄດ້ຮັບຄໍາຮ້ອງທຸກແລ້ວ.

ແຈ້ງເຕືອນທາງອີເມວ 1 ສໍາລັບຈຸດຕິດຕໍ່ປາຍທາງ.



ຈົ່ງໝັ່ນກວດເບິ່ງອີເມລຂອງທ່ານພາຍໃນ 10 ມື້ລັດຖະການຫຼັງຈາກທ່ານໄດ້ຍື່ນຄໍາຮ້ອງທຸກ. ໃນທີ່ສຸດທ່ານກໍ່ຈະໄດ້ຮັບອີເມລໃໝ່ ຈາກ 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 | [Download](#)

ໃນກໍລະນີນີ້, ຄໍາຮ້ອງທຸກໄດ້ຮັບການຍອມຮັບຈາກ DCP ດັ່ງທີ່ເຫັນໄດ້ຂ້າງເທິງ.

ຖ້າທ່ານບໍ່ໄດ້ຮັບອີເມລຈາກ ASSIST ກ່ຽວກັບການຕອບຮັບໂດຍ DCP ພາຍໃນກຳນົດເວລາທີ່ກຳນົດໄວ້ (10 ວັນລັດຖະການ) ຫຼັງຈາກຄໍາຮ້ອງທຸກໄດ້ຮັບການຍອມຮັບຈາກ CA, ນັ້ນກໍ່ໝາຍຄວາມວ່າ DCP ມີການດຳເນີນການທີ່ເກີນຂອບເຂດ ຊຶ່ງ DCP ຈະໄດ້ຮັບຄຳເຕືອນແບບອັດຕະໂນມັດອີກເທື່ອໜຶ່ງຜ່ານອີເມລ (ພາຍໃນ 14 ມື້ຕາມປະຕິທິນຫຼັງຈາກການຮ້ອງທຸກໄດ້ຖືກຍື່ນໄປແລ້ວ) ຊຶ່ງ ເປັນການດຳເນີນການທີ່ເລັ່ງດ່ວນທີ່ DCP ໄດ້ຮ້ອງຂໍສຳລັບການຮ້ອງທຸກນີ້.

ແຈ້ງເຕືອນທາງອີເມລ 2 ສຳລັບຈຸດຕິດຕໍ່ປາຍທາງ:

 AMS-Y <aseanmember@state.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

 **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

ເມື່ອ DCP ຍອມຮັບຄໍາຮ້ອງທຸກແລ້ວ, ເລື່ອງດັ່ງກ່າວຈະຖືກສົ່ງຕໍ່ເຈົ້າໜ້າທີ່ຮັບຜິດຊອບ (RAs) ເພື່ອຂໍຄວາມເຫັນ. ເມື່ອ RAs ໄດ້ດຳເນີນການຕາມຄວາມພະຍາຍາມຂອງພວກເຂົາແລ້ວ, DCP ຄວນກວດກາວິທີແກ້ໄຂແລະສົ່ງຕໍ່ໃຫ້ແກ່ CA ພາຍໃນກຳນົດເວລາ 40 ມື້ລັດຖະການ. ດັ່ງນັ້ນ, ເພື່ອໃຫ້ສາມາດເຮັດໃຫ້ໄດ້ພາຍໃນກຳນົດການນີ້, ການກຳນົດການຄວນຖືກກຳນົດໂດຍ DCP ສຳລັບ RAs ເພື່ອຊອກຫາວິທີແກ້ໄຂ. ມັນແມ່ນຄວາມຮັບຜິດຊອບຂອງ DCP ເພື່ອແຈ້ງໃຫ້ CA ຮັບຊາບ ກ່ຽວກັບການປ່ຽນແປງໃດໆທີ່ກ່ຽວຂ້ອງກັບໄລຍະເວລາລະຫວ່າງເຂົ້າເຈົ້າ ແລະ ເຈົ້າໜ້າທີ່ລະດັບຊາດ.

CA ອາດຈະຕໍ່ກຳນົດ ເວລາອອກໄປອີກ 20 ວັນລັດຖະການ ຕາມການຮ້ອງຂໍຂອງ DCP. ທາງລະບົບຈະແຈ້ງໃຫ້ຊາບໂດຍອັດຕະໂນມັດ ເມື່ອເວລາກຳນົດໄດ້ຫຍັບໃກ້ເຂົ້າມາ (ເຊັ່ນວ່າ ໂດຍປົກກະຕິແລ້ວກໍ່ຈະແມ່ນ 10 ວັນຕາມເວລາປະຕິທິນ ກ່ອນທີ່ຈະໝົດເວລາກຳນົດການ). ຖ້າວ່າ DCP ດຳເນີນການຂອງຕົນ ໃນການສົ່ງວິທີແກ້ໄຂຕໍ່ CA ນັ້ນບໍ່ທັນ, ລະບົບ online ກໍ່ຈະແຈ້ງ CA ໃຫ້ໄດ້ຮັບຊາບເພື່ອໄປຕິດຕາມກັບ DCP.

ຈຶ່ງໝັ້ນກວດເບິ່ງອີເມລຂອງທ່ານ ເປັນປະຈຳພາຍໃນ 40 + 20 ມື້ລັດຖະການ ຫຼັງຈາກທີ່ໄດ້ຮັບແຈ້ງວ່າ DCP ໄດ້ຍອມຮັບຄໍາຮ້ອງທຸກຂອງທ່ານແລ້ວ. ໃນທີ່ສຸດທ່ານຈະໄດ້ຮັບອີເມລອັນໃໝ່ຈາກ ASSIST ທີ່ຊີ້ບອກເຖິງການແກ້ໄຂບັນຫາທີ່ສະເໜີໂດຍ DCP.

ຂໍ້ມູນ

11

ຮັບແຈ້ງທາງອີເມລຈາກ ASSIST ວ່າ AMS-Y ໄດ້ສະເໜີການແກ້ໄຂບັນຫາແລ້ວ ແລະ ຜູ້ດູແລລະບົບຍອມຮັບ ເອົາແລ້ວ

ຫຼັງຈາກ DCP (AMS-Y) ໄດ້ຮັບການສະເໜີການແກ້ໄຂບັນຫາຈາກ RA(s) ຂອງພວກເຂົາ ແລະ ພິຈາລະນາວ່າຂໍ້ສະເໜີດັ່ງກ່າວໄດ້ແຈ້ງໄປທີ່ໄດ້ຍົກຂຶ້ນໃນຄໍາຮ້ອງທຸກ, DCP ກໍ່ຈະໃຫ້ການແກ້ໄຂທີ່ສະເໜີໄປແລ້ວຕໍ່ກັບ CA .

CA ຈະດໍາເນີນການ: (i) ທົບທວນວິທີແກ້ໄຂໃນແງ່ຂອງການຮ້ອງທຸກອັນດັ່ງເດີມ; (ii) ລົງທະບຽນວິທີແກ້ໄຂແລະສົ່ງໃຫ້ AE ໂດຍທາງອີເມລ; ແລະ (iii) ຄັດລອກວິທີແກ້ໄຂບັນຫາໄປໃຫ້ທາງຈຸດຕິດຕໍ່ທາງຕົ້ນທາງໃນ AMS-X (ກໍ່ຖືປະເທດ ບ້ານເກີດຂອງທ່ານ).

(a) ໃຫ້ທ່ານໄປທີ່ບັນຊີອີເມລຂອງທ່ານ. ທ່ານຈະໄດ້ຮັບອີເມລອັນໃໝ່ມາຈາກ ASSIST ທີ່ສະແດງການຕອບຮັບຕໍ່ຄໍາ ຮ້ອງທຸກຂອງທ່ານຈາກ DCP.



ASEAN Enterprise: aseanenterprise@gmail.com

[ASSIST] Response for your #14620181017 complaint

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

Thu, Oct 18, 2018 at 12:38 PM



ASSOCIATION
OF SOUTHEAST
ASIAN NATIONS

ASSIST

ASEAN Solutions for Investments, Services and Trade

Dear Mr Paul Smith,

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

"Upon internal discussions between the DCP and the RAs, AMS-Y decides to postpone the application of the new regulation requiring exporters and importers of certain commodities, including iron, aluminum, cotton and rubber, to use only AMS-Y's domestic vessels (i.e., vessels belonging to maritime shipping companies based in AMS-Y), as there has also been criticism and disagreements from local exporters that this new regulation will possibly affect export volumes and State revenues, as it will discourage or alienate foreign investors, as many buyers of the restricted commodities are now pending finalization of their contracts. However, AMS-Y stated that it did not intend for the regulation to be seen as a protectionist measure against foreign vessels and in violation of free trade principles. AMS-Y understood that its measure was initially intended to encourage AMS-Y's shipping industry to increase domestic shipping capacity as more than 90% of all shipping in AMS-Y waters is handled by foreign vessels. Thus, for example, in the rubber industry more than 90% of export shipments are conducted by foreign vessels. Domestic shipping capacity was estimated at 50 million tons in 2017, while foreign vessels shipped 500 million tons in the same year, which is a major difference. AMS-Y added that the key goal of the regulation is that domestic shipping services companies start to benefit more significantly from the rising amount of sea trade in AMS-Y waters. Currently, most of the contracts and volumes of sea trade are dominated by foreign shipping service companies. However, AMS-Y agrees that it requires a more gradual process rather than a sudden break, thus the decision to postpone indefinitely (although not to revoke) the application of the new law."

You can also check the status of your complaint online at <http://assist.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 : Star 88 Co., Ltd. (Type Enterprise)

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

Tracking ID: 14620181017

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 : aseanenterprise08@gmail.com

Address: Better Living Street City W Country X

City: City W / Zip Code: 1711

Country: AMS-X

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

Country of Legal Registration : AMS-X

Legal Registration Number : 123456

Type of Business : Service provider

Business Sector : Services

Type of problem encountered : Transport services

Destination Country : AMS-Y

Description:

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

Thanking you, ASSIST is at your service.

assist.asean.org

- (b) ຈົ່ງເຂົ້າລະບົບ dashboard ຂອງ ASSIST ຂອງທ່ານໂດຍໃຊ້ອີເມລ ແລະ ໝາຍເລກຕິດຕາມຂອງທ່ານຕາມທີ່ລະບຸໄວ້ໃນຂັ້ນຕອນທີ 7 (a) ແລະ (b) ຂ້າງເທິງນັ້ນ. ພາບລວມແບບທີ່ເຫັນໄດ້ຕົວຕົວແລະຄົບຖ້ວນ ຂອງ dashboard ຂອງທ່ານນັ້ນສາມາດເບິ່ງໄດ້ຂ້າງລຸ່ມນີ້. ດັ່ງທີ່ທ່ານເຫັນ, ການດຳເນີນການອື່ນໆລ້ວນແຕ່ໄດ້ບັນທຶກເພີ່ມເຂົ້າໄປໃນ 'History'-ປະຫວັດການດຳເນີນການຕ່າງໆຂອງທ່ານ ທີ່ຊຶ້ງໃຫ້ເຫັນວ່າ ມີການສະເໜີວິທີແກ້ໄຂຄໍາຮ້ອງທຸກຂອງທ່ານ. ວິທີການແກ້ໄຂບັນຫາ/ການຕອບຮັບຂອງASSIST ທີ່ມາຈາກ DCP, ທີ່ CA ໄດ້ໃຫ້ການຍອມຮັບນັ້ນ ກໍ່ໄດ້ສະແດງໃຫ້ເຫັນໃນວັກທີ່ໜຶ່ງໃນ dashboard ຂອງທ່ານ.



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Tracking ID #14620181017 / AMS-Y

ASSIST Solution

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

Attachment

Date	Action	Action By	Comments
18/10/2018 12:38:29	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... i/k
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... i/k
17/10/2018 12:49:41	New	ASEAN-based Enterprise	Email Confirmed

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	Services / Transport services
Company Registration Proof	Attachment_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 bareport 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	Attachment_2-Simulated_Law_of_AMS-Y2.pdf Attachment_3-Simulated_AMS-Y_Schedule_of_Specific_Commitments-Maritime_Transport_Services.pdf		

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

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ຂ້າງລຸ່ມນີ້ແມ່ນການແກ້ໄຂບັນຫາທີ່ສະເໜີມາຈາກ DCP:

"ພາຍຫຼັງການສົນທະນາພາຍໃນລະຫວ່າງ DCP ແລະ RAs, AMS-Y ຕັດສິນໃຈທີ່ຈະເລື່ອນການນຳໃຊ້ກົດລະບຽບໃໝ່ທີ່ຮຽກຮ້ອງໃຫ້ຜູ້ສົ່ງອອກແລະຜູ້ນຳເຂົ້າສິນຄ້າບາງຊະນິດ, ອັນລວມມີທັງທາດເຫຼັກ, ອາລູມິນຽມ, ຝ້າຍແລະຢາງພາລາໂດຍໃຊ້ເຮືອພາຍໃນຂອງ AMS-Y ເທົ່ານັ້ນ, (ຫມາຍເຖິງເຮືອທີ່ຂຶ້ນກັບບໍລິສັດຂົນສົ່ງທາງທະເລທີ່ປະຈຳຢູ່ AMS-Y), ຍ້ອນວ່າກໍ່ຍັງມີທາງສຽງວິພາກວິຈານແລະຄວາມບໍ່ເຫັນດີຈາກຜູ້ສົ່ງອອກໃນທ້ອງຖິ່ນວ່າກົດລະບຽບໃໝ່ນີ້ມີຄວາມເປັນໄປໄດ້ທີ່ຈະສົ່ງຜົນກະທົບຕໍ່ປະລິມານການສົ່ງອອກແລະລາຍໄດ້ຂອງລັດ, ເພາະມັນຈະເຮັດໃຫ້ນັກລົງທຶນຕ່າງປະເທດບໍ່ມີຄວາມສົນໃຈ, ຍ້ອນວ່າຜູ້ຊື້ສິນຄ້າຫລາຍຄົນທີ່ຊື້ສິນຄ້າບໍລິໂພກທີ່ໄດ້ຖືກຈຳກັດໄວ້ນັ້ນ ໃນຂະນະນີ້ກຳລັງລໍຖ້າການເຮັດສັນຍາໃນຂັ້ນສຸດທ້າຍ.

ເຖິງຢ່າງໃດກໍ່ຕາມ, AMS-Y ກໍ່ໄດ້ລະບຸໄວ້ວ່າ ບໍ່ໄດ້ມີຈຸດປະສົງທີ່ຈະເຮັດໃຫ້ຖືກເບິ່ງວ່າເປັນມາດຕະການປົກປ້ອງຕໍ່ເຮືອຕ່າງປະເທດແລະເປັນການລະເມີດຫຼັກການການຄ້າເສລີ. AMS-Y ໄດ້ຊີ້ໃຫ້ເຫັນວ່າມາດຕະການຂອງຕົນນັ້ນ ແມ່ນມີຈຸດປະສົງໃນເບື້ອງຕົ້ນກໍ່ເພື່ອຊຸກຍູ້ອຸດສະຫະກຳຂົນສົ່ງຂອງ AMS-Y ໃຫ້ມີຄວາມສາມາດຂົນສົ່ງພາຍໃນປະເທດ ຍ້ອນວ່າຫຼາຍກວ່າ 90% ຂອງການຂົນສົ່ງອອກນອກປະເທດທັງໝົດ ໃນຂອບເຂດນ່ານນ້ຳ AMS-Y ນັ້ນແມ່ນໄດ້ຖືກບໍລິຫານຈັດການໂດຍເຮືອຕ່າງປະເທດ. ດັ່ງນັ້ນ, ມັນມີຕົວຢ່າງເຊັ່ນວ່າ, ໃນອຸດສະຫະກຳຜະຫລິດຢາງພາລາໂດນັ້ນ ຫຼາຍກວ່າ 90% ຂອງການຂົນສົ່ງສິນຄ້າສົ່ງອອກແມ່ນດຳເນີນໂດຍເຮືອຕ່າງປະເທດ. ຄວາມສາມາດຂົນສົ່ງພາຍໃນປະເທດໄດ້ທຳການປະເມີນໄວ້ຢູ່ທີ່ 50 ລ້ານໂຕນໃນປີ 2017, ໃນຂະນະທີ່ເຮືອຕ່າງປະເທດສົ່ງອອກໄດ້ 800 ລ້ານໂຕນໃນປີດຽວກັນ, ຊຶ່ງ ເປັນຄວາມແຕກຕ່າງທີ່ໃຫຍ່ຫຼວງ.

AMS-Y ກໍ່ໄດ້ກ່າວຕື່ມອີກວ່າ ເປົ້າໝາຍສຳຄັນຂອງຂໍ້ກຳນົດແມ່ນບໍລິສັດບໍລິການຂົນສົ່ງພາຍໃນປະເທດ ເລີ່ມທີ່ຈະໄດ້ຮັບຜົນປະໂຫຍດຫຼາຍກວ່າເກົ່າ ຈາກການເພີ່ມຂຶ້ນຂອງການຄ້າທາງທະເລໃນເຂດນ່ານນ້ຳ ຂອງ AMS-Y. ໃນປະຈຸບັນນີ້, ສັນຍາແລະປະລິມານການຄ້າສ່ວນໃຫຍ່ ແມ່ນໄດ້ຖືກຄອບງຳໂດຍບໍລິສັດບໍລິການຂົນສົ່ງຕ່າງປະເທດ. ເຖິງຢ່າງໃດກໍ່ຕາມ, AMS-Y ເຫັນດີວ່າຕ້ອງໃຫ້ມີຂັ້ນຕອນການດຳເນີນການ ທີ່ຄ່ອຍໆເປັນໄປແທນທີ່ຈະໄປຢຸດສະຖັກຢ່າງກະທັນຫັນ, ດັ່ງນັ້ນການຕັດສິນໃຈໄດ້ເຮັດໃຫ້ມີການເລື່ອນເວລາອອກໄປຢ່າງບໍ່ມີກຳນົດ (ເຖິງວ່າຈະບໍ່ມີການຖອນຄືນ) ຂອງການນຳໃຊ້ກົດໝາຍໃໝ່.

- (c) ຢູ່ທາງລຸ່ມຂອງອີເມລທີ່ໄດ້ສົ່ງມາຈາກ ASSIST ໃນ ຂໍ້ 11 (a) ຂ້າງເທິງນັ້ນ, ທ່ານໄດ້ຖືກຮ້ອງຂໍໃຫ້ລະບຸວ່າທ່ານພໍໃຈຫຼືບໍ່ກັບຄຳຕອບທີ່ DCP ໄດ້ໃຫ້ມາແລະພ້ອມທັງວິທີແກ້ໄຂທີ່ມີຢູ່ໃນນັ້ນ. ທ່ານສາມາດລະບຸໄດ້ໂດຍການເລືອກ 'Yes-ແມ່ນ' ຫຼື 'No-ບໍ່ແມ່ນ' ຊ່ອງປ້ອນຂໍ້ມູນທີ່ມີໄວ້ໃຫ້ທ່ານ

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

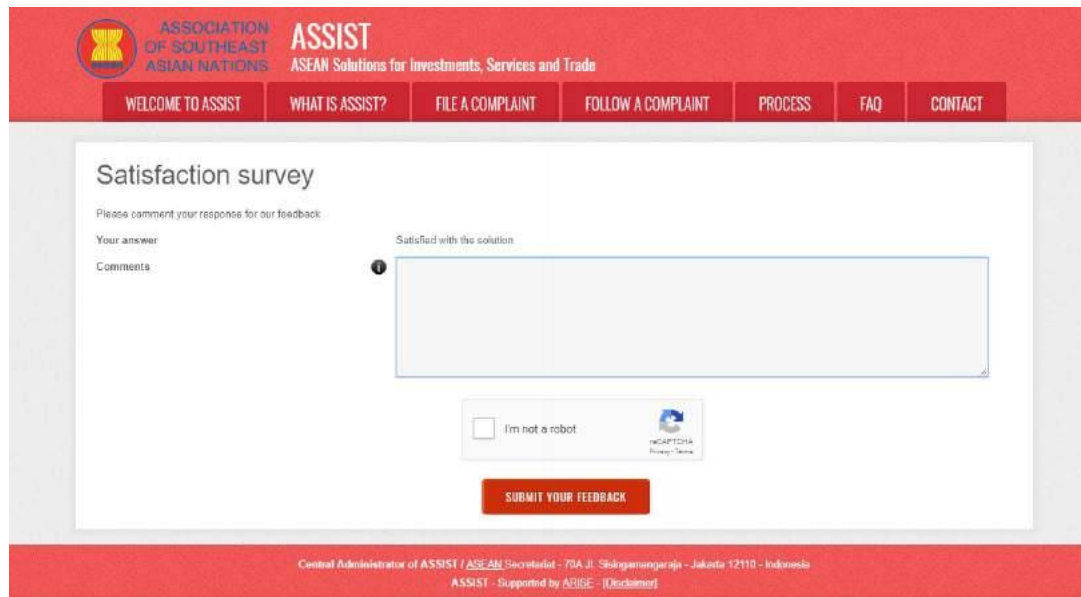
ໃນກໍລະນີນີ້, ທາງ AE ເລືອກເອົາ “Yes-ແມ່ນ” .

ຂັ້ນຕອນ

12

ຈົ່ງປະກອບຄຳຄິດເຫັນຂອງທ່ານຕໍ່ກັບການແກ້ໄຂ / ການຕອບຮັບທີ່ສະເໜີໂດຍ AMS-Y ໃນແບບຟອມການສຳຫຼວດຄວາມເພິ່ງພໍໃຈ ແລະ ການຮັບຊາບຈາກ ASSIST ໂດຍທາງອີເມລ

ເມື່ອທ່ານໄດ້ເລືອກຄຳຕອບວ່າ 'ແມ່ນ/ບໍ່ແມ່ນ' ຢູ່ໃນຂັ້ນຕອນທີ 11 (c) ຂ້າງເທິງນັ້ນ, ທ່ານຈະຖືກນຳໄປຫາໜ້າເວັບລຸ່ມນີ້ທີ່ເປັນບ່ອນທີ່ທ່ານຈະຖືກຮ້ອງຂໍໃຫ້ຕອບແບບສຳຫຼວດຄວາມເພິ່ງພໍໃຈ ແລະ ຖືກເຊັນໃຫ້ອອກຄຳເຫັນ, ໂດຍສະເພາະຖ້າທ່ານບໍ່ພໍໃຈກັບຂໍ້ສະເໜີຂອງການຕອບຮັບ/ການແກ້ໄຂ.



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Satisfaction survey

Please comment your response for our feedback

Your answer

Comments

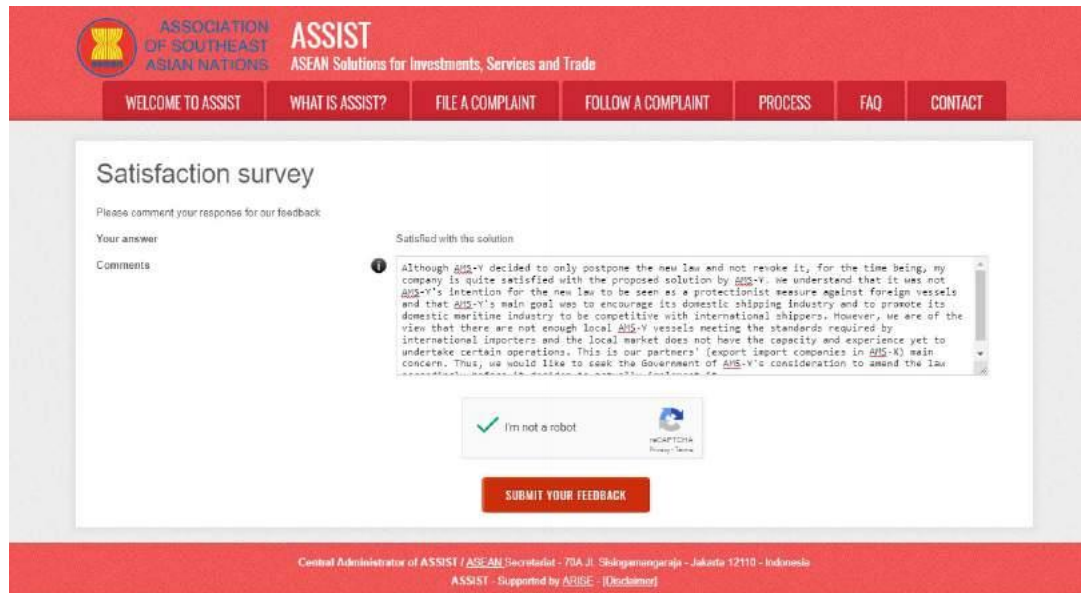
Satisfied with this solution

I'm not a robot

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- (a) ຈົ່ງຕື່ມຂໍ້ມູນໃນແບບຟອມການສໍາຫຼວດຄວາມເພິ່ງພໍໃຈ. ໃນກໍລະນີນີ້, ສະມາຄົມການຄ້າອາຊຽນມີຄວາມເພິ່ງພໍໃຈຕໍ່ວິທີການແກ້ໄຂ/ການຕອບຮັບ ໂດຍ ASSIST ແລະດັ່ງນັ້ນຈຶ່ງຊື້ໃຫ້ເຫັນຕາມຄວາມເໝາະສົມ.



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

Satisfaction survey

Please comment your response for our feedback

Your answer

Comments

Satisfied with this solution

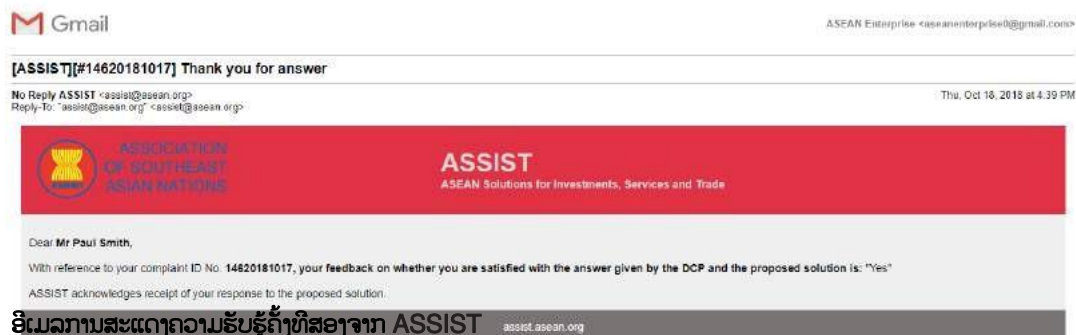
I'm not a robot

SUBMIT YOUR FEEDBACK

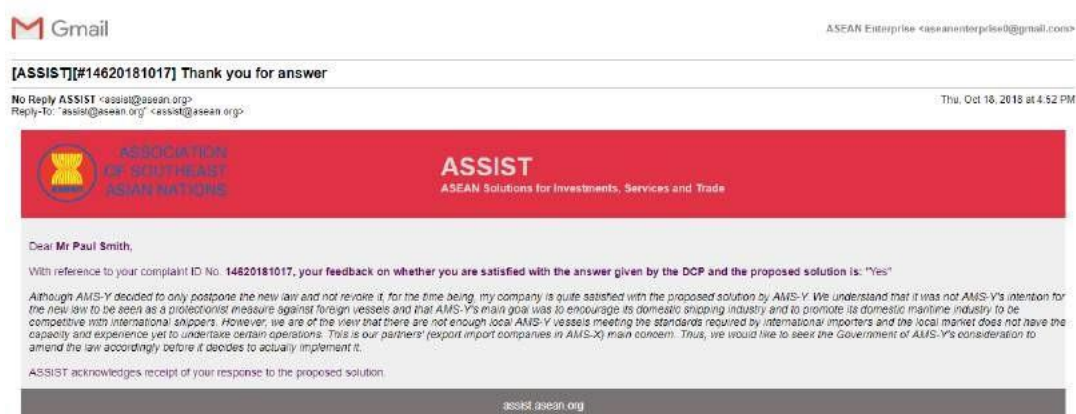
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- (b) ຈົ່ງເຂົ້າໄປທີ່ບັນຊີອີເມລຂອງທ່ານ. ທ່ານອາດຈະໄດ້ຮັບອີເມລໜຶ່ງຫລືສອງສະບັບ (ຖ້າທ່ານໄດ້ປ້ອນຂໍ້ມູນເຂົ້າໄປໃນແບບຟອມການສໍາຫຼວດຄວາມເພິ່ງພໍໃຈແລ້ວ) ຈາກ ASSIST, ທີ່ໄດ້ສະແດງຄວາມຮັບຮູ້ວ່າໄດ້ຮັບຄໍາຕອບຂອງທ່ານທີ່ທ່ານໄດ້ໃຫ້ໄວ້ຕໍ່ກັບວິທີການແກ້ໄຂບັນຫາທີ່ສະເໜີໂດຍ AMS-Y. ສໍາເນົາຄໍາຕອບຂອງທ່ານຈະໄດ້ຖືກສົ່ງໄປຫາ DCP ແລະ HCP.

ອີເມລການສະແດງຄວາມຮັບຮູ້ຄັ້ງທຳອິດຈາກ ASSIST



ຖ້າທ່ານໄດ້ໃຫ້ຄໍາເຫັນກ່ຽວກັບແບບຟອມການສໍາຫຼວດຄວາມເພິ່ງພໍໃຈ, ທ່ານກໍ່ຈະໄດ້ຮັບອີເມລສະບັບທີສອງ ທີ່ສະແດງໄວ້ຢູ່ທາງລຸ່ມນີ້, ທີ່ເປັນການຮັບຮູ້ການໄດ້ຮັບຄໍາຕອບຂອງທ່ານຕໍ່ການແກ້ໄຂບັນຫາທີ່ໄດ້ ສະເໜີໄປນັ້ນ ແລະ ASSIST ຈະສົ່ງໃຫ້ທ່ານ, DCP ແລະ HCP.



(c) ຈົ່ງເຂົ້າສູ່ລະບົບ dashboard ຂອງ ASSIST ຂອງທ່ານໂດຍໃຊ້ອີເມລ ແລະ ໝາຍເລກຕິດຕາມຂອງທ່ານຕາມທີ່ລະບຸໄວ້ໃນຂັ້ນຕອນທີ 7 (a) ແລະ (b) ຂ້າງເທິງ. ພາບລວມແບບທີ່ເຫັນໄດ້ເຕັມຕົວ ແລະ ຄົບຖ້ວນຂອງ dashboard ໃນຂັ້ນຕອນສຸດທ້າຍຂອງທ່ານນັ້ນສາມາດເບິ່ງໄດ້ຂ້າງລຸ່ມນີ້. ຕາມທີ່ທ່ານເຫັນ, ຂັ້ນຕອນການດໍາເນີນການອື່ນໆໄດ້ຖືກເພີ່ມເຂົ້າໃນ 'History' - ປະຫວັດການດໍາເນີນການຕ່າງໆຂອງທ່ານທີ່ທ່ານໄດ້ສະແດງຄວາມພໍໃຈຕໍ່ວິທີການແກ້ໄຂບັນຫາທີ່ສະເໜີໂດຍ ASSIST.



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WELCOME TO ASSIST

WHAT IS ASSIST?

MY COMPLAINT

LOGOUT

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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 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 56 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
16/10/2018 16:52:00	Cancelled	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
16/10/2018 12:38:29	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 ... /4
17/10/2018 14:40:40	Answered	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 ... /4
17/10/2018 13:09:04	Lead Confirmed	ASEAN-based Enterprise	Email Confirmed
17/10/2018 12:49:41	New	ASEAN-based Enterprise	

ASEAN ENTERPRISE

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

CONTACT PERSON

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

COMPLAINT DESCRIPTION

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

Description

We are a duly registered shipping company in AMS-X. We have entered into a two-year binding agreement since January 2016 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-trip from AMS-X to AMS-Y using the same vessel. The intention, inter alia, is to save cost in fuel consumption and manpower by having a full freight load in both inbound and outbound trips, thereby being able to provide a cost-effective and competitive service on a cross-border basis to customers based in both AMS-X and AMS-Y. We recently learned that AMS-Y has issued a new shipping law, namely the Ministry of Trade Law No. 13 Year 2018, imposing that certain commodities can only be transported for import or export by national maritime transport companies. The four commodities, i.e. iron, aluminium, rubber and cotton, are among the commodities listed in this new shipping law. This new law would certainly result in a financial loss for our business and prevent us from providing its maritime shipping services between AMS-X and AMS-Y. We are very worried that this legislative development is contrary to free trade, to the spirit of the ASEAN Economic Community (AEC) and, possibly, against the specific commitments and obligation of AMS-Y under the relevant ASEAN economic agreements (e.g., the ASEAN Framework Agreement on Services, or AFAS). We are of the view that this new law is a clear measure of protectionism and is incompatible with free trade principles and customary law regarding international maritime services, which will seriously impact AMS-X's shipping companies that are offering cross-border maritime transport services in relation to the commodities affected by this law. Furthermore, this new measure by AMS-Y is a clear violation of the commitments made by AMS-Y to the World Trade Organization and is a clear violation of the Schedule of Specific Commitments of AMS-Y under AFAS, where AMS-Y have committed to allow foreign shipping companies that are offering cross-border freight transport services within ASEAN to operate within its waters without any limitations to market access and national treatment. Thus, we would like to request for AMS-Y to revoke or amend this new law accordingly.

Attachment

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

- (d) ຖ້າທ່ານຢາກເຫັນຄໍາເຫັນທີ່ທ່ານໄດ້ໃຫ້ໄວ້ໃນແບບຟອມການສໍາຫຼວດຄວາມເພິ່ງພໍໃຈ, ຈົ່ງຄລິກທີ່ໄອຄອນທີ່ເປັນຮູບແກ້ວຂະຫຍາຍ ແລະ ໜ້າຈໍທາງລຸ່ມນີ້ຈະປາກົດຂຶ້ນ.



ກ່ຽວກັບການແຈ້ງການວ່າວິທີການສະເໜີຕໍ່ AE ນັ້ນໄດ້ຖືກຍອມຮັບເປັນທີ່ພໍໃຈຂອງ AE, DCP ຄວນໃຫ້ມີການແຈ້ງການກ່ຽວກັບການຍອມຮັບຕໍ່ RA(s), ເພື່ອຮັບປະກັນວ່າການຈັດການດ້ານການບໍລິຫານທີ່ຈໍາເປັນເພື່ອຈັດຕັ້ງປະຕິບັດວິທີແກ້ໄຂໃນທັນທີຢູ່ໄວຍິ່ງດີ.

ASSIST ຈະທາການພິຈາລະນາຂັ້ນຕອນນີ້ວ່າເປັນໜຶ່ງຂັ້ນຕອນໃນຄໍາຮ້ອງທຸກທີ່ຖືກຍອມຮັບ ແລະ ວິທີການແກ້ໄຂໄດ້ຖືກແນະນໍາໂດຍ DCP ແລະ ເປັນທີ່ຍອມຮັບໂດຍ AE.

ຈົ່ງຮັບຊາບວ່າ ໄລຍະເວລາສໍາລັບການແກ້ໄຂບັນຫາຂ້າມແດນທີ່ນໍາມາພາຍໃຕ້ຂອບເຂດຂອງ ASSIST ຈະຕ້ອງບໍ່ກາຍ 40 ມື້ລັດຖະການ ຫຼື 2 ເດືອນຕາມມື້ປະຕິທິນ (ເວັ້ນເສຍແຕ່ວ່າຈະມີການຕໍ່ກໍານົດເວລາສູງສຸດ 20 ມື້ລັດຖະການ) ຈາກມື້ທີ່ຄໍາຮ້ອງທຸກທີ່ໄດ້ຮັບການຍອມຮັບໂດຍ DCP (ໝາຍເຖິງປະເທດສະມາຊິກອາຊຽນທີ່ໄດ້ມີປະຕິກິລິຍາຕໍ່ກັບຄໍາຮ້ອງທຸກທີ່ຖືກຍິນໄປ).



ASSIST

ການສອນເພີ່ມແບບເທື່ອລະກ້າວຂອງ ກໍລະນີສຶກສາ 5 (ການຄ້າດ້ານການບໍລິການ)

ຮູບພາບໂດຍ: Nathan Associates - PSDA Project, Myanmar

ຄໍາຮ້ອງທຸກທີ່ຍື່ນໂດຍວິສາຫະກິດອາຊຽນ (ບໍລິສັດແມ່ຂອງບໍລິສັດຍ່ອຍຂອງຕົນ), ໄດ້ຮັບການຍອມຮັບຈາກຜູ້ບໍລິຫານສູນກາງ ແລະ ປະຕິເສດໂດຍຈຸດຕິດຕໍ່ປາຍທາງ.

ລາຍລະອຽດໂດຍຫຍໍ້ກ່ຽວກັບກໍລະນີ: ສະຖານະການນີ້ແມ່ນກໍລະນີທີ່ເຍາະເຍີ້ຍ ຫຼື ທ້າທາຍທີ່ຖືກສ້າງຂຶ້ນເພື່ອສະທ້ອນໃຫ້ເຫັນຮູບແບບທີ 3 (ການສ້າງຕັ້ງທຸລະກິດເພື່ອໃຫ້ການບໍລິການ) ທີ່ໄດ້ກຳນົດໄວ້ໃນສັນຍາຂອບເຂດອາຊຽນກ່ຽວກັບການບໍລິການ (AFAS) ແລະ ສັນຍາທົວໄປກ່ຽວກັບການຄ້າການບໍລິການ (GATS) , ເປັນການໃຫ້ແກ່ຜູ້ໃຫ້ການບໍລິການຂອງປະເທດໜຶ່ງ, ຜ່ານການການສ້າງຕັ້ງທຸລະກິດເພື່ອໃຫ້ການບໍລິການໃນອານາເຂດຂອງປະເທດອື່ນ. ສະຖານະການນີ້ແມ່ນປະເພດການຮ້ອງທຸກທີ່ໄດ້ຍອມຮັບໂດຍຜູ້ດູແລລະບົບ (CA) ຂອງ ASSIST ວ່າໄດ້ຮັບການຍື່ນຢ່າງຖືກຕ້ອງຈາກ AE, ຊຶ່ງແມ່ນບໍລິສັດແມ່ໃນປະເທດສະມາຊິກອາຊຽນອື່ນໆຂອງບໍລິສັດທີ່ເປັນສາຂາຍ່ອຍຂອງຕົນ, ທີ່ປະເທດສະມາຊິກອາຊຽນເປັນຜູ້ຮ້ອງທຸກນັ້ນໄດ້ ຖືກຍື່ນ ແລະ ຈັດເກັບໄວ້ ຊຶ່ງໃນຕົວຈິງແລ້ວແມ່ນຜູ້ທີ່ມີບັນຫາຫລືເລື່ອງຮ້ອງທຸກ, ຊຶ່ງແມ່ນບໍລິສັດແມ່ໃນປະເທດສະມາຊິກອາຊຽນອື່ນໆຂອງ

ບໍລິສັດທີ່ເປັນສາຂາຍ່ອຍຂອງຕົນ, ທີ່ປະເທດສະມາຊິກອາຊຽນເປັນຜູ້ຮ້ອງທຸກນັ້ນໄດ້ ຖືກຍື່ນແລະຈັດເກັບໄວ້ ຊຶ່ງໃນຕົວຈິງແລ້ວແມ່ນຜູ້ທີ່ມີບັນຫາ ຫຼື ເລື່ອງຮ້ອງທຸກ, ແຕ່ກໍຖືກປະຕິເສດຈາກປະເທດປາຍທາງ ເພາະວ່າໃນທີ່ສຸດກໍພົບເຫັນວ່າຂໍ້ກ່າວຫາຂອງ AE ຂາດຄຸນລັກສະນະແລະບໍ່ມີຜົນເນື່ອງຈາກປະເທດປາຍທາງກໍໄດ້ປະຕິບັດຕາມຄໍາໝັ້ນສັນຍາຂອງອາຊຽນທີ່ກ່ຽວຂ້ອງແລ້ວຢ່າງຖືກຕ້ອງ.

ຄໍາຮ້ອງທຸກແມ່ນມີຄວາມກ່ຽວຂ້ອງກັບການຍົກເລີກໃບອະນຸຍາດຂອງບໍລິສັດຍ່ອຍ ແລະ ການແກ້ໄຂປັບປຸງກົດໝາຍວ່າດ້ວຍການອະນຸຍາດເພື່ອດຳເນີນທຸລະກິດດ້ານໂທລະຄົມມະນາຄົມໂດຍປະເທດປາຍທາງເຊິ່ງ AE ໄດ້ອ້າງວ່າເປັນການແບ່ງແຍກກົດກັນຕໍ່ນັກລົງທຶນຕ່າງປະເທດແລະເປັນການລະເມີດຢ່າງຈະແຈ້ງຕໍ່ຕາຕະລາງສັນຍາຂໍ້ຜູກພັນສະເພາະອາຊຽນຂອງປະເທດປາຍທາງພາຍໃຕ້ຂອບເຂດຂອງ AFAS ທີ່ປະເທດປາຍທາງ ໄດ້ສັນຍາວ່າຈະອະນຸຍາດໃຫ້ມີການສ້າງຕັ້ງທຸລະກິດເພື່ອໃຫ້ການບໍລິການຂອງບໍລິສັດຕ່າງປະເທດ, ຫຼື ເວົ້າອີກແບບໜຶ່ງແມ່ນເພື່ອໃຫ້ສິດທິທາງກົດໝາຍສໍາລັບຜູ້ປະກອບການຕ່າງປະເທດ, ທີ່ໄດ້ລົງທະບຽນໄວ້ແລ້ວຢ່າງຖືກຕ້ອງຕາມກົດໝາຍໃນປະເທດສະມາຊິກອາຊຽນອື່ນ, ເພື່ອໃຫ້ການບໍລິການຜ່ານການສ້າງຕັ້ງສະຖານທີ່ປະກອບທຸລະກິດການຄ້າ, ໂດຍບໍ່ມີຂໍ້ຈຳກັດໃດໆ ເພື່ອສາມາດເຂົ້າເຖິງຕະຫຼາດ ແລະ ການປະຕິບັດໃນລະດັບຊາດ.

ລາຍຊື່ຜູ້ດຳເນີນການຫລັກແລະຕົວຫຍໍ້:

- ຜູ້ຮ້ອງທຸກ = ວິສາຫະກິດອາຊຽນ(AE)
- ກອງເລຂາອາຊຽນ = ຜູ້ດູແລລະບົບ ASSIST (CA)
- ປະເທດເຈົ້າພາບ = ຈຸດທີ່ໃຊ້ຕິດຕໍ່ໃນປະເທດຕ້ອນຮັບ (HCP) ໃນບັນດາປະເທດສະມາຊິກອາຊຽນ -X (AMS-X)
- ປະເທດປາຍທາງ = ຈຸດທີ່ໃຊ້ຕິດຕໍ່ໃນປະເທດປາຍທາງ (DCP) ໃນບັນດາປະເທດສະມາຊິກອາຊຽນ -Y (AMS-Y)
- ເຈົ້າໜ້າທີ່ແຫ່ງຊາດທີ່ກ່ຽວຂ້ອງ = ອົງການປົກຄອງທີ່ກ່ຽວຂ້ອງ (RAs)

ຂັ້ນຕອນ

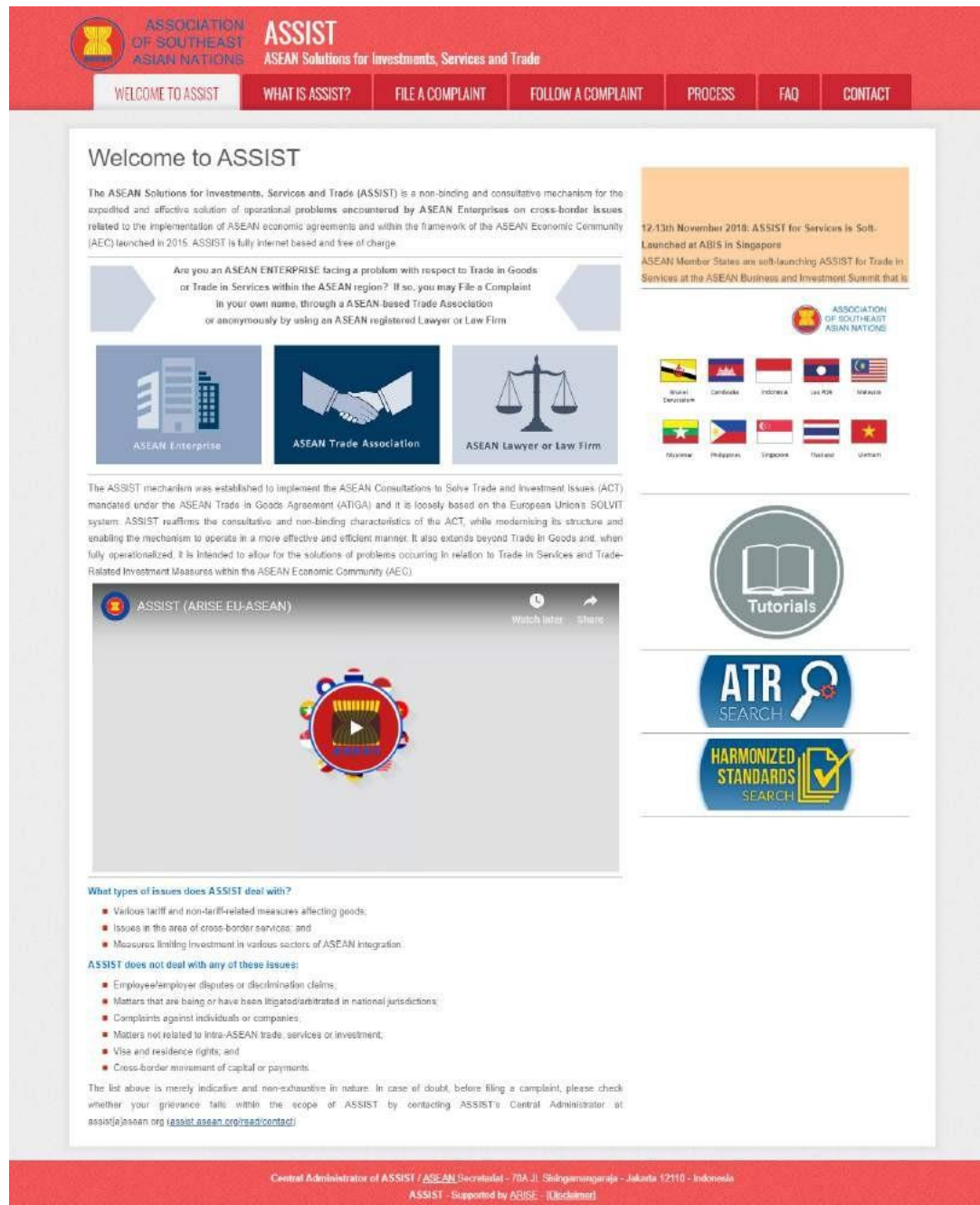
1

ຈົ່ງໄປທີ່ເວັບໄຊທ໌ຂອງ ASSIST ([HTTP://ASSIST.ASEAN.ORG](http://assist.asean.org))

ຖ້າທ່ານຮູ້ສຶກວ່າຄະດີຂອງທ່ານແມ່ນບັນຫາທີ່ກ່ຽວຂ້ອງກັບການຄ້າຂາມເຂດແດນຂອງອາຊຽນ, ທັງທ່ານກໍ່ແມ່ນທຸລະກິດທີ່ຈົດທະບຽນຢູ່ໃນປະເທດສະມາຊິກອາຊຽນ, ແລະທ່ານຕ້ອງການບໍລິການແບບບໍ່ເສຍຄ່າ, ບໍ່ມີການຜູກມັດ, ໃຫ້ຄໍາປຶກສາແລະໄດ້ຮັບວິທີແກ້ໄຂທີ່ເລັ່ງດ່ວນ ແລະ ມີປະສິດທິພາບ, ກໍ່ໃຫ້ທ່ານຕິດຕໍ່ໄປທີ່ລິ້ງຕໍ່ໄປນີ້:

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

ຂ້າງລຸ່ມນີ້ແມ່ນ ໜ້າທຳອິດຂອງ 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' and includes a paragraph about the ASSIST mechanism. Below this is a section titled 'Are you an ASEAN ENTERPRISE facing a problem with respect to Trade in Goods or Trade in Services within the ASEAN region?' with three options: 'ASEAN Enterprise', 'ASEAN Trade Association', and 'ASEAN Lawyer or Law Firm'. To the right, there is a section titled '12.13th November 2018: ASSIST for Services is Soft-Launched at ABIS in Singapore' and a list of ASEAN member states with their flags. Below the flags are icons for 'Tutorials', 'ATR SEARCH', and 'HARMONIZED STANDARDS SEARCH'. At the bottom, there is a section titled 'What types of issues does ASSIST deal with?' with a list of issues and a disclaimer.

ຂັ້ນຕອນ
2

ຈົ່ງເລືອກເອົາ “File A Complaint-ຍື່ນຄຳຮ້ອງທຸກ” ໃນແຖບເມນູ (ທີ່ມີຮູບໄອຄອນ ASEAN ENTERPRISE)

ຖ້າທ່ານກຳລັງຍື່ນຄຳຮ້ອງທຸກໃນນາມຂອງບໍລິສັດຂອງທ່ານເອງ(ຄຳຮ້ອງທຸກທີ່ບໍ່ລະບຸຊື່)ແລະທ່ານບໍ່ໄດ້ເປັນຕົວແທນ ໂດຍສະມາຄົມການຄ້າອາຊຽນ, ຫຼືໂດຍໜ່ວຍງານຕົວແທນອື່ນໆທີ່ທ່ານເລືອກ, ເຊັ່ນສະພາການຄ້າ, ສະພາທຸລະກິດ, ສະຫະພັນທຸລະກິດ, ຫຼືທະນາຍຄວາມຫຼືສຳນັກງານກົດຫມາຍທີ່ລົງທະບຽນ, ໃຫ້ທ່ານຄລິກທີ່ຮູບໄອຄອນ “ ASEAN Enterprise-ວິສາຫະກິດອາຊຽນ” ທີ່ຢູ່ໃນແຖບເມນູຂອງການຍື່ນຄຳຮ້ອງທຸກ (File a Complaint).



ASSOCIATION
OF SOUTHEAST
ASIAN NATIONS

ASSIST

ASEAN Solutions for Investments, Services and Trade

WELCOME TO ASSIST

WHAT IS ASSIST?

FILE A COMPLAINT

FOLLOW A COMPLAINT

PROCESS

FAQ

CONTACT

File a Complaint

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



ASEAN Enterprise

NON-ANONYMOUS



ASEAN Trade Association

ANONYMOUS



ASEAN Lawyer or Law Firm

ANONYMOUS

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

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

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

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

ເມື່ອທ່ານຄລິກທີ່ໂອກອນ ' ASEAN Enterprise - ວິສາຫະກິດອາຊຽນ', ເວັບໜ້າຕໍ່ໄປຈະປາກົດຂຶ້ນ.



ASSOCIATION
OF SOUTHEAST
ASIAN NATIONS

ASSIST

ASEAN Solutions for Investments, Services and Trade

WELCOME TO ASSIST

WHAT IS ASSIST?

FILE A COMPLAINT

FOLLOW A COMPLAINT

PROCESS

FAQ

CONTACT

Complaint to be Filed by an ASEAN Enterprise



ASEAN Enterprise

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

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

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

ASEAN ENTERPRISE

* ASEAN Enterprise Name

* Company Size

* Phone

Website

* Address

300 characters remaining (300 maximum)

* City ZIP Code

* Country

CONTACT PERSON

* Gender ☐ Mr ☐ Mrs ☐ Ms

* First Name * Last Name

* Phone

* Position

* Email

Address

300 characters remaining (300 maximum)

City

ZIP Code

Country

COMPLAINT DESCRIPTION

* Country of Legal Registration

* Registration Number

* Company Registration Proof

* Type of Business

* Business Sector

- Services Sector Description

* Type of Problem Encountered

* Destination Country

* Description

1

1

Choose File No file chosen

1

1

Goods

1

1

1 Tariff-related measures

1

1

300 characters remaining (300 maximum)

1

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

Privacy - Terms

SUBMIT YOUR COMPLAINT

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

ASSIST - Supported by ARISE - [\[Click here\]](#)

ຈົ່ງປ້ອນຂໍ້ມູນໃສ່ໃນແບບຟອມຂ້າງເທິງນັ້ນເພື່ອສົ່ງໃຫ້ ASSIST ຈະໄດ້ມີຂໍ້ມູນພຽງພໍກ່ຽວກັບບັນຫາການຄ້າທີ່ທ່ານກຳລັງປະສົບຢູ່. ຊ່ອງໃສ່ຂໍ້ມູນທີ່ມີເຄື່ອງໝາຍດາວ (*) ແມ່ນບັງຄັບໃຫ້ປ້ອນຂໍ້ມູນໃສ່. ຖ້າທ່ານບໍ່ແນ່ໃຈວ່າຈະຕື່ມຂໍ້ມູນແບບໃດໃສ່ໃນຊ່ອງປ້ອນຂໍ້ມູນ, ປຸ່ມຕ່າງໆທີ່ເປັນຮູບ ① ໄດ້ມີໄວ້ໃຫ້ໃຊ້ສໍາລັບເບິ່ງຄໍາແນະນໍາລະອຽດກ່ຽວກັບວ່າຈະປ້ອນຂໍ້ມູນແບບໃດໃສ່ໃນແຕ່ລະຊ່ອງ. ກະລຸນາກົດປຸ່ມທີ່ເປັນຮູບ ① ເພື່ອຮັບປະກັນວ່າທ່ານສາມາດເຂົ້າໃຈແລະຮູ້ໄດ້ວ່າຈະຕ້ອງປ້ອນຂໍ້ມູນແບບໃດທີ່ຖືກຕ້ອງລົງໃນແບບຟອມ.

ເປັນສິ່ງສໍາຄັນທີ່ສຸດທີ່ທ່ານຕ້ອງປ້ອນຂໍ້ມູນໃສ່ໃນຊ່ອງ ‘Description’ . ທາງ CA ຈະຕ້ອງ ໄດ້ທໍາການກວດສອບວ່າ ຄໍາອະທິ ບາຍຕ່າງໆທີ່ໄດ້ກ່າວໄວ້ໃນຄໍາຮ້ອງທຸກນັ້ນແມ່ນມີຄວາມພຽງພໍທີ່ຈະກໍານົດບັນຫາໄດ້ຢ່າງຈະແຈ້ງໃນແງ່ຂອງຂໍ້ຕົກລົງກ່ຽວກັບຫົວຂໍ້ ສະເພາະ ຫຼືບໍ່. ດັ່ງນັ້ນ, ກະລຸນາໃຫ້ທ່ານຈັດແຈງ ຄໍາຮ້ອງທຸກຂອງທ່ານຢ່າງລະມັດລະວັງພ້ອມດ້ວຍຂໍ້ມູນການໂຕ້ຖຽງຕ່າງໆທາງກົດໝາຍ ແລະຫຼັກຖານທີ່ເປັນຈິງເພື່ອຊ່ວຍໃຫ້ທາງ CA ໃນການຕັດສິນໃຈວ່າຈະອະນຸມັດຄໍາຮ້ອງທຸກຂອງທ່ານໄດ້ຫຼືບໍ່.

ຂໍ້ຕອນ

3

ປ້ອນຂໍ້ມູນໃສ່ແບບຟອມສໍາລັບຢືນຄໍາຮ້ອງທຸກ

ຂ້າລຸ່ມນີ້ແມ່ນຕົວຢ່າງຂອງແບບຟອມທີ່ໄດ້ປ້ອນຂໍ້ມູນໄວ້ຮຸບຮ້ອຍສໍາລັບກໍລະນີສຶກສານີ້ໂດຍສະເພາະ.



ASSOCIATION
OF SOUTHEAST
ASIAN NATIONS

ASSIST

ASEAN Solutions for Investments, Services and Trade

WELCOME TO ASSIST

WHAT IS ASSIST?

FILE A COMPLAINT

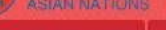
FOLLOW A COMPLAINT

PROCESS

FAQ

CONTACT

Complaint to be Filed by an ASEAN Enterprise



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

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

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



ASEAN ENTERPRISE

ASEAN Enterprise Name

AirTel Holdings, Inc

Company Size

200+

Phone

+261 7262991

Website

www.airtel.com

Address

21ngle Avenue

City U

Country X

City

City U

ZIP Code

10090

Country

AMS-X

CONTACT PERSON

Gender

☒ Mr
 ☐ Mrs
 ☐ Ms

First Name

Bruce

Last Name

Kant

Phone

+261 6159265399

Position

President

Email

aseanenterprise0@gmail.com

Address

21ngle Avenue

City U

Country X

City

City U

ZIP Code

10090

Country

AMS-X

COMPLAINT DESCRIPTION

Country of Legal Registration

AMS-X

Registration Number

123456

Company Registration Proof

Choose File

Annex 1-Simulat... Idings, Inc.pdf

Type of Business

Service provider

Business Sector

Services

Services Sector Description

Telecommunication

Type of Problem Encountered

2 Communication Services

Destination Country

AMS-Y

Description

1

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.

Attachment

1

Choose File

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

+ Attachment

Choose File

Annex 3-Simulated Law of AMS-Y.pdf

Remove

Choose File

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

Remove

☒ I have read and accept the ASSIST rules

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

✓ I'm not a robot.

reCAPTCHA

SUBMIT YOUR COMPLAINT

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

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ມີການຍົກຕົວຢ່າງຂອງການອະທິບາຍຄໍາຮ້ອງທຸກທີ່ໄດ້ຂຽນໄວ້ຈະແຈ້ງແລະຊັດເຈນ, ຂ້າງລຸ່ມນີ້ແມ່ນຄໍາອະທິບາຍ ແລະ ລາຍລະອຽດສໍາລັບກໍລະນີສຶກສານີ້ໂດຍສະເພາະ.

"ພວກເຮົາແມ່ນບໍລິສັດໂທລະຄົມມະນາຄົມທີ່ຈົດທະບຽນຖືກຕ້ອງ AMS-X, AirTel Holdings, Inc. ບໍລິສັດຍ່ອຍຂອງພວກເຮົາ, ແມ່ນບໍລິສັດ AirTel ຈຳກັດ, ຊຶ່ງຕັ້ງຢູ່ໃນ AMS-Y. 80% ຂອງຈຳນວນຮຸ້ນທັງໝົດທີ່ອອກໂດຍບໍລິສັດ AirTel ຈຳກັດ ແມ່ນເປັນເຈົ້າຂອງໂດຍຜູ້ຖືຫຸ້ນ AMS-X ແລະ ຕໍາແໜ່ງລະດັບການບໍລິຫານຂັ້ນສູງແມ່ນເປັນຜູ້ຄອບຄອງ ໂດຍຄົນສັນຊາດ AMS-Y. ໃບອະນຸຍາດດໍາເນີນງານຂອງບໍລິສັດ AirTel ຈຳກັດໄດ້ຖືກຖອນຄືນໂດຍອົງການສື່ສານແຫ່ງຊາດຂອງ AMS-Y ໃນເດືອນກັນຍາ 2018 ເນື່ອງຈາກມີການໂຕ້ຖຽງວ່າໃບອະນຸຍາດດ້ານໂທລະຄົມມະນາຄົມທີ່ບໍລິສັດ AirTel ມີຢູ່ນັ້ນແມ່ນໃຊ້ການບໍ່

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ໄດ້ອີກຕໍ່ໄປໃນຄວາມເປັນຈິງແລ້ວ ໃນເດືອນສິງຫາ ປີ 2018 AMS-Y ໄດ້ແກ້ໄຂໃບອະນຸຍາດເຮັດທຸລະກິດໂທລະຄົມມະນາຄົມສະບັບທີ 1500 ຊຶ່ງນັກທຸລະກິດຕ່າງປະເທດບໍ່ໄດ້ຮັບອະນຸຍາດໃຫ້ໃຊ້ໃບອະນຸຍາດປະເພດ B ແລະ C ອີກຕໍ່ໄປ.

ໃບອະນຸຍາດໂທລະຄົມມະນາຄົມປະເພດ B ແມ່ນສໍາລັບຜູ້ທີ່ໃຫ້ບໍລິການທີ່ມີຫລັບມີເຄືອຂ່າຍຂອງຕົນເອງ, ແຕ່ໃຫ້ບໍລິການທີ່ແນໃສ່ພາກສ່ວນຫລືຫລາຍພາກສ່ວນຂອງຜູ້ຊົມໃຊ້ທົ່ວໄປ. ໃບອະນຸຍາດໂທລະຄົມມະນາຄົມປະເພດ C ແມ່ນສໍາລັບຜູ້ທີ່ໃຫ້ບໍລິການທີ່ມີເຄືອຂ່າຍທີ່ໃຫ້ບໍລິການແກ່ປະຊາຊົນທົ່ວໄປ, ຫລືເປັນການບໍລິການທີ່ກໍ່ໃຫ້ເກີດຜົນກະທົບທີ່ສໍາຄັນຕໍ່ການແຂ່ງຂັນທີ່ຍຸດຕິທໍາ, ຄວາມສົນໃຈຂອງປະຊາຊົນ, ຫຼືຕ້ອງການການປົກປ້ອງຜູ້ບໍລິໂພກເປັນພິເສດ. ຜູ້ທີ່ສະໜັກຂໍອະນຸຍາດປະເພດ B ແລະ Type C ຕ້ອງແມ່ນບໍລິສັດທີ່ຟື້ນຟູລະເມືອງ AMS-Y ຖືຮຸ້ນຢ່າງໜ້ອຍ 51% ແລະຢ່າງໜ້ອຍສາມໃນສີ່ ຂອງຜູ້ບໍລິຫານລະດັບສູງຂອງຜູ້ສະໜັກ ແລະຜູ້ທີ່ໄດ້ຮັບອະນຸຍາດໃຫ້ເຊັນສັນຍາຜູກມັດໃດໜຶ່ງ, ໃນຖານະເປັນຕົວແທນຂອງບໍລິສັດ ຜູ້ສະໜັກຕ້ອງແມ່ນຄົນທີ່ມີສັນຊາດ AMS-Y. ພວກເຮົາຮູ້ສຶກວ່າບໍລິສັດ AirTel ຈຳກັດໄດ້ຮັບການປະຕິບັດຢ່າງບໍ່ຍຸດຕິທໍາຍ້ອນວ່າມັນພຽງແຕ່ປະຕິບັດຕາມຂັ້ນຕອນຂອງລັດຖະບານໃນເວລາທີ່ໄດ້ສະໜັກຂໍອະນຸຍາດແລະມັນບໍ່ໄດ້ຮັບແຈ້ງເຕືອນຈາກ AMS-Y ກ່ຽວກັບການພັດທະນາ ໃໝ່ນີ້. ນອກຈາກນີ້ຍັງໄດ້ປະຕິບັດຕາມຂໍ້ກຳນົດຂອງບໍລິສັດຕ່າງປະເທດທີ່ມີຜູ້ຖືຮຸ້ນເປັນຄົນຕ່າງປະເທດເປັນສ່ວນໃຫຍ່, ເຊິ່ງກໍາລັງໄດ້ຮັບໃບອະນຸຍາດດຳເນີນທຸລະກິດຈາກກະຊວງການຄ້າ.

ການຖອນໃບອະນຸຍາດຂອງບໍລິສັດ AirTel Co., Ltd ແລະ ການປັບປຸງລະບຽບການກ່ຽວກັບໃບອະນຸຍາດດຳເນີນທຸລະກິດໄດ້ເຮັດໃຫ້ຮຸ້ນ AirTel Holdings, Inc ຫຼຸດລົງ 5,67% ໃນ AMS-X ເພາະວ່າ AMS-Y ແມ່ນຕະຫຼາດມືຖືທີ່ໃຫຍ່ ອັນດັບ 2 ຂອງໂລກ. ພວກເຮົາເຊື່ອວ່າການຖອນໃບອະນຸຍາດເປັນການແບ່ງແຍກກິດກັນຕໍ່ນັກລົງທຶນຕ່າງປະເທດ ໃນຂະແໜງການໂທລະຄົມມະນາຄົມ ແລະ ເປັນການລະເມີດຂໍ້ຜູກພັນແລະພັນທະສະເພາະຂອງ AMS-Y ພາຍໃຕ້ຂອບເຂດຂໍ້ຕົກລົງອາຊຽນ ໃນດ້ານການບໍລິການທີ່ກ່ຽວຂ້ອງ (AFAS)."

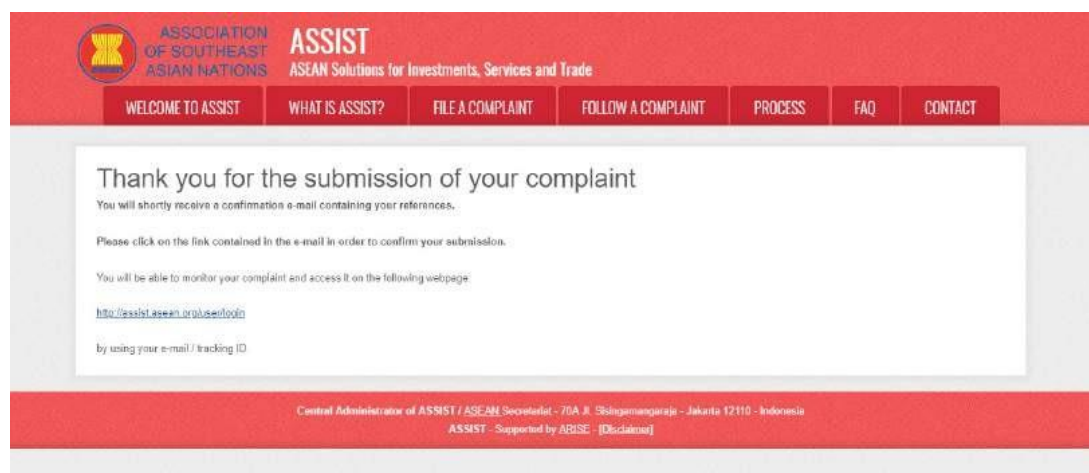
ເມື່ອຄໍາຮ້ອງທຸກຖືກຍື່ນໂດຍການຄລິກໄປທີ່ “ສົ່ງຄໍາຮ້ອງທຸກຂອງທ່ານ” , ໜ້າຕໍ່ໄປນີ້ໃນຂັ້ນຕອນທີ 4 ກໍ່ຈະປາກົດຂຶ້ນ.

ຂັ້ນຕອນ

4

ໄດ້ຮັບແຈ້ງການຈາກ ASSIST

ເມື່ອທ່ານຍື່ນຄໍາຮ້ອງທຸກໃນເວັບໄຊທ໌ຂອງ ASSIST ແລ້ວ, ເວັບຕໍ່ໄປນີ້ກໍ່ຈະປາກົດຂຶ້ນ, ແລະ ແຈ້ງໃຫ້ທ່ານຮູ້ວ່າອີເມລການຍິ່ງຍິນຈະຖືກສົ່ງໄປຫາອີເມລທີ່ທ່ານໃຫ້ໄວ້ໃນຟອມການຮ້ອງທຸກຂອງທ່ານ.



ແຈ້ງການຂ້າງເທິງຊຶ່ງໃຫ້ເຫັນວ່າທ່ານຄວນຄລິກທີ່ລິ້ງທີ່ຢູ່ໃນບັນຊີອີເມລຂອງທ່ານເພື່ອຍື່ນຍື່ນຄໍາຮ້ອງທຸກຂອງທ່ານ ກັບ ASSIST.

ຂນຕອນ
5

ຍືນຍັນການສົ່ງຄໍາຮ້ອງທຸກຂອງທ່ານດ້ວຍບັນຊີອີເມລຂອງທ່ານເອງ

(a) ຈົ່ງເຂົ້າໄປໃນບັນຊີອີເມລຂອງທ່ານທີ່ທ່ານໄດ້ໃຫ້ໄວ້ກັບແບບຟອມການຮ້ອງທຸກ. ທ່ານຈະໄດ້ຮັບອີເມລຈາກ ASSIST ເພື່ອໃຫ້ທ່ານທໍາການຍືນຍັນ ການສົ່ງຄໍາຮ້ອງທຸກຂອງທ່ານ ໂດຍໃຫ້ໄປຄລິກທີ່ລິ້ງທີ່ໄດ້ສົ່ງມາໃຫ້ທ່ານກັບອີເມລຫລືຖ້າບໍ່ຢາກ ຄລິກກໍພຽງແຕ່ທ່ານຕັດລອກເອົາລິ້ງນັ້ນໄປແປະໃສ່ໃນ browser ອື່ນເດີເນັດ. ອັນນີ້ແມ່ນຕ້ອງໄດ້ເຮັດຕາມທີ່ ASSIST ໄດ້ຮຽກຮ້ອງມາເພື່ອເປັນການຍືນຍັນວ່າ ອີເມລທີ່ທ່ານໄດ້ໃຫ້ໄປນັ້ນຖືກຕ້ອງ. ໝາຍເລກຄໍາຮ້ອງທຸກຂອງທ່ານກໍໄດ້ສົ່ງມາໃຫ້ ທ່ານດ້ວຍອີເມລນີ້ເຊັ່ນກັນ. ໃນກໍລະນີນີ້, ໝາຍເລກຄໍາຮ້ອງທຸກຂອງທ່ານແມ່ນ **17720181101**.

ຂ້າງລຸ່ມນີ້ແມ່ນອີເມລທີ່ທ່ານຈະໄດ້ຮັບຈາກ 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>

Thu, Nov 1, 2016 at 4:01 PM



ASSIST
ASEAN Solutions for Investments, Services and Trade

Dear Mr Bruce Kent,

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

Please **confirm** your complaint **17720181101** on the following link (or by copy-pasting the following link onto your internet browser):
http://assist.asean.org/user/confirm_email?email=aseanenterprise@gmail.com&id=17720181101&code=1ax9eg5vt3

<http://assist.asean.org/user/login> by using your e-mail / tracking ID: aseanenterprise@gmail.com / **17720181101**

Phone : +661 7262951
 Website : www.aintel.com
 Address : Jingle Avenue City U Country X
 City : City U / Zip Code : 10090
 Country : AMS-X

Contact person : Mr. Bruce Kent
 Phone : +661 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 2016 on the argument that the telecommunications license possessed by AirTel Co., Ltd. is no longer valid. In fact, in August 2016, AMS-Y had amended the Telecommunications Business License Act No. 1500, whereby foreign operators were no longer permitted to apply for Type B and Type C licenses. A type B telecom license is for an operator with or without its own network, but provides services targeting a segment or even several segments of the public. A type C telecom license is for an operator with a network that provides services to the general public, or services that cause a significant impact on fair competition, the public interest, or require special consumer protection. The applicant applying for Type B and Type C licenses must be companies where AMS-Y nationals hold at least 51% shares and at least three quarters of the applicant's senior level management and the person authorized to sign any binding commitments, as a representation of the applicant company, must be an AMS-Y national. We feel that AirTel Co., Ltd. has been treated unfairly as it simply followed the government process at the time when it had applied for the license and it was not given any notification by AMS-Y on this new development. It has also complied with the requirement for foreign companies with a majority of foreign shareholders, which is obtaining a Foreign Business License from the Ministry of Commerce. The revoking of AirTel Co., Ltd.'s license and the amendment of the business license regulation has caused AirTel Holdings, Inc., shares to fall 5.67% in AMS-X as AMS-Y is the world's second biggest cellular market. We believe that the revoking of its license is a discrimination against foreign investors in the telecommunications sector and a violation of the specific commitments and obligations of AMS-Y under the relevant ASEAN Framework Agreement on Services (AFAS).

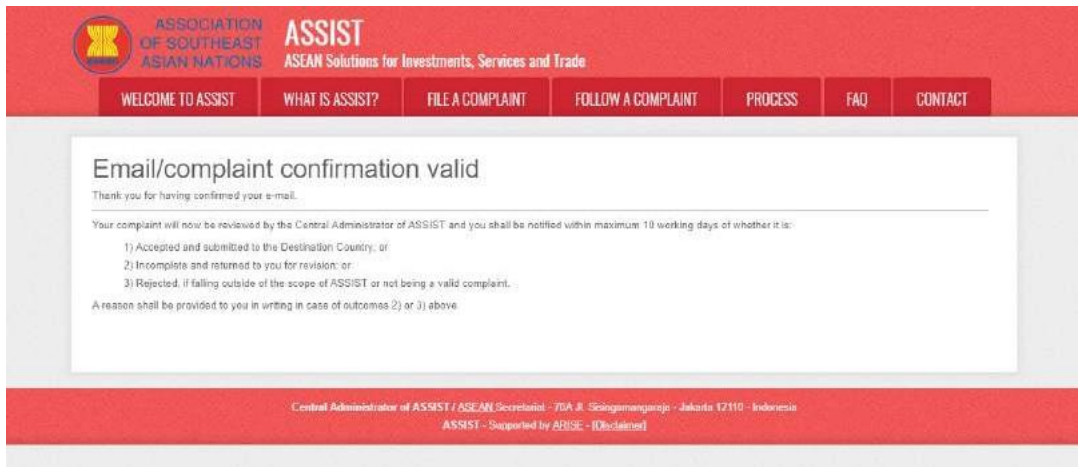
Thanking you, ASSIST is at your service.

assist.asean.org

4 attachments:

- Annex_2.Simulated_AMS-Y_Schedule_of_Specific_Commitments.AFAS_9_Consolidated_Schedule1.pdf 91K
- Annex_3.Simulated_Law_of_AMS-Y1.pdf 47K
- Annex_4.Simulated_Amendment_Law_of_AMS-Y1.pdf 47K
- Annex_1.Simulated_Company_Registration_of_AirTel_Holdings_Inc1.pdf 49K

(b) ຈົ່ງຄລິກທີ່ລິ້ງທີ່ໄດ້ໃຫ້ມາກັບອີເມລ ຊຶ່ງຕ້ອງໄດ້ຄລິກ ແລະ ໜ້າໃໝ່ໃນອີເມລກໍຈະປະກົດຂຶ້ນ.



ການແຈ້ງເຕືອນທີ່ໄດ້ສະແດງໄວ້ຂ້າງເທິງນີ້ຈະແຈ້ງໃຫ້ທ່ານຊາບວ່າ ຄໍາຮ້ອງທຸກຂອງທ່ານຈະຖືກທົບທວນໂດຍ CA ແລະຫຼັງຈາກນັ້ນ ທ່ານຈະໄດ້ຮັບການແຈ້ງກັບມາຫາທ່ານທາງອີເມລພາຍໃນເວລາເວລາສູງສຸດ 10 ວັນລັດຖະການ ໂດຍທີ່ການຍື່ນຄໍາຮ້ອງທຸກຂອງທ່ານນັ້ນຈະ:

- 1) ໄດ້ຮັບການຍອມຮັບແລະຖືກສົ່ງຕໍ່ເພື່ອສະເໜີຕໍ່ປະເທດປາຍທາງ; ຫຼື
- 2) ບໍ່ຄົບຖ້ວນ ແລະ ໄດ້ຖືກສົ່ງກັບຄືນມາຫາທ່ານເພື່ອດັດແກ້; ຫຼື
- 3) ຖືກປະຕິເສດ, ຖ້າຫາກຢູ່ນອກຂອບເຂດຂອງ ASSIST ຫຼື ເປັນການຮ້ອງທຸກທີ່ບໍ່ຖືກຕ້ອງ.

ຈຶ່ງໄປທີ່ບັນຊີອີເມລຂອງທ່ານ.

ຂັ້ນຕອນ

6

ໄດ້ຮັບອີເມລຈາກ ASSIST ເພື່ອໃຫ້ຮູ້ວ່າອີເມລ ແລະ ຄໍາຮ້ອງທຸກຂອງທ່ານນັ້ນຖືກຕ້ອງ

ຈຶ່ງໄປທີ່ອີເມລຂອງທ່ານແລະທ່ານຈະເຫັນມີອີເມລໃໝ່ ຈາກ ASSIST ສົ່ງມາຫາທ່ານ. ອີເມລນີ້ຈະຊີ້ບອກໃຫ້ເຫັນວ່າ ທ່ານຮູ້ວ່າ ທ່ານໄດ້ທໍາການຍື່ນປັນຄໍາຮ້ອງທຸກຂອງທ່ານແລ້ວພ້ອມທັງທາງ CA ຈະກວດສອບຄວາມຖືກຕ້ອງຂອງຄໍາຮ້ອງທຸກ, ແລະ ກໍ່ຖືກນໍາເຂົ້າໄປເກັບໄວ້ໃນລະບົບພາຍໃນຂອງ ASSIST. ASSIST ຈະກັບມາຕິດຕໍ່ອີກເທື່ອໜຶ່ງ ພ້ອມດ້ວຍຄໍາຕອບທີ່ຈະບອກວ່າ ຄໍາຮ້ອງທຸກທີ່ໄດ້ສົ່ງໄປນັ້ນ ໄດ້ຮັບການຍອມຮັບແລ້ວ, ບໍ່ຄົບຖ້ວນ ຫຼື ຖືກປະຕິເສດພາຍໃນ 10 ມື້ລັດຖະການ.



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, 2018 at 4:07 PM



ASSOCIATION
OF SOUTHEAST
ASIAN NATIONS

ASSIST

ASEAN Solutions for Investments, Services and Trade

Dear Mr Bruce Kent,

Thanks for the confirmation of your complaint ID No. 17720181101.

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: aseanenterprise@gmail.com / 17720181101

ASEAN Enterprise / Trade Association / Law Firm : AirTel Holdings, Inc. (type Enterprise)
Company size : 200+
Phone : +661 7262991
Website : www.airtel.com
Address : Jangle 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. 80% 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. 80% license and the amendment of the business license regulation has caused AirTel Holdings, Inc., shares to fall 5.67% in AMS-X as AMS-Y is the world's second biggest cellular market. We believe that the revoking of its license is a discrimination against foreign investors in the telecommunications sector and a violation of the specific commitments and obligations of AMS-Y under the relevant ASEAN Framework Agreement on Services (AFAS).

Thanking you, ASSIST is at your service.

assist.asean.org

4 attachments

- Annex_2-Simulated_AMS-Y_Schedule_of_Specific_Commitments-AFAS_9_Consolidated_Schedule1.pdf
91K
- Annex_3-Simulated_Law_of_AMS-Y1.pdf
47K
- Annex_4-Simulated_Amendment_Law_of_AMS-Y1.pdf
47K
- Annex_1-Simulated_Company_Registration_of_AirTel_Holdings_Inc1.pdf
49K

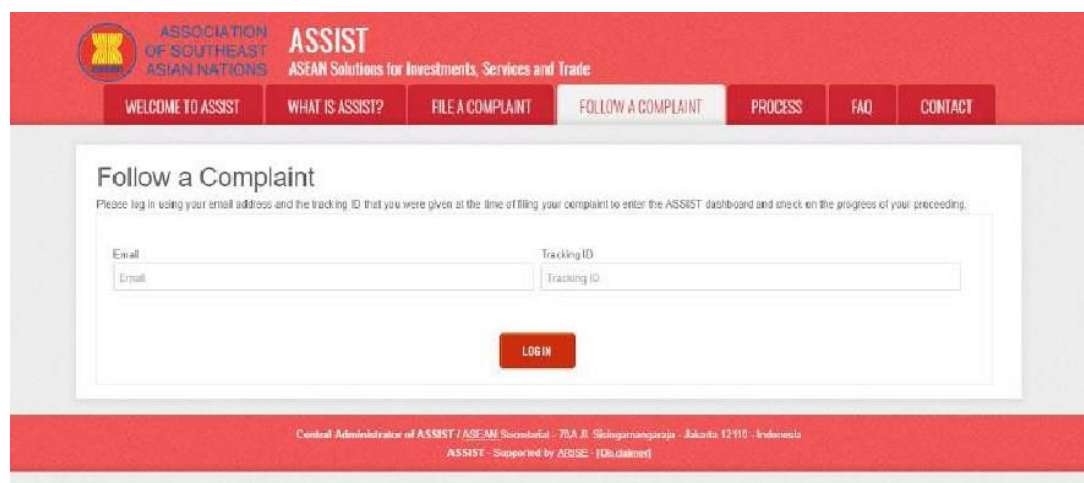
ຕາມທີ່ໄດ້ລະບຸໄວ້ໃນອີເມລຂ້າງເທິງນັ້ນ, ໃນເວລານີ້ ທ່ານສາມາດຕິດຕາມເບິ່ງຄວາມຄືບໜ້າໄດ້ໂດຍໃຫ້ທ່ານຄລິກ ທີ່ລິ້ງທີ່ໄດ້ແນະນຳໄວ້ໃຫ້ ເຊິ່ງຈະພາທ່ານທີ່ແຖບ ' Follow a Complaint-ຕິດຕາມເບິ່ງຄຳຮ້ອງທຸກ' ຢູ່ແຖບເມນູໃນເວັບໄຊທ໌ຂອງ ASSIST.

ຂັ້ນຕອນ

7

ຕິດຕາມຄວາມຄືບໜ້າຂອງການຮ້ອງທຸກຂອງທ່ານ

- (a) ຈົ່ງໄປທີ່ລິ້ງຕໍ່ໄປນີ້: <http://assist.asean.org/user/login> ຫຼືໄປທີ່ແຖບ ' Follow a Complaint-ຕິດຕາມເບິ່ງຄຳຮ້ອງທຸກ' ຢູ່ແຖບເມນູ ໃນເວັບໄຊທ໌ ASSIST. ໜ້າເວັບຕໍ່ໄປນີ້ກໍ່ຈະປາກົດຂຶ້ນມາໃຫ້ທ່ານ.



- (b) ຈົ່ງໃສ່ອີເມລຂອງທ່ານແລະໝາຍເລກເພື່ອຕິດຕາມ (ກໍ່ຄືໝາຍເລກຄຳຮ້ອງທຸກຂອງທ່ານ) ໃນຊ່ອງປ້ອນຂໍ້ມູນທີ່ມີໄວ້ເພື່ອເຂົ້າສູ່ລະບົບ. ໃນກໍລະນີນີ້, ອີເມລແມ່ນ aseanenterprise@gmail.com ແລະ ID - ໝາຍເລກເພື່ອຕິດຕາມແມ່ນ 17720181101.



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 - TDA II, Setiabudi Mangrove - Jakarta 12110 - Indonesia

ASSIST - Supported by ARSE (Disclaimer)

ເມື່ອທ່ານໄດ້ເຂົ້າສູ່ລະບົບແລ້ວ, ທ່ານຈະເຫັນ Dashboard ຂອງ ASSIST ຂອງທ່ານເຊິ່ງ ເປັນບ່ອນທີ່ທ່ານສາມາດຕິດຕາມ ຄວາມຄືບໜ້າຂອງການຍື່ນຄໍາຮ້ອງທຸກຂອງທ່ານ.

(c) ຈົ່ງເບິ່ງລາຍລະອຽດໃນ Dashboard ຂອງ ASSIST ຂອງທ່ານເມື່ອທ່ານໄດ້ເຂົ້າສູ່ລະບົບແລ້ວ:

ASSIST
ASEAN Solutions for Investments, Services and Trade

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

Tracking ID #17720181101 / AMS-Y

History			
Date	Action	Action By	Comments
01/11/2018 16:07:27	Email Confirmed	ASEAN-based Enterprise	Email Confirmed
01/11/2018 16:01:59	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 7252091	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	Services / Communication Services
Company Registration Proof	Annex 1: Simulated Company Registration of AirTel Holdings, Inc1.pdf		
Type of Business	Service provider		
Description	We are a duly registered telecommunications company in AMS-X, AirTel Holdings, Inc. Our subsidiary company, AirTel Holdings, Inc. is based in AMS-Y. 80% of the total shares issued by AirTel Co., Ltd. is owned by AMS-X shareholders and its senior management level positions are dominated by AMS-Y nationals. AirTel Co., Ltd.'s operating license has recently been revoked by AMS-Y's National Communication Authority in September 2018 on the argument that the telecommunications license possessed by AirTel Co., Ltd. is no longer valid. In fact, in August 2018, AMS-Y had amended the Telecommunications Business License Act No. 1500, whereby foreign operators were no longer permitted to apply for Type B and Type C licenses. A type B telecom license is for an operator with or without its own network, but provides services targeting a segment or even several segments of the public. A type C telecom license is for an operator with a network that provides services to the general public, or services that cause a significant impact on fair competition, the public interest, or require special consumer protection. The applicant applying for Type B and Type C licenses must be companies where AMS-Y nationals hold at least 51% shares and at least three quarters of the applicant's senior level management and the person authorized to sign any binding commitments, as a representation of the applicant company, must be an AMS-Y national. We feel that AirTel Co., Ltd. has been treated unfairly as it simply followed the government process at the time when it had applied for the license and it was not given any notification by AMS-Y on this new development. It has also complied with the requirement for foreign companies with a majority of foreign		



ດັ່ງທີ່ທ່ານສາມາດເຫັນໄດ້ໃນ dashboard ຂອງທ່ານ, ການດຳເນີນການຕ່າງໆ ຂອງການຮ້ອງທຸກຂອງທ່ານ ແມ່ນໄດ້ຖືກລະບຸໄວ້ຢ່າງຈະແຈ້ງໃນ dashboard ຂອງທ່ານແລະ ເນື້ອໃນລາຍການຕ່າງໆ ເຫລົ່ານີ້ຈະຖືກປັບໃຫ້ໃຫມ່ຢູ່ສະເໝີ ຫຼັງຈາກການດຳເນີນການໃນແຕ່ລະຄັ້ງ. ແບບຟອມຄຳຮ້ອງທຸກທີ່ທ່ານໄດ້ຍື່ນໄປແລ້ວນັ້ນ, ກໍ່ສາມາດເຂົ້າເບິ່ງໄດ້ໃນ dashboard ຂອງທ່ານເຊັ່ນກັນ.

ຂັ້ນຕອນ

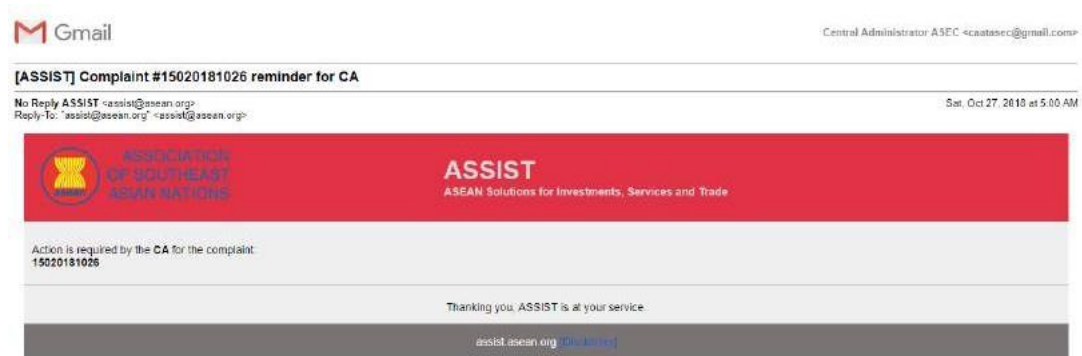
8

ຜູ້ດູແລະບົບກວດເບິ່ງຄຳຮ້ອງທຸກຂອງທ່ານ ແລະ ຕອບທ່ານທາງອີເມລວ່າ (ຮັບຮອງ,ບໍ່ຄົບຖ້ວນ ຫຼື ປະຕິເສດ)

ຫຼັງຈາກ CAໄດ້ທຳການກວດກາເບິ່ງຄຳຮ້ອງທຸກຂອງທ່ານເປັນທີ່ຮຽບຮ້ອຍແລ້ວ ແລະ ທັງໄດ້ຕັດສິນແລ້ວວ່າຄຳຮ້ອງທຸກນັ້ນໄດ້ຜ່ານການຮັບຮອງ, ບໍ່ຄົບຖ້ວນ ຫຼື ຖືກປະຕິເສດນັ້ນ ຈະມີອີເມລສົ່ງໄປທ່ານພາຍໃນ 10 ມື້ລັດຖະການ ນັບຕັ້ງແຕ່ທ່ານໄດ້ສົ່ງຄຳຮ້ອງທຸກຂອງທ່ານ.

ຖ້າວ່າ CA ບໍ່ດຳເນີນການໃດໆ ໃນຊ່ວງນີ້, CA ຈະໄດ້ຮັບຄຳເຕືອນແບບອັດຕະໂນມັດ ດັ່ງທີ່ສະແດງຂ້າງລຸ່ມນີ້ຜ່ານທາງອີເມລຈາກລະບົບ online ຂອງ ASSIST ພາຍໃນ 7 ມື້ຕາມປະຕິບັດ ຫຼັງຈາກການຮ້ອງທຸກໄດ້ຖືກຍື່ນ. ດັ່ງນັ້ນຕາມທີ່ໄດ້ລະບຸໄວ້ຂ້າງເທິງນັ້ນ, CA ຈະຕ້ອງຕັດສິນໃຈພາຍໃນ 10 ມື້ລັດຖະການວ່າ ຈະຮັບຮອງເອົາ, ຈະແຈ້ງວ່າ ຄຳຮ້ອງທຸກບໍ່ຄົບຖ້ວນ ແລະ ໃຫ້ມີການແກ້ໄຂ, ຫຼື ປະຕິເສດ..

ເມລເຕືອນເທື່ອທີ 1 ສຳລັບຜູ້ດູແລະບົບ:



ຈົ່ງໝັ້ນກວດເບິ່ງອີເມລຂອງທ່ານພາຍໃນ 10 ມື້ລັດຖະການ ຫຼັງຈາກທ່ານໄດ້ຍື່ນຄຳຮ້ອງທຸກ. ໃນທີ່ສຸດທ່ານກໍ່ຈະໄດ້ຮັບອີເມລໃໝ່ຈາກ ASSIST.



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

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

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

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

Contact person : Mr Bruce Kent
Phone : +261 819255399
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. 1508, 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

ໃນກໍລະນີນີ້, ອີເມລຂ້າງເທິງນີ້ສະແດງໃຫ້ເຫັນວ່າ ຄໍາຮ້ອງທຸກຂອງທ່ານໄດ້ຮັບການຍອມຮັບຈາກ CA. ອີເມລນີ້ຍັງໄດ້ແຈ້ງໃຫ້ທ່ານຊາບວ່າ, ຄໍາຮ້ອງທຸກຂອງທ່ານຈະຖືກສົ່ງ ໄປທີ່ຈຸດຕິດຕໍ່ທາງປາຍທາງ, ຊຶ່ງແມ່ນອົງການຂອງລັດຖະບານ (ASSIST Focal Point) ໃນ AMS-Y ບ່ອນທີ່ທ່ານກໍາລັງປະເຊີນກັບບັນຫາດ້ານການຄ້າ ແລະ ເປັນບ່ອນທີ່ຄໍາຮ້ອງທຸກຂອງທ່ານໄດ້ຖືກນໍາສົ່ງແລະທາງແກ້ໄຂກໍາລັງຢູ່ໃນລະຫວ່າງການດໍາເນີນການ. DCP ໃນ AMS-Y ຈະໄດ້ຮັບເວລາ 10 ມື້ເພື່ອໃຊ້ໃນການເຮັດວຽກເພື່ອທົບທວນຄໍາຮ້ອງທຸກຂອງທ່ານແລະເພື່ອທີ່ຈະຍອມຮັບ, ປະຕິເສດ ຫຼືສົ່ງຄືນ ກັບໄປໃຫ້ທ່ານພ້ອມທັງສະເໜີຂໍ້ມູນເພີ່ມເຕີມຈາກທ່ານ. ອັນນີ້ມີຈຸດປະສົງເພື່ອສະແດງເຖິງຄວາມຕັ້ງໃຈທີ່ຈະໃຫ້ເວລາແກ່ DCP ໄດ້ສາມາດກວດກາເບິ່ງລາຍລະອຽດຂອງການຮ້ອງທຸກ, ແລະ ຂໍຄໍາປຶກສາຫາລືຕາມຄວາມຈໍາເປັນກັບເຈົ້າໜ້າທີ່ແຫ່ງຊາດທີ່ກ່ຽວຂ້ອງ.

ຈຸດຕິດຕໍ່ຕົ້ນທາງ, ຊຶ່ງແມ່ນອົງການຂອງລັດຖະບານ (ASSIST Focal Point) ໃນ AMS-X (ກໍ່ຕົກເປັນເປົ້າໝາຍຂອງທ່ານ) ກໍ່ໄດ້ຮັບການແຈ້ງເຕືອນວ່າ ຄໍາຮ້ອງທຸກຂອງທ່ານໄດ້ຖືກຍື່ນໄປແລ້ວ.

ຖ້າທ່ານບໍ່ໄດ້ຮັບອີເມລຈາກ ASSIST ພາຍໃນກໍານົດເວລາທີ່ໄດ້ກໍານົດໄວ້ (ກໍ່ຕົກ 10 ມື້ລັດຖະການນັບ ຕັ້ງແຕ່ວັນທີ່ຄໍາຮ້ອງ ທຸກໄດ້ຖືກຍື່ນໄປ), ອັນນີ້ ມັນກໍ່ໝາຍຄວາມວ່າ CA ມີການດໍາເນີນການທີ່ເກີນຂອບເຂດ. CA ຈະໄດ້ຮັບການແຈ້ງເຕືອນໂດຍອັດຕະໂນມັດອີກທາງໜຶ່ງຜ່ານທາງອີເມລ (ພາຍໃນ 14 ວັນຕາມເວລາປະຕິທິນ ຫຼັງຈາກການຮ້ອງຮຽນໄດ້ຖືກຍື່ນ) CA ຈະໄດ້ຮັບອີເມລແບບຂ້າງລຸ່ມນີ້:

ອີເມລເຕືອນເທື່ອທີ 2 ສໍາລັບຜູ້ດູແລະລະບົບ:



Central Administrator ASECC <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



ຂັ້ນຕອນ

9

ຈົ່ງເຂົ້າສູ່ລະບົບ Dashboard ຂອງ ASSIST ຂອງທ່ານໂດຍໃຊ້ອີເມລ ແລະ ໝາຍເລກຕິດຕາມຂອງທ່ານເພື່ອເບິ່ງຄໍາຕອບຕົວຈິງຈາກຜູ້ດຸແລະລະບົບ

ຖ້າທ່ານຢາກເຫັນການຕອບຮັບຢ່າງເຕັມທີ່ຈາກ CA, ທ່ານຈະຕ້ອງເຂົ້າສູ່ລະບົບ dashboard ASSIST ຂອງທ່ານໂດຍໃຊ້ອີເມລແລະໝາຍເລກຕິດຕາມຂອງທ່ານທີ່ລະບຸໄວ້ໃນຂັ້ນຕອນທີ 7 (a) ແລະ (b) ຂ້າງເທິງ.

ພາບລວມແບບທີ່ເຫັນໄດ້ເຕັມຕົວແລະຄົບຖ້ວນຂອງ dashboard ຂອງທ່ານນັ້ນສາມາດເບິ່ງໄດ້ຂ້າງລຸ່ມນີ້. ດັ່ງທີ່ທ່ານເຫັນ, ການດໍາເນີນການຕ່າງໆລ້ວນແຕ່ໄດ້ຖືກເກັບບັນທຶກເພີ່ມເຂົ້າໄປໃນ ' History-ປະຫວັດ' ຂອງການດໍາເນີນການຕ່າງໆ ເຊິ່ງສາມາດຫາເຫັນການທີ່ໄດ້ລະບຸໄວ້ວ່າ CA ນັ້ນໄດ້ **“accepted-ຍອມຮັບ”** ຄໍາຮ້ອງທຸກຂອງທ່ານໄປແລ້ວ.

ASSOCIATION
OF SOUTHEAST
ASIAN NATIONS

ASSIST

ASEAN Solutions for Investments, Services and Trade

WELCOME TO ASSIST

WHAT IS ASSIST?

MY COMPLAINT

LOGOUT

PROCESS

FAQ

CONTACT

DISCLAIMER

Tracking ID #17720181101 / AMS-Y

History

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

WITHDRAW COMPLAINT

ASEAN ENTERPRISE

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

CONTACT PERSON

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

COMPLAINT DESCRIPTION

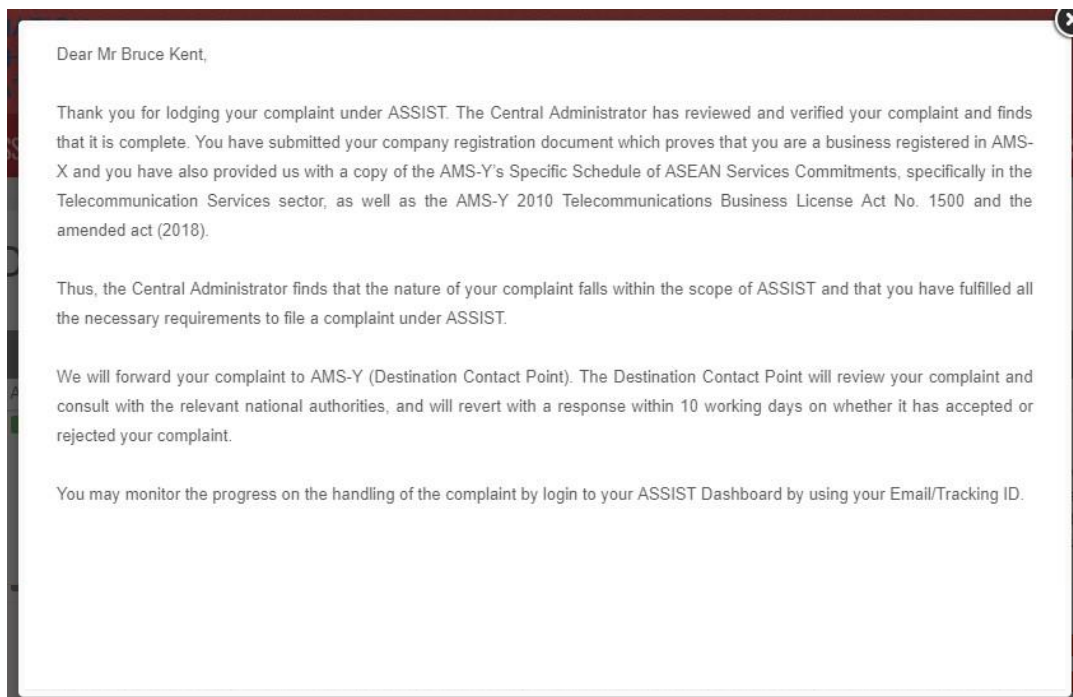
Country of Legal Registration	AMS-X	Business Sector	Services
Registration Number	123456	Type of Problem	Services / Communication Services
Company Registration Proof	Annex 1: Simulated Company Registration of AiTel Holdings, Inc1.pdf		
Type of Business	Service provider	Destination Country	AMS-Y
Description	We are a duly registered telecommunications company in AMS-X. AiTel Holdings, Inc. Our subsidiary company, AiTel Holdings, Inc. is based in AMS-Y. 80% of the total shares issued by AiTel Co., Ltd. is owned by AMS-X shareholders and its senior management level positions are dominated by AMS-Y nationals. AiTel Co., Ltd.'s operating license has recently been revoked by AMS-Y's National Communication Authority in September 2018 on the argument that the telecommunications license possessed by AiTel Co., Ltd. is no longer valid. In fact, in August 2018, AMS-Y had amended the Telecommunications Business License Act No. 1500, whereby foreign operators were no longer permitted to apply for Type B and Type C licenses. A type B telecom license is for an operator with or without its own network, but provides services targeting a segment or even several segments of the public. A type C telecom license is for an operator with a network that provides services to the general public, or services that cause a significant impact on fair competition, the public interest, or require special consumer protection. The applicant applying for Type B and Type C licenses must be companies where AMS-Y nationals hold at least 51% shares and at least three quarters of the applicant's senior level management and the person authorized to sign any binding commitments, as a representation of the applicant company, must be an AMS-Y national. We feel that AiTel Co., Ltd. has been treated unfairly as it simply followed the government process at the time when it had applied for the license and it was not given any notification by AMS-Y on this new development. It has also complied with the requirement for foreign companies with a majority of foreign shareholders, which is obtaining a Foreign Business License from the Ministry of Commerce. The revoking of AiTel Co., Ltd.'s license and the amendment of the business license regulation has caused AiTel Holdings, Inc., shares to fall 5.67% in AMS-X as AMS-Y is the world's second biggest cellular market. We believe that the revoking of its license is a discrimination against foreign investors in the telecommunications sector and a violation of the specific commitments and obligations of AMS-Y under the relevant ASEAN Framework Agreement on Services (AFAS).		
Attachment	Annex 2-Simulated AMS-Y Schedule of Specific Commitments AFAS 9 Consolidated Schedule1.pdf Annex 3-Simulated Law of AMS-Y1.pdf Annex 4-Simulated Amendment Law of AMS-Y1.pdf		

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

ASSIST - Supported by AISE - [Disclaimers]



ຈົ່ງລິກທີ່ໂອກອນທີ່ເປັນຮູບແກ້ວຂະຫຍາຍໃນບ່ອນສະແດງຄໍາເຫັນທີ່ເປັນທ້ອງຢາວໆລົງມາ. ການຕອບຮັບອັນຄົບຖ້ວນຈາກທາງ CA ກໍ່ຈະປາກົດຂຶ້ນມາໃຫ້ເຫັນ, ດັ່ງທີ່ໄດ້ສະແດງໃນພາບຂ້າງລຸ່ມນີ້



ດັ່ງທີ່ໄດ້ແຈ້ງໃນຂັ້ນຕອນທີ 8, ເມື່ອຄໍາຮ້ອງທຸກໄດ້ຮັບການຍອມຮັບຈາກ CA ແລ້ວນັ້ນ, ຄໍາຮ້ອງທຸກຂອງທ່ານຈະຖືກສົ່ງໄປທີ່ຈຸດຕິດຕໍ່ທາງປາຍທາງ, ເຊິ່ງແມ່ນອົງການຂອງລັດຖະບານ (ASSIST Focal Point) ໃນ AMS-Y ບ່ອນທີ່ທ່ານກໍາລັງປະເຊີນກັບບັນຫາດ້ານການຄ້າ. DCP ໃນ AMS-Y ຈະໄດ້ຮັບເວລາ 10 ມື້ ເພື່ອໃຊ້ໃນການທົບທວນຄໍາຮ້ອງທຸກຂອງທ່ານ ແລະ ເພື່ອຈະຍອມຮັບ, ປະຕິເສດ ຫຼື ສົ່ງຄືນກັບໄປໃຫ້ທ່ານ. ອັນນີ້ມີຈຸດປະສົງເພື່ອສະແດງເຖິງຄວາມຕັ້ງໃຈທີ່ຈະໃຫ້ເວລາແກ່ DCP ສາມາດກວດກາເບິ່ງລາຍລະອຽດຂອງການຮ້ອງທຸກ, ແລະ ຂໍ້ຄຳປຶກສາຫາລືຕາມຄວາມຈຳເປັນກັບເຈົ້າໜ້າທີ່ແຫ່ງຊາດທີ່ກ່ຽວຂ້ອງ. ເມື່ອ DCP ໃຫ້ຄໍາຕອບ, ASSIST ຈະສົ່ງອີເມລ໌ມາຫາທ່ານ ເພື່ອແຈ້ງໃຫ້ທ່ານຮູ້ວ່າຄໍາຮ້ອງທຸກຂອງທ່ານຖືກຍອມຮັບ ຫຼື ຖືກປະຕິເສດໂດຍ DCP ໃນ AMS-Y.

ຂັ້ນຕອນ
10

ຮັບແຈ້ງທາງອີເມລ໌ຈາກ ASSIST ວ່າ ຄໍາຮ້ອງທຸກຂອງທ່ານໄດ້ຮັບຄໍາຕອບຈາກ AMS-Y ແລະ ຜູ້ດູແລລະບົບຍອມຮັບແລ້ວ

(a) ຈົ່ງເຂົ້າໄປທີ່ບັນຊີອີເມລ໌ຂອງທ່ານ ທ່ານຈະໄດ້ຮັບອີເມລ໌ໃໝ່ຈາກທາງ ASSIST ທີ່ສະແດງເຖິງການຕອບຮັບຕໍ່ຄໍາຮ້ອງທຸກຂອງທ່ານຈາກ DCP. ໃນກໍລະນີນີ້, ຄໍາຮ້ອງທຸກຂອງທ່ານໄດ້ຖືກປະຕິເສດໂດຍ DCP (AMS-Y) ແລ້ວ.



ASEAN Enterprise <aseanenterprise@gmail.com>

[ASSIST] Response for your #17720181101 complaint

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

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

Yes / No

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

Company size : 200+

Phone : +261 7262991

Website : www.airtel.com

Address : Jingle Avenue City U Country X

City : City U / Zip Code : 10090

Country : AMS-X

Contact person : Mr. Bruce Kent

Phone : +261 815925399

Position : President

Email : aseanenterprise@gmail.com

Address : Jingle Avenue City U Country X

City : City U / Zip Code : 10090

Country : AMS-X

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

Country of Legal Registration : AMS-X

Legal Registration Number : 123456

Type of Business : Service provider

Business Sector : Services / Telecommunication

Type of problem encountered : Communication Services

Destination Country : AMS-Y

Description:

We are a duly registered telecommunications company in AMS-X. AirTel Holdings, Inc. Our subsidiary company, AirTel Holdings, Inc. is based in AMS-Y. 80% of the total shares issued by AirTel Co., Ltd. is owned by AMS-X shareholders and its senior management level positions are dominated by AMS-Y nationals. AirTel Co., Ltd. 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. 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

ຂັ້ນຕອນຕ່າງໆຈະແຕກຕ່າງກັນເລັກນ້ອຍໃນກໍລະນີທີ່ຄໍາຮ້ອງທຸກຂອງທ່ານໄດ້ຖືກຍອມຮັບໂດຍ DCP. ພາຍໃນ 10 ມື້ລັດຖະການຫຼັງຈາກໄດ້ຮັບຄໍາຕອບຈາກ CA ທີ່ຄໍາຮ້ອງທຸກຂອງທ່ານຖືກຍອມຮັບ, ທ່ານຈະໄດ້ຮັບອີເມລ໌ແຈ້ງໃຫ້ທ່ານຊາບວ່າ ຄໍາຮ້ອງທຸກຂອງທ່ານ ຖືກຍອມຮັບໂດຍ DCP ໃນ AMS-Y ເປັນທີ່ຮຽບຮ້ອຍແລ້ວແລະ ທາງ DCP ຈະປະສານງານກັບເຈົ້າໜ້າທີ່ແຫ່ງຊາດຫຼືເຈົ້າໜ້າທີ່ຮັບຜິດຊອບ (RAs) ທີ່ມີຄວາມສາມາດເພື່ອວິເຄາະຄໍາຮ້ອງທຸກຂອງທ່ານໂດຍລະອຽດ.

ເມື່ອ RAs ໄດ້ດໍາເນີນການຢ່າງສຸດຄວາມພະຍາຍາມຂອງພວກເຂົາເປັນທີ່ຮຽບຮ້ອຍແລ້ວ, DCP ກໍ່ຄວນຈະກວດກາວິທີແກ້ໄຂແລະສິ່ງຕໍ່ໃຫ້ແກ້ CA ພາຍໃນ 40 ມື້ລັດຖະການນັບແຕ່ມື້ທີ່ DCP ໄດ້ໃຫ້ການຍອມຮັບ. ດັ່ງນັ້ນ, ເພື່ອໃຫ້ທັນກັບວັນກໍານົດການໃນຄັ້ງນີ້, ການກໍານົດຂອບເວລາຄວນຖືກກໍານົດໂດຍ DCP ເພື່ອທີ່ຈະໃຫ້ RAs ດໍາເນີນການຫາວິທີທາງແກ້ໄຂ. ມັນແມ່ນຄວາມຮັບຜິດຊອບຂອງ DCP ເພື່ອແຈ້ງໃຫ້ກັບ CA ກ່ຽວກັບການປ່ຽນແປງໃດໆທີ່ກ່ຽວຂ້ອງກັບການກໍານົດໄລຍະເວລາລະຫວ່າງເຂົ້າເຈົ້າແລະເຈົ້າໜ້າທີ່ແຫ່ງຊາດ.

CA ອາດຈະຍຶດເວລາກໍານົດການເພີ່ມໄປອີກເຖິງ 20 ມື້ລັດຖະການຕາມການຮ້ອງຂໍຂອງ DCP. ລະບົບຈະແຈ້ງໃຫ້ຊາບໂດຍອັດຕະໂນມັດເມື່ອເວລາກໍານົດໄດ້ຫຍັບໃກ້ເຂົ້າມາ (ເຊັ່ນ, ໂດຍປົກກະຕິ, 10 ມື້ຕາມເວລາປະຕິທິນກ່ອນທີ່ຈະໝົດເວລາ). ຖ້າ DCP ສົ່ງວິທີແກ້ໄຂບັນຫາໃຫ້ກັບ CA ບໍ່ທັນຕາມກໍານົດການແລ້ວ, ລະບົບ online ຈະແຈ້ງໃຫ້ທາງ CA ໄດ້ຮັບຊາບເພື່ອໃຫ້ຕິດຕາມເລື່ອງນີ້ກັບທາງ DCP.

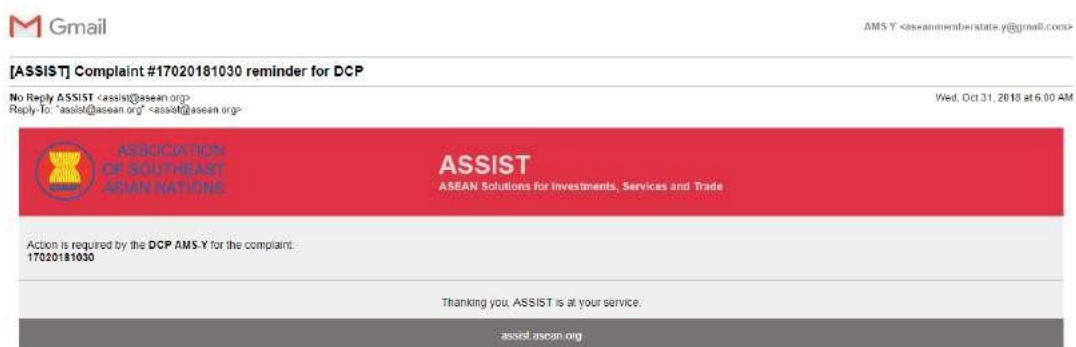
ຈາກນັ້ນທ່ານຈະໄດ້ຮັບແຈ້ງການທາງອີເມລ໌ຄັ້ງທີສອງຈາກ ASSIST ວ່າການແກ້ໄຂບັນຫາໄດ້ຖືກສະເໜີ ໂດຍ DCP/AMS-Y ແລະ ກໍ່ໄດ້ຮັບການຍອມຮັບຈາກ CA ແລ້ວ.

ເຖິງຢ່າງໃດກໍຕາມ, ໃນກໍລະນີທີ່ຄ້າຍກັນແບບນີ້ ຊຶ່ງຄໍາຮ້ອງທຸກໄດ້ຖືກ " **Rejected-ປະຕິເສດ**" ໂດຍ DCP, ທ່ານອາດຈະບໍ່ໄດ້ຮັບອີເມລ໌ຈາກທາງ ASSIST ພາຍໃນກໍານົດເວລາ 10 ວັນລັດຖະການ. ການປະຕິເສດແລະເຫດຜົນສໍາລັບການປະຕິເສດໂດຍ DCPນັ້ນຈະຖືກສົ່ງໄປທີ່ CA ໂດຍຜ່ານທາງ ASSIST ເທົ່ານັ້ນພາຍໃນ 10 ວັນລັດຖະການ. ຫຼັງຈາກນັ້ນ CA ຈະກວດເບິ່ງໃນເລື່ອງຂອງພາສາທີ່ໃຊ້ໃນການຂຽນວ່າຈະແຈ້ງຫລືບໍ່ແລະມີຂໍ້ມູນພຽງພໍຫລືບໍ່ ພາຍໃນ 5 ວັນເຮັດວຽກ ຫລັງຈາກ CA ໄດ້ຮັບອີເມລ໌ທີ່ຕອບປະຕິເສດໂດຍ DCP.

ຖ້າວ່າ CA ຍອມຮັບເຫດຜົນຂອງການປະຕິເສດ, ການຕອບຮັບທີ່ໄດ້ຖືກທົບທວນແລະອະນຸມັດຈາກ CA ນັ້ນ ແມ່ນໄດ້ຖືກສົ່ງໄປຫາທ່ານໂດຍທາງອີເມລ, ແບບດຽວກັນກັບກໍລະນີຂ້າງເທິງ. ຖ້າຫາກວ່າ CA ບໍ່ພໍໃຈກັບເຫດຜົນທີ່ລະບຸໄວ້ໃນການປະຕິເສດໂດຍ DCP ນັ້ນ, ລະບົບ ASSIST ຈະອະນຸຍາດໃຫ້ CA ທຳການຮ້ອງຂໍໃຫ້ DCP ແກ້ໄຂການປະຕິເສດ. ເຖິງຢ່າງໃດກໍ່ຕາມ, ທາງເລືອກແບບນີ້ທີ່ກຳນົດໂດຍ CA ນັ້ນແມ່ນບໍ່ມີຄ່າຜູກມັດໃດໆກັບ DCP, ແລະຖ້າຫາກບໍ່ມີການຕອບຮັບພາຍໃນ 5 ວັນລັດຖະການ, ລະບົບ online ຈະກະຈາຍການປະຕິເສດຕໍ່ຜູ້ຮ້ອງທຸກໂດຍອັດຕະໂນມັດໃຫ້ກັບທາງ AE.

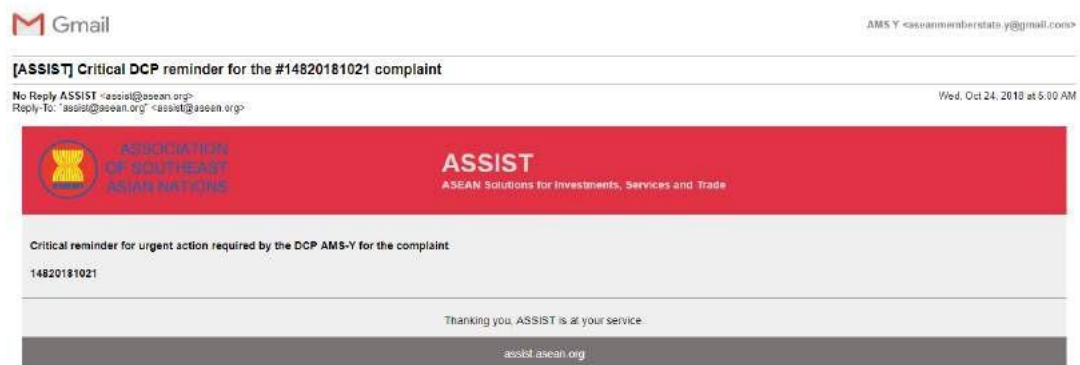
ຖ້າວ່າບໍ່ມີການດຳເນີນການໃດໆໂດຍ DCP ໃນຊ່ວງນີ້, DCP ຈະໄດ້ຮັບຄຳເຕືອນແບບອັດຕະໂນມັດດັ່ງທີ່ສະແດງຂ້າງລຸ່ມນີ້ຜ່ານທາງອີເມລຈາກລະບົບ online ຂອງ ASSIST ພາຍໃນ 7 ມື້ຕາມມື້ປະຕິທິນ ຫຼັງຈາກໄດ້ຍື່ນການຮ້ອງທຸກແລ້ວ. ດັ່ງນັ້ນ, ຕາມທີ່ໄດ້ລະບຸໄວ້ຂ້າງເທິງນັ້ນ, DCP ຈະຕ້ອງຕັດສິນໃຈພາຍໃນ 10 ມື້ລັດຖະການວ່າ ຈະຮັບຮອງຍອມຮັບເອົາ ຫຼື ປະຕິເສດຄຳຮ້ອງທຸກນັ້ນ ນັບຕັ້ງແຕ່ວັນທີ່ CA ໄດ້ຮັບຄຳຮ້ອງທຸກແລ້ວ.

ແຈ້ງເຕືອນທາງອີເມວ 1 ສຳລັບຈຸດຕິດຕໍ່ປາຍທາງ:



ຖ້າທ່ານບໍ່ໄດ້ຮັບອີເມລຈາກ ASSIST ກ່ຽວກັບການຕອບຮັບໂດຍ DCP ພາຍໃນກຳນົດເວລາທີ່ກຳນົດໄວ້ (10 ວັນລັດຖະການ) ຫຼັງຈາກຄຳຮ້ອງທຸກໄດ້ຮັບການຍອມຮັບຈາກ CA, ນັ້ນກໍ່ໝາຍຄວາມວ່າ DCP ມີການດຳເນີນການທີ່ເກີນຂອບເຂດ ຊຶ່ງ DCP ຈະໄດ້ຮັບຄຳເຕືອນແບບອັດຕະໂນມັດອີກເທື່ອໜຶ່ງຜ່ານອີເມລ (ພາຍໃນ 14 ມື້ຕາມປະຕິທິນຫຼັງຈາກການຮ້ອງທຸກໄດ້ຖືກຍື່ນໄປແລ້ວ) ຊຶ່ງ ເປັນການດຳເນີນການທີ່ເລັ່ງດ່ວນທີ່ DCP ໄດ້ຮ້ອງຂໍສຳລັບການຮ້ອງທຸກນີ້.

ແຈ້ງເຕືອນທາງອີເມວ 2 ສຳລັບຈຸດຕິດຕໍ່ປາຍທາງ:



(b) ເຂົ້າລະບົບ dashboard ຂອງ ASSIST ຂອງທ່ານໂດຍໃຊ້ອີເມລແລະຫມາຍເລກຕິດຕາມ ຂອງທ່ານຕາມທີ່ລະບຸໄວ້ໃນຂັ້ນຕອນທີ 7 (a) ແລະ (b) ຂ້າງເທິງນັ້ນ. ພາບລວມແບບທີ່ເຫັນໄດ້ເຕັມຕົວແລະຄົບຖ້ວນຂອງ dashboard ຂອງທ່ານນັ້ນສາມາດເບິ່ງໄດ້ຂ້າງລຸ່ມນີ້. ດັ່ງທີ່ທ່ານເຫັນ, ການດຳເນີນການອື່ນໆລ້ວນແຕ່ໄດ້ຖືກເກັບບັນທຶກເພີ່ມເຂົ້າໄປໃນ "History" -ປະຫວັດການດຳເນີນການຕ່າງໆຂອງທ່ານທີ່ຊື່ໃຫ້ເຫັນວ່າມີການສະເໜີວິທີແກ້ໄຂຄຳຮ້ອງທຸກຂອງທ່ານ. ວິທີການແກ້ໄຂບັນ ຫາການຕອບຮັບຂອງ ASSIST ທີ່ມາຈາກ DCP, ທີ່ CA ໄດ້ຍອມຮັບນັ້ນ ກໍ່ສະແດງໄວ້ໃຫ້ທ່ານເບິ່ງຢູ່ໃນວັກທີ່ໜຶ່ງໃນ dashboard ຂອງທ່ານ.



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ASEAN Solutions for Investments, Services and Trade

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MY COMPLAINT

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DISCLAIMER

Tracking ID #17720181101 / AMS-Y

ASSIST Solution

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

Attachment

History			
Date	Action	Action By	Comments
02/11/2018 06:05:11	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.
01/11/2018 22:37:34	Accepted	Central Administrator of ASSIST	Dear Mr Bruce Kent, Thank you for lodging your complaint under ASSIST. The Central Administrator has reviewed and verified your complaint and finds that it is complete. You have submitted your company registration document which proves that you are a business registered in AMS-X and you have also provided us with a copy of the AMS-Y's Specific Schedule of ASEAN Services Commitments, specifically in the Telecommunication Services sector, as well as the AMS-Y 2010 Telecommunications...
01/11/2018 16:07:27	Email Confirmed	ASEAN-based Enterprise	Email Confirmed
01/11/2018 16:01:39	New	ASEAN-based Enterprise	

ASEAN ENTERPRISE

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

CONTACT PERSON

First Name	Bruce	Address	Jinglo Avenue City U Country X
Last Name	Kent	City	City U
Phone	+261 8159253399	ZIP Code	10090
Position	President	Country	AMS-X
Email	oceanentoprice0@gmail.com (Confirmed)		

COMPLAINT DESCRIPTION

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

ຂ້າງລຸ່ມນີ້ແມ່ນການແກ້ໄຂບັນຫາທີ່ສະເໜີມາຈາກ DCP:

“AMS-Y ພົບວ່າບັນຫາດັ່ງກ່າວ ມີພື້ນຖານພຽງພໍທີ່ AMS-Y ໄດ້ປະຕິບັດຕາມຄຳໝັ້ນສັນຍາຂອງອາຊຽນທີ່ກ່ຽວຂ້ອງ ແລະ ວ່າການຮ້ອງທຸກນັ້ນ ບໍ່ມີຄຸນຄ່າໃດໆ. ໄດ້ເກີດມີການໂຕ້ຖຽງວ່າ, ເຖິງແມ່ນວ່າຢູ່ພາຍໃຕ້ແຜນ ການດຳເນີນການຂອງ AFAS ໃນເລື່ອງຂອງຄຳໝັ້ນສັນຍາສະເພາະນັ້ນ, AMS-Y ບໍ່ມີຂໍ້ຈຳກັດໃນການເປັນເຈົ້າຂອງຂອງຕ່າງປະ



ເທດ, ແຕ່ມັນໄດ້ຖືກລະບຸໄວ້ໃນຄຳໝັ້ນສັນຍາວ່າ, ຂໍ້ຈຳກັດໃນການເຂົ້າເຖິງຕະຫຼາດ, ການສ້າງຕັ້ງທຸລະກິດເພື່ອໃຫ້ການ
ບໍລິການຂອງຜູ້ໃຫ້ບໍລິການຕ່າງປະເທດ ເຊັ່ນວ່າອາດຈະເປັນຮູບແບບຂອງບໍລິສັດຮ່ວມທຸລະກິດແລະ/ຫຼືສຳນັກງານຜູ້
ຕາງໜ້າ ຊຶ່ງຄວນຈະຕ້ອງເປັນໄປຕາມຂໍ້ກຳນົດດັ່ງຕໍ່ໄປນີ້: (i) ບໍ່ໃຫ້ເກີນ 49% ຂອງຮຸ້ນຂອງບໍລິສັດທີ່ອາດຈະເປັນເຈົ້າ
ຂອງທີ່ເປັນຄູ່ຮ່ວມງານຄົນຕ່າງປະເທດ; (ii) ຢ່າງໜ້ອຍສາມໃນສີ່ຂອງຜູ້ບໍລິຫານລະດັບອາວຸໂສຂອງບໍລິສັດແລະຜູ້ທີ່ໄດ້
ຮັບອະນຸຍາດໃຫ້ມີຄວາມສາມາດໃນການເຊັນສັນຍາຜູກມັດຕ່າງໆໃນຖານະທີ່ເປັນຕົວແທນຂອງບໍລິສັດຕ້ອງເປັນຄົນ
ສັນຊາດ AMS-Y. ດັ່ງນັ້ນ, ການປັບປຸງແກ້ໄຂກົດໝາຍວ່າດ້ວຍທຸລະກິດດ້ານໂທລະຄົມມະນາຄົມສະບັບເລກທີ
1500 ປີ 2018 ຈຶ່ງບໍ່ໄດ້ເປັນການລະເມີດກົດໝາຍ ການດາເນີນການຂອງການໃຫ້ບໍລິການຂອງ AMS-Y.

ເພື່ອຕອບສະໜອງຄຳຮຽກຮ້ອງຂອງ AE ທີ່ຍັງບໍ່ໄດ້ຮັບການແຈ້ງເຕືອນໃດໆຈາກ AMS-Y ກ່ຽວກັບການປັບປຸງໃໝ່,
AMS-Y ຕອບວ່າ ລັດຖະບານຂອງ AMS-Y ໄດ້ປະກາດໃຊ້ການປັບປຸງກົດໝາຍຜ່ານທາງເວັບໄຊທ໌ຕ່າງໆຂອງລັດ
ຖະບານ ແລະ ຫຼັງສືພິມທ້ອງຖິ່ນ ຫຼັງຈາກທີ່ໄດ້ມີໄດ້ຮັບການອະນຸມັດໃນວັນທີ 1 ກັນຍາ 2018.”

(c) ທາງລຸ່ມຂອງອີເມລທີ່ໄດ້ສົ່ງມາຈາກ ASSIST ໃນ ຂ້າ 10 (a) ຂ້າງເທິງນັ້ນ, ທ່ານໄດ້ຖືກຮ້ອງຂໍໃຫ້ລະບຸວ່າທ່ານ
ພໍໃຈຫຼືບໍ່ກັບຄຳຕອບທີ່ DCP ໄດ້ໃຫ້ມາແລະພ້ອມທັງວິທີແກ້ໄຂທີ່ມີຢູ່ໃນນັ້ນ. ທ່ານສາມາດລະບຸໄດ້ໂດຍການ
ເລືອກ 'Yes-ແມ່ນ' ຫຼື 'No-ບໍ່ແມ່ນ' ຊ່ອງປ້ອນຂໍ້ມູນທີ່ມີໄວ້ໃຫ້ທ່ານ.

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

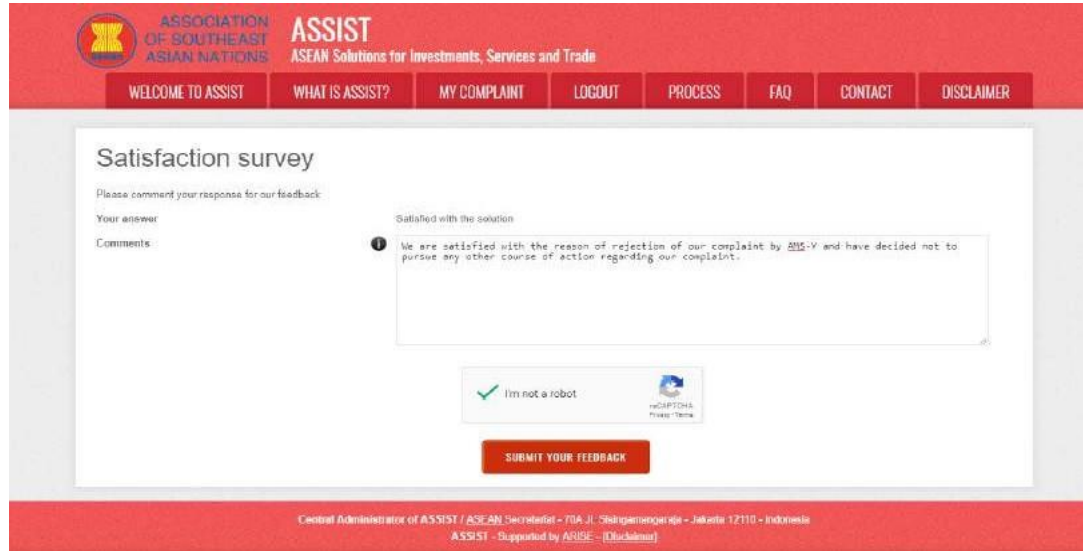
ໃນກໍລະນີນີ້, AE ເລືອກເອົາ “Yes” - ແມ່ນແລ້ວ.

ຂັ້ນຕອນ
11

ຈຶ່ງປະກອບຄຳຄິດເຫັນຂອງທ່ານຕໍ່ກັບການແກ້ໄຂ/ການຕອບຮັບທີ່ AMS-Y ໄດ້ສະເໜີໃນແບບຟອມການສຳ
ຫຼວດຄວາມເພິ່ງພໍໃຈ ແລະ ການຮັບຊາບຈາກ ASSIST ໂດຍທາງອີເມລ

ເມື່ອທ່ານໄດ້ເລືອກຄຳຕອບວ່າ 'Yes-ແມ່ນ/No-ບໍ່ແມ່ນ' ຢູ່ໃນຂັ້ນຕອນທີ 10 (c) ຂ້າງເທິງນັ້ນແລ້ວ, ທ່ານຈະຖືກນຳໄປຫາໜ້າ
ເວັບລຸ່ມນີ້ທີ່ເປັນບ່ອນທີ່ທ່ານຈະຖືກຮ້ອງຂໍໃຫ້ຕອບແບບສຳຫຼວດຄວາມເພິ່ງພໍໃຈ ແລະ ຖືກເຊັນໃຫ້ອອກຄຳເຫັນ, ໂດຍສະເພາະ
ຖ້າທ່ານບໍ່ພໍໃຈກັບຂໍ້ສະເໜີຂອງການຕອບຮັບ/ການແກ້ໄຂ.

- (a) ຈົ່ງຕື່ມຂໍ້ມູນໃນແບບຟອມການສໍາຫຼວດຄວາມເພິ່ງພໍໃຈ. ໃນກໍລະນີນີ້, ສະມາຄົມການຄ້າອາຊຽນມີຄວາມເພິ່ງພໍໃຈຕໍ່ວິທີການແກ້ໄຂ/ການຕອບຮັບ
ໂດຍ ASSIST ແລະດັ່ງນັ້ນຈຶ່ງຊື້ໃຫ້ເຫັນຕາມຄວາມເໝາະສົມ.



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 "Comments" section contains a text area with the following 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, there is a "CAPTCHA" section with a green checkmark and the text "I'm not a robot". At the bottom of the form, there is a red button labeled "SUBMIT YOUR FEEDBACK".

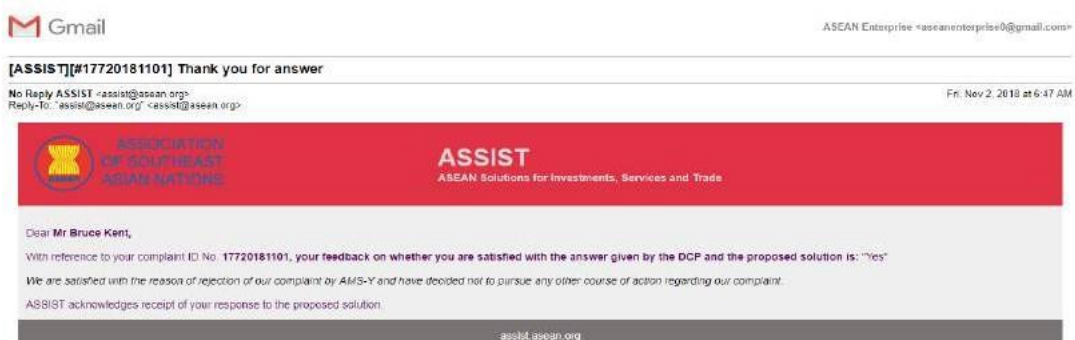
- (b) ຈົ່ງເຂົ້າໄປທີ່ບັນຊີອີເມລຂອງທ່ານ. ທ່ານອາດຈະໄດ້ຮັບ ໜຶ່ງ ຫຼື ສອງອີເມລຈາກ ASSIST (ຖ້າທ່ານໄດ້ປ້ອນຂໍ້ມູນເຂົ້າໄປ
ໃນແບບຟອມການສໍາຫຼວດຄວາມເພິ່ງພໍໃຈແລ້ວ) ທີ່ຮັບຮູ້ວ່າໄດ້ຮັບຄໍາຕອບຂອງທ່ານທີ່ທ່ານໄດ້ໃຫ້ໄວ້ຕໍ່ກັບວິທີການແກ້ໄຂ
ບັນຫາທີ່ສະເໜີໂດຍ AMS-Y. ສໍາເນົາຄໍາຕອບຂອງທ່ານຈະຖືກສົ່ງໄປຫາ DCP ແລະ HCP.

ອີເມລການສະແດງຄວາມຮັບຮູ້ຄັ້ງທໍາອິດຈາກ ASSIST



ອີເມລການສະແດງຄວາມຮັບຮູ້ຄັ້ງທີສອງຈາກ ASSIST

ຖ້າທ່ານໄດ້ໃຫ້ຄໍາເຫັນກ່ຽວກັບແບບຟອມການສໍາຫຼວດຄວາມເພິ່ງພໍໃຈ, ທ່ານກໍ່ຈະໄດ້ຮັບອີເມລສະບັບທີສອງທີ່ສະແດງໄວ້ຢູ່ທາງ
ລຸ່ມນີ້, ເປັນການຮັບຮູ້ການວ່າ ໄດ້ຮັບຄໍາຕອບຂອງທ່ານຕໍ່ການແກ້ໄຂບັນຫາທີ່ໄດ້ສະເໜີໄປນັ້ນ ແລະ ASSIST ຈະສົ່ງໃຫ້ທ່ານ,
DCP ແລະ HCP.



- (c) ຈົ່ງເຂົ້າສູ່ລະບົບ dashboard ຂອງ ASSIST ຂອງທ່ານໂດຍໃຊ້ອີເມລແລະຫມາຍເລກຕິດຕາມຂອງທ່ານຕາມທີ່ລະບຸໄວ້ໃນຂັ້ນຕອນທີ 7 (a) ແລະ (b) ຂ້າງເທິງ. ພາບລວມແບບທີ່ເຫັນໄດ້ເຕັມຕົວແລະຄົບຖ້ວນຂອງ dashboard ໃນຂັ້ນຕອນສຸດທ້າຍ ຂອງທ່ານນັ້ນສາມາດເບິ່ງໄດ້ຂ້າງລຸ່ມນີ້. ຕາມທີ່ທ່ານເຫັນ, ຂັ້ນຕອນການດຳເນີນການອື່ນໆໄດ້ຖືກເພີ່ມເຂົ້າໃນ 'History-ປະຫວັດ' ຂອງການດຳເນີນການຕ່າງໆ ຂອງທ່ານທີ່ທ່ານໄດ້ສະແດງຄວາມພໍໃຈຕໍ່ວິທີການແກ້ໄຂບັນຫາທີ່ສະເໜີໂດຍ ASSIST. ຄຳເຫັນທີ່ທ່ານໄດ້ໃຫ້ໄວ້ໃນການສຳຫຼວດຄວາມເພິ່ງພໍໃຈກໍ່ສາມາດເບິ່ງເຫັນໄດ້ໃນສ່ວນຂອງ 'Comments-ຄຳເຫັນ'.



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

ASEAN ENTERPRISE

ASEAN Enterprise Name	AirTel Holdings, Inc.		
Company Size	200+	Address	Jingle Avenue City U Country X
Phone	+251 7252951	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 815925399	ZIP Code	10090
Position	President	Country	AMS-X
Email	aseanentorprise@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_Compact_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 - 70A-01, Sudirmanmargasari - Jakarta 12110 - Indonesia

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ໃນກໍລະນີທີ່ບໍ່ມີການແກ້ໄຂບັນຫາຜ່ານທາງ ASSIST ຫຼື ຖ້າຫາກ DCP ໄດ້ພົບເຫັນວ່າມີພື້ນຖານພຽງພໍທີ່ RAs ຂອງຕົນນັ້ນໄດ້ປະຕິບັດໄປຕາມຄໍາສັ່ນສັນຍາຂອງອາຊຽນທີ່ກ່ຽວຂ້ອງ ແລະ ພົບວ່າການຮ້ອງທຸກຍັງຂາດຄຸນລັກສະນະທີ່ຄວນມີ, ການຄົ້ນພົບ ແລະ ລວມທັງພື້ນຖານສໍາລັບການຄົ້ນພົບດັ່ງກ່າວນີ້ແມ່ນໄດ້ຖືກສົ່ງໄປໃຫ້ທາງ CA ໂດຍທັນທີ ຊຶ່ງຈະໄດ້ແຈ້ງໃຫ້ຜູ້ຮ້ອງທຸກໄດ້ຮັບຊາບຕາມຄວາມເໝາະສົມ. ຖ້າວ່າ ຜູ້ຮ້ອງທຸກຢາກອ້າງອີງເລື່ອງຮ້ອງທຸກໂດຍຜ່ານຈຸດຕິດຕໍ່ທີ່ປະເທດຕົ້ນທາງຂອງຜູ້ຮ້ອງທຸກ ແລະ ອີງການລົງທະບຽນສະມາຊິກອາຊຽນ, ສົ່ງເລື່ອງໄປຫາອົງກອນລະດັບເຈົ້າໜ້າທີ່ອາວຸໂສອາຊຽນ (ACB), ກົນໄກການແກ້ໄຂຂັ້ນດ້ານເສດຖະກິດອາຊຽນ (EDSM), ເພື່ອດໍາເນີນຄະດີໃນລະດັບຊາດ ຫຼື ຊອກຫາກົນໄກອື່ນໆເພື່ອແກ້ໄຂຂໍ້ຂັດແຍ່ງ (ເຊັ່ນ: ການໄກ່ແກ່ຍ, ການຄືນຕິດກັນ ຫຼື ການລະງັບຂໍ້ຂັດແຍ່ງ) ພາຍໃນຂອບເຂດອໍານາດລະດັບຊາດຂອງອາຊຽນ.

ASSIST ຈະພິຈາລະນາຂັ້ນຕອນນີ້ໂດຍຖືວ່າເປັນໜຶ່ງໃນຄໍາຮ້ອງທຸກທີ່ໄດ້ຖືກປະຕິເສດແລະບໍ່ໄດ້ຮັບການແກ້ໄຂ.

ຈົ່ງຮັບຮູ້ວ່າໄລຍະເວລາ ສໍາລັບການແກ້ໄຂບັນຫາຂ້າມແດນທີ່ນໍາມາດໍາເນີນການພາຍໃຕ້ ASSIST ຈະຕ້ອງບໍ່ກາຍ 40 ມື້ລັດຖະການ ຫຼື 2 ເດືອນຕາມເວລາປະຕິທິນ (ເວັ້ນເສຍແຕ່ຈະມີການຕໍ່ເວລາກໍານົດການສູງສຸດ 20 ມື້ລັດຖະການ) ນັບແຕ່ວັນທີ່ໄດ້ຍື່ນຄໍາຮ້ອງທຸກໄປແລ້ວ.