ASEAN Solutions for Investments. Services and Trade

FILE A COMPLAINT

PROCESS

CONTACT



TUTORIAL LANGKAH-DEMI-LANGKAH UNTUK **STUDI KASUS 2**

(PERDAGANGAN BARANG)

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

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

Pengaduan tersebut terkait dengan beberapa langkah fiskal dan bea cukai Negara Tujuan yang memengaruhi rokok yang diekspor dari Negara Asal ke Negara Tujuan.

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

Daftar Aktor dan Singkatan:

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



FILE A COMPLAINT

WHAT IS ASSIST?

FOLLOW A COMPLAINT

FAO





WHAT IS ASSIST?

FILE A COMPLAINT

FOLLOW A COMPLAINT

FAO





SEAN-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 broder 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 TF	RADE ASSOCIATION				
* ASEAN-based Trade Associatio	on Name				
 * Phone Website					
 * Address					
* City	300 characters remaining (3	ZIP Code			
 * Country		*			
* ASEAN Jurisdiction where the	Entity is Established 🕕				
CONTACT PERSC	N				
 * Gender	O Mr O Mrs	🔘 Ms			
 * First Name		* Last Name			
 * Phone					
 * Email					
Address					
	300 characters remaining (3	00 maximum)	. 11		
City		ZIP Code			
Country		*			
COMPLAINT DESC	CRIPTION				
* Country of Legal Registration	0	4			
* Registration Number * Entity Registration Proof	0				
* Type of Business		e cnosen		*	
* Business Sector	Goods	*			
 - Services Sector Description	0				
* Type of Problem Encountered	1 Tariff-related meas	ures		v	
 * Description	0	¥			
Attachment	Choose File No fi	e chosen + Attachmen	t		
I have read and accept the ASS	SIST <u>rules</u> .				
 I hereby submit this complaint to	the Central Administrator of ASSIST and I accept its	transmission to the relevant authorities of the ASEAN Me	mber States involved		
	I'm not	a robot			
		Privacy - Terms			
	st	IBMIT YOUR COMPLAINT			

Isilah formulir di atas untuk memberikan cukup informasi kepada ASSIST mengenai masalah perdagangan yang Anda alami. Kolom yang ditandai dengan bintang (*) wajib diisi. Jika Anda tidak yakin tentang apa yang harus diisi untuk suatu kolom, maka ada tombol m 0 untuk instruksi terperinci Intang apa yang harus diisi untuk setiap kolom. Silakan klik tombol 🚺 untuk memastikan informasi yang Anda isi pada formulir benar. 0

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

LCOME TO ASSIST	WHAT IS ASSIST?	FILE A COMPLAINT	FOLLOW A COMPLAINT	PROCESS	FAQ C
3	MENGISI FORMULIR	PENGADUAN			
Y					
C	Di bawah ini adalah con	toh formulir yang te	lah diisi untuk studi ka	sus khusus ini.	
	ASSOCIATION OF SOUTHEAST ASIAN NATIONS	ASSIST ASEAN Solutions for Investments, S	Services and Trade		
	WELCOME TO ASSIST	WHAT IS ASSIST? FILE A CON	MPLAINT FOLLOW A COMPLAINT	PROCESS FAQ C	ONTACT
	Complaint to be	Filed by an ASEAI	N-Based Trade Associ	ation	
		ASEAN-based representative entities, such anonymous case on behalf of one of their n ASEAN-based representative entity will file	n as trade associations, chambers of commerce, busine members or on behalf of a multitude of their members h the complaint in its own name. ASEAN-based represen	ss councils or business federations may fil aving the same trade problem. In such cas ntative entities can file complaints against t	e an Jes, the the ASEAN
		Member State where they are registered, s Please fill-in the form below so as to pro-	io long as the trade problem is of a cross broder nature.	problem experienced by the ASEAN En	terprise
	ASEAN Trade Association	being represented by the ASEAN-based an * are mandatory fields.	trade association, chamber of commerce, business	council, or business federation. Fields	marked with
	In order to file a valid complaint, you your spam/junk boxes).	shall verify your submission by replying to	the automated email that you will receive from ASS	IST shortly after submission (please ch	eck also
	ASEAN-BASED TRA	DE ASSOCIATION			
	* ASEAN-based Trade Association Na * Phone	ASEAN Tobacco Tr +12 905903901	rade Association		
	Website	www.aseantobacco	o.com		
	* Address	Barbecue Road No City A Country X	o. 78		
	* City	259 characters remaining (City A	ZIP Code 90210		
	* Country * ASEAN Jurisdiction where the Entit	AMS-X	•		
	CONTACT PERSON				
	* Gender	Mr Mrs	O Ms		
	* First Name * Phone	Stephen +12 905903901	* Last Name Bogus		
	* Position	Chairman			
	* Email	aseantradeassocia	tion@gmail.com		
	Address	City A Country X	0. 78		
		259 characters remaining	(300 maximum)	1	
	City	City A	ZIP Code 90210		
	COMPLAINT DESCR		×		
	* Country of Legal Registration	1 AMS-X			
	* Registration Number	131313			
	* Entity Registration Proof	Choose File Ann	tex 1-Simulatssociation.pdf		
	* Business Sector	Goods	*		
	- Services Sector Description	0			
	* Type of Problem Encountered	3.6.8 Decreed Cust	toms valuations		•
	* Description	 We are a tobacci 	o trade association which represent a regist	ered tobacco company in AMS-X. We	
		would like to t customs measure: customs valuatin and import guars	ile an ASSIST complaint against AMS-Y concer s affecting cigarettes exported from AMS-X 1 on practices, excise tax, health tax, VAT re antees imposed upon cigarette important	ning a number of AMS-Y's fiscal a to <u>AMS</u> -Y. Such measures include AM gime, retail licensing requiremen	nd I <u>S</u> -Y's Its
		AMS-Y administer Article 57 of t	rs these measures in a partial and unreason he <u>ASEAN</u> Trade in Goods Agreement (<u>ATIGA</u>), w	ble manner and thereby violates which incorporates into ASEAN, mut	catis 👻
		mutandis, the Wi 3881 characters remaining	orld Trade Organization (WTO) Agreement on ((5000 maximum)	ustoms Valuation. AMS-Y does not	use //
	Attachment	Choose File Ann	ex 2-Simulated FScheme of AMS-Y.pdf + Attach	ment	
	 I have read and accept the ASSIST I hereby submit this complaint to the 	rules Central Administrator of ASSIST and I accept i	its transmission to the relevant authorities of the ASEAN	Member States involved	
		V I'm no	ot a robot		
			Privacy - Tema		
		S	UBMIT YOUR COMPLAINT		



ASSIST

ASEAN Solutions for Investments, Services and Trade

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

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

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

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

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

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

MENERIMA PEMBERITAHUAN DARI ASSIST

				проогее	FAO	CONTACT
MELCOME IN 922121	MHAL 12 922121 5	FILE A CUMPLAINT	FULLOW A COMPLAINT	PRUGE22	FAŲ	GUNTAGT
Thank you for t	he submissi	on of your co	mplaint			
You will shortly receive a confirmat	ion e-mail containing your r	eferences.				
Please click on the link contained in	the e-mail in order to conf	irm your submission				
lease click of the link contained in		inin your aubimaaion.				
You will be able to monitor your compl	aint and access it on the follo	wing webpage:				
http://assist.asean.org/user/login						
by using your e-mail / tracking ID						
y using your e-mail? tracking to.						
ian di atas menunjukka	n babwa Anda ba	rue mongklik tautan	vang tersedia di akun e	mail Anda un	tuk meno	onfirmasi ne
	n Danwa Anua na	IUS INCHERING LAULAN	valig terseula ur akun e	man Anud un	tuk meng	ommasi pe



Company size : Phone : +12 905903901 Website : www.aseantob Website : www.aseantobacco.com Address : Barbecue Road No. 78 City A Country X City : City A / Zip Code : 90210 Country : AMS-X ASEAN Junsdiction 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 ficcal and customs measures affecting cigareties exported from AMS-X to AMS-Y. Such measures include AMS-Y48[™] s customs valuation practices, excise tax, health tax, VAT regime, retail licensing requirements and import guarantees imposed upon cigaretie importers. AMS-Y atomisties these measures in a partial and unreasonable manner and thereive violates Article 57 of the ASEAN Trade in Goods Agreement (ATIGA), which incorporates init ASEAN, mater mutands, the Violit Trade Organization (WTO) Agreement on Customs Valuation. AMS-Y des noises the ranaction value as the primary basis for customs valuations 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-Y8[™][®] dual license scheme which requires that tobacco androir cigaretie relates inclenses to sell domestic and imported cigareties. Is incorporates in the ATIGA, include III of the GATT 1994, because provides less favourable treatment for imported products than for like domestic products. Description: We are a tobacco trade association v

K	ce	e		
ic	Ce	e		

2 attachment

Annex_2-Simulated_Fiscal_Customs_Measures_Dual_License_Scheme_of_AMS-Y21.pdf

Annex_1-Simulated_Entity_Registration_of_ASEAN_Tobacco_Trade_Association18.pdf

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

IME TO ASSIST	WHAT IS ASSIST?	FILE A COMPLAINT	FOLLOW A COMPLAINT	PROCESS FAQ
	ASSOCIATIO OF SOUTHEAS	ASSIST		
	ASIAN NATION	ASEAN Solutions for Investments, Se	ervices and Trade	
	WELCOME TO ASSIST	WHAT IS ASSIST? HILE A CUMI	PLAINT FULLUW A CUMPLAINT PRUL	iess fau cuntact
	Email/complai	int confirmation valid		
	Thank you for having confirmed you Your complaint will now be review	our e-mail. ed by the Central Administrator of ASSIST and you :	shall be notified within maximum 10 working days of whether	it is:
	1) Accepted and submitted 2) Incomplete and returned 3) Rejected (f follog outpld	to the Destination Country; or I to you for revision; or Is of the score of ASSIST or not being a walld compl	laist	
	A reason shall be provided to you	in writing in case of outcomes 2) or 3) above.	160 II C.	
		Central Administrator of ASSIST / ASEAN	4 Secretariat - 70A Jl. Sisingamangaraja - Jakarta 12110 - Indo	nesia
		A30131	Supported by <u>Arktor</u> - [Uskammes]	
1	Pemberitahuan di atas akan mer	mberitahukan kepada Anda bahv	wa pengaduan Anda akan diperiksa ol	eh CA dan bahwa Anda akan diberita
	melalui email dalam waktu paling	g lambat 10 hari kerja apakah per	ngaduan tersebut:	
	1) Diterima dan diseral	hkan ke Negara Tujuan; atau		
	2) Dinyatakan tidak lei	ngkap dan dikembalikan kepada A	Anda untuk revisi; atau	1
	5) Ditolak, jika tidak u	ermasuk dalam inigkup 765151	atau bukan merupakan pengaduan yan	g saii.
	D. J. J			
	Diika akiin emali Anda			
	duka akun emali Anda.			
	duka akun emali Anda.			
angkan	DURA AKUN EMAILANDA.	JANI ASSIST DARIWA	ALAIVIAT LIVIAIL DAN P	LINGADUAN ANDA SAN
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angkan 6	Buka akun email Anda. Buka akun email Anda dan And	la akan melihat email baru dari	ALAIVIAT LIVIAIL DAN P ASSIST. Email ini menunjukkan bah	LIVOADOAN ANDA SAN wa Anda telah mengonfirmasi pengadu
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angka 6	MIENERIMATEIMAIE P Buka akun email Anda dan And Anda, sehingga CA akan meme tanggapan yang menunjukkan ap Cassis T Gmail [ASSIST] Thanks for your email co No Reply ASSIST "assist@assan.org" Reply-To: "assist@assan.org"	PARTASSIST DATIWA la akan melihat email baru dari riksa validitasnya, dan bahwa pe akah pengaduan diterima, dinyata	ALAIVIAI LIVIAIL DAIN P ASSIST. Email ini menunjukkan bah engaduan tersebut telah diajukan dalar akan tidak lengkap, atau ditolak dalam 1181031	ENCIADOAIN AINDA SAIT wa Anda telah mengonfirmasi pengadu n ASSIST. ASSIST akan kembali deng 10 hari kerja. ASEAN Trade Association «aseantradeassociation@gmail.d
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WELCOME TO ASSIST	WHAT IS ASSIST?	FILE A COMPLAINT	FOLLOW A COMPLAINT	PROCESS	FAQ	CONT
	Phone : +12 905903901 Position : Chairman Email : aseantradeassociation@gmail.com Address : Barbecue Road No. 78 City A Cc City : City A / Zip Code : 90210	untry X				
	Country : AMS-X Confidential case code (for law firm or lawy Country of Legal Registration : AMS-X Legal Registration Number : 131313 Type of Business : Retailer Business Sector : Goods /	er only):				
	Type of problem encountered : Decreed Cu Destination Country : AMS-Y Description: We are a tobacco trade association which i	stoms valuations	. We would like to file an ASSIST complaint against AMS	Y concerning a number of AMS-Y	''s fiscal and customs	s
	We are a boddeb trade association mini- measures affecting digarettes exported fror guarantees imposed upon cigarette import incorporates into ASEAN, mutatis mutandi and fails to conform to the sequence of vail which requires that tobacco and/or cigaretti provides less favourable treatment for impo	cpresent a registerice lobacce on paying in Analysia, AMS-X to AMS-Y. Such measures include AMS- rs. AMS-Y administers these measures in a partia , the World Trade Organization (WTO) Agreemen lation methods mandated by the Article 57 of the e retailers hold separate licenses to sell domestic reted products than for like domestic products.	If the Would mice on the an Academ Comparing against white Valet We can be valuated on practices, excise tak, health ta i and unreasonable manner and thereby violates Article's ton Customs Valuation. AMS-Y does not use transaction ATIGA, rather it uses a valuation method with no basis in i and imported cigarettes, is inconsistent with Article 6 of th	v VAT regime, retail licensing require 7 of the ASEAN Trade in Goods A value as the primary basis for cust he Agreement. In addition, AMS-Y e ATIGA, incorporating Article III of	are and import greement (ATIGA), which toms valuation as require rမs dual license scher f the GATT 1994, becaus	h ed me, se it
		Thankin	g you, ASSIST is at your service.			
			assist asean org			
	2 attachments 2 Annex_2-Simulated_Fiscal_Customs_Method 46K	easures_Dual_License_Scheme_of_AMS-Y21.pdf				
	≥ 48K					
গাবীক-	Seperti ditunjukkan dalam email ke tab tab ' <i>Follow a Complaint</i> '	di atas, Anda sekarang dapat mer pada bar menu di Situs ASSIST.	nantau perkembangan dengan mengkli	k tautan yang ditunjukl	kan yang akan d	iarahkan
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(b) Masukkan alamat email Anda dan ID pelacakan (*Tracking ID*) (nomor pengaduan Anda)) pada kolom yang disyaratkan untuk login. Dalam hal ini, **Alamat Email** adalah <u>aseantradeassociation@gmail.com</u> dan **ID Pelacakan** adalah **17420181031.**

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

ANDA (MENERIMA, MENYATAKAN KURANG LENGKAP, ATAU MENOLAK)

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

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

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

8

M Gmail	Central Administrator ASEC <caatasec@gmai< th=""></caatasec@gmai<>
[ASSIST] Complaint #15020181026 reminder for CA	
No Reply ASSIST <assist@asean.org> Reply-To: "assist@asean.org" <assist@asean.org></assist@asean.org></assist@asean.org>	Sat, Oct 27, 2018 at 5
ASSOCIATION OF SOUTHEAST AGIAN NATIONS	ASSIST ASEAN Solutions for Investments, Services and Trade
Action is required by the CA for the complaint: 15020181026	
	Thanking you, ASSIST is at your service.
	assist asean org. Disclaimer



Thanking you, ASSIST is at your service.

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

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

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



Tampilan lengkap dasbor Anda dapat dilihat di bawah. Seperti yang Anda lihat, tindakan lain telah ditambahkan ke 'Riwayat' Anda menunjukkan

bahwa CA telah "Menerima" pengaduan Anda..

ASIAN NA I	FIONS ASEA	N Solutions for li	nvestment	s, off vices al					
WELCOME TO ASS	sist wha	IS ASSIST?	MY CO	MPLAINT	Logout	PROCESS	FAQ	CONTACT	DISCLAIMER
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History									
Date A	Action	Action By	laterature of	Comments	han Dama				
51/10/2010 12:02:33	Accepted	ASSIST	IISTRATOL OL	Dear Mr Step	nen bogus,				
				Thank you fo your complai	r lodging your comp nt and finds that it is	olaint under ASSIST. T s complete. You have :	he Central Admi submitted your tr	nistrator has revieweo ade association's regi	d and verified istration
				document wh	ich proves that you	are an entity registere	ed(a)	-	
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ASEAN Solutions for Investments, Services and Trade

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WHAT IS ASSIST?

FILE A COMPLAINT

FOLLOW A COMPLAINT

FAO

	AMS-X	Business Sector	Goods
Registration Number	131313	Type of Problem Encountered	Goods / Decreed Customs valuations
Company Registration Proof	Annex_1- Simulated_Entity_Registration_of_ASEAN	Destination Country <u>Tobacco_Trade_Association18.pdf</u>	AMS-Y
Type of Business	Retailer		
Description	We are a tobacco trade association which concerning a number of AMS-Y's fiscal are valuation practicals, excise tax, health tax, these measures in a partial and unreason ASEAN, mutatis mutandis, the World Trac customs valuation as required and fails to method with no basis in the Agreement. It sell domestic and imported cigarettes, is i	n represent a registered tobacco company in AMS-X nd customs measures affacting cigarettes exported V. VAT regime, retail licensing requirements and impo- table manner and thereby violates Article 57 of the <i>I</i> de Organization (VTO) Agreement on Customs Valia conform to the sequence of valuation methods maan a doltion, AMS-Y's dual license scheme, which reg inconsistent with Article 6 of the ATIGA, incorporatin in detarting actions of the control of the scheme scheme.	C We would like to file an ASSIST complaint against AMS-Y from AMS-X to AMS-Y. Such measures include AMS-Y's customs of guarantees imposed upon cigarette importers. AMS-Y administers ASEAN Trade in Goods Agreement (ATIGA), which incorporates into uation. AMS-Y does not use transaction value as the primary basis for indiated by the Article 57 of the ATIGA, rather it uses a valuation puires that tobacco and/or cigarette retailers hold separate licenses to g Article III of the GATT 1994, because it provides less favourable
	treatment for imported products than for li	ike domestic products.	

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

Dear Mr Stephen Bogus,

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

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

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

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

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

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

OF SOUTHEAS ASIAN NATION	ASSIST ASEAN Solutions for	Investments, Services and	l Trade			
WELCOME TO ASSIST	WHAT IS ASSIST?	FILE A COMPLAINT	FOLLOW A COMPLAINT	PROCESS	FAQ	CONTAC
					9	
Langkah	MENERIMA EMAIL PI	EMBERITAHUAN DAR	AN CATELAU MAENERIA		ERIKAN	
	(a) Buka akun email Anda. A Dalam hal ini, pengaduan	nda akan menerima email baru Anda telah ditolak oleh DCP (<i>A</i>	dari ASSIST yang menunjukkan tangg MS-Y)	apan terhadap pengadu	an Anda dari DC	Ρ.
	Gmail	191021 complaint		ASEAN Trade Association <asean< td=""><td>tradeassociation@gmail.co</td><td>on.</td></asean<>	tradeassociation@gmail.co	on.
	No Reply ASSIST <assist@asean.org> Reply-To: "assist@asean.org" <assist@asean.org></assist@asean.org></assist@asean.org>	To Tust complaint			Wed, Oct 31, 2018 at 6:06	P
	ASSOCIATION OF SOUTHEAST ASIAN NATIONS	ASS	SIST Solutions for Investments, Services and Trade			
	Dear Mr Stephen Bogus,					
	"The complainant's case is the same that AM resolve a dispute that challenged exactly the established a panel, which circulated its repor- interpretation covered in the panel report. On report, as modified by the Appellate Body rep recommendations and rulings of the DSB At that AMS-Y had fully implemented the DSBåt the remaining WTO-inconsistencies and adde DSBåte ^w s recommendations and rulings. AM dispute was actually resolved, the complaint 1 complainant had referred to in its ASSIST cor You can also check the status of your complaint of	S-X had brought against AMS-Y under the WTO same customs valuation regime of AIAS-Y as it at to the Members on 15 November 2010 On 22 17 June 2011. He Appellate Body report was cu- ord. On 11 August 2011, AIAS-Y Informed the DS of Commendations and rulings. At the DSB re d halt it would take appropriate steps shortly. A S-X disagreed and was of the view that AIAS-Y nodged through ASSIST is on ethat AIAS-Y nodged through ASSIST is on that AIAS-Y nonged through ASSIST is on the AIAS-Y nonged through ASSIST is on that AIAS-Y nonged through ASSIST is on the AIAS-Y nonged through ASSIS	dispute settlement mechanism. In fact, on 25 September popiled to imported cigarettes. All is meeting on 17 Noven February 2011, AMS-Y notified the DSB of its decision to culated to Members and, at its meeting on 15 July 2011, B that it intended to implement the recommendations and oried that it had completed the final outstanding steps in ineeting of 27 February 2013, AMS-X expressed concern the DSB meeting on 16 June 2014, AMS-Y reported that and failed to comply. Although there has not been an agre ar ASSIST.* ur e-mail / tracking ID.	2006, AMS-X had requested the ber 2006, the VTO Dispute Setting appeal to the Appellate Body cert the DSB adopted the Appellate Body and the DSB adopted the Appellate of the DSB adopted the Appellate of the DSB and the Appellate to the the Appellate to the State and the Appellate to the Appellate to the Appellate to the Appellate the Appellate the Appellate to the Appellate	establishment of a panel to emme Body (DSB) had aim issues of law and legal w/report and the panel WTO obligations and that YTO comply with the wer, AMS-X did not agree yr progress toward resolvin action to implement the Y- on whether the WTO EAN obligations that the	n Ig
	Please kindly indicate whether you are sat Yes / No	isfied with the answer given by the DCP and	the solution provided therein. You can do so by choc	osing 'Yes' or 'No' below:		
	ASEAN Enterprise / Trade Association / Law F Company size: Phone :- 12 905503901 Website: www.aseantobacco.com Address : Barbecue Road No. 78 Ctty A Cour Cly : Ctty / 2/ D Code: 90210 Country : AMS X ASEAN Junisdiction where the Entity is Estab Contact person : Mr Stephen Bogus Phone :- 12 905503901 Postion : Chairman Email :: asearticatesascolation@gmail.com Country : AMS X ASEAN Junisdiction Science (Contact Net Court Country : AMS X	irm : ASEAN Tobacco Trade Association (type T try X lished : Country X	rade)			
	Confidential case code (for law firm or lawyer Country of Legal Registration : AMS-X Legal Registration Number : 13131 Type of Business : Retailer Business Sector : Goods / Business Sector : Goods / Destination Country : AMS-Y	only): oms valuations				
	Description: Vie are a tobacco trade association which rep measures affecting cigarettes exported from, guarantees imposed upon cigarette importers incorporates into ASEAN, mutatis mutandis, ta and fails to conform to the sequence of valual which requires that tobacco and/or cigarette r provides less favourable treatment for importe	resent a registered tobacco company in AMS-X MS-X to AMS-Y Such measures include AMS- AMS-Y administers these measures in a partia he World Trade Organization (WTO) Agreement ion methods mandated by the Article 57 of the A etailers hold separate licenses to sell domestic ad products than for like domestic products.	We would like to file an ASSIST complaint against AMS- Y48 ^{IIII} customs valuation practices, excise tax, health tak and unreasonable manner and thereby violates Article 5 on Customs Valuation. AMS-Y does not use transaction TIGA, rather II uses a valuation method with no basis in t ind imported cigarettes, is inconsistent with Article 6 of the	Y concerning a number of AMS-Y x, VAT regime, retail licensing req 7 of the ASEAN Trade in Goods A value as the primary basis for cus he Agreement. In addition, AMS-Y e ATIGA, incorporating Article III o	's fiscal and customs irrements and import greement (ATIGA), which toms valuation as required ''s dual license schem f the GATT 1994, because	e, it
		Thanking	g you, ASSIST is at your service. assist asean.org			
						•
	Dalam hal pengaduan Anda d	iterima oleh DCP, prosesnya a	kan sedikit berbeda. Dalam 10 hari	kerja setelah Anda m	enerima tanggapa	n
	dari CA bahwa pengaduan An DCP di AMS-V dan bahwa I	da diterima, Anda akan meneri DCP akan berkoordinaai da	ima email yang memberitahukan bah n otoritas nasional yang kompeter	awa pengaduan Anda	telah diterima ole	•h
	untuk menganalisis pengaduan	Anda secara rinci.	n olonias nasionai yang kompeten	aaaa Goomas renang	Eune Jawav. (KA	-/

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



WHAT IS ASSIST?

FILE A COMPLAINT

FAO

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

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

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

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

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

Email Pengingat 1 untuk Titik Kontak Tujuan (DCP):

Concil AMS Y «aseanmemberstate.y@gmail.com ISSIST Complaint #17020181030 reminder for DCP Wed. Oct 31, 2018 at 6.00 AM ASSIST (-assist@assean.org) Wed. Oct 31, 2018 at 6.00 AM ASSIST (-assist@assean.org) Wed. Oct 31, 2018 at 6.00 AM ASSIST (-assist@assean.org) Assist@assean.org) Assist (-assist@assean.org) Assist (-assist@assean.org) Tassist@assean.org)

diterima oleh CA, maka ini berarti bahwa tindakan DCP terlambat. DCP akan menerima pengingat otomatis lain melalui email (14 hari kalender setelah pengaduan diajukan) bahwa DCP harus melakukan suatu tindakan atas pengaduan tersebut.



					1	6	1
WELCOME TO ASSIST	T WHAT IS ASSI	ST? MY CO	MPLAINT LOGOUT	PROCESS	FAQ	CONTACT	DISCLAIMER
Tracking ID #	#174201810	031 / AMS	S-Y				
ASSIST Solution							
v10 Dispute Settlement Body (5 July 2011, the DSB adopted mplement the recommendation formed the DSB that they had MS-Y reported that it had com ulings. At the DSB meeting of 2	(USB) nad established a par ertain issues of law and legal it he Appellate Body report ai is and rulings of the DSB in I d mutually agreed on the rear- upleted the final outstanding 27 February 2013, AMS-X ex	nel, which circulated its is l interpretation covered in nd the panel report, as r line with its WTO obligat sonable period of time for steps in its implementat xpressed concern that it	report to the Members on 15 we n the panel report. On 17 June nodified by the Appellate Body fors and that it would need a re or AMS-Y to comply with the rec on process. However, AMS-X of had not been informed of any p	vember 2010. On 22 Feb 2011, the Appellate Body eport. On 11 August 2011 asonable period of time to ommendations and ruling id not agree that AMS-Y I rogress toward resolving	report was circul , AMS-Y informe o do so. On 23 Si s of the DSB. At nad fully implement the remaining W	 r notified the DSB o ated to Members and d the DSB that it inte eptember 2011, AMS- a DSB meeting on 26 ented the DSB's recor TO-inconsistencies a 	It its decision to II, at its meeting on Inded to -X and AMS-Y 3 January 2013, mmendations and Ind added that it
ould take appropriate steps sh MS-X disagreed and was of th ssolved, the complaint lodged omplainant had referred to in it ttachment History	hortly. At the DSB meeting or re view that AMS-Y had faile through ASSIST is one that a ts ASSIST complaint. Thus,	n 18 June 2014, AMS-Y d to comply. Although th AMS-Y rightfully conside AMS-Y rejects this com	reported that it did not have to lere has not been an agreemen ers as already addressed within plaint under ASSIST.	ake any further action to i ; between AMS-X and AN the WTO framework, incl	implement the D IS-Y on whether uding in light of t	SB's recommendation the WTO dispute was he ASEAN obligations	is and rulings. s actually s that the
Nould take appropriate steps sh MS-X disagreed and was of the solved, the complaint lodged omplainant had referred to in it ttachment History Date Action	hortly. At the DSB meeting or the view that AMS-Y had faile through ASSIST is one that , ts ASSIST complaint. Thus, on Actin	n 18 June 2014, AMS-Y d to comply. Although th AMS-Y rightfully conside AMS-Y rejects this com	reported that it did not have to ere has not been an agreemen ers as already addressed within plaint under ASSIST.	ake any further action to i between AMS-X and AN the WTO framework, incl	implement the DS	SB's recommendation the WTO dispute was he ASEAN obligations	is and rulings. s actually s that the
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ASIAN NATIONS	ASEAN Solutions for	r Investments, Services and	Trade			_	
WELCOME TO ASSIST	WHAT IS ASSIST?	FILE A COMPLAINT	FOLLOW A CO	MPLAINT	PROCESS	FAQ	CONTACT
	CONTACT PERS First Name Last Name Phone Position Email COMPLAINT DES Country of Legal Registration Registration Number	ON Stephen Bogus +12 905503901 Chairman aseantradeassociation@gmail.com (Confirmed) SCRIPTION AMS-X 13133	Address City ZIP Code Country Business Sector Type of Problem	Barbecue Road N City A 90210 AMS-X Goods Goods	ło. 78 City A Country X		
	Company Registration Proof	Annex_1- Simulated_Entity_Registration_of_ASEAN_Tobacco_T Retailer	Encountered Destination Country rade_Association18.pdf	AMS-Y			
	Description	We are a tobacco trade association which represent a valuation practices, excise tax, health tax, VAT regime, these measures in a partial and unreasonable manner ASEAN, mutatis mutandis, the World Trade Organizat customs valuation as required and fails to conform to t method with no basis in the Agreement. In addition, Al sell domestic and imported cigarettes, is inconsistent v treatment for imported products than for like domestic	registered tobacco company in AMS- easures affecting cigarettes exported retail licensing requirements and imp and thereby violates Article 57 of the on (WTO) Agreement on Customs Va he sequence of valuation methods mu KS-Ys dual license scheme, which re rith Article 6 of the ATIGA, incorporati products.	X. We would like to file a from AMS-X to AMS-Y, bort guarantees imposed ASEAN Trade in Goods lutation. AMS-Y does not andated by the Article 57 quires that tobacco and/ ng Article III of the GATT	an ASSIST complaint against AMS- ¹ . Such measures include AMS-Ys oc J upon cigarette importers: AMS-Y a s Agreement (ATIGA), which incorpo t use transaction value as the prima 7 of the ATIGA, rather it uses a value or cigarette retaillers hold separate I T 1994, because it provides less faw	f stoms dministers rates into ry basis for ttion cosness to purable	
	Attachment	sell domestic and imported cigarettes, is inconsistent v treatment for imported products than for like domestic <u>Annex_2-Simulated_Fiscal_Customs_Measures_Dual</u>	rith Article 6 of the ATIGA, incorporati products. _License_Scheme_of_AMS-Y21.pdf	ng Article III of the GATT	T 1994, because it provides less favo	purable	

Berikut adalah tanggapan dari DCP:

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

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

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



(a) Isilah Survei Kepuasan. Dalam hal ini, Asosiasi Dagang ASLAN merasa solusi atau tanggapan yang diberikan oleh ASSIS1 memenun harapannya dan dengan demikian menunjukkan sesuai dengan itu.

UME TU ASSIST	WHAT IS ASSIST?	FILE A COMPLAINT	FOLLOW A COMPLAINT	PROCESS	FAQ	
	ASSOCIATIO OF SOUTHEA	ASSIST				
	WELCOME TO ASSIST	NS ASEAN Solutions for Investments, S What IS Assist? My COMP	Services and Trade PLAINT LOGOUT PROCESS F	aq contact e	DISCLAIMER	
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		We have decided	not to pursue any other course of action regardi	ng our complaint.		
			I'm not a robot		li.	
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			SUBMIT YOUR FEEDBACK			
		Central Administrator of ASSIST / <u>ASEA</u> ASSIST	<u>W</u> Secretariat - 70A JI. Sisingamangaraja - Jakarta 12110 - Inc - Supported by <u>ARISE</u> - [<u>Disclaimer]</u>	donesia		
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Country of Legal Registration AMS-X Business Sector Goods Type of Problem Registration Number 131313 Goods / Decreed Customs valua Encountered Company Registration Proof Annex 1-Destination Country AMS-Y Simulated_Entity_Registration_of_ASEAN_Tobacco_Trade_Asso iation18.pdf 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 mutands, 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 Annex_2-Simulated_Fiscal_Customs_Measures_Dual_License_Scheme_of_AMS-Y21.pdf Attachment

> Central Administrator of ASSIST / <u>ASEAN</u> Secretariat - 70A JL Sisingamangaraja - Jakarta 12110 - Indones ASSIST - Supported by ARISE - IDisclaimert



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

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

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