

ASSIST

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

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)*

memengaruhi rokok yang diekspor dari Negara Asal ke Negara Tujuan.

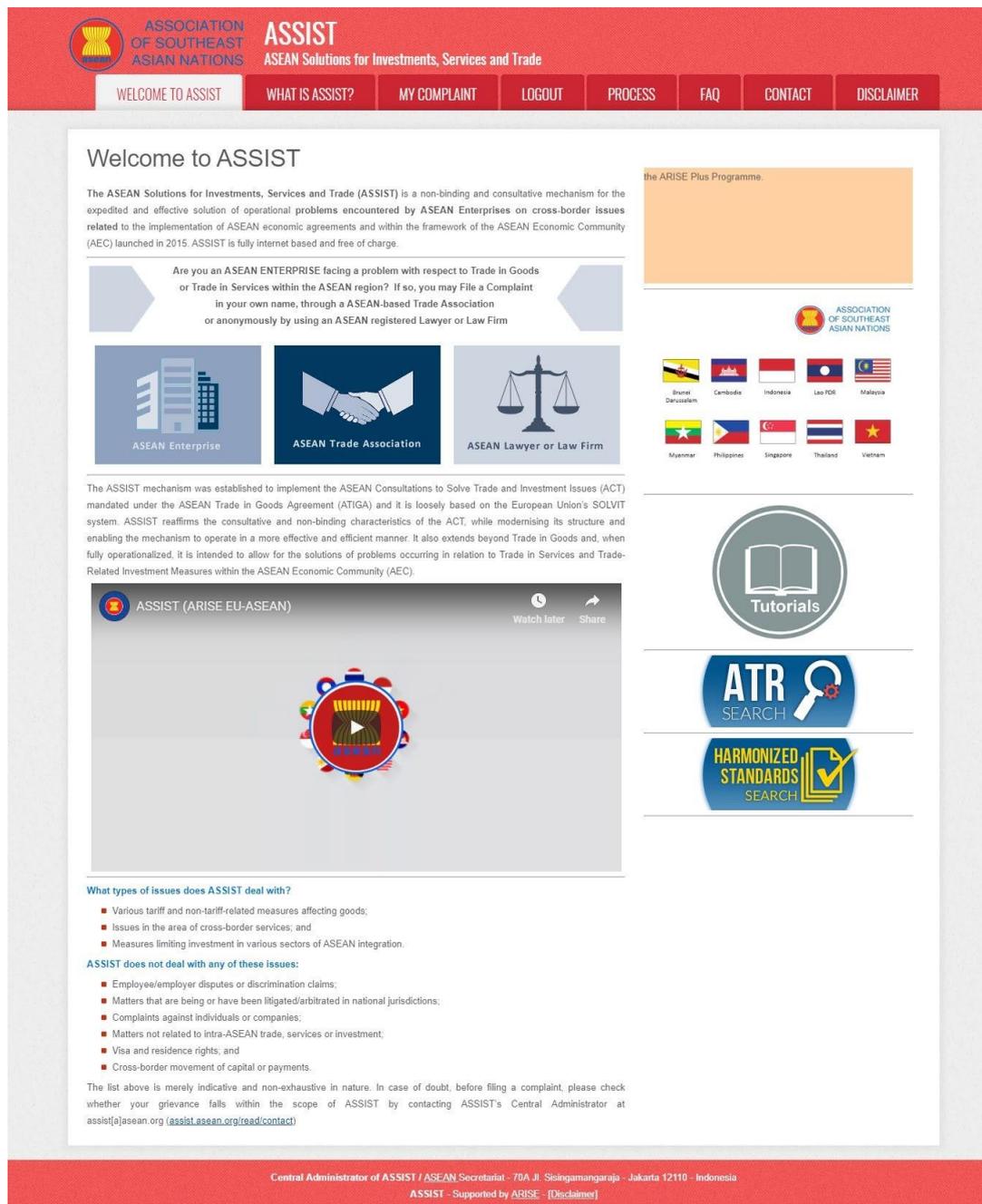
Langkah-langkah tersebut termasuk praktek penilaian pabean Negara Tujuan, pajak cukai, pajak kesehatan, rejim PPN, persyaratan lisensi ritel, dan jaminan impor yang dikenakan pada importir rokok. Asosiasi Dagang yang berbasis di ASEAN menuduh bahwa Negara Tujuan telah mengatur langkah-langkah ini secara 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 diamankan 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.

Langkah
1

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

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

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



The screenshot shows the ASSIST website homepage. At the top, there is a navigation menu with links: WELCOME TO ASSIST, WHAT IS ASSIST?, MY COMPLAINT, LOGOUT, PROCESS, FAQ, CONTACT, and DISCLAIMER. The main content area features a 'Welcome to ASSIST' section with a brief description of the service. Below this, there is a central message: 'Are you an ASEAN ENTERPRISE facing a problem with respect to Trade In Goods or Trade in Services within the ASEAN region? If so, you may File a Complaint in your own name, through a ASEAN-based Trade Association or anonymously by using an ASEAN registered Lawyer or Law Firm'. This message is supported by three icons: ASEAN Enterprise, ASEAN Trade Association, and ASEAN Lawyer or Law Firm. To the right, there is a section for 'the ARISE Plus Programme' and a grid of ASEAN member state flags. Below the flags, there are three search tools: Tutorials, ATR SEARCH, and HARMONIZED STANDARDS SEARCH. At the bottom, there is a section titled 'What types of issues does ASSIST deal with?' followed by a list of issues and a disclaimer.

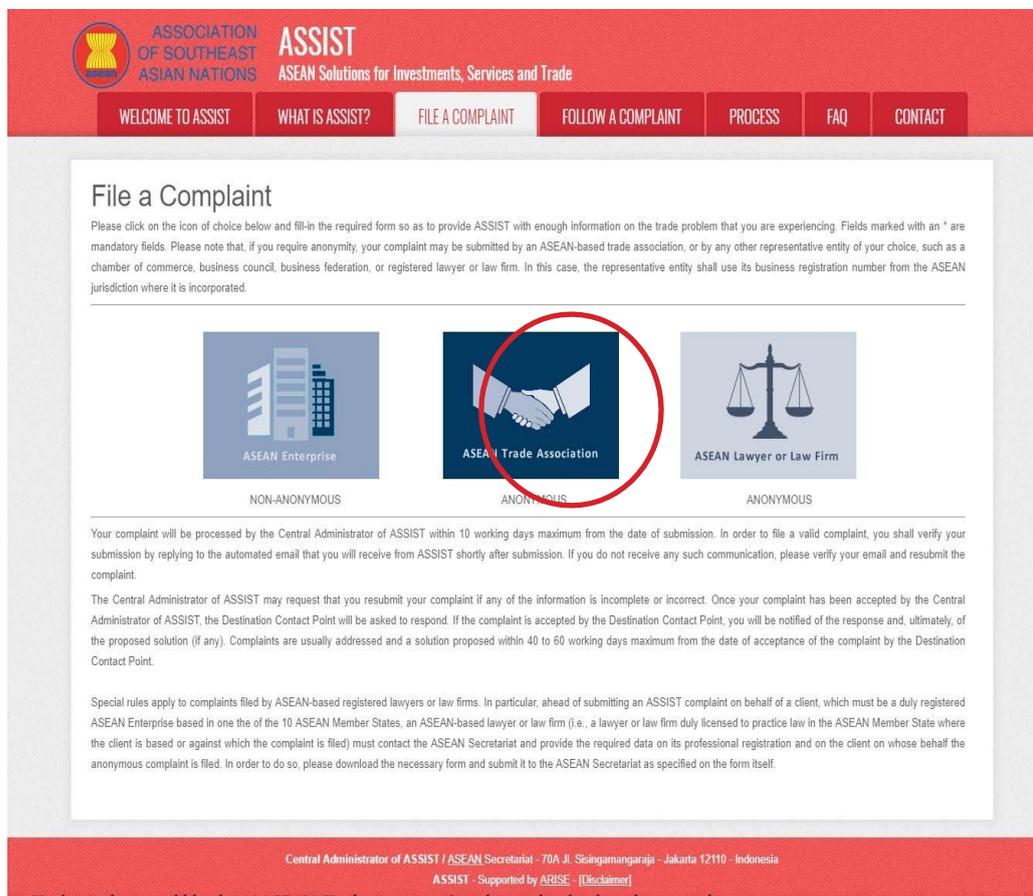
Central Administrator of ASSIST / ASEAN Secretariat - 70A Jl. Sisingamangaraja - Jakarta 12110 - Indonesia
ASSIST - Supported by ARISE - [Disclaimer]

Langkah
2

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

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

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



File a Complaint

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



ASEAN Enterprise

NON-ANONYMOUS



ASEAN Trade Association

ANONYMOUS



ASEAN Lawyer or Law Firm

ANONYMOUS

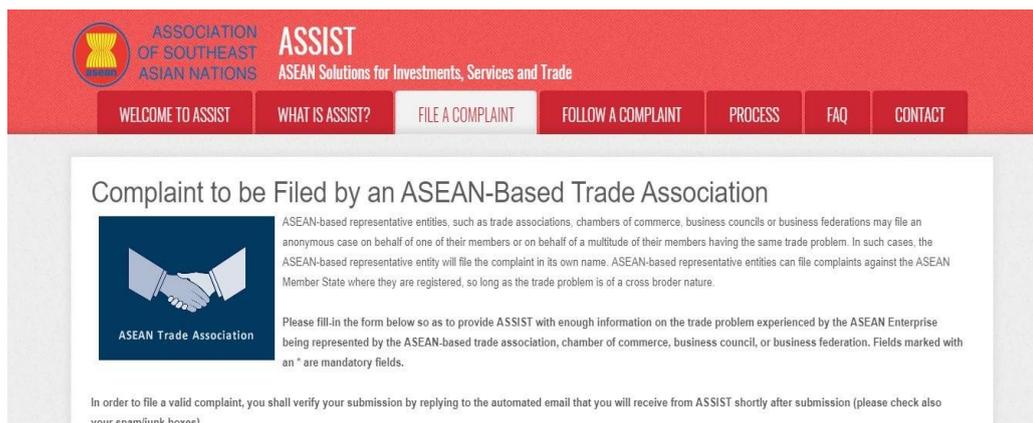
Your complaint will be processed by the Central Administrator of ASSIST within 10 working days maximum from the date of submission. In order to file a valid complaint, you shall verify your submission by replying to the automated email that you will receive from ASSIST shortly after submission. If you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

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

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

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

Ketika Anda mengklik ikon '*ASEAN Trade Association*', maka gambar berikut akan tampil.



Complaint to be Filed by an ASEAN-Based Trade Association



ASEAN Trade Association

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

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

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

ASEAN-BASED TRADE ASSOCIATION

* ASEAN-based Trade Association Name

* Phone

Website

* Address

300 characters remaining (300 maximum)

* City ZIP Code

* Country

* ASEAN Jurisdiction where the Entity is Established

CONTACT PERSON

* Gender Mr Mrs Ms

* First Name * Last Name

* Phone

* Position

* Email

Address

300 characters remaining (300 maximum)

City ZIP Code

Country

COMPLAINT DESCRIPTION

* Country of Legal Registration

* Registration Number

* Entity Registration Proof

No file chosen

* Type of Business

* Business Sector

- Services Sector Description

* Type of Problem Encountered

* Destination Country

* Description

5000 characters remaining (5000 maximum)

Attachment No file chosen

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

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

I'm not a robot 

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

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

Langkah
3

MENGENAL FORMULIR PENGADUAN

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



ASSOCIATION OF SOUTHEAST ASIAN NATIONS

ASSIST
ASEAN Solutions for Investments, Services and Trade

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

Complaint to be Filed by an ASEAN-Based Trade Association

ASEAN-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: ASEAN Tobacco Trade Association

* 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

* Gender: Mr Mrs Ms

* First Name: Stephen * Last Name: 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

COMPLAINT DESCRIPTION

* Country of Legal Registration: AMS-X

* Registration Number: 131313

* Entity Registration Proof: [Choose File](#) Annex 1-Simulat...ssociation.pdf

* Type of Business: Retailer

* Business Sector: Goods

* Services Sector Description: 3.6.8 Decreed Customs valuations

* Type of Problem Encountered: 3.6.8 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

* Attachment: [Choose File](#) Annex 2-Simulated F...Scheme of AMS-Y.pdf + Attachment

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

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

I'm not a robot



SUBMIT YOUR COMPLAINT

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

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

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

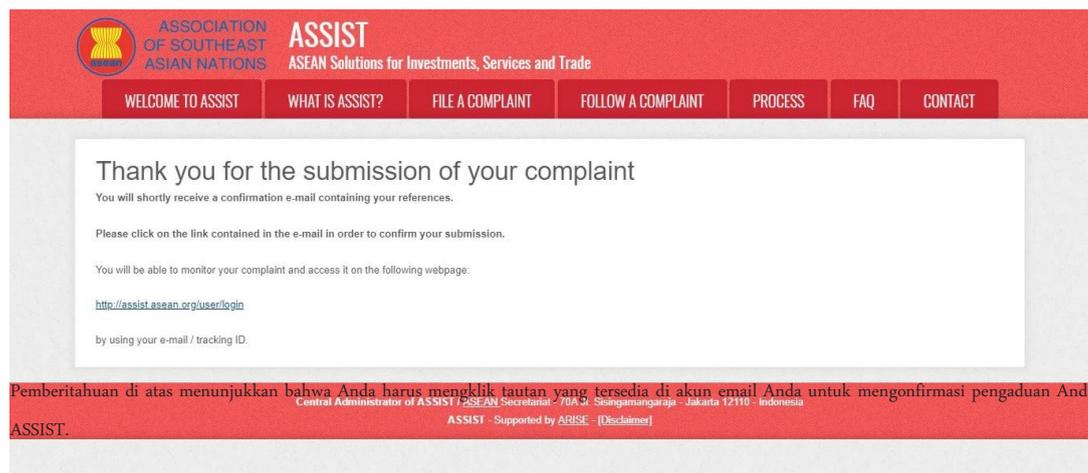
“Kami adalah Asosiasi Dagang tembakau yang mewakili perusahaan tembakau yang terdaftar di AMS-X. Kami ingin mengajukan pengaduan ASSIST terhadap AMS-Y mengenai sejumlah langkah-langkah fiskal dan bea cukai AMS-Y yang memengaruhi rokok yang diekspor dari AMS-X ke AMS-Y. Langkah-langkah tersebut termasuk 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



The screenshot shows the ASSIST website interface. At the top, there is a navigation bar with the ASEAN logo and the text 'ASSOCIATION OF SOUTHEAST ASIAN NATIONS' on the left, and 'ASSIST ASEAN Solutions for Investments, Services and Trade' on the right. Below this is a menu with buttons for 'WELCOME TO ASSIST', 'WHAT IS ASSIST?', 'FILE A COMPLAINT', 'FOLLOW A COMPLAINT', 'PROCESS', 'FAQ', and 'CONTACT'. The main content area displays a confirmation message: 'Thank you for the submission of your complaint'. Below this, it states: 'You will shortly receive a confirmation e-mail containing your references. Please click on the link contained in the e-mail in order to confirm your submission. You will be able to monitor your complaint and access it on the following webpage: <http://assist.asean.org/user/login> by using your e-mail / tracking ID.'

Pemberitahuan di atas menunjukkan bahwa Anda harus mengklik tautan yang tersedia di akun email Anda untuk mengonfirmasi pengaduan Anda ASSIST.
Central Administrator of ASSIST / ASEAN Secretariat - 70A-3, Stulangmangaraja - Jakarta 12110 - Indonesia
ASSIST - Supported by ARISE - [Disclaimer]

Langkah
5

MENGONFIRMASI PENGADUAN ANDA MELALUI AKUN EMAIL ANDA

- (a) Buka akun email yang Anda berikan dalam formulir pengaduan. Anda akan menerima email dari ASSIST yang meminta Anda untuk mengonfirmasi pengaduan Anda dengan mengklik tautan yang disediakan atau dengan menyalin-menempelkan tautan itu ke browser Internet. Ini juga diperlukan oleh ASSIST untuk menyampaikan konfirmasi bahwa alamat email yang Anda berikan sah. Nomor pengaduan Anda juga tersedia dalam email ini. Dalam hal ini, nomor pengaduan Anda adalah **17420181031**.

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


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 AM



ASSIST
ASEAN Solutions for Investments, Services and Trade

Dear **Mr Stephen Bogus**,

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

http://assist.asean.org/user/confirm_email
http://assist.arsenadevelopment.space/user/confirm_email?email=aseantradeassociation@gmail.com&id=17420181031&code=3d5unyrcc8sh

<http://assist.asean.org/user/login> by using your e-mail/trackingID: aseanenterprise0@gmail.com / **17420181031**
<http://assist.arsenadevelopment.space/user/login> by using your e-mail / tracking ID: aseantradeassociation@gmail.com / **17420181031**

ASEAN Enterprise / Trade Association / Law Firm : ASEAN Tobacco Trade Association (type Trade)
 Company size :
 Phone : +12 905903901
 Website : www.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 : Decreed Customs valuations
Destination Country : AMS-Y

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

Thanking you, ASSIST is at your service.

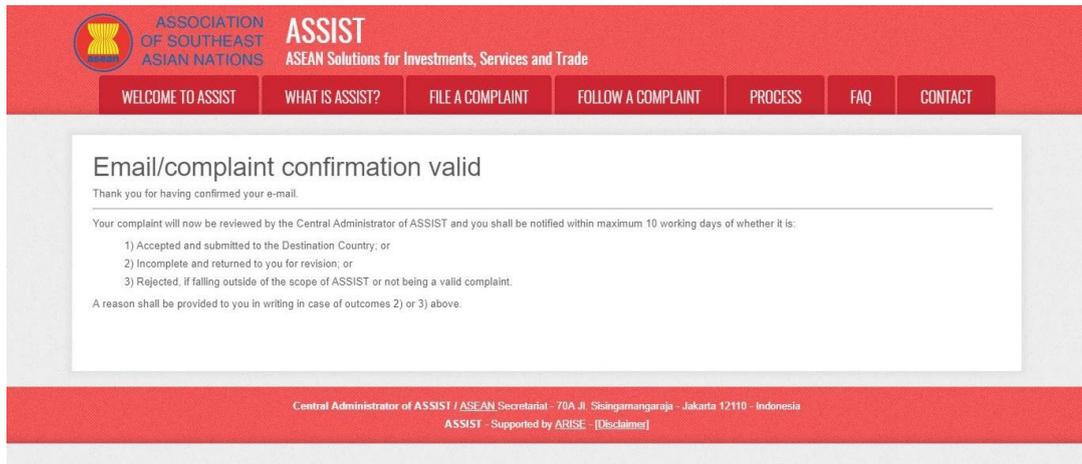
assist.asean.org

2 attachments

 **Annex_2-Simulated_Fiscal_Customs_Measures_Dual_License_Scheme_of_AMS-Y21.pdf**
46K

 **Annex_1-Simulated_Entity_Registration_of_ASEAN_Tobacco_Trade_Association18.pdf**
48K

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



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

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

Buka akun email Anda.

Langkah
6

MENERIMA EMAIL DARI ASSIST BAHWA ALAMAT EMAIL DAN PENGADUAN ANDA SAH

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



ASEAN Trade Association <aseantradeassociation@gmail.com>

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

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

Wed, Oct 31, 2018 at 11:57 AM



ASSIST
ASEAN Solutions for Investments, Services and Trade

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

Thanks for the confirmation of your complaint to no. **17420181031**.

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

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

ASEAN Enterprise / Trade Association / Law Firm : ASEAN Tobacco Trade Association (type Trade)
Company size :
Phone : +12 905903901
Website : www.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 : Decreed Customs valuations
Destination Country : AMS-Y

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

Thanking you, ASSIST is at your service.

assist.asean.org

2 attachments

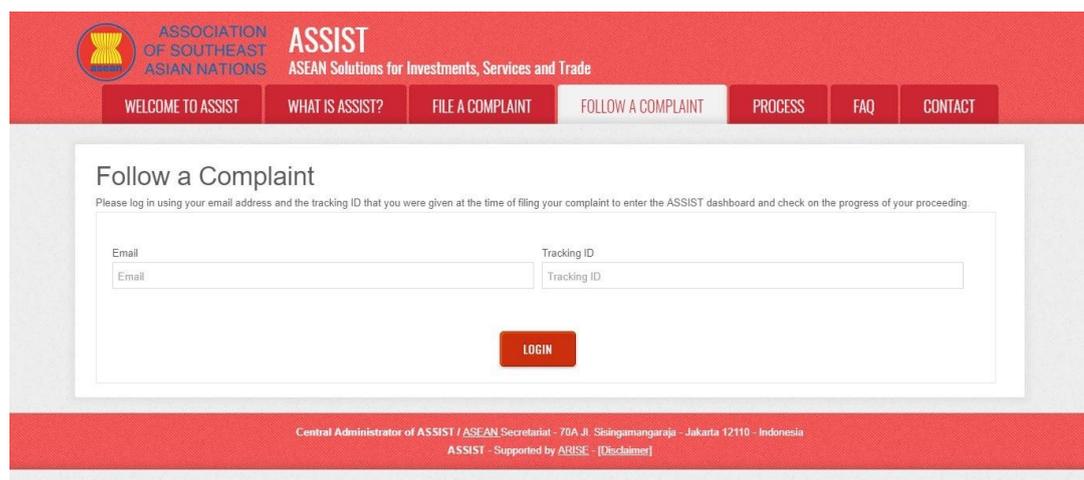
-  Annex_2_Simulated_Fiscal_Customs_Measures_Dual_License_Scheme_of_AMS-Y21.pdf
46K
-  Annex_1_Simulated_Entity_Registration_of_ASEAN_Tobacco_Trade_Association18.pdf
48K

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

Langkah
7

MEMANTAU PERKEMBANGAN PENGADUAN ANDA

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



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

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

Follow a Complaint

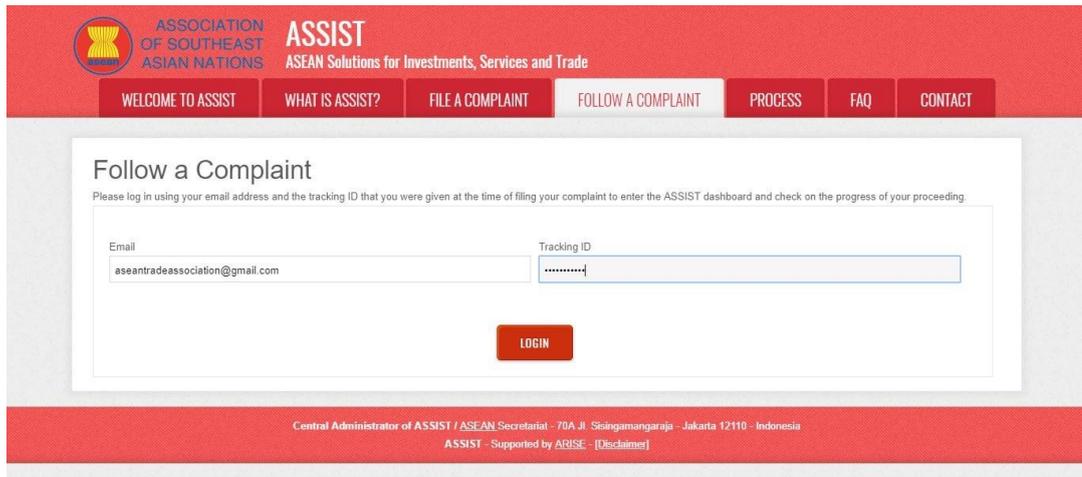
Please log in using your email address and the tracking ID that you were given at the time of filing your complaint to enter the ASSIST dashboard and check on the progress of your proceeding.

Email Tracking ID

LOGIN

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

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



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

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

Follow a Complaint

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

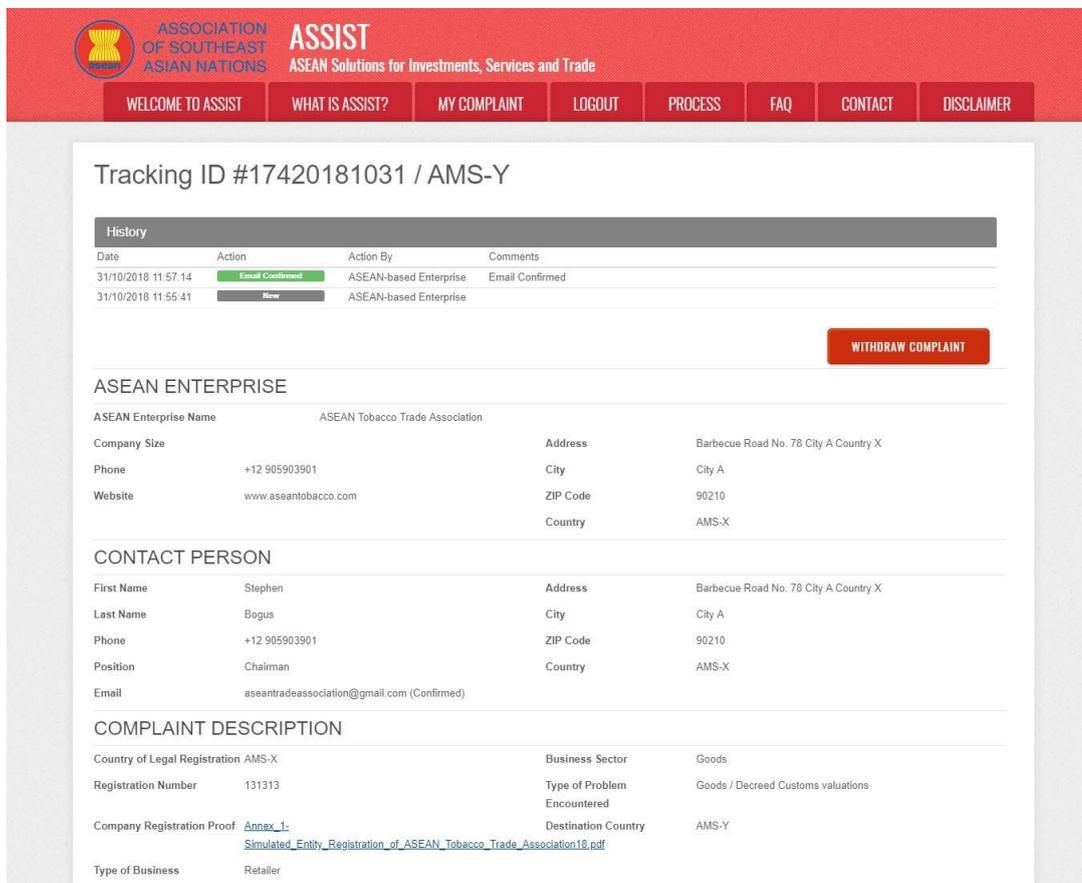
Email: aseantradeassociation@gmail.com Tracking ID: *****

LOGIN

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

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

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



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

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

Tracking ID #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	Bogus	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 / Decried Customs valuations
Company Registration Proof	Annex_1: Simulated_Entity_Registration_of_ASEAN_Tobacco_Trade_Association18.pdf	Destination Country	AMS-Y
Type of Business	Retailer		

Description

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

Attachment

[Annex_2_Simulated_Fiscal_Customs_Measures_Dual_License_Scheme_of_AMS-Y21.pdf](#)

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

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

9
8

ANDA (MENERIMA, MENYATAKAN KURANG LENGKAP, ATAU MENOLAK)

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

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

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

Central Administrator ASECC <caatasec@gmail.com>

[ASSIST] Complaint #15020181026 reminder for CA

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

Sat, Oct 27, 2018 at 5:00 AM



ASSOCIATION OF SOUTHEAST ASIAN NATIONS

ASSIST

ASEAN Solutions for Investments, Services and Trade

Action is required by the CA for the complaint:
15020181026

Thanking you, ASSIST is at your service.

assist.asean.org [Disclaimer]

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



ASEAN Trade Association <aseantradeassociation@gmail.com>

[ASSIST] Your complaint #17420181031 is accepted by CANo Reply ASSIST <assist@asean.org>
Reply-To: "assist@asean.org" <assist@asean.org>

Wed, Oct 31, 2018 at 12:02 PM



ASSOCIATION OF SOUTHEAST ASIAN NATIONS

ASSIST

ASEAN Solutions for Investments, Services and Trade

Dear Mr Stephen Bogus,

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

Destination Country : AMS-Y

Description:

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

Thanking you, ASSIST is at your service.

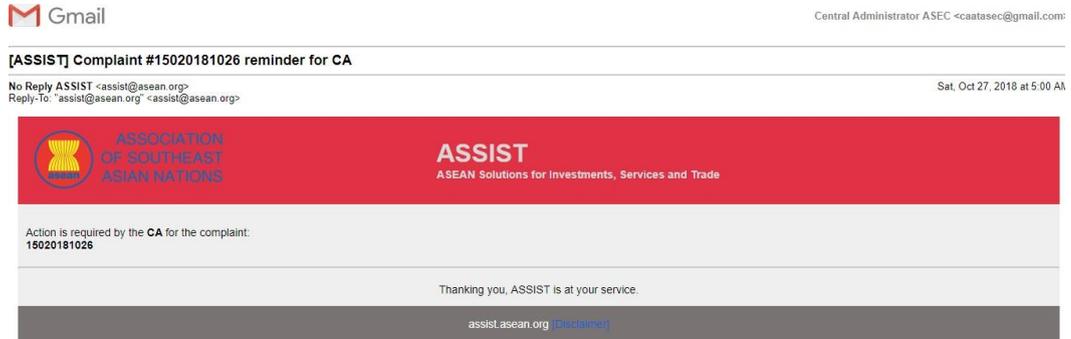
assist.asean.org

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

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

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

Email Pengingat (Reminder) 2 untuk Administrator Pusat (CA):

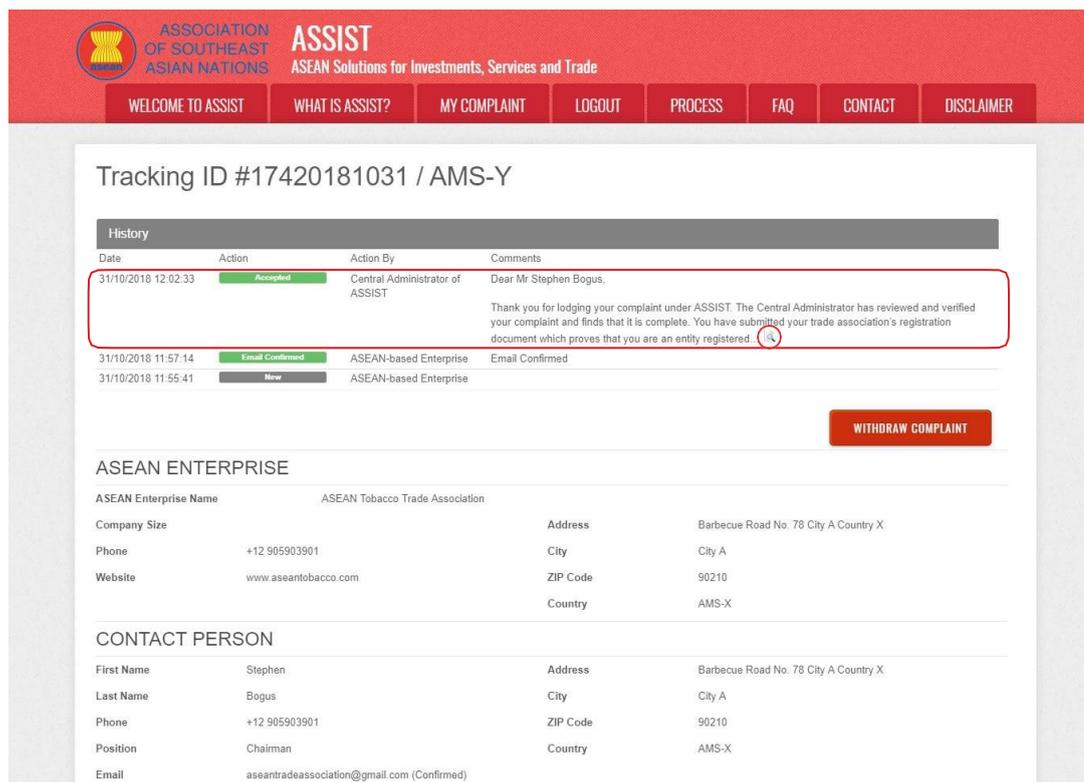


Langkah 9

LOGIN KE DASBOR ASSIST ANDA MELALUI EMAIL DAN ID PELACAKAN ANDA UNTUK MENGETAHUI TANGGAPAN SEBENARNYA DARI CA

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

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



COMPLAINT DESCRIPTION

Country of Legal Registration	AMS-X	Business Sector	Goods
Registration Number	131313	Type of Problem Encountered	Goods / Decreed Customs valuations
Company Registration Proof	Annex 1: Simulated Entity Registration of ASEAN Tobacco 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-Simulated4 Fiscal Customs Measures Dual License Scheme of AMS-Y21.pdf		

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

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.

Langkah
10

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

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



ASEAN Trade Association <aseantradeassociation@gmail.com>

[ASSIST] Response for your #17420181031 complaint

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

Wed, Oct 31, 2018 at 6:06 P



ASSIST
ASEAN Solutions for Investments, Services and Trade

Dear **Mr Stephen Bogus**,

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

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

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

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

Yes / No

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

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

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

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

Thanking you, ASSIST is at your service.

assist.asean.org

Dalam hal pengaduan Anda diterima oleh DCP, prosesnya akan sedikit berbeda. Dalam 10 hari kerja setelah Anda menerima tanggapan dari CA bahwa pengaduan Anda diterima, Anda akan menerima email yang memberitahukan bahwa pengaduan Anda telah diterima oleh DCP di AMS-Y dan bahwa DCP akan berkoordinasi dengan otoritas nasional yang kompeten atau Otoritas Penanggung Jawab. (RA) untuk menganalisis pengaduan Anda secara rinci.

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

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

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

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

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

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

Email Pengingat 1 untuk Titik Kontak Tujuan (DCP):



AMS Y <aseanmemberstate.y@gmail.com>

[ASSIST] Complaint #17020181030 reminder for DCP

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

Wed, Oct 31, 2018 at 6:00 AM



ASSOCIATION OF SOUTHEAST ASIAN NATIONS

ASSIST

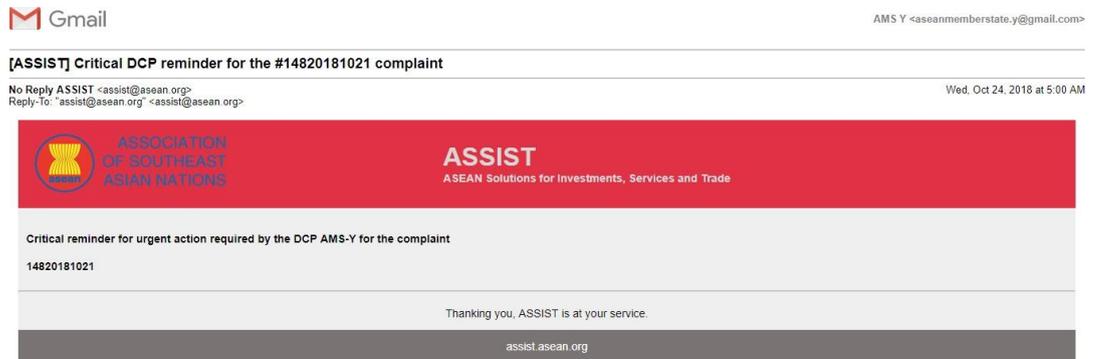
ASEAN Solutions for Investments, Services and Trade

Action is required by the DCP AMS-Y for the complaint:
17020181030

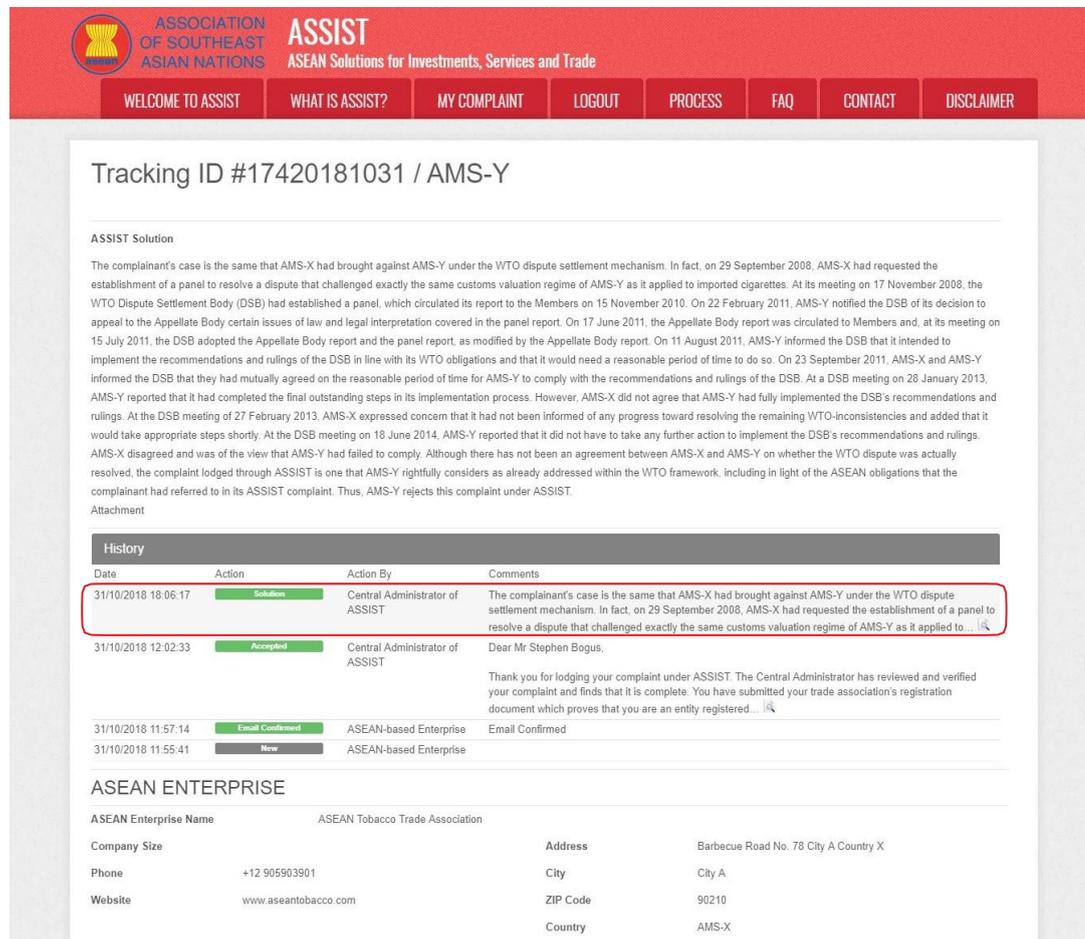
Thanking you, ASSIST is at your service.

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

Email Pengingat 2 untuk Titik Kontak Tujuan (DCP):



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



The screenshot shows the ASSIST dashboard. At the top, there is a navigation menu with items: WELCOME TO ASSIST, WHAT IS ASSIST?, MY COMPLAINT, LOGOUT, PROCESS, FAQ, CONTACT, and DISCLAIMER. The main heading is "Tracking ID #17420181031 / AMS-Y". Below this, there is a section titled "ASSIST Solution" with a detailed text description of the complaint and the resolution process. A table titled "History" shows a list of actions taken on the complaint, with the first entry highlighted in red:

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 imported cigarettes. At its meeting on 17 November 2008, the WTO Dispute Settlement Body (DSB) had established a panel, which circulated its report to the Members on 15 November 2010. On 22 February 2011, AMS-Y notified the DSB of its decision to appeal to the Appellate Body certain issues of law and legal interpretation covered in the panel report. On 17 June 2011, the Appellate Body report was circulated to Members and, at its meeting on 15 July 2011, the DSB adopted the Appellate Body report and the panel report, as modified by the Appellate Body report. On 11 August 2011, AMS-Y informed the DSB that it intended to implement the recommendations and rulings of the DSB in line with its WTO obligations and that it would need a reasonable period of time to do so. On 23 September 2011, AMS-X and AMS-Y informed the DSB that they had mutually agreed on the reasonable period of time for AMS-Y to comply with the recommendations and rulings of the DSB. At a DSB meeting on 28 January 2013, AMS-Y reported that it had completed the final outstanding steps in its implementation process. However, AMS-X did not agree that AMS-Y had fully implemented the DSB's recommendations and rulings. At the DSB meeting of 27 February 2013, AMS-X expressed concern that it had not been informed of any progress toward resolving the remaining WTO-inconsistencies and added that it would take appropriate steps shortly. At the DSB meeting on 18 June 2014, AMS-Y reported that it did not have to take any further action to implement the DSB's recommendations and rulings. AMS-X disagreed and was of the view that AMS-Y had failed to comply. Although there has not been an agreement between AMS-X and AMS-Y on whether the WTO dispute was actually resolved, the complaint lodged through ASSIST is one that AMS-Y rightfully considers as already addressed within the WTO framework, including in light of the ASEAN obligations that the complainant had referred to in its ASSIST complaint. Thus, AMS-Y rejects this complaint under ASSIST.
31/10/2018 12:02:33	Accepted	Central Administrator of ASSIST	Dear Mr Stephen Bogus, Thank you for lodging your complaint under ASSIST. The Central Administrator has reviewed and verified your complaint and finds that it is complete. You have submitted your trade association's registration document which proves that you are an entity registered...
31/10/2018 11:57:14	Email Confirmed	ASEAN-based Enterprise	Email Confirmed
31/10/2018 11:55:41	New	ASEAN-based Enterprise	

Below the history table, there is a section titled "ASEAN ENTERPRISE" with the following details:

- ASEAN Enterprise Name: ASEAN Tobacco Trade Association
- Company Size: [Blank]
- 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	Bogus	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 Encountered	Goods / Decreed Customs valuations
Company Registration Proof	Annex 1: Simulated Entity Registration of ASEAN Tobacco Trade Association18.pdf		Destination Country
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		

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Berikut adalah tanggapan dari DCP:

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

Namun, AMS-X tidak setuju bahwa AMS-Y telah sepenuhnya melaksanakan rekomendasi dan keputusan DSB. Pada pertemuan DSB tanggal 27 Februari 2013, AMS-X menyatakan keprihatinannya bahwa pihaknya belum diberitahu tentang perkembangan untuk menyelesaikan 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."

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

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

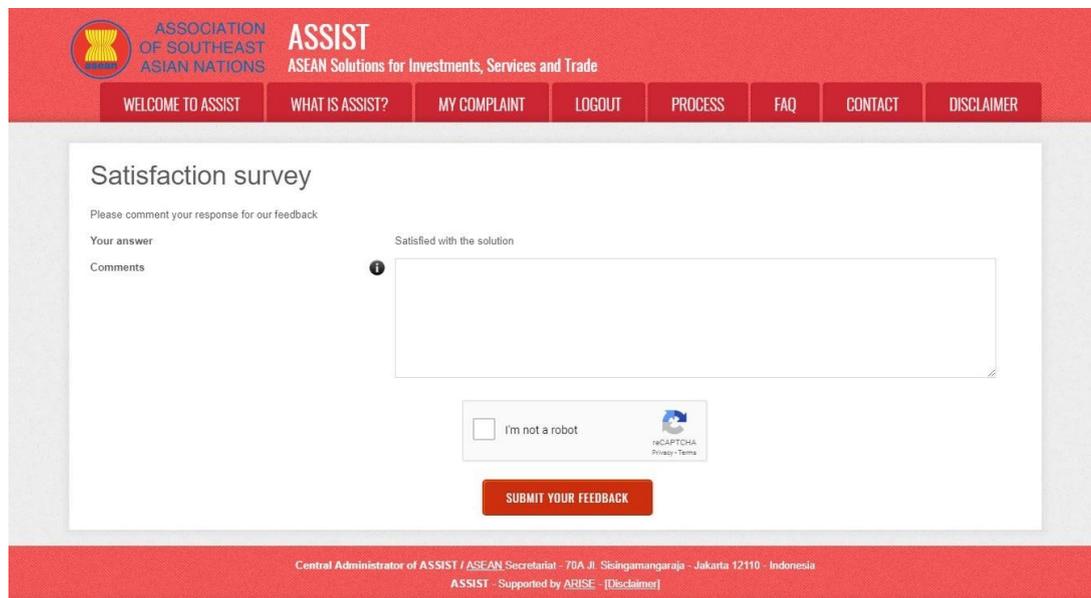
Yes / No

Dalam hal ini, AE memilih "Ya".

Langkah 11

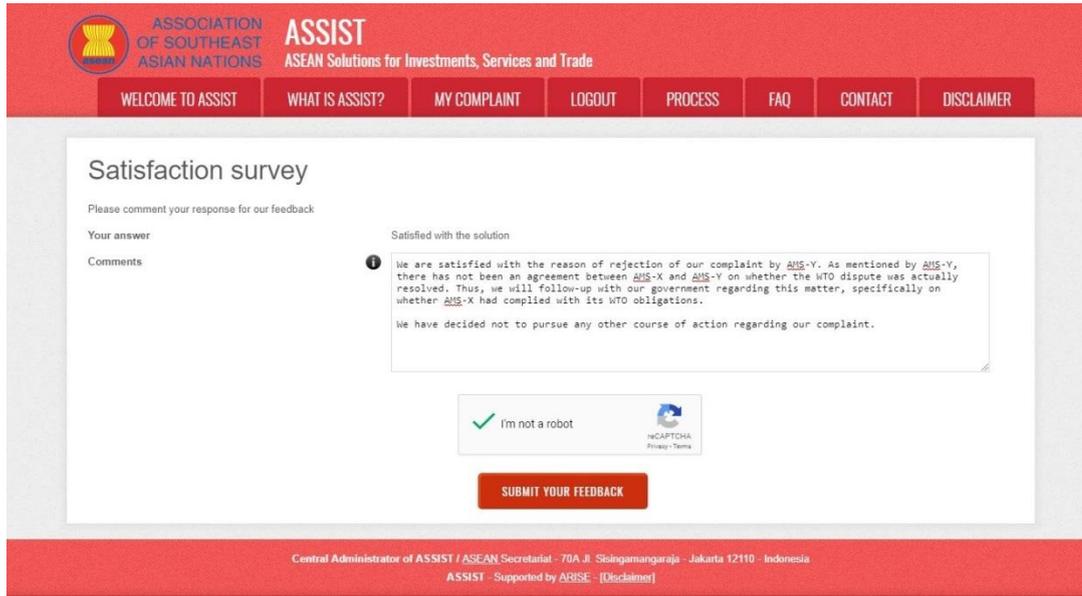
MEMBERIKAN UMPAN BALIK ANDA PADA USULAN SOLUSI ATAU TANGGAPAN YANG DIBERIKAN OLEH AMS-Y DALAM SURVEI KEPUASAN DAN MENERIMA EMAIL PERNYATAAN PENERIMAAN DARI ASSIST.

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



The screenshot shows the ASSIST website header with the logo and navigation menu. The main content area is titled "Satisfaction survey" and includes a feedback form. The form has a "Your answer" section with a radio button for "Satisfied with the solution" and a "Comments" section with a text area. Below the text area is a "I'm not a robot" checkbox and a CAPTCHA icon. A "SUBMIT YOUR FEEDBACK" button is at the bottom of the form. The footer contains the address: "Central Administrator of ASSIST / ASEAN Secretariat - 70A Jl. Siangmangaraja - Jakarta 12110 - Indonesia" and "ASSIST - Supported by ARISE - [Disclaimer]"

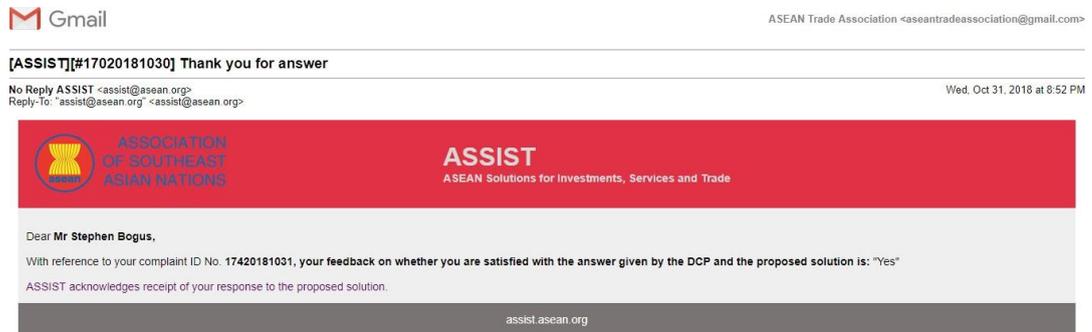
- (a) Isilah Survei Kepuasan. Dalam hal ini, Asosiasi Dagang ASEAN merasa solusi atau tanggapan yang diberikan oleh ASSIST memenuhi harapannya dan dengan demikian menunjukkan sesuai dengan itu.



The screenshot shows the ASSIST Satisfaction Survey interface. At the top, there is a navigation bar with links: WELCOME TO ASSIST, WHAT IS ASSIST?, MY COMPLAINT, LOGOUT, PROCESS, FAQ, CONTACT, and DISCLAIMER. The main content area is titled "Satisfaction survey" and includes a text box for "Your answer" containing the following text: "Satisfied with the solution. 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." Below the text box is a CAPTCHA area with a green checkmark and the text "I'm not a robot" and a "SUBMIT YOUR FEEDBACK" button. At the bottom, there is a footer with the address: "Central Administrator of ASSIST / ASEAN Secretariat - 70A, Jl. Sisingamangaraja - Jakarta 12110 - Indonesia" and "ASSIST - Supported by ARISE - [Disclaimer]"

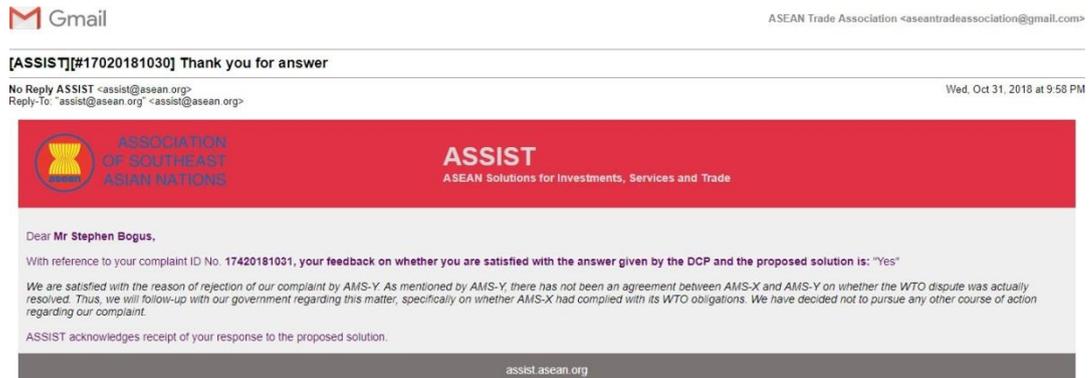
(b) Buka akun email Anda, maka Anda akan menerima satu atau dua (jika Anda telah mengisi dalam Survei Kepuasan) email baru dari ASSIST, yang menyatakan penerimaan atas tanggapan Anda terhadap solusi yang diusulkan oleh AMS-Y. Salinan tanggapan Anda juga akan dikirim ke DCP dan HCP.

Email Pernyataan Penerimaan Pertama dari ASSIST



Email Pernyataan Penerimaan Kedua dari ASSIST

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



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



ASSOCIATION OF SOUTHEAST ASIAN NATIONS

ASSIST
ASEAN Solutions for Investments, Services and Trade

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

Tracking ID #17420181031 / AMS-Y

ASSIST Solution

The complainant's case is the same that AMS-X had brought against AMS-Y under the WTO dispute settlement mechanism. In fact, on 29 September 2008, AMS-X had requested the establishment of a panel to resolve a dispute that challenged exactly the same customs valuation regime of AMS-Y as it applied to imported cigarettes. At its meeting on 17 November 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

History			
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 905903901	City	City A
Website	www.aseantobacco.com	ZIP Code	90210
		Country	AMS-X

CONTACT PERSON

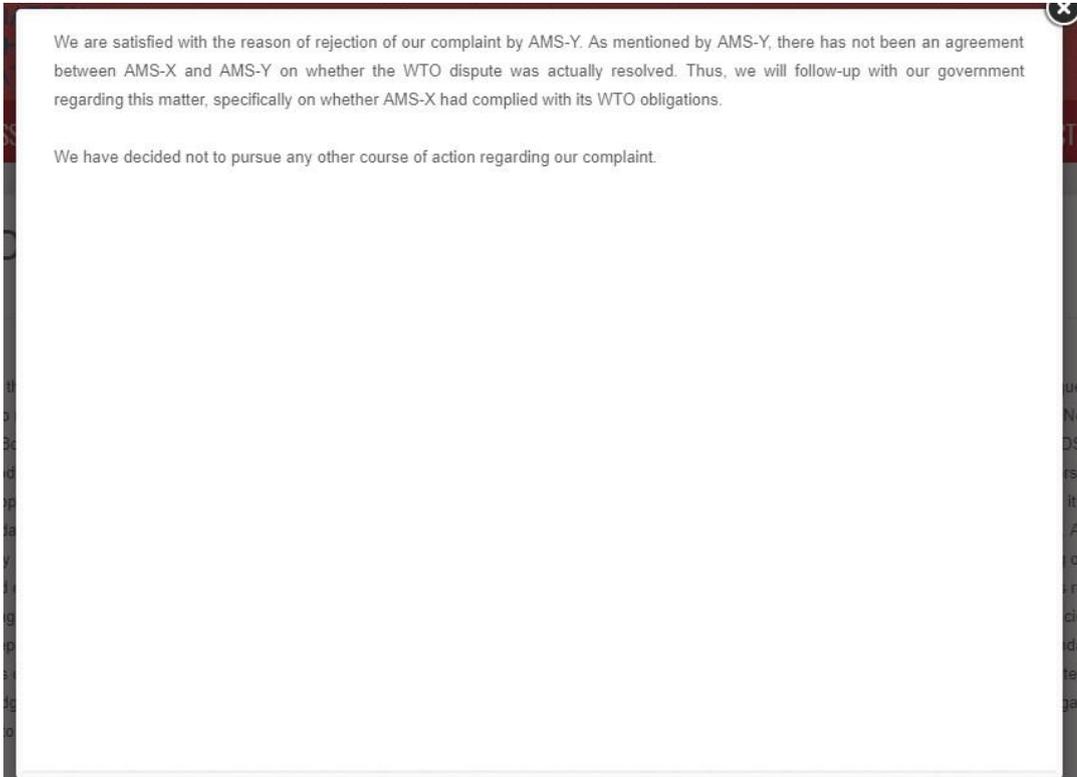
First Name	Stephen	Address	Barbecue Road No. 78 City A Country X
Last Name	Bogus	City	City A
Phone	+12 905903901	ZIP Code	90210
Position	Chairman	Country	AMS-X
Email	aseantradeassociation@gmail.com (Confirmed)		

COMPLAINT DESCRIPTION

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

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



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

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

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