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

WELCOME TO ASSIST

WHAT IS ASSIST?

FILE A COMPLAINT

FOLLOW A COMPLAINT

FAO



Complaint Filed by an ASEAN Registered Lawyer or Law Firm on Behalf of its Client, an ASEAN Enterprise, Accepted by Central Administrator and Solution Proposed by Destination Contact Point and Accepted by ASEAN Enterprise.

Brief Description of Case: This scenario is that of a complaint that is accepted by ASSIST's Central Administrator (CA) as having been validly lodged by an ASEAN Registered Lawyer/Law Firm (ASEAN Lawyer) on behalf of its client, the ASEAN Enterprise (AE), and also accepted by the Destination Country as an issue for which it is willing to engage with the ASEAN Lawyer through ASSIST, interact with the domestic Relevant National Authorities and provide a solution to the ASEAN Lawyer through ASSIST. In the case at stake, the Home Country is not actively involved, but all other possible steps in the ASSIST procedure, including the initial request by the CA for additional information from the ASEAN Lawyer, are simulated for purposes of reviewing a full-fledged ASSIST proceeding.

The complaint is in relation to the new excise duty imposed by the Destination Country on palm oil and

food products containing palm oil under its Ministry of Health's Regulation of 2015, Chapter 1000, Section 100. The measure adopted by the Destination Country introduced taxes on foods that are high in sugar and saturated fat, as part of a strategy for addressing the rising problem of obesity in the Destination Country. The ASEAN Lawyer claims that the Destination Country's measure expressly targeted palm oil and not just the saturated fat component of palm oil and of products containing palm oil, thereby discriminating against palm oil and demonizing the product as a whole instead of just discouraging excessive consumption of products containing saturated fats, independently of the vegetable or animal origin of the fats. The ASEAN Lawyer claims, in its ASSIST complaint, that the measure adopted and applied by the Destination Country is contrary to Article 6 of the ASEAN Trade in Goods Agreement (ATIGA) (on National Treatment on Internal Taxation and Regulation), in as much as it discriminates against palm oil as a whole and is not applied to other 'like' products manufactured or sold in the Destination Country (i.e., food products containing saturated fats deriving from soy, sunflower, rapeseed, corn, peanut or animal fat).

List of Actors and Abbreviations:

- Complainant = ASEAN Lawyer or Law Firm
- ASEAN Secretariat = Central Administrator of ASSIST (CA)
- Home Country = Home Contact Point (HCP) in ASEAN Member State-X (AMS-X)
- Destination Country = Destination Contact Point (DCP) in ASEAN Member State-Y (AMS-Y)
- Relevant National Authorities = Relevant Authorities (RAs)







(b) When you click on the 'ASEAN Lawyer or Law Firm' icon, the following page will appear.

OF SOUTHEAST ASIAN NATIONS	ASSISI ASEAN Solutions for	Investments, Services and	l Trade			
WELCOME TO ASSIST	WHAT IS ASSIST?	FILE A COMPLAINT	FOLLOW A COMPLAINT	PROCESS	FAQ	CONTACT
Complaint to be	ASEAN registered lawyer In such cases, the lawyer filed, must first contact the anonymous complaint is b In order to do so, please the form itself.	a or law firms may file an anonym or law firm, duly licensed to prace ASEAN Secretariat and provide eing filed. download the necessary form	istered Lawyer hous case on behalf of one of their clie tice law in the ASEAN Member State the required data on its professional i and submit it by email to the A	or Law F ants (i.e., the ASEAN E where the client is base registration and on the ASEAN Secretariat at	interprise having ed or against wh client on whose assist@asean	g the trade problem). nich the complaint is a behalf the Lorg as specified on
please fill-in the form below so as to pro mandatory fields. If no law firm exists	Once the ASEAN Secreta rovide ASSIST with enough in s, individual lawyers can insert	riat has provided the Confidentia formation on the trade problem e t their personal details twice (i.e.,	I Case Code (CCC) by email to the lau experienced by the ASEAN Enterprise in the fields for Law Firm and Lawyer	wyer or law firm, the ac being represented. Fie).	ctual complaint o alds marked wi	can be filed. To do so, ith an * are
In order to file a valid complaint, you	u shall verify your submissi	on by replying to the automate	d email that you will receive from A	ASSIST shortly after s	ubmission (ple	ease check also



ASSOCIATION ASSIST

OME TO ASSIST	WHAT IS ASSIST?	FILE A COMPLAINT	FOLLOW A COMPLAINT	PROCESS	FAQ	CONT
	LAW FIRM					
	* Law Firm Name					
	* Phone					
	Website					
	* Address					
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	ASEAN Jurisdiction(s) where A	Admitted to Practice Law	*			
	COMPLAINT DES	CRIPTION				
	* Confidential Case Code	0				
	* Country of Legal Registration	0	×			
	* Legal Registration Number	0				
	* Registration Proof	Choose File No	ile chosen			
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	* Business Sector	Goods	*			
	- Services Sector Description	0				
	* Type of Problem Encountered	1 Tariff-related me	asures		v	
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	* Description	0 0				
		5000 characters remainin	ıg (5000 maximum)			
	Attachment	Choose File No	ile chosen + Attachment			
	I have read and accept the A	SSIST <u>rules</u> .				
	I hereby submit this complain	nt to the Central Administrator of ASSIST and I ad	ccept its transmission to the relevant authorities of the AS	SEAN Member States involved		
		I'm no	t a robot			
			reCAPTCHA Privacy-Terms			
			UBMIT TOUR COMPLAINT			

(c) As an ASEAN registered lawyer or law firm, you need to file the complaint in your own name and/ or your law firm's name as the identity of your client is kept anonymous. In order to do so, you must follow the instructions in the above page. First, you must download the necessary form to fill-in and submit to the ASEAN Secretariat, as specified on the form itself.

When you click on the 'round orange' icon in the above page, the following form will be downloaded on your computer.



Fill-in the above form and submit it by email to the ASEAN Secretariat at <u>assist@asean.org</u>, as specified on the form itself. Please also submit the following required data along with the form: (i) your professional registration/licence document (if original language is not English, then an unofficial translation into English should also be attached) and (ii) the company registration document of the client (an ASEAN Enterprise) on whose behalf the anonymous complaint is filed.



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STEP

RECEIVE A RESPONSE FROM THE ASEAN SECRETARIAT/CENTRAL ADMINISTRATOR IN YOUR EMAIL ACCOUNT

(a) The ASEAN Secretariat/CA will reply to your email to inform you of whether the documents that you have submitted meet the requirements and are complete or not. In the example below, the ASEAN Lawyer has submitted all the necessary documents.

The ASEAN Secretariat/CA will also provide you with a Confidential Case Code to insert in the actual complaint form on the ASSIST website.





STEPFILL-IN THE 'COMPLAINT TO BE FILED BY AN ASEAN REGISTERED LAWYER7OR LAW FIRM' FORM

Lawyer).

Fill-in the blank form in Step 2(b) so as to provide ASSIST with enough information on the trade problem that your client is experiencing. Fields marked with an asterisk (*) are mandatory fields. If you are not sure on what to fill-in for a field, the **1** buttons are available for detailed instructions on what to fill-in for each field. Please click on the **1** buttons to make sure that you fill-in the correct information in the form. If no law firm exists, individual lawyers can insert their personal details twice (i.e., in the fields for Law Firm and

CONTACT

It is extremely important that you properly fill-in the 'Description' field. The CA will need to verify that the description given in the complaint is sufficient to clearly identify the problem in the context of the specific subject agreement(s). Thus, please carefully layout your complaint with legal arguments and factual evidence to help the CA in deciding whether to approve your complaint.

Below is an example of a completed form for this specific case study.

OF SOUTHEAST ASIAN NATIONS	ASSIST ASEAN Solutions for	Investments, Services and	l Trade			
WELCOME TO ASSIST	WHAT IS ASSIST?	FILE A COMPLAINT	FOLLOW A COMPLA	AINT PROCESS	FAQ	CONTACT
Complaint to be	e Filed by an	ASEAN Reg	istered Law	/yer or Law F	irm	the trade problem)
	In such cases, the lawyer filed, must first contact the anonymous complaint is b	or law firm, duly licensed to prac ASEAN Secretariat and provide eing filed.	tice law in the ASEAN Memb the required data on its prof	per State where the client is base ressional registration and on the	ed or against wh client on whose	ich the complaint is behalf the
ASEAN Lawyer or Law Firm	In order to do so, please the form itself.	download the necessary <u>form</u>	🥙 and submit it by ema	il to the ASEAN Secretariat at	<u>assist@asean.</u>	org as specified on
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please fill-in the form below so as to p mandatory fields. If no law firm exists in order to file a valid complaint, yo your spam/junk boxes).	rovide ASSISI with enough ini s, individual lawyers can insert u shall verify your submissio	ormation on the trade problem e their personal details twice (i.e., on by replying to the automate	xperienced by the ASEAN E in the fields for Law Firm and d email that you will receiv	nterprise being represented. Fie d Lawyer). re from ASSIST shortly after s	ubmission (ple	h an * are ase check also
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please fill-in the form below so as to p mandatory fields. If no law firm exists In order to file a valid complaint, yo your spam/junk boxes). LAW FIRM * Law Firm Name * Phone Website * Address	cvoda ASSISI vitti enougini ni ji, individual lawyers can insert u shall verify your submissio A A + U C C C C C C C C C C C C C C C C C C	ormation on the trade problem of their personal details twice (i.e., on by replying to the automate RISE & Partners 36 1 7653572 www.arise&partners.com anube Street No. 13 pountry X 8 characters remaining (300 maximum) by P	xperienced by the ASEAN E in the fields for Law Firm and d email that you will receiv	nterprise being represented. Fit d Lawyer). re from ASSIST shortly after s	ubmission (ple	h an * are ase check also
please fil-in the form below so as to p mandatory fields. If no law firm exists In order to file a valid complaint, yo your spam/junk boxes). LAW FIRM * Law Firm Name * Phone Website * Address * City * City	cvoda ASSISI vitti enougi ni i, individual lawyers can insert u shall verify your submissio A A + U C C C C C C C C C C C C C C C C C C	ormation on the trade problem of their personal details twice (i.e., on by replying to the automate RISE & Partners 36 1 7653572 www.arise&partners.com anube Street No. 13 butry X 9 characters remaining (300 maximum) ity P MS X	zperienced by the ASEAN E in the fields for Law Firm and d email that you will receiv ZIP Code	nterprise being represented. Fit d Lawyer). re from ASSIST shortly after s	ubmission (ple	h an * are ase check also



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	Attachment	Ø	2656 characters remaining (Choose File No file	rat). 5000 maximum) chosen		+ Attachment		*	
	I have read and accept the AS I hereby submit this complaint	SIST <u>rules</u> . to the Central Administrate	choose File No file	cnosen ept its transmission	n to the relevant au	<u>Remove</u> thorities of the AS	EAN Member States involved		

As an example of a clear and concise description of the complaint, below is the description for this specific case study:

"We are a registered law firm in AMS-X filing a complaint under ASSIST on behalf of our client, a duly registered palm oil company in AMS-X. The complaint is in relation to the new excise duty imposed by AMS-Y (the Destination Contact Point or DCP) on palm oil and food products containing palm oil under its Ministry of Health's Food Regulation Chapter 1000, Section 100 of 2015. The measure adopted by AMS-Y introduced taxes on foods high in sugar and saturated fat as part of a strategy for addressing the rising problem of obesity in AMS-Y.

We are of the view that AMS-Y's measure expressly targeted palm oil and not just the saturated fat component of palm oil and of products containing palm oil, thereby discriminating against palm oil and demonizing the product as a whole instead of just discouraging excessive consumption of products containing saturated fats, independently of the vegetable or animal origin of the fats.

Thus, we find the measure adopted and applied by AMS-Y is contrary to Article 6 of the ATIGA (on National Treatment on Internal Taxation and Regulation), in as much as it discriminates against palm oil as a whole and is not applied to other 'like' products manufactured or sold in AMS-Y (i.e., food products containing saturated fats deriving from soy, sunflower, rapeseed, corn, peanut or animal fat)."



STEP

8

STEP

9

FOLLOW A COMPLAINT

When the complaint is filed by clicking the 'Submit Your Complaint' tab, the following page in Step 8 will appear.

RECEIVE A NOTIFICATION FROM ASSIST

WELCOME TO ASSIST	WHAT IS ASSIST?	FILE A COMPLAINT	FOLLOW A COMPLAINT	PROCESS	FAO	CONTACT
Thank you for	the submissi	on of your co	mplaint			
You will shortly receive a confirm	nation e-mail containing your re	eferences.	mplaint			
Please click on the link contained	d in the e-mail in order to confi	rm your submission.				
You will be able to monitor your con	nplaint and access it on the follow	ving webpage:				
<u> http://assist.asean.org/user/login</u>						
oy using your e-mail / tracking ID.						

The above notification indicates that you should click on the link provided in your email account to confirm your complaint with ASSIST.

CONFIRM YOUR COMPLAINT FROM YOUR EMAIL ACCOUNT

(a) Go to the email account that you have provided in the complaint form. You will receive an email from ASSIST requesting you to confirm your complaint by clicking on the link provided or by copy-pasting the link onto the Internet browser. This is also required by ASSIST to confirm that the email address which you have provided is valid. Your complaint number is also provided in this email. In this case, your complaint number is **18120181102.**

Below is the email which you will receive from ASSIST.

M Gmail		ASEAN Lawyer <aseanlawyer0@gmail.com< th=""></aseanlawyer0@gmail.com<>
[ASSIST] Thanks to confirm your complaint #181	20181102 submission	
No Reply ASSIST <assist@asean.org> Reply-To: "assist@asean.org" <assist@asean.org></assist@asean.org></assist@asean.org>		Fri, Nov 2, 2018 at 12:18 Pl
ASSOCIATION OF SOUTHEAST ASIAN NATIONS	ASSIST ASEAN Solutions for Investments, Services and Trade	
Dear Ms Sierra Riviera,		
Thank you for having filed a complaint on ASSIST, the system	of ASEAN Solutions for Investments, Services and Trade.	
Please confirm your complaint 18120181102 on the following http://assist.asean.org/user/confirm_email	link (or by copy-pasting the following link onto your Internet browser):	
After your confirmation, ASSIST will monitor your complaint and http://assist.asean.org/user/login by using your e-mail / tracki	I you will be able to access it on the following webpage ng ID: aseanlawyer0@gmail.com / 181201181102	



ASEAN Solutions for Investments, Services and Trade



trator of ASSIST / ASEAN Secretariat - 70A Jl. Sisingamanga raja - Jakarta 12110 - Indonesia

The above notification will inform you that your complaint will be reviewed by the CA and that you will be notified by email within maximum 10 working days of whether it is:

- 1) Accepted and submitted to the Destination Country; or
- 2) Incomplete and returned to you for revision; or

2) Incomplete and returned to you for revision; or

3) Rejected, if falling outside of the scope of ASSIST or not being a valid complaint A reason shall be provided to you in writing in case of outcomes 2) or 3) above.

3) Rejected, if falling outside of the scope of ASSIST or not being a valid complaint.

Go to your email account.



FAQ

STEP

RECEIVE AN EMAIL FROM ASSIST THAT YOUR EMAIL ADDRESS AND COMPLAINT IS VALID

Go to your email account and you will see a new email from ASSIST. This email indicates that you have confirmed your complaint, that the CA will check its validity, and that it has been filed within ASSIST. ASSIST will revert with a response indicating whether the complaint is accepted, incomplete or rejected within 10 working days.



As indicated in the above email, you are now able to monitor the progress by clicking on the indicated link which will be directed to the 'Follow a Complaint' tab on the menu bar on the ASSIST Website.



MONITOR THE PROGRESS OF YOUR COMPLAINT

(a) Go to the following link: <u>http://assist.asean.org/user/login</u> or go to the 'Follow a Complaint' tab on the menu bar on the ASSIST Website. The below page will appear.

OF SOUTHEAST ASIAN NATIONS	ASSIST ASEAN Solutions for	Investments, Services and	l Trade			
VELCOME TO ASSIST	WHAT IS ASSIST?	FILE A COMPLAINT	FOLLOW A COMPLAINT	PROCESS	FAQ	CON
	ASSOCIATIO OF SOUTHEA ASIAN NATIO	ON ASSIST ST ASSAN Solutions for Investments S	ervices and Trade			
	WELCOME TO ASSIST	WHAT IS ASSIST? FILE A CON	IPLAINT FOLLOW A COMPLAINT PRO	CESS FAQ CONTA	ACT	
	Follow a Com Please log in using your email ad	nplaint dress and the tracking ID that you were given at the ti	me of filing your complaint to enter the ASSIST dashboard and	check on the progress of your proceedir	ng.	
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			LOGIN			
		Central Administrator of ASSIST / <u>ASEA</u> ASSIST -	<u>N</u> Secretariat - 70A JI. Sisingamangaraja - Jakarta 12110 - Indo Supported by <u>ARISE</u> - [<u>Disclaimer]</u>	nesia		
(b) Enter your email ad case, the Email Ad	dress and tracking ID (ye dress is <u>aseanlawyer0</u> 0	our complaint number) in the @gmail.com and the Tracki i	e required fields to ng ID is 18120181	o login. In ti 1102.	his
	OF SOUTHEA ASIAN NATIO	ST ASSISI NS ASEAN Solutions for Investments, S	ervices and Trade			
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	Please log in using your email ad	IPIAITIL idress and the tracking ID that you were given at the ti	me of filing your complaint to enter the ASSIST dashboard and	check on the progress of your proceedir	ng.	
	Email aseanlawyer0@gmail.com		Tracking ID			
			LOGIN			
		Central Administrator of ASSIST / <u>ASEA</u> ASSIST	<u>N</u> Secretariat - 70A Jl. Sisingamangaraja - Jakarta 12110 - Indo Supported by ARISE - IDisclaimer]	mesia		
(Dnce you login, you v complaint.	will see your ASSIST d	ashboard where you can r	monitor the prog	ress of yc	our
(c) View of your ASSIS	ST Dashboard once you	I have successfully logged-i	in:		
	ASSOCIATI	ASSIST	Paris and Tard			
	WELCOME TO ASSIST	ASEAN Solutions for investments, What is assist? My com	Services and Trade PLAINT LOGOUT PROCESS F	AQ CONTACT DI	SCLAIMER	
	Tracking ID #	418120181102 / AMS-	Y			
	History Date Action	n Action By	Comments			
	02/11/2018 12:19:35 02/11/2018 12:18:02	ASEAN-based Enterprise New ASEAN-based Enterprise	Email Confirmed			



ASEAN ENTERF ASEAN Enterprise Name Company Size Phone Website CONTACT PERS First Name Last Name Phone	PRISE ARISE & Partners +36 1 7653572 www.arise&partners.com SON Sierra Riviera	Address City ZIP Code Country Address	Danube Street No City P 12310 AMS-X	WITHDRAW COMPLA	AINT	
ASEAN Enterprise Name Company Size Phone Website CONTACT PERS First Name Last Name Phone	ARISE & Partners +36 1 7653572 www.arise&partners.com SON Sierra Riviera	Address City ZIP Code Country Address	Danube Street No City P 12310 AMS-X	. 13 City P Country X		
Company Size Phone Website CONTACT PERS First Name Last Name Phone	+36 1 7653572 www.arise&partners.com SON Sierra Riviera	Address City ZIP Code Country Address	Danube Street No City P 12310 AMS-X	. 13 City P Country X		
Phone Website CONTACT PERS First Name Last Name Phone	+36 1 7653572 www.arise&partners.com SON Sierra Riviera	City ZIP Code Country Address	City P 12310 AMS-X			
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CONTACT PERS First Name Last Name Phone	SON Sierra Riviera	Country Address	AMS-X			
CONTACT PERS First Name Last Name Phone	SON Sierra Riviera	Address				
First Name Last Name Phone	Sierra Riviera	Address				
Last Name Phone	Riviera		Danube Street No	. 13 City P Country X		
Phone		City	City P			
	+36 7878137686	ZIP Code	12310			
Position	Senior Associate	Country	AMS-X			
Email	aseanlawyer0@gmail.com (Confirmed)					
COMPLAINT DE	SCRIPTION					
Country of Legal Registration	n AMS-X	Business Sector	Goods			
Registration Number	137911	Type of Problem Encountered	Goods / Internal ta	axes and charges levied on imports		
Company Registration Proof	Annex_0- Simulated_Professional_License_of_Ms_Sierra_Riviera4.pdf	Destination Country	AMS-Y			
Type of Business	Export/import					
Description	We are a registered law firm in AMS-X filing a complaint under relation to the new excise duty imposed by AMS-Y (the Destin. Health's Food Regulation Chapter 1000, Section 100 of 2015, a strategy for addressing the rising problem of obesity in AMS- fat component of palm oil and of products containing palm oil , discouraging excessive consumption of products containing as adopted and applied by AMS-Y is contrary to Article 6 of the A' against palm oil as a whole and is not applied to other 'like' pro sunflower, rapeseed, corn, peand or animal fat).	ASSIST on behalf of our clier ation Contact Point or DCP) or The measure adopted by AMS -Y. We are of the view that AM thereby discriminating against aturated fats, independently of TIGA (on National Treatment oducts manufactured or sold in	nt, a duly registered pairm n paim oil and food prod S-Y introduced taxes on IS-Y's measure expressly t paim oil and demonizing i the vegetable or animal on Internal Taxation and n AMS-Y (i.e., food produ	n oil company in AMS-X. The compla ucts containing palm oil under its Mir foods high in sugar and saturated fat y targeted palm oil and not just the sz g the product as a whole instead of j origin of the fats. Thus, we find the n Regulation), in as much as it discrim ucts containing saturated fats deriving	aint is in nistry of aturated ust measure ninates g from soy,	
	COMPLAINT DE Country of Legal Registratio Registration Number Company Registration Proof Type of Business Description	COMPLAINT DESCRIPTION Country of Legal Registration AMS-X Registration Number 37911 Company Registration Processional License of Ms. Sierra Rivierad edit Type of Business Export/import Description We are a registered law firm in AMS-X filing a complaint under relation to the new excise duty imposed by AMS-Y (the Dealth Health's Food Regulation Chapter 1000. Section 100 of 2015, ba strategy for addressing the rising problem of obesity in AMS fat component of paim oil and of products containing paim oil, discouraging excessive consumption of products containing paim oil, discouraging excessive consumption of products containing paim oil, discouraging accessive consumption of products containing paim oil, discouraging the rising pair oil and adapted by AMS-Y is contrary to Article 6 of the A against paim oil as a whole and is not applied to disc if the pair paintime pair oil as a whole and is not applied to disc if the paintime	COMPLAINT DESCRIPTION Country of Legal Registration AMS-X Business Sector Registration Number 13791 Type of Problem Company Registration Processional License of Ms_Sierra Rivieral, not Destination Country Type of Business Exportimized Destination Country Type of Business Exportimized Type of Business Destination Country Description We are a registered law firm in AMS-X filing a complaint under ASSIST on behalf of our clien relation to the new excise duty imposed by AMS-Y (the Destination Contact Point or DCP) of Health's Food Regulation Chapter 1000, Section 100 of 2015. The measure adopted by AMA fat component of palm oil and of products containing palm oil, thereby discriminating agains discouraging excessive consumption of products containing saturated fats, independently of adopted and applied by AMS-Y to contra to Marked 6 of the ATICA (on National Treatment) against palm oil as a whole and is not applied to other Tike' products manufactured or sold is sunflower, rapeseed, corn, peanut or animal fat). Attachment Stackment	COMPLAINT DESCRIPTION Country of Legal Registration AMS-X Business Sector Goods Registration Number 137911 Type of Problem Goods / Internal to Company Registration Proc Amax, Q- Destination Country AMS-Y Type of Business Exportimport Mission AMS-Y Type of Business Exportimport Professional License of Ms_Sistra Rivieral not Description We are a registered law firm in AMS-X filing a complaint under ASSIST on behalf of our client, a duly registered path relation to the new excise duty imposed by AMS-Y (the Destination Contact Point or DCP) on pain oil and food prod Health's Food Regulation, Chapter 1000, Section 100 of 2015. The measure adopted by AMS-Y imcodured taxes on a strategy for addressing the rising problem of obselly in AMS-Y we are on the view that AMS-Ys measure expressing fat component of pain oil and of products containing pain oil, thereby discriminating against pain oil and demonizin discouraging excessive consumption of products containing saturated fats, independently of the vegateble or animal adopted and applied by AMS-Y (is contraty to Attrice of othe ATTGA (on National Treatment on Internal Taxation and against paim oil as a vihole and is not applied to other like' products manufactured or sold in AMS-Y (i.e., food produs curviewer, rapeseed, corn, peanut or animal fat).	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Central Administrator of ASSIST / ASEAN Secretariat - 70A JI. Sisingamangaraja - Jakarta 12110 - Indonesia

As you can see in your dashboard, the actions taken for your complaint are clearly indicated in your dashboard and this list will be regularly updated after each action is taken. Your completed complaint form which you have submitted is also accessible on your dashboard.

STEP 12

CENTRAL ADMINISTRATOR REVIEWS YOUR COMPLAINT AND SENDS A RESPONSE TO YOUR EMAIL (ACCEPT, INCOMPLETE, OR REJECT)

Once the CA has completed reviewing your complaint and decided on whether to accept/incomplete/ reject, an email will be sent to you typically within 10 working days since you lodged your complaint.

If no action has been taken in the meantime by the CA, the CA will receive the below automatic reminder via email from the ASSIST online system within 7 calendar days after the complaint is lodged. As indicated above, the CA must decide to accept, declare incomplete and request revision, or reject the complaint within 10 working days.



from you as you have only submitted your Professional Licence document. Thus, CA sends an email response to you requesting you to re-submit the complaint by attaching AMS-Y's regulation or measure that is at issue along with a legal brief detailing out your allegations and the arguments that you believe should be taken into consideration for purposes of accepting the complaint and possibly providing a solution.

As indicated in the above email, in order to revise your complaint and re-submit it, you will need to login to your ASSIST dashboard.

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

- I have read and accept the ASSIST <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 Member States involved

 Image: Submit this complaint to the Central Administrator of ASSIST and I accept its transmission to the relevant authorities of the ASEAN Member States involved

 Image: Submit this complaint to the Central Administrator of ASSIST and I accept its transmission to the relevant authorities of the ASEAN Member States involved

 Image: Submit this complaint to the Central Administrator of ASSIST / Image: Submit the Complaint

 SUBMIT YOUR COMPLAINT

 Central Administrator of ASSIST / ASEAN Secretariat 70A JL Sisingamangareja Jakarta 12110 Indonesia

 ASSIST Supported by ABISE (Dischainer)
- (b) Click on the 'magnifying glass' icon in the 'comments' column. The full response from the CA will appear, as can be seen below:

ASEAN Solutions for Investments, Services and Trade

FILE A COMPLAINT

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WHAT IS ASSIST?

FOLLOW A COMPLAINT

FAQ

(x

Dear Ms. Sierra Riviera,

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

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

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

(c) Attach the additional documents requested by the CA and re-submit your complaint through your dashboard, i.e. AMS-Y's regulation or measure at issue and the legal brief.

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ASEAN Solutions for Investments, Services and Trade

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City City P ZIP Code 12310 ASEAN Jurisdiction(s) where Adminited to Practice Law AMS.X • COMPLAINT DESCRIPTION AMS.X • Confidential Case Code ASSISTX-001-2018 • Country of Legal Registration AMS.X • Country of Legal Registration Number 137911 • Registration Proof Choose File No file chosen * ** Annex 0. Simulated Professional License of Ms_Sierra Rivieral.pdf • Type of Business Export/Import • Services Sector Description Goods • Obstination Country AMS Y • Description 13.6.7 Internal taxes and charges levied on imports • Type of Problem Encountered 3.6.7 Internal taxes and charges levied on imports • Description • • • • Up registered pain oil coppeny in AMS X • • • Description • • • • Up registered pain oil coppeny in AMS X • • • Description • • • • •<		259 characters remaining (300 maximum)		
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Legal Registration Number 137911 Registration Proof Choose File No file chosen (* Annex 0. Simulated Professional License of Ms_Sierra Rivierad.pdf Type of Business Export/import 8 usiness Sector Goods • Services Sector Description • Services Sector Description Type of Problem Encountered 3.6.7 Internal taxes and charges levied on imports Destination Country • AMS-Y Description • Use are a registered law firm in AHS-X filing a complaint under ASSIST on behalf of our client, a duly registered pain oil company in AHS-X. The complaint is in relation to the new excide duty imposed by AHS-Y (the Destination Countery) Description • Use are a registered law firm in AHS-X filing a complaint is in relation to the new excide duty imposed by AHS-Y (the Destination Contact Point on DC) on pain oil and food product containing palm oil under its Hinistry of Health's frond Regulation Charge 1000, Section 100 of 3035. The measure expressly the ASUSY in HordOccid taxes on foods high in urgen a lawrated first as part of a structed first component of palm oil and of product containing palm oil , thereby discriminating against as discharaster remeaning (b00 maxmu) Stde durative remeaning (b00 maxmu) • Attachment Choose File Annex 2-Simulat	Country of Legal Registration	AMS-X		
Registration Proof Choose File No file chosen If Annex 0. Simulated Professional License of Ms_Sierra Riviers4.pdf Type of Business Export/Import Business Sector Goods Services Sector Description Goods Type of Problem Encountered 3.6.7 Internal taxes and charges levied on imports Destination Country AMS Y Destination Country AMS Y Description If a registered plan pl1 coopeny in AHS X. His cooplaint under ASSIST on behalf of our client, or duly registered plan pl1 coopeny in AHS X. The complaint is in relation to the new excise duty imposed by AHS Y. (the Destination Countery Dia new count) Description We are a registered plan pl1 coopeny in AHS X. The complaint is in relation to the new excise duty imposed by AHS Y. (the Destination Contact Point or D(P) on plan client of a spart of a strategy for addressing the rising problem of obesity in MS Y. We are or of the view that AHS YS measure expressly targeted plan oil and not just the satureted of fat cooponent of plan oil and of products containing plan adjust and of a maximum blan	Legal Registration Number	137911		
Type of Business Export/Import Type of Business Sector Goods Business Sector Goods Services Sector Description Goods Type of Publie Encountered S.6.7 Internal taxes and charges levied on imports Destination Country AMS.Y Description Goods Up of Publie Encountered AMS.Y Destination Country AMS.Y Description Goode are ergistered law firm in AVS.X filing a complaint under ASSIST on behalf of our client, a fully registered pain ell company in AVS.X filing a complaint is in relation to the new excise duty in goode by AVS.Y (the Destination Contact Point on DCP) on pain oil and food products containing preame adored by AVS.Y (the Destination Contact Point on DCP) on pain oil and food products containing pain oil under its finistry of itselfth's from desults in Avs.Y. Up are of the view text AVS.Y's measure expressly targeted pain oil and not just the saturated of a strated of a second of pain oil and of products containing pain oil, thereby discriminating against bid dworder remaining (bM maximum) thachment Choose File Annex 2-Simulated Regulation of AMS-Yp of extractments of extra	Registration Proof	Choose File No file chosen		
Type of Business		Annex 0-Simulated Professi	onal License of Ms Sierra	Riviera4.pdf
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Description	Type of Problem Encountered	3.6.7 Internal taxes and charge	s levied on imports	*
Description Use are a registered law firm in AHS-X filing a complaint under ASSIST on behalf of our client, a duly registered palm oil company in AHS-X. The complaint is in relation to the new excise duty imposed by AHS-Y (the Destination Context Point or DOC) on palm oil and food product containing palm oil sourced by AHS-Y three Destination Context Point or DOC) on palm oil and food product containing palm oil sourced by AHS-Y three Destination Context Point or Doc and a sourced fate so part of a strategy for addressing the rising problem of obesity in AHS-X. We are of the view that AHS-Y's messure expressly targeted palm oil and not just the saturated fate component of palm oil and of product containing palm oil three by discriminating against and of product containing palm oil three by discriminating against and of product containing palm oil three by discriminating against and of product containing palm oil three by discriminating against and of product containing palm oil three by discriminating against and of product containing palm oil three by discriminating against and of product containing palm oil three by discriminating against and of product containing palm oil three by discriminating against and of product containing palm oil three by discriminating against and of product containing palm oil three by discriminating against and the product containing palm oil three by discriminating against and the product containing palm oil three by discriminating against and the product containing palm oil three by discriminating against and the product containing palm oil three by discriminating against and of product containing palm oil three by discriminating against and the product containing palm oil three by discriminating against and the product containing palm oil three by discriminating against and the product containing palm oil three by discriminating against and the product containing palm oil three by discriminating against and the product containing palm oil three by discrimating against and the p	Destination Country	AMS-Y	*	
ttachment Choose File Annex 2-Simulated Regulation of AMS-Ypdf Attachment Choose File Annex 3-Simulated LoRISE & Partners pdf Remoxe I have read and accept the ASSIST miles I have read and accept the Central Administrator of ASSIST and I accept its transmission to the relevant authorities of the ASEAN Member States involved	Description 0	We are a registered law fi duly registered palm oll c imposed by AMS-Y (the Dest palm oil under its Ministr measure adopted by AMS-Y is strategy for addressing th We are of the view that AM fat component of palm oil 200 down combine 300 component	rm in AMS-X filing a co mpany in AMS-X. The co ination Contact Point o y of Health's Food Regu throduced taxes on food a rising problem of obe S-Y's measure expressly and of products contain	mplaint under ASSIST on behalf of our client, a mplaint is in relation to the nexcise duty r OCM on pair oil and food products containing s high in sugar and saturated fat as part of a sity in AMS-Y. targeted pale oil and not just the saturated ing palm oil, thereby discriminating against
Choose File Annex 3-Simulated LeRISE & Partners pdf Remoxe 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	Attachment ()	Choose File Annex 2-Simulate	" d Regulation of AMS-Y.pdf	+ Attachment
I have read and accept the ASSIST <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 Member States involved		Choose File Annex 3-Simulate	d Le. RISE & Partners odf	Pamove
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 have read and accept the ASSIST rules.	Consecting Partick 5-Orindiate	a commo con anana par	Kemove
V I'm not a robot	Attachment 1 I have read and accept the ASSIST <u>rules</u> . I hereby submit this complaint to the Central Administra	pale of under its Ministr measure adopted by AVIS-Y is strategy for addressing the We are of the view that AH fat component of pale of 1. 2006 datasetes remaining 1000 maximum Choose File Annex 2-Simulate Choose File Annex 3-Simulate tor of ASSIST and I accept its trans	v of Health's food Regu triduced taxes on food rising problem of obe Sr/s measure expressly and of products contain 0 d Regulation of AMS-Ypdf d Le. RISE & Partners pdf smission to the relevant au	lation Chapter 1000, Section 100 of 2015. The sing in sugges and saturated fat as part of a sixy in AMS-V. targeted pale oil and not just the saturated ing palm oil, thereby discriminating against + Attachment Remove thorities of the ASEAN Member States involved
		SUBMIT YOUR	COMPLAINT	

(d) Receive a notification from ASSIST on the submission of your revised complaint.

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You will shortly receive a confirmati	on e-mail containing your re	ferences.					
Please click on the link contained in	the e-mail in order to confir	m your submission.					
You will be able to monitor your compla	aint and access it on the follow	ing webpage:					
http://assist.asean.org/user/login							
la dia manda dia 10							
by using your e-mail / tracking ID.							





CENTRAL ADMINISTRATOR REVIEWS YOUR REVISED COMPLAINT AND SENDS A RESPONSE TO YOUR EMAIL

Once the CA has completed reviewing your revised complaint, an email will be sent to you.

Go to your email account and receive the email below from ASSIST.



ASEAN Solutions for Investments, Services and Trade



STEP 16

LOGIN TO YOUR ASSIST DASHBOARD BY USING YOUR EMAIL AND TRACKING ID TO SEE THE ACTUAL RESPONSE FROM THE CENTRAL ADMINISTRATOR

If you wish to see the full response from the CA, you will need to login to your ASSIST dashboard using your email and tracking ID as indicated in Step 11(a) and (b) above.

The full view of your dashboard can be seen below. As you can see, another action has been added to your 'History' indicated that the CA has "Accepted" your complaint.



Click on the 'magnifying glass' icon in the 'Comments' column. The full response from the CA will appear, as can be seen below:

WELCOME TO ASSIST

WHAT IS ASSIST?

FILE A COMPLAINT

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FAO

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

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

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

As informed in Step 15, once the complaint has been accepted by the CA, the complaint will be sent to the Destination Contact Point (DCP) in AMS-Y where you are facing trade problems. The DCP in AMS-Y will be given 10 working days to review your complaint and either accept or reject it. This is intended to give time for the DCP to examine the details of the complaint, and consult as necessary with any relevant national authorities. Once the DCP responds, an email will be sent to you from ASSIST informing you whether your complaint has been accepted or rejected by the DCP in AMS-Y.

Regularly check your email account within the 10 working days after the response from the CA that your complaint is accepted. You will eventually receive a new email from ASSIST.

RECEIVE AN EMAIL NOTIFICATION FROM ASSIST ON WHETHER YOUR COMPLAINT IS ACCEPTED OR REJECTED BY THE DESTINATION CONTACT POINT IN AMS-Y

Within 10 working days after the response from the CA that your complaint is accepted, you will receive an email below informing that your complaint has been accepted or rejected by the DCP in AMS-Y.

If no action has been taken in the meantime by the DCP, the DCP will receive the automatic reminder below via email from the ASSIST online system within 7 calendar days after the complaint has been accepted by the CA. As indicated above, the DCP must decide to accept or reject the complaint within 10 working days from when the CA has accepted the complaint.



In this case, the complaint has been **accepted** by the DCP as can be seen above.

If you do not receive an email from ASSIST on the response by the DCP within the required timeframe (10 working days) after the complaint has been accepted by the CA, then this means that the DCP has an overdue action. The DCP will receive another automatic reminder via email (14 calendar days after the complaint is lodged) that an action is urgently required by the DCP for the complaint.



(a) Go to your email account. You will receive a new email from ASSIST indicating the response to your complaint from the DCP.



ASEAN Solutions for Investments, Services and Trade



(b) Login to your ASSIST dashboard using your email and tracking ID as indicated in Step TI(a) and (b) above. The full view of your dashboard can be seen below. As you can see, another action has been added to your 'History' indicating that a solution for your complaint has been proposed. The complete solution from the DCP, which has been accepted by the CA, is also provided in the first paragraph of your dashboard.





ASSOCIATION ASSIST

IE TO ASSIST	WHAT IS ASSIST?	FILE A COMPLAINT	FOLLOW A COM	IPLAINT	PROCESS	FAQ	CONT
	History						
	Date Actio	n Action By	Comments				
	04/11/2018 05:21:40	Solution Central Administrator of ASSIST	Upon internal discussions between the AMS-Y, imposing increased excise dutile discouraging excessive consumption of addressing the rising problem of obesity countries around the world and with the	DCP and the RAs, it em as to a range of foods hig substances considered r among its citizens. This World Health Organizat	erges that, indeed, the measure ad gh in sugar and saturated fat, is ain dangerous under AMS-Y's strategy s is in line with similar actions taken ion's Global Action	opted by hed at y for by several	
	02/11/2018 18:31:54	Accepted Central Administrator of ASSIST	Thank you for the completion or revision complaint is now complete, with the sub Regulation of 2015, Chapter 1000, Sect Administrator finds that the nature of yo fulfilled all the necessary requirements t	n of your complaint. The omission of the following tion 100; and (ii) Legal B ur complaint falls within to file a complaint under	Central Administrator has verified t documents: (i) AMS-Y's Ministry of rief on the Complaint. Thus, the Ce the scope of ASSIST and that you ASSIST	hat the Flealth's Intral have	
	02/11/2018 16:52:15	Revised ASEAN-based Enterprise					
	02/11/2018 16:10:12	Central Administrator of ASSIST	Dear Ms. Sierra Riviera, Thank you for lodging your complaint ur determine its eligibility under ASSIST, th requests additional information.	nder ASSIST. In order to ne Central Administrator	properly assess your complaint an of ASSIST (i.e. the ASEAN Secret	d ariat or CA)	
			In particular, the CA requests that your	complaint be re-submitte	ed together with information on the	AMS-Y	
	02/11/2018 12:19:35	Email Confirmed ASEAN-based Enterprise	measure that is allegedly inconsistent w Email Confirmed	ith the ATIGA (i.e. AMS-	-Y's Ministry of Health's Regulation		
	02/11/2018 12:18:02	New ASEAN-based Enterprise					
	ASEAN ENTERP	RISE					
	ASEAN Enterprise Name	ARISE & Partners					
	Company Size		Address	Danube Street No.	13 City P Country X		
	Phone	+36 1 7653572	City	City P			
	Website	www.arise&partners.com	ZIP Code	12310			
			Country	AMS-X			
	CONTACT PERS	ON					
	First Name	Sierra	Address	Danube Street No.	13 City P Country X		
	Last Name	Riviera	City	City P			
	Phone	+36 7878137686	ZIP Code	12310			
	Position	Senior Associate	Country	AMS-X			
	Email	aseanlawyer0@gmail.com (Confirmed)					
	COMPLAINT DE	SCRIPTION					
	Country of Legal Registration	AMS-X	Business Sector	Goods			
	Registration Number	137911	Type of Problem Encountered	Goods / Internal ta	xes and charges levied on imports		
	Company Registration Proof	Annex_0-	Destination Country	AMS-Y			
	Type of Business	Simulated_Professional_License_of_Ms_Sierra_Riv	era4.pdf				
	Type or Business	Export/import		a san bana na sa			
	Description	We are a registered law firm in AMS-X filing a compl relation to the new excise duty imposed by AMS-Y (I Health's Food Regulation Chapter 1000, Section 101 a strategy for addressing the rising problem of obesi fat component of palm oil and of products containing discouraging excessive consumption of products co- adopted and applied by AMS-Y is contrary to Article against palm oil as a whole and is not applied to oth sunflower, rapsed, corn, peanu to animal fai).	aint under ASSIST on behalf of our clien he Destination Contact Point or DCP) on of 2015. The measure adopted by AMS by in AMS-Y. We are of the view that AMI paim oil, thereby discriminating against taning saturated fals, independently of 6 of the ATIGA (on National Treatment on the "ire" products manufactured or sold in the "like" products manufactured or sold in the "like" products manufactured or sold in the saturation of the s	t, a duly registered palm palm oil and food produ -Y introduced taxes on 1 S-Y's measure expressly palm oil and demonizing the vegetable or animal in Internal Taxation and 1 AMS-Y (i.e., food produ	oil company in AMS-X. The complucts containing palm oil under its M loods high in sugar and saturated for transpeted palm oil and not just the is the product as a whole instead of origin of the fats. Thus, we find the Regulation), in as much as it discrift cts containing saturated fats derivit	aint is in inistry of at as part of saturated just measure minates ng from soy,	
	Attachment	Annex_2-Simulated_Regulation_of_AMS-Y1.pdf Annex_3-Simulated_Legal_Brief-ARISE_Partners1.r	udf				

Below is the proposed solution from the DCP:

"Upon internal discussions between the DCP and the RAs, it emerges that, indeed, the measure adopted by AMS-Y, imposing increased excise duties to a range of foods high in sugar and saturated fat, is aimed at discouraging excessive consumption of substances considered dangerous under AMS-Y's strategy for addressing the rising problem of obesity among its citizens. This is in line with similar actions taken by several countries around the world and with the World Health Organization's Global Action Plan for the Prevention and Control of Non-Communicable Diseases 2013-2020, such as diabetes and obesity.

However, AMS-Y recognizes that the measure did single-out certain products (i.e., inter alia, palm oil) and did not target, in a 'neutral manner', the substances (i.e., saturated fats) that the Government considers dangerous (if consumed in excess) from a dietary and health policy perspective.



(a) Fill-in the Satisfaction Survey. In this case, the ASEAN Law Firm/Lawyer is satisfied with the solution provided by ASSIST and thus indicates accordingly.

I'm not a robot

tor of ASSIST / ASEAN Secretariat - 70A JL S

MIT YOUR FEEDBAC

IE TO ASSIST	WHAT IS ASSIST?	FILE A COMPLAINT	FOLLOW A COMPLAINT	PROCESS	FAQ
	ASSOCIATIO	T2I22A NC			
	OF SOUTHEA ASIAN NATIO	ST ASSIST NS ASEAN Solutions for Investments, S	ervices and Trade		
	WELCOME TO ASSIST	WHAT IS ASSIST? MY COMP	laint logout process f.	AQ CONTACT	DISCLAIMER
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	Please comment your response f Your answer	or our feedback Satisfied with the sol	ution		
	Comments	We are very satisuspend the meased of the	sfied with the solution provided by ANS-Y as ANS une contained in the Ministry of Health's Regula a mendment of the measure to delete any express to products containing saturated fats, irrespec	 Y has agreed to immediately tion of 2015, Chapter 1000, S reference to specific product tive of their vegetable or ar 	Section ts and nimal
		origin. With thi discriminate aga	s positive proposed solution by AMS.∼Y, we believ inst palm oil as a whole.	e that it never intended to	
		~	I'm not a robot reCAPTCHA Privacy-Terma		
			SUBMIT YOUR FEEDBACK		
		Central Administrator of ASSIST / ASEA	<u>N</u> Secretariat - 70A Jl. Sisingamangaraja - Jakarta 12110 - Inc Supported by ADISE - IDisclaimed	lonesia	
	First Acknowledgeme	ent Email from ASSIST			
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FILE A COMPLAINT

FAQ

(d) If you would like to see the comment that you have provided in the Satisfaction Survey, click on the 'magnifying glass' icon and the below screen will appear.

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

On notification that a solution proposed to an AE has been accepted as satisfactory by the ASEAN Law Firm/Lawyer, the DCP should pass notice of the acceptance on to the RA(s), to ensure that any administrative arrangements necessary to implement the solution are in place as soon as possible.

ASSIST will consider this procedure as one where the complaint was accepted and a solution was provided by the DCP and accepted by the ASEAN Lawyer/Law Firm.

Please note that the timeframe for solving cross-border problems brought under ASSIST shall be no more than 40 working days or 2 calendar months (unless an extension of maximum 20 working days has been accorded) from the date when the complaint has been accepted by the DCP (i.e. the ASEAN Member State against which the complaint was filed).