



ASSIST

STEP-BY-STEP TUTORIAL FOR CASE STUDY 4

(TRADE IN SERVICES)

Complaint Filed by an ASEAN Enterprise, Accepted by Central Administrator and Destination Contact Point and Solution Proposed by Destination Contact Point and Accepted by the ASEAN Enterprise.

Brief Description of Case: This scenario is that of a mock case that is structured to reflect Mode 1 (or the so-called *Cross Border Supply*) of international trade in services, which is defined in the ASEAN Framework Agreement on Services (AFAS) and the General Agreement on Trade in Services (GATS), *mutatis mutanda*, as the supply of a service from the territory of one country into the territory of another country or, in other words, in all commercial instances where the service moves across the border. This scenario is that of a complaint that is accepted by ASSIST's Central Administrator as having been validly lodged by the Complainant (*i.e.*, being complete and falling within ASSIST's scope) and also accepted by the Destination Country as an issue for which the particular ASEAN Member State is willing to engage with the Complainant through ASSIST, interact with the domestic relevant

authorities and provide a solution to the Complainant through ASSIST.

The complaint is in relation to a new shipping law issued by the Destination Country, namely the *Ministry of Trade Law No. 13 Year 2018*, imposing that certain commodities can only be transported for import or export by national maritime transport companies. The four commodities (*i.e.*, iron, aluminium, rubber and cotton), are among the commodities listed in this new shipping law. This new law would certainly result in a financial loss for the Complainant's business and prevent it from providing its maritime shipping services between the Home Country and the Destination Country. The Complainant is very worried and believes that this legislative development is contrary to free trade, to the spirit of the ASEAN Economic Community (AEC) and, possibly, against the specific commitments and obligation of the Destination Country under the relevant ASEAN economic agreements (*e.g.*, the ASEAN Framework Agreement on Services, or AFAS).

List of Actors and Abbreviations:

- Complainant = ASEAN Enterprise (AE)
- 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)

STEP 1

GO TO THE ASSIST WEBSITE ([HTTP://ASSIST.ASEAN.ORG](http://assist.asean.org))

If you feel that your case is a problem on an ASEAN cross-border trade related issue, you are a business registered in an ASEAN Member State, and you would like a free of charge, non-binding, consultative service, and receive an expedited and effective solution, go to the following link: <http://assist.asean.org>.

Below is the homepage of ASSIST.



The screenshot shows the ASSIST homepage with a red header and navigation bar. The main content area is white with a grey sidebar on the right. The header includes the ASEAN logo and the text 'ASSIST ASEAN Solutions for Investments, Services and Trade'. The navigation bar has links: 'WELCOME TO ASSIST', 'WHAT IS ASSIST?', 'FILE A COMPLAINT', 'FOLLOW A COMPLAINT', 'PROCESS', 'FAQ', and 'CONTACT'.

Welcome to ASSIST

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

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

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

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

ASSIST (ARISE EU-ASEAN)

What types of issues does ASSIST deal with?

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

ASSIST does not deal with any of these issues:

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

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

12-13th November 2018: ASSIST for Services is Soft-Launched at ABIS in Singapore
ASEAN Member States are soft-launching ASSIST for Trade in

ASEAN Member States: Brunei Darussalam, Cambodia, Indonesia, Lao PDR, Malaysia, Myanmar, Philippines, Singapore, Thailand, Vietnam

Tutorials

ATR SEARCH

HARMONIZED STANDARDS SEARCH

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

STEP 2

SELECT THE "FILE A COMPLAINT" TAB (ASEAN ENTERPRISE ICON)

If you are filing a complaint under your own company (non-anonymous complaint) and you are not represented 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, click on the "ASEAN Enterprise" icon on the File a Complaint tab.



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]

When you click on the “ASEAN Enterprise” icon, the following page will appear.



Complaint to be Filed by an ASEAN Enterprise



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

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

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

ASEAN ENTERPRISE

* ASEAN Enterprise Name

* Company Size

* Phone

Website

* Address

300 characters remaining (300 maximum)

* City ZIP Code

* Country

CONTACT PERSON

* Gender ☐ Mr ☐ Mrs ☐ Ms

* First Name * Last Name

* Phone

* Position

* Email

Address

300 characters remaining (300 maximum)

City

ZIP Code

Country

COMPLAINT DESCRIPTION

* Country of Legal Registration

* Registration Number

* Company Registration Proof

Choose File No file chosen

* Type of Business

* Business Sector

Goods

- Services Sector Description

* Type of Problem Encountered

1 Tariff-related measures

* Destination Country

* Description

5000 characters remaining (5000 maximum)

Attachment


Choose File No file chosen

+ Attachment

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

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

☐ I'm not a robot


reCAPTCHA
Privacy - Terms

SUBMIT YOUR COMPLAINT

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


Fill-in the above form so as to provide ASSIST with enough information on the trade problem that you are experiencing. Fields marked with an asterisk (*) are mandatory fields. If you are not sure on what to fill-in for a field, the **i** buttons are available for detailed instructions on what to fill-in for each field. Please click on the **i** buttons to make sure that you fill-in the correct information in the form.

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.

**STEP
3**

FILL-IN THE COMPLAINT FORM


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


ASSOCIATION
OF SOUTHEAST
ASIAN NATIONS

ASSIST
ASEAN Solutions for Investments, Services and Trade

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

Complaint to be Filed by an ASEAN Enterprise



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

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

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

ASEAN ENTERPRISE

* ASEAN Enterprise Name

* Company Size

* Phone

Website

* Address
City W
Country X

291 characters remaining (300 maximum)

* City ZIP Code

* Country

CONTACT PERSON

* Gender ☒ Mr ☐ Mrs ☐ Ms

* First Name * Last Name

* Phone

* Position

* Email

Address
City W
Country X

291 characters remaining (300 maximum)

City ZIP Code

Country

COMPLAINT DESCRIPTION

* Country of Legal Registration

* Registration Number

* Company Registration Proof

* Type of Business

* Business Sector

* Services Sector Description

* Type of Problem Encountered

* Destination Country

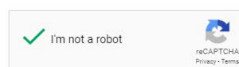
* Description

2572 characters remaining (5000 maximum)

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.



SUBMIT YOUR COMPLAINT

As an example of a clear and concise description of the complaint, below is the AE's description of his complaint in this case study:

"We are a duly registered shipping company in AMS-X. We have entered into a two-year binding agreement since January 2018 with an import-export company in AMS-X. The scope of the agreement is to export iron and aluminium from AMS-X into AMS-Y and import rubber and cotton from AMS-Y into AMS-X using our fleet of vessels. We have agreed to conduct this export-import transaction in round-trips from AMS-X to AMS-Y using the same vessel. The intention, inter alia, is to save cost in fuel consumption and manpower by having a full freight load in both inbound and outbound trips, thereby

being able to provide a cost-effective and competitive service on a cross-border basis to customers based in both AMS-X and AMS-Y.

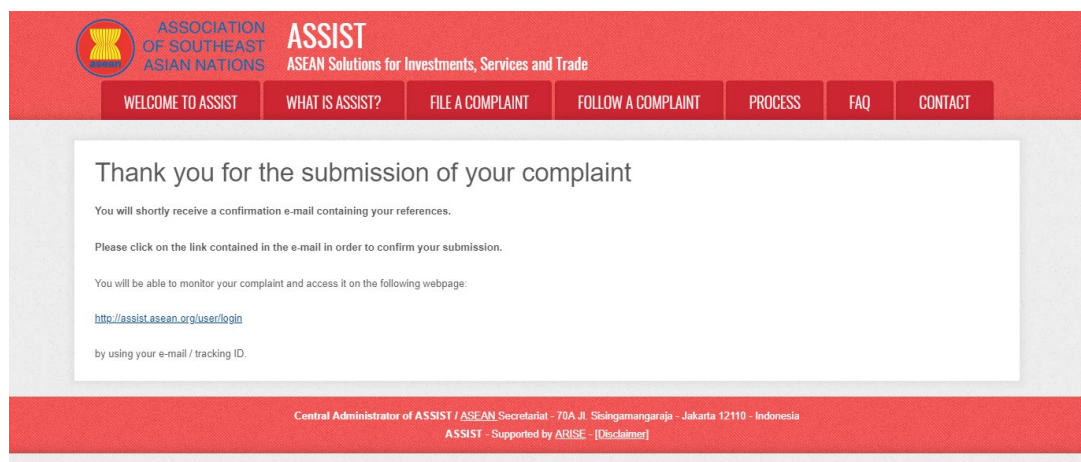
We recently learned that AMS-Y has issued a new shipping law, namely the Ministry of Trade Law No. 13 Year 2018, imposing that certain commodities can only be transported for import or export by national maritime transport companies. The four commodities, i.e. iron, aluminium, rubber and cotton, are among the commodities listed in this new shipping law. This new law would certainly result in a financial loss for our business and prevent us from providing its maritime shipping services between AMS-X and AMS-Y. We are very worried that this legislative development is contrary to free trade, to the spirit of the ASEAN Economic Community (AEC) and, possibly, against the specific commitments and obligation of AMS-Y under the relevant ASEAN economic agreements (e.g., the ASEAN Framework Agreement on Services, or AFAS).

We are of the view that this new law is a clear measure of protectionism and is incompatible with free trade principles and customary law regarding international maritime services, which will seriously impact AMS-X's shipping companies that are offering cross-border maritime transport services in relation to the commodities affected by this law. Furthermore, this new measure by AMS-Y is a clear violation of the commitments made by AMS-Y to the World Trade Organization and is a clear violation of the Schedule of Specific Commitments of AMS-Y under AFAS, where AMS-Y have committed to allow foreign shipping companies that are offering cross-border freight transport services within ASEAN to operate within its waters without any limitations to market access and national treatment. Thus, we would like to request for AMS-Y to revoke or amend this new law accordingly."

When the complaint is filed by clicking "Submit Your Complaint", the following page in Step 4 will appear.

**STEP
4****RECEIVE A NOTIFICATION FROM ASSIST**

Once you file a complaint on the ASSIST website, the below page will appear, informing you that a confirmation email will be sent to the email address which you have provided in your complaint form.



The screenshot shows the ASSIST website header with the ASEAN logo and navigation menu. The main content area displays a confirmation message: "Thank you for the submission of your complaint". It informs the user that a confirmation email will be sent and provides a link to monitor the complaint: <http://assist.asean.org/user/login>. The footer contains contact information for the Central Administrator of ASSIST and mentions support by ARISE.

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

**STEP
5**

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 **14620181017**.

Below is the email which you will receive from ASSIST.




ASEAN Enterprise <aseanenterprise0@gmail.com>

[ASSIST] Thanks to confirm your complaint #14620181017 submission

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

Wed, Oct 17, 2018 at 12:49 PM



ASSIST
ASEAN Solutions for Investments, Services and Trade

Dear Mr Paul Smith,

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

Please **confirm** your complaint **14620181017** on the following link (or by copy-pasting the following link onto your Internet browser):
http://assist.asean.org/user/confirm_email

After your confirmation, ASSIST will monitor your complaint and you will be able to access it on the following webpage
<http://assist.asean.org/user/login> by using your e-mail / tracking ID: aseanenterprise0@gmail.com / **14620181017**

ASEAN Enterprise / Trade Association / Law Firm : Star 88 Co., Ltd. (Type Enterprise)
 Company size : 50 to 100
 Phone : +905 524 1532
 Website : www.star88.com
 Address : Better Living Street City W Country X
 City : City W / Zip Code : 1711
 Country : **AMS-X**

Contact person : Mr Paul Smith
 Phone : +905 524 1532
 Position : Chief Executive Officer
 Email : aseanenterprise0@gmail.com
 Address : Better Living Street City W Country X
 City : City W / Zip Code : 1711
 Country : AMS-X

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


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


Thanking you, ASSIST is at your service.

assist.asean.org

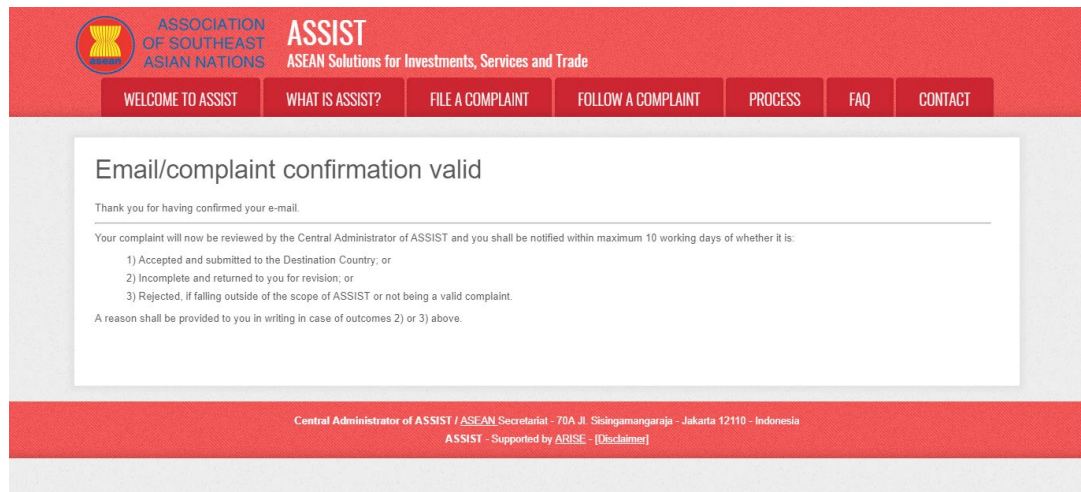
3 attachments

 **Annex_2-Simulated_Law_of_AMS-Y2.pdf**
47K

 **Annex_3-Simulated_AMS-Y_Schedule_of_Specific_Commitments-Maritime_Transport_Services.pdf**
90K

 **Annex_1-Simulated_Company_Registration_of_Star_88_Co.,Ltd_.pdf**
50K

(b) Click on the link as requested in the above email and the following page will appear.



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

Go to your email account.

**STEP
6**

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.

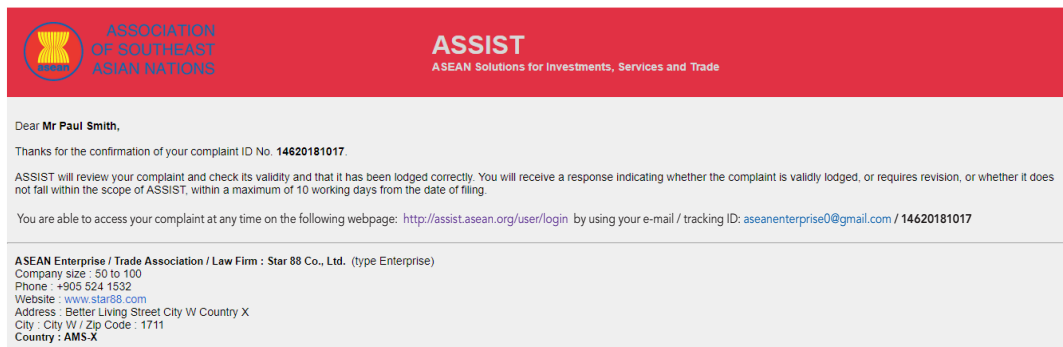


ASEAN Enterprise <aseanenterprise0@gmail.com>

[ASSIST] Thanks for your email confirmation for the complaint #14620181017

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

Wed, Oct 17, 2018 at 1:09 PM



Contact person : Mr. Paul Smith
Phone : +905 524 1532
Position : Chief Executive Officer
Email : aseanenterprise0@gmail.com
Address : Better Living Street City W Country X
City : City W / Zip Code : 1711
Country : AMS-X

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


Description:


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


Thanking you, ASSIST is at your service.

assist.asean.org

3 attachments

 [Annex_2-Simulated_Law_of_AMS-Y2.pdf](#)
47K

 [Annex_3-Simulated_AMS-Y_Schedule_of_Specific_Commitments-Maritime_Transport_Services.pdf](#)
90K

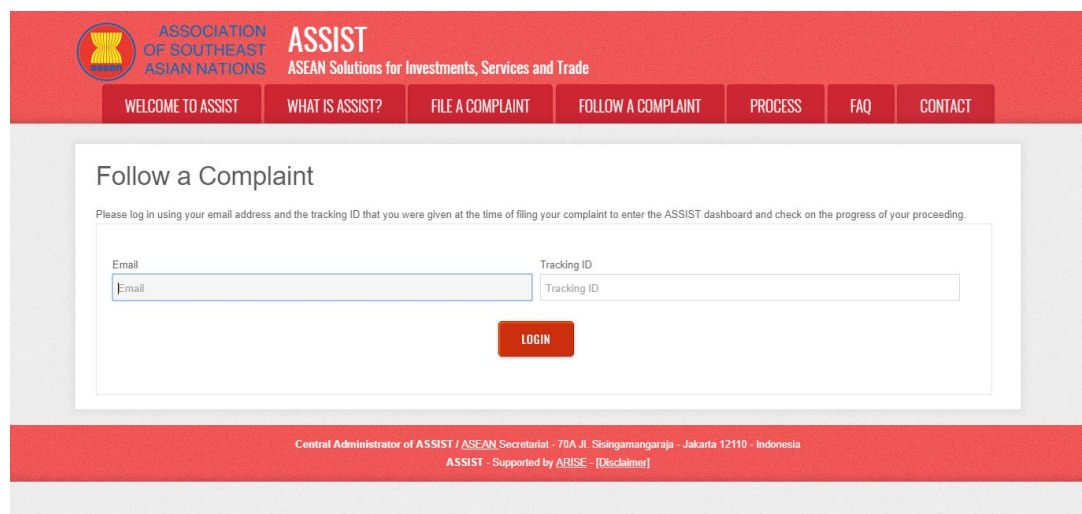
 [Annex_1-Simulated_Company_Registration_of_Star_88_Co.,Ltd_.pdf](#)
50K

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.

**STEP
7**

MONITOR THE PROGRESS OF YOUR COMPLAINT

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



- (b) Enter your email address and tracking ID (your complaint number) in the required fields to login. In this case, the **Email Address** is aseanenterprise0@gmail.com and the Tracking ID is **14620181017**.



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

aseanenterprise0@gmail.com

Tracking ID

LOGIN

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

Once you login, you will see your ASSIST dashboard where you can monitor the progress of your complaint.

(c) View of your ASSIST Dashboard once you have successfully logged-in:



Tracking ID #14620181017 / AMS-Y

History

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

WITHDRAW COMPLAINT

ASEAN ENTERPRISE

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

CONTACT PERSON

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

COMPLAINT DESCRIPTION

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

Description	We are a duly registered shipping company in AMS-X. We have entered into a two-year binding agreement since January 2018 with an import-export company in AMS-X. The scope of the agreement is to export iron and aluminium from AMS-X into AMS-Y and import rubber and cotton from AMS-X into AMS-Y using our fleet of vessels. We have agreed to conduct this export-import transaction in round-trips from AMS-X to AMS-Y using the same vessel. The intention, inter alia, is to save cost in fuel consumption and manpower by having a full freight load in both inbound and outbound trips, thereby being able to provide a cost-effective and competitive service on a cross-border basis to customers based in both AMS-X and AMS-Y. We recently learned that AMS-Y has issued a new shipping law, namely the Ministry of Trade Law No. 13 Year 2018, imposing that certain commodities can only be transported for import or export by national maritime transport companies. The four commodities, i.e. iron, aluminium, rubber and cotton, are among the commodities listed in this new shipping law. This new law would certainly result in a financial loss for our business and prevent us from providing its maritime shipping services between AMS-X and AMS-Y. We are very worried that this legislative development is contrary to free trade, to the spirit of the ASEAN Economic Community (AEC) and, possibly, against the specific commitments and obligation of AMS-Y under the relevant ASEAN economic agreements (e.g., the ASEAN Framework Agreement on Services, or AFAS). We are of the view that this		
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Attachment

new law is a clear measure of protectionism and is incompatible with free trade principles and customary law regarding international maritime services, which will seriously impact AMS-X's shipping companies that are offering cross-border maritime transport services in relation to the commodities affected by this law. Furthermore, this new measure by AMS-Y is a clear violation of the commitments made by AMS-Y to the World Trade Organization and is a clear violation of the Schedule of Specific Commitments of AMS-Y under AFAS, where AMS-Y have committed to allow foreign shipping companies that are offering cross-border freight transport services within ASEAN to operate within its waters without any limitations to market access and national treatment. Thus, we would like to request for AMS-Y to revoke or amend this new law accordingly.

[Annex_2-Simulated_Law_of_AMS-Y2.pdf](#)

[Annex_3-Simulated_AMS-Y_Schedule_of_Specific_Commitments-Maritime_Transport_Services.pdf](#)

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

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
8**

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.

Email Reminder 1 for the Central Administrator:



Central Administrator ASEC <caatasec@gmail.com>

[ASSIST] Complaint #13320180921 reminder for CA

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

Sat, Sep 22, 2018 at 5:00 AM



ASSOCIATION
OF SOUTHEAST
ASIAN NATIONS

ASSIST

ASEAN Solutions for Investments, Services and Trade

Action is required by the CA for the complaint:
13320180921

Thanking you, ASSIST is at your service.

[assist.asean.org](#) [Disclaimer]

Regularly check your email account within the 10 working days after lodging your complaint. You will eventually receive a new email from ASSIST.




ASEAN Enterprise <aseanenterprise0@gmail.com>

[ASSIST] Your complaint #14620181017 is accepted by CA

No Reply ASSIST <assist@asean.org>

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

Wed, Oct 17, 2018 at 2:40 PM



ASSIST
ASEAN Solutions for Investments, Services and Trade

Dear Mr Paul Smith,

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

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

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

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

ASEAN Enterprise / Trade Association / Law Firm : Star 88 Co., Ltd. (type Enterprise)
 Company size : 50 to 100
 Phone : +905 524 1532
 Website : www.star88.com
 Address : Better Living Street City W Country X
 City : City W / Zip Code : 1711
 Country : **AMS-X**
 :

Contact person : Mr. Paul Smith
 Phone : +905 524 1532
 Position : Chief Executive Officer
 Email : aseanenterprise0@gmail.com
 Address : Better Living Street City W Country X
 City : City W / Zip Code : 1711
 Country : **AMS-X**

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

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

Thanking you, ASSIST is at your service.

assist.asean.org

In this case, the above email shows that your complaint has been **accepted** by the CA. The email also informs you that your complaint will now be sent to the Destination Contact Point, which is the government agency (ASSIST Focal Point) in AMS-Y where you are facing trade problems and where your complaint is directed and a resolution is sought. The DCP in AMS-Y will be given 10 working days to review your complaint and either accept, reject or revert back to you with a request for more information. This is intended to give time to the DCP to examine the details of the complaint, and consult as necessary with any relevant national authorities.

The Home Contact Point, which is the government agency (ASSIST Focal Point) in AMS-X (your home country) has also been notified that your complaint is lodged.

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

Email Reminder 2 for the Central Administrator:

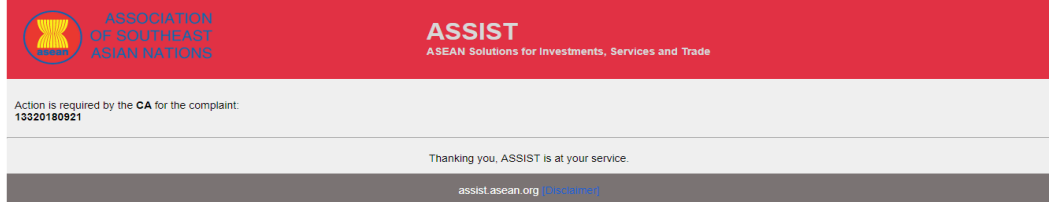


Central Administrator ASEC <caatasec@gmail.com>

[ASSIST] Complaint #13320180921 reminder for CA

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

Sun, Sep 23, 2018 at 5:00 AM




STEP 9

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 7(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.



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WELCOME TO ASSIST

WHAT IS ASSIST?

MY COMPLAINT

LOGOUT

PROCESS

FAQ

CONTACT

DISCLAIMER

Tracking ID #14620181017 / AMS-Y

History			
Date	Action	Action By	Comments
17/10/2018 14:40:40	Accepted	Central Administrator of ASSIST	Dear Mr Paul Smith, Thank you for lodging your complaint under ASSIST. The Central Administrator has reviewed and verified your complaint and finds that it is complete. You have submitted your company registration document which proves that you are a business registered in AMS-X and you.
17/10/2018 13:09:04	Email Confirmed	ASEAN-based Enterprise	Email Confirmed
17/10/2018 12:49:41	New	ASEAN-based Enterprise	

[WITHDRAW COMPLAINT](#)

ASEAN ENTERPRISE

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

CONTACT PERSON

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

COMPLAINT DESCRIPTION

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

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

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

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

Dear Mr Paul Smith,

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

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

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

As informed in Step 8, 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.

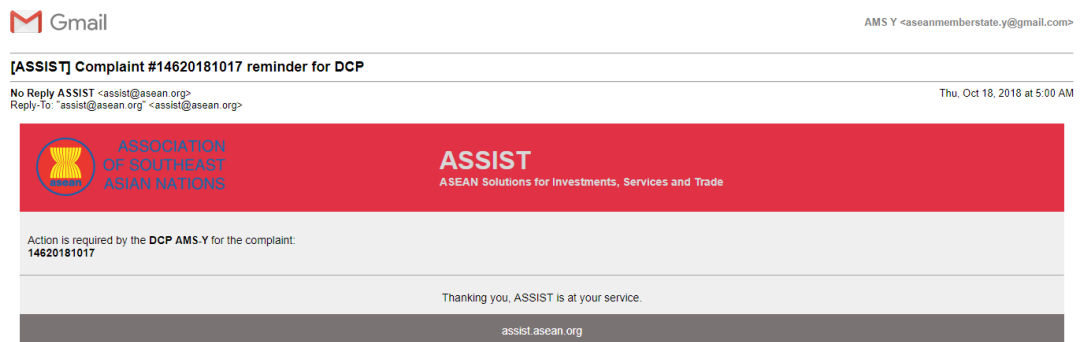
**STEP
10**

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

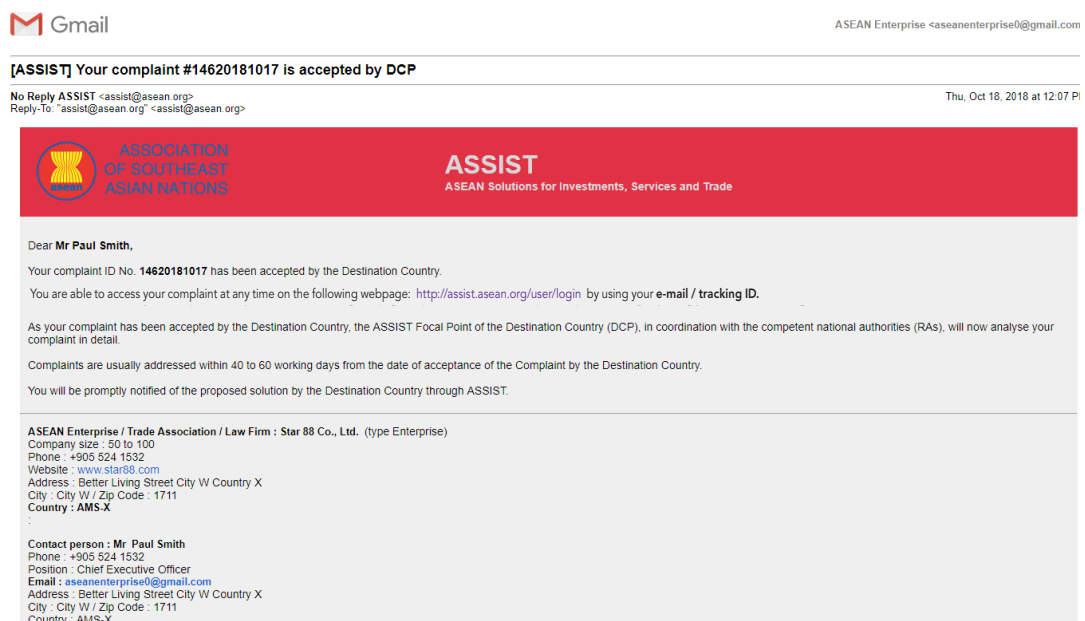
Within 10 working days after the response from the CA that your complaint is accepted, you will receive an email below informing that your complaint has been accepted or rejected by the DCP in AMS-Y.

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.

Email Reminder 1 for the Destination Contact Point:



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.



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

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

Thanking you, ASSIST is at your service.

assist.asean.org [\[continue\]](#)

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.

Email Reminder 2 for the Destination Contact Point:




AMS Y <aseanmemberstate.y@gmail.com>

[ASSIST] Complaint #14620181017 reminder for DCP

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

Thu, Oct 18, 2018 at 5:00 AM

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Action is required by the DCP AMS-Y for the complaint:
14620181017

Thanking you, ASSIST is at your service.

assist.asean.org

Once the DCP accepts the complaint, the matter is forwarded to the Responsible Authorities (RAs) for input. Once the RAs complete their efforts, the DCP should review the solution and provide it to the CA within the 40 working day deadline. Thus, to meet this deadline, a time limit should be assigned by the DCP for the RAs to find a solution. It is the responsibility of the DCP to notify the CA of any change relating to the timeframe between it and national authorities.

The CA may extend the deadline for up to 20 working days upon request of the DCP. The system will automatically notify when the deadlines are approaching (i.e., typically, 10 calendar days before the lapse). If the DCP misses its deadline to submit a solution to the CA, the online system will notify the CA to follow-up with the DCP.

Regularly check your email within the 40 + 20 working days after you have been notified that the DCP has accepted your complaint. You will eventually receive a new email from ASSIST indicating the proposed solution by the DCP.

**STEP
11**

RECEIVE AN EMAIL NOTIFICATION FROM ASSIST THAT A SOLUTION IS PROPOSED BY AMS-Y AND ACCEPTED BY THE CENTRAL ADMINISTRATOR

After the DCP (AMS-Y) receives a proposed solution from their RA(s) and considers that the proposal addresses the issue raised in the complaint, the DCP will provide that proposed solution to the CA.

The CA will: (i) review the solution in the context of the original complaint; (ii) register the solution and send it to the AE by email; and (iii) copy the solution to the Home Contact Point/HCP in AMS-X (your home country).

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



ASEAN Enterprise <aseanenterprise0@gmail.com>

[ASSIST] Response for your #14620181017 complaint

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

Thu, Oct 18, 2018 at 12:38 PM



ASSIST
ASEAN Solutions for Investments, Services and Trade

Dear **Mr Paul Smith**,

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

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

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 : Star 88 Co., Ltd. (type Enterprise)

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

Contact person : **Mr. Paul Smith**
Phone : +905 524 1532
Position : Chief Executive Officer
Email : aseanenterprise0@gmail.com
Address : Better Living Street City W Country X
City : City W / Zip Code : 1711
Country : **AMS-X**

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


Description:

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

Thanking you, ASSIST is at your service.

assist.asean.org

- (b) Login to your ASSIST dashboard using your email and tracking ID as indicated in Step 7(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
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WELCOME TO ASSIST

WHAT IS ASSIST?

MY COMPLAINT

LOGOUT

PROCESS

FAQ

CONTACT

DISCLAIMER

Tracking ID #14620181017 / AMS-Y

ASSIST Solution

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

Attachment

Date	Action	Action By	Comments
18/10/2018 12:38:29	Solution	Central Administrator of ASSIST	Upon internal discussions between the DCP and the RAs, AMS-Y decides to postpone the application of the new regulation requiring exporters and importers of certain commodities, including iron, aluminium, cotton and rubber, to use only AMS-Y's domestic vessels (i.e., vessels belonging to maritime shipping ...
17/10/2018 14:40:40	Accepted	Central Administrator of ASSIST	Dear Mr Paul Smith, Thank you for lodging your complaint under ASSIST. The Central Administrator has reviewed and verified your complaint and finds that it is complete. You have submitted your company registration document which proves that you are a business registered in AMS-X and you ...
17/10/2018 13:09:04	Email Confirmed	ASEAN-based Enterprise	Email Confirmed
17/10/2018 12:49:41	New	ASEAN-based Enterprise	

ASEAN ENTERPRISE

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

CONTACT PERSON

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

COMPLAINT DESCRIPTION

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

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

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Below is the proposed solution from the DCP:

"Upon internal discussions between the DCP and the RAs, AMS-Y decides to postpone the application of the new regulation requiring exporters and importers of certain commodities, including iron, aluminium, cotton and rubber, to use only AMS-Y's domestic vessels (i.e., vessels belonging to maritime shipping companies based in AMS-Y), as there has also been criticism and disagreements from local exporters that this new regulation will possibly affect export volumes and State revenues, as it will discourage or alienate foreign investors, as many buyers of the restricted commodities are now pending finalization of their contracts.

However, AMS-Y stated that it did not intend for the regulation to be seen as a protectionist measure against foreign vessels and in violation of free trade principles. AMS-Y underlined that its measure was initially intended to encourage AMS-Y's shipping industry to increase domestic shipping capacity as more than 90% of all shipping in AMS-Y waters is handled by foreign vessels. Thus, for example, in the rubber industry more than 90% of export shipments are conducted by foreign vessels. Domestic shipping capacity was estimated at 50 million tons in 2017, while foreign vessels shipped 800 million tons in the same year, which is a major difference.

AMS-Y added that the key goal of the regulation is that domestic shipping services companies start to benefit more significantly from the rising amount of sea trade in AMS-Y waters. Currently, most of the contracts and volumes of sea trade are dominated by foreign shipping service companies. However, AMS-Y agrees that it requires a more gradual process rather than a sudden break, thus the decision to postpone indefinitely (although not to revoke) the application of the new law."

- (c) In the bottom of the email from ASSIST in 11(a) above, you are requested to indicate whether you are satisfied or not with the answer given by the DCP and the solution provided therein. You can do so by choosing 'Yes' or 'No' in the field provided.

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


☒ Yes / ☐ No

In this case, the AE chooses "Yes".

STEP 12

PROVIDE YOUR FEEDBACK TO THE PROPOSED SOLUTION PROVIDED BY AMS-Y IN THE SATISFACTION SURVEY AND RECEIVE ACKNOWLEDGEMENT EMAILS FROM ASSIST

Once you choose 'Yes/No' in Step 11 (c) above, you will be directed to the page below where you will be requested to answer the Satisfaction Survey and be invited to provide comments, particularly if you are not satisfied with the proposed solution.



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WELCOME TO ASSIST

WHAT IS ASSIST?

FILE A COMPLAINT

FOLLOW A COMPLAINT

PROCESS

FAQ

CONTACT

Satisfaction survey

Please comment your response for our feedback

Your answer

Comments

Satisfied with the solution

☐ I'm not a robot

☒ I'm not a robot


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SUBMIT YOUR FEEDBACK

Central Administrator of ASSIST / ASEAN Secretariat - TDA Jl. Sisingamangaraja - Jakarta 12110 - Indonesia

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



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Your answer

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Satisfied with the solution

☒ I'm not a robot

☐ I'm not a robot

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- (b) Go to your email account. You will receive one or two (if you have filled-in the Satisfaction Survey) new emails from ASSIST, which acknowledge receipt of your response to the proposed solution by AMS-Y. A copy of your responses will also be sent to the DCP and the HCP.

First Acknowledgement Email from ASSIST

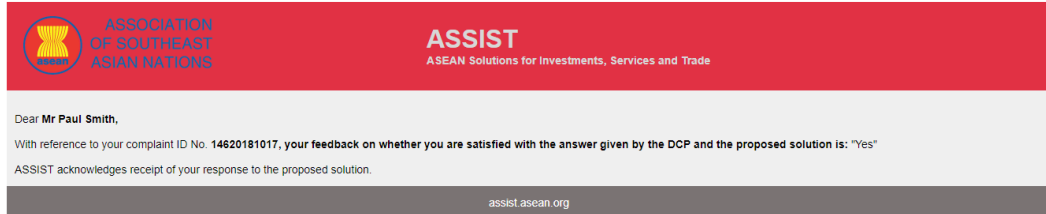


ASEAN Enterprise <aseanenterprise0@gmail.com>

[ASSIST][#14620181017] Thank you for answer

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

Thu, Oct 18, 2018 at 4:39 PM



Second Acknowledgement Email from ASSIST

If you provided a comment on the Satisfaction Survey, you will receive a second email below, acknowledging receipt of your response to the proposed solution will be sent by ASSIST to you, the DCP and the HCP.

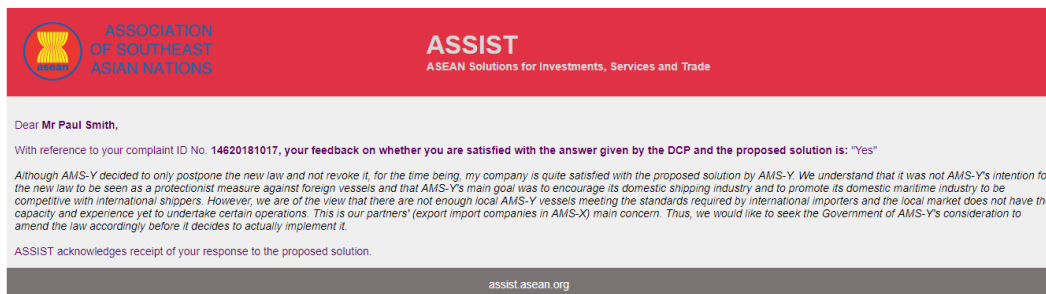


ASEAN Enterprise <aseanenterprise0@gmail.com>

[ASSIST][#14620181017] Thank you for answer

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

Thu, Oct 18, 2018 at 4:52 PM



- (c) Login to your ASSIST dashboard using your email and tracking ID as indicated in Step 7(a) and (b) above. The final view of your dashboard can be seen below. As you can see, another action has been added to your 'History' indicating that you have indicated satisfaction to the proposed solution by ASSIST.



Tracking ID #14620181017 / AMS-Y

ASSIST Solution

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

Attachment

Satisfied : Yes

History

Date	Action	Action By	Comments
18/10/2018 16:52:00	Satisfied	ASEAN-based Enterprise	Although AMS-Y decided to only postpone the new law and not revoke it, for the time being, my company is quite satisfied with the proposed solution by AMS-Y. We understand that it was not AMS-Y's intention for the new law to be seen as a protectionist measure against foreign vessels and that AMS-Y's...
18/10/2018 12:38:29	Solution	Central Administrator of ASSIST	Upon internal discussions between the DCP and the RAs, AMS-Y decides to postpone the application of the new regulation requiring exporters and importers of certain commodities, including iron, aluminium, cotton and rubber, to use only AMS-Y's domestic vessels (i.e., vessels belonging to maritime shipping...
17/10/2018 14:40:40	Accepted	Central Administrator of ASSIST	Dear Mr Paul Smith, Thank you for lodging your complaint under ASSIST. The Central Administrator has reviewed and verified your complaint and finds that it is complete. You have submitted your company registration document which proves that you are a business registered in AMS-X and you...
17/10/2018 13:09:04	Email Confirmed	ASEAN-based Enterprise	Email Confirmed
17/10/2018 12:49:41	New	ASEAN-based Enterprise	

ASEAN ENTERPRISE

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

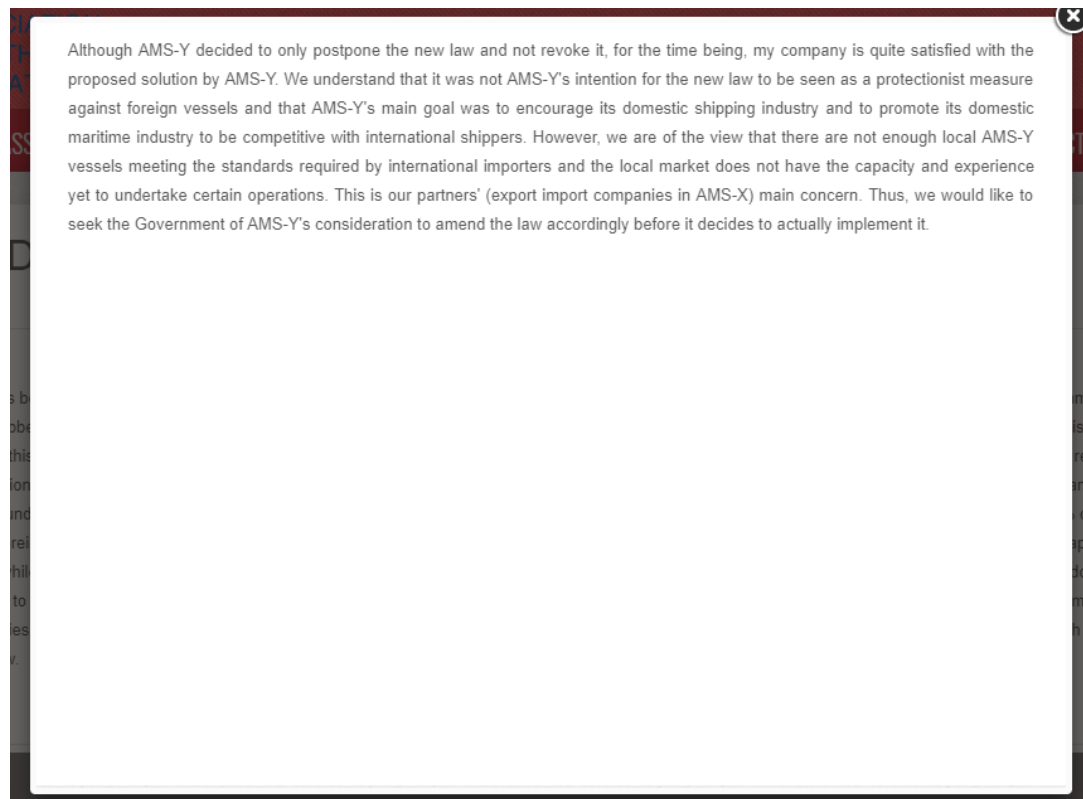
CONTACT PERSON

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

COMPLAINT DESCRIPTION

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

- (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.



On notification that a solution proposed to an AE has been accepted as satisfactory by the AE, 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 AE.

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).