



ASSIST

ຄູ່ມືແນະນຳເທື່ອລະຂັ້ນຕອນຂອງກໍລະນີສຶກສາ 2

(ການຄ້າສິນຄ້າ)

ຄຳຮ້ອງທຸກທີ່ໄດ້ເກັບເຂົ້າໄວ້ໃນລະບົບ ໂດຍສະມາຄົມການຄ້າອາຊຽນໃນນາມຂອງສະມາຊິກອາຊຽນ, ທີ່ເປັນວິສາຫະກິດໜຶ່ງຂອງອາຊຽນ, ໄດ້ຮັບການຮັບຮອງຈາກຜູ້ດູແລລະບົບແລະໄດ້ຖືກປະຕິເສດໂດຍຜູ້ຕິດຕໍ່ທີ່ປາຍທາງ.

ລາຍລະອຽດໂດຍຫຍໍ້ຂອງກໍລະນີສຶກສາ: ໂດຍພາບລວມແລ້ວ ສະຖານະການນີ້ແມ່ນການຮ້ອງທຸກທີ່ໄດ້ຮັບການຍອມຮັບໂດຍຜູ້ດູແລລະບົບຂອງ ASSIST ວ່າໄດ້ມີການຍື່ນໃຫ້ຢ່າງຖືກຕ້ອງໂດຍສະມາຄົມການຄ້າອາຊຽນໃນນາມຂອງສະມາຊິກ, ເຊິ່ງເປັນວິສາຫະກິດອາຊຽນ/AE (ພາຍຄວາມວ່າເປັນການຍື່ນທີ່ຄົບຖ້ວນແລະຢູ່ພາຍໃນຂອບເຂດການດູແລຂອງ ASSIST). ຄຳຮ້ອງທຸກດັ່ງກ່າວໄດ້ຖືກຍື່ນໂດຍສະມາຄົມການຄ້າທີ່ອາຊຽນດ້ວຍເຫດຜົນວ່າ AE ມີຄວາມຕ້ອງການຍື່ນໂດຍບໍ່ເປີດເຜີຍຕົວຕົນ. ເຖິງຢ່າງໃດກໍຕາມ, ເລື່ອງດັ່ງກ່າວກໍໄດ້ຖືກປະຕິເສດຈາກຜູ້ຕິດຕໍ່ທີ່ປະເທດປາຍທາງດ້ວຍເຫດຜົນທີ່ວ່າ ມັນແມ່ນບັນຫາຂໍ້ຂັດແຍ້ງແບບດຽວກັນທີ່ເຄີຍໄດ້ຖືກຟ້ອງຮ້ອງຢູ່ທີ່ອົງການການຄ້າໂລກ (WTO) ມາກ່ອນແລ້ວ ເຊິ່ງເຫັນໄດ້ໃນຄຳຮ້ອງທຸກທີ່ນຳໄປຍື່ນໂດຍປະເທດທີ່ໄດ້ລົງທະບຽນໄວ້ກັບ AE (ບ່ອນທີ່ປະເທດຕົ້ນທາງຕັ້ງຢູ່) ເພື່ອຍື່ນຟ້ອງກັບປະເທດປາຍທາງ. ໃນກໍລະນີດັ່ງກ່າວນີ້, ການປະຕິເສດຈາກປະເທດປາຍທາງຖືວ່າໄດ້ສ້າງແຮງຈູງໃຈທີ່ພຽງພໍແລະກໍຢູ່ໃນຂອບເຂດອະທິປະໄຕຂອງບັນດາປະເທດສະມາຊິກອາຊຽນ ແລະ ທັງຢູ່ໃນຂອບເຂດຂອງລະບົບ ASSIST ນຳດ້ວຍ. ຄຳຮ້ອງທຸກແມ່ນມີຄວາມກ່ຽວຂ້ອງກັບຫລາຍມາດຕະການທາງດ້ານງົບປະມານແລະຮີດຄອງປະເພນີຂອງປະເທດປາຍທາງທີ່ສົ່ງຜົນກະທົບຕໍ່ຢາສູບທີ່ສົ່ງອອກຈາກປະເທດຕົ້ນທາງໄປຍັງປະເທດປາຍທາງ.

ມາດຕະການດັ່ງກ່າວລວມມີການປະເມີນມູນຄ່າແຈ້ງພາສີຂອງປະເທດປາຍທາງ, ພາສີອາກອນຊົມໃຊ້, ອາກອນສຸຂະພາບ, ພາສີມູນຄ່າເພີ່ມ, ຂໍ້ກຳນົດການຂ້ອນຮຸນຂາຍຍ່ອຍແລະການຄ້າປະກັນການນຳເຂົ້າທີ່ໄດ້ມີການບັງຄັບໃຫ້ຜູ້ນຳເຂົ້າຢາສູບໃຫ້ມີການປະຕິບັດ. ສະມາຄົມການຄ້າອາຊຽນໄດ້ອ້າງວ່າ ປະເທດປາຍທາງໄດ້ມີການຄຸ້ມຄອງປະຕິບັດມາດຕະການເຫຼົ່ານີ້ພຽງບາງສ່ວນເທົ່ານັ້ນແລະຢ່າງບໍ່ມີເຫດຜົນ ດ້ວຍເຫດນີ້ຈຶ່ງເກີດມີການລະເມີດມາດຕາ 57 ຂອງສັນຍາການຄ້າອາຊຽນ (ATIGA), ເຊິ່ງໄດ້ນຳໄປລວມເຂົ້າໄວ້ເພື່ອໃຫ້ໄດ້ປະຕິບັດໃນອາຊຽນແບບອະນຸໂລມບໍ່ຕ້ອງຈິງຈັງກັບສັນຍາWTO ທີ່ກ່ຽວກັບການປະເມີນມູນຄ່າແຈ້ງພາສີ. ອີງຕາມສະມາຄົມການຄ້າອາຊຽນ, ປະເທດປາຍທາງບໍ່ໄດ້ນຳໃຊ້ມູນຄ່າການເຮັດທຸລະກຳທີ່ຖືວ່າເປັນພື້ນຖານອັນຕົ້ນຕໍໃນການການປະເມີນມູນຄ່າແຈ້ງພາສີແລະບໍ່ປະຕິບັດຕາມລຳດັບຂັ້ນຕອນຂອງວິທີການປະເມີນມູນຄ່າທີ່ໄດ້ກຳນົດໄວ້ໃນມາດຕາ 57 ຂອງ ATIGA, ເຊິ່ງແທນທີ່ຈະໄປນຳໃຊ້ວິທີການປະເມີນມູນຄ່າທີ່ບໍ່ມີພື້ນຖານໃນສັນຍາດັ່ງກ່າວ. ນອກຈາກນີ້, ສະມາຄົມການຄ້າອາຊຽນອ້າງວ່າ ໃນການນຳໃຊ້ໃບອະນຸຍາດແບບຄູ່ຂອງປະເທດປາຍທາງນັ້ນ, ເຊິ່ງຢາກໃຫ້ຜູ້ຂາຍຢາສູບລາຍຍ່ອຍໄດ້ຖືໃບອະນຸຍາດທີ່ແຍກຕ່າງຫາກເພື່ອທຳການຂາຍຢາສູບພາຍໃນປະເທດແລະນຳເຂົ້າຢາສູບຈາກຕ່າງປະເທດ ເພື່ອໃຫ້ມັນສອດຄ່ອງກັບມາດຕາ 6 ຂອງ ATIGA, ລວມເອົາທັງມາດຕາ III ຂອງຂໍ້ຕົກລົງທົ່ວໄປກ່ຽວກັບອັດຕາພາສີແລະການຄ້າ (GATT) ຂອງປີ 1994, ເພາະວ່າມັນຈະຊ່ວຍໃຫ້ການປະຕິບັດເປັນກໍລະນີພິເສດຕໍ່ຜະລິດຕະພັນທີ່ນຳເຂົ້າໃຫ້ໜ້ອຍກວ່າປະຕິບັດຕໍ່ຜະລິດຕະພັນພາຍໃນປະເທດ.

ລາຍຊື່ຜູ້ດຳເນີນການຫລັກແລະຕົວຫຍໍ້

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



ຂັ້ນຕອນ
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ໄປທີ່ເວັບໄຊທ໌ຂອງ ASSIST (http://ASSIST.ASEAN.ORG)

ຖ້າທ່ານຮູ້ສຶກວ່າຄະດີຂອງທ່ານແມ່ນບັນຫາກ່ຽວກັບການຄ້າຂ້າມຊາດຂອງອາຊຽນ, ແລະ ທ່ານເອງແມ່ນມີທຸລະກິດທີ່ຈົດທະບຽນຢູ່ໃນປະເທດສະມາຊິກອາຊຽນ, ແລະທ່ານຕ້ອງການບໍລິການແບບບໍ່ເສຍຄ່າ, ບໍ່ຜູກມັດ, ໃນການໃຫ້ຄໍາປຶກສາ ແລະໄດ້ຮັບການເລັ່ງດ່ວນ ແລະວິທີແກ້ໄຂທີ່ມີປະສິດທິພາບ, ໃຫ້ໄປທີ່ລິ້ງຕໍ່ໄປນີ້: <http://assist.asean.org> .

ຂ້າງລຸ່ມນີ້ແມ່ນໜ້າທຳອິດຂອງເວັບໄຊທ໌ຂອງ ASSIST.

ASSIST
ASEAN Solutions for Investments, Services and Trade

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

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) or assist@asean.org (road/contact).

Central Administrator of ASSIST / ASEAN Secretariat - JPA & Sisinganungaraja - Jakarta 12110 - Indonesia
ASSIST - Supported by ARISE (Rachmatte)



ໃຫ້ຄລິກເລືອກເອົາທິວຂີ້ 'File A CoMPLAINT (ທີ່ເປັນຮູບໂອຄອນຂອງສະມາຄົມການຄ້າອາຊຽນ)

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

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

File a Complaint

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



ASEAN Enterprise

NON-ANONYMOUS



ASEAN Trade Association

ANONYMOUS



ASEAN Lawyer or Law Firm

ANONYMOUS

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

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

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

Central Administrator of ASSIST / ASEAN Secretariat / FTA J. Sisingamangaraja - Jakarta 12110 - Indonesia
ASSIST - Supported by ARBITRE - [Disclaimers]

ເມື່ອທ່ານຄລິກທີ່ໂອຄອນ 'ສະມາຄົມການຄ້າອາຊຽນ', ເວັບໜ້າຕໍ່ໄປຈະປາກົດຂຶ້ນໃຫ້ເຫັນ

Complaint to be Filed by an ASEAN-Based Trade Association

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

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

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



ASEAN-BASED TRADE ASSOCIATION

* ASEAN-based Trade Association Name

* Phone

Website

* Address

300 characters remaining (300 maximum)

* City

* Country

* ASEAN Jurisdiction where the Entity is Established

CONTACT PERSON

* Gender ☐ Mr ☐ Mrs ☐ Ms

* First Name

* Last Name

* Phone

* Position

* Email

Address

300 characters remaining (300 maximum)

* City

* Country

COMPLAINT DESCRIPTION

* Country of Legal Registration

* Registration Number

* Entity Registration Proof

* Type of Business

* Business Sector

- Services Sector Description

* Type of Problem Encountered

* Destination Country

* Description

8000 characters remaining (8000 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

☐ I'm not a robot

[SUBMIT YOUR COMPLAINT](#)

Central Administrator of ASSIST / ASEAN Secretariat - JSA & Singaperbangsa - Jakarta 12110 - Indonesia
ASSIST - Supported by ASEAN (Bachelors)

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

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



ຂໍ້ຕອນ
3

ບ້ອນຂໍ້ມູນໃສ່ແບບຟອມສໍາລັບຢືນຄໍາຮ້ອງທຸກ

ຂ້າງລຸ່ມນີ້ແມ່ນຕົວຢ່າງຂອງແບບຟອມທີ່ໄດ້ບ້ອນຂໍ້ມູນໄວ້ຮຽບຮ້ອຍສໍາລັບການສຶກສາກໍລະນີນີ້ໂດຍສະເພາະ.

ASSIST
ASEAN Solutions for Investments, Services and Trade

WELCOME TO ASSIST

WHAT IS ASSIST?

FILE A COMPLAINT

FOLLOW A COMPLAINT

PROCESS

FAQ

CONTACT

Complaint to be Filed by an ASEAN-Based Trade Association

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

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

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

ASEAN-BASED TRADE ASSOCIATION

* ASEAN-based Trade Association Name

* Phone

Website

* Address
City A Country X

259 characters remaining (300 maximum)

* City ZIP Code

* Country

* ASEAN Jurisdiction where the Entity is Established

CONTACT PERSON

* Gender ☒ Mr ☐ Mrs ☐ Ms

* First Name * Last Name

* Phone

* Position

* Email

Address
City A Country X

259 characters remaining (300 maximum)

City ZIP Code

Country

COMPLAINT DESCRIPTION

* Country of Legal Registration

* Registration Number

* Entry Registration Proof

* Type of Business

* Business Sector

* Services Sector Description

* Type of Problem Encountered

* Destination Country

* Description

Attachment

☒ I have read and accept the ASSIST [Rules](#)

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

☒ I'm not a robot

Central Administrator of ASSIST / ASEAN Secretariat / JBA II, Setiabudi Gardens - Jakarta 12110 - Indonesia

ASSIST - Supported by ASESSE - [Discontinued]



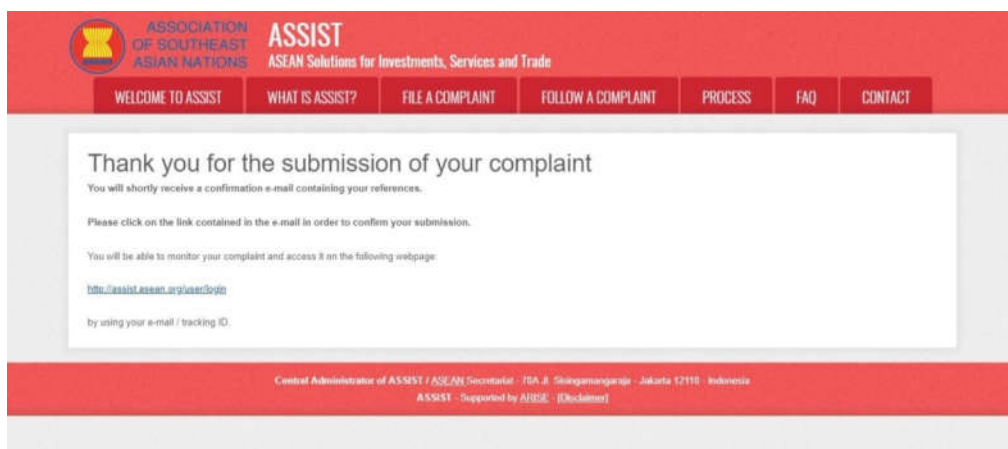
ມີການຍົກຕົວຢ່າງຂອງການອະທິບາຍຄໍາຮ້ອງທຸກທີ່ໄດ້ຂຽນໄວ້ຈະແຈ້ງແລະຊັດເຈນ, ຂ້າງລຸ່ມນີ້ແມ່ນຄໍາອະທິບາຍແລະລາຍລະອຽດສໍາລັບກໍລະນີສຶກສານີ້ໂດຍສະເພາະສະເພາະ:

“ພວກເຮົາແມ່ນສະມາຄົມການຄ້າຢາສູບທີ່ເປັນຕົວແທນໃຫ້ແກ່ບໍລິສັດຢາສູບທີ່ໄດ້ລົງທະບຽນຢູ່ AMS-X. ພວກເຮົາຢາກຈະຂໍສົ່ງຄໍາຮ້ອງທຸກໃຫ້ກັບ ASSIST ເພື່ອຕໍ່ວ່າ AMS-Y ກ່ຽວກັບມາດຕະການທາງດ້ານງົບປະມານແລະພາສີຂອງ AMS-Y ທີ່ສົ່ງຜົນກະທົບຕໍ່ຢາສູບທີ່ສົ່ງອອກຈາກ AMS-X ໄປທີ່ AMS-Y. ມາດຕະການດັ່ງກ່າວລວມມີການປະຕິບັດການປະເມີນມູນຄ່າແຈ້ງພາສີຂອງ AMS-Y, ອາກອນຊົມໃຊ້, ພາສີສຸຂະພາບ, ພາສີມູນຄ່າເພີ່ມ, ຂໍ້ກຳນົດການຂໍອະນຸຍາດການຂາຍຍ່ອຍແລະການຄ້າປະກັນການນໍາເຂົ້າສິນຄ້າຢາສູບທີ່ບັງຄັບໃຫ້ຜູ້ນໍາເຂົ້າຢາສູບຕ້ອງປະຕິບັດຕາມ.

AMS-Y ຄຸ້ມຄອງບັນດາມາດຕະການດັ່ງກ່າວແບບບໍ່ເຕັມເມັດເຕັມໜ່ວຍແລະຂາດເຫດຜົນແລະດັ່ງນີ້ເອງ ມັນຈຶ່ງເປັນການລະເມີດມາດຕາ 57 ຂອງສັນຍາການຄ້າສິນຄ້າອາຊຽນ (ATIGA), ເຊິ່ງໄດ້ນໍາໄປລວມເຂົ້າໄວ້ເພື່ອໃຫ້ໄດ້ປະຕິບັດໃນອາຊຽນແບບອະນຸໂລມບໍ່ຕ້ອງຈົງຈັງກັບສັນຍາ WTO ກ່ຽວກັບການປະເມີນມູນຄ່າແຈ້ງພາສີ. AMS-Y ບໍ່ໄດ້ນໍາໃຊ້ມູນຄ່າການເຮັດທຸລະກໍາທີ່ຖືວ່າເປັນພື້ນຖານອັນຕົ້ນຕໍໃນການການປະເມີນມູນຄ່າແຈ້ງພາສີແລະບໍ່ປະຕິບັດຕາມລໍາດັບຂັ້ນຕອນຂອງວິທີການປະເມີນມູນຄ່າທີ່ໄດ້ກຳນົດໄວ້ໃນມາດຕາ 57 ຂອງ ATIGA, ເຊິ່ງແທນທີ່ຈະໄປນໍາໃຊ້ວິທີການປະເມີນມູນຄ່າທີ່ບໍ່ມີພື້ນຖານໃນສັນຍາດັ່ງກ່າວ.

ນອກຈາກນັ້ນ, ການດໍາເນີນການໃຫ້ມີໃບອະນຸຍາດສອງໃບຂອງ AMS-Y, ເຊິ່ງຮຽກຮ້ອງໃຫ້ຜູ້ຄ້າໃບຢາແລະ/ຫລືຢາສູບລາຍຍ່ອຍຖືໃບອະນຸຍາດແຍກຕ່າງຫາກເພື່ອຂາຍຢາສູບພາຍໃນປະເທດແລະນໍາເຂົ້າຢາສູບຈາກຕ່າງປະເທດນັ້ນບໍ່ສອດຄ່ອງກັບມາດຕາ 6 ຂອງ ATIGA, ທີ່ລວມເອົາມາດຕາ III ຂອງຂໍ້ຕົກລົງທົ່ວໄປກ່ຽວກັບພາສີແລະການຄ້າ (GATT) ປີ 1994, ເພາະວ່າມັນຈະຊ່ວຍໃຫ້ການປະຕິບັດເປັນກໍລະນີພິເສດຕໍ່ຜະລິດຕະພັນທີ່ນໍາເຂົ້າໃຫ້ໜ້ອຍກວ່າປະຕິບັດຕໍ່ຜະລິດຕະພັນພາຍໃນປະເທດ”.

ເມື່ອຄໍາຮ້ອງທຸກຖືກຍື່ນໂດຍການຄລິກທີ່ແຖບເມນູ 'ຍື່ນຄໍາຮ້ອງທຸກຂອງທ່ານ', ໜ້າເວັບຕໍ່ໄປນີ້ຈະຢູ່ໃນຂັ້ນຕອນທີ 4 ຈະປາກົດຂຶ້ນໃຫ້ເຫັນ.



ການໄດ້ຮັບການແຈ້ງເຕືອນທາງອີເມລຕາມທີ່ເຫັນຂ້າງເທິງນັ້ນ ຊຶ່ງໃຫ້ເຫັນວ່າທ່ານຄວນຄລິກທີ່ລິ້ງທີ່ຢູ່ໃນໜ້າອີເມລຂອງທ່ານເພື່ອຍືນຍັນການສົ່ງຄໍາຮ້ອງທຸກຂອງທ່ານໃຫ້ກັບ ASSIST.



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(a) ໃຫ້ທ່ານເຂົ້າໄປໃນບັນຊີອີເມລຂອງທ່ານທີ່ທ່ານໄດ້ໃຫ້ໄວ້ກັບແບບຟອມການຮ້ອງທຸກ. ທ່ານຈະໄດ້ຮັບອີເມລຈາກ ASSIST ເພື່ອໃຫ້ທ່ານທຳການຢືນຢັນການສົ່ງຄຳຮ້ອງທຸກຂອງທ່ານໂດຍໃຫ້ໄປຄລິກທີ່ລິ້ງທີ່ໄດ້ສົ່ງມາໃຫ້ທ່ານກັບອີເມລຫລືຖ້າບໍ່ຢາກຄລິກກໍພຽງແຕ່ທ່ານຄັດລອກເອົາລິ້ງນັ້ນໄປແປະໃສ່ໃນ browser ອື່ນເຕີເນັດ. ອັນນີ້ແມ່ນຕ້ອງໄດ້ເຮັດຕາມທີ່ ASSIST ໄດ້ຮຽກຮ້ອງມາ ເພື່ອເປັນການຢືນຢັນວ່າ ອີເມລທີ່ທ່ານໄດ້ໃຫ້ໄປນັ້ນຖືກຕ້ອງ. ໝາຍເລກຄຳຮ້ອງທຸກຂອງທ່ານກໍໄດ້ສົ່ງມາໃຫ້ທ່ານດ້ວຍອີເມລນີ້ເຊັ່ນກັນ. ໃນກໍລະນີນີ້, ໝາຍເລກຄຳຮ້ອງທຸກຂອງທ່ານແມ່ນ 17420181031.

ຂ້າງລຸ່ມນີ້ແມ່ນອີເມລທີ່ທ່ານຈະໄດ້ຮັບຈາກ ASSIST.



ASEAN Trade Association <aseantradeassociation@gmail.com>

[ASSIST] Thanks to confirm your complaint #17420181031 submission

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

Wed, Oct 31, 2018 at 11:55 AM

ASSIST

ASEAN Solutions for Investments, Services and Trade

Dear **Mr Stephen Bogus**,

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

Please confirm your complaint **17420181031** on the following link (or by copy-pasting the following link onto your Internet browser):
http://assist.aseantradeassociation.org/confirm_email?email=aseantradeassociation@gmail.com&id=17420181031&code=3d5unryccdbah

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

ASEAN Enterprise / Trade Association / Law Firm : ASEAN Tobacco Trade Association (t/voe Trade)
<http://assist.asean.org/user/login> by using your e-mail / tracking ID : aseanenterprise@gmail.com / **17420181031**
 Phone : +12 909903901
 Website : www.aseantobacco.com
 Address : Barbecue Road No. 78 City A Country X
 City : City A / Zip Code : 90210
 Country : **AMS-X**
 ASEAN Jurisdiction where the Entity is Established : Country X

Contact person : Mr Stephen Bogus
 Phone : +12 909903901
 Position : Chairman
 Email : aseantradeassociation@gmail.com
 Address : Barbecue Road No. 78 City A Country X
 City : City A / Zip Code : 90210
 Country : **AMS-X**

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

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

Thanking you, ASSIST is at your service.

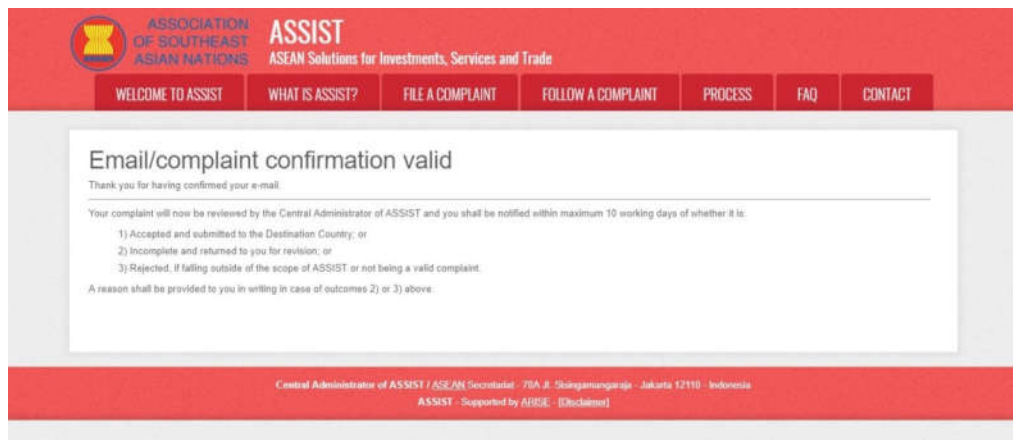
assist.asean.org

2 attachments

Annex_2-Simulated_Fiscal_Customs_Measures_Dual_License_Scheme_of_AMS-Y21.pdf
46K

Annex_1-Simulated_Entity_Registration_of_ASEAN_Tobacco_Trade_Association1f.pdf
28K

(b) ໃຫ້ທ່ານຄລິກທີ່ລິ້ງທີ່ໄດ້ໃຫ້ມາກັບອີເມລເຊິ່ງຕ້ອງໄດ້ຄລິກ ແລະໜ້າໃຫມ່ໃນອີເມລນັ້ນກໍຈະສະແດງໃຫ້ເຫັນ.



ASSIST
ASEAN Solutions for Investments, Services and Trade

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

Email/complaint confirmation valid

Thank you for having confirmed your e-mail.

Your complaint will now be reviewed by the Central Administrator of ASSIST and you shall be notified within maximum 10 working days of whether it is:

- 1) Accepted and submitted to the Destination Country; or
- 2) Incomplete and returned to you for revision; or
- 3) Rejected, if falling outside the scope of ASSIST or not being a valid complaint.

A reason shall be provided to you in writing in case of outcomes 2) or 3) above.

Central Administrator of ASSIST / ASEAN Secretariat - TDA 8, Cikarangmanggaja - Jakarta 12110 - Indonesia
ASSIST - Supported by ARISE - [Disclaimer]

ການແຈ້ງເຕືອນທີ່ໄດ້ສະແດງໄວ້ຂ້າງເທິງນີ້ຈະແຈ້ງໃຫ້ທ່ານຊາບວ່າ ຄໍາຮ້ອງທຸກຂອງທ່ານຈະຖືກທົບທວນໂດຍ CA ແລະຫຼັງຈາກນັ້ນ ທ່ານຈະໄດ້ຮັບການແຈ້ງກັບມາທາທ່ານທາງອີເມລ ພາຍໃນເວລາສູງສຸດ 10 ວັນລັດຖະການ ໂດຍທີ່ການຍື່ນຄໍາຮ້ອງທຸກຂອງທ່ານນັ້ນຈະ:

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

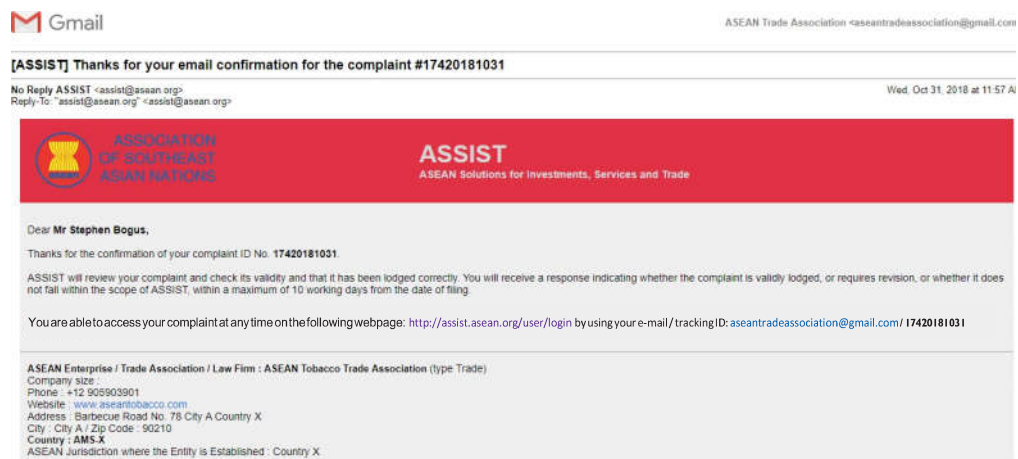
ໄປທີ່ບັນຊີອີເມລຂອງທ່ານ.

ຂັ້ນຕອນ

6

ໄດ້ຮັບອີເມລຈາກ ASSIST ເພື່ອໃຫ້ຮູ້ວ່າອີເມລແລະຄໍາຮ້ອງທຸກຂອງທ່ານນັ້ນໃຊ້ການໄດ້

(a) ໃຫ້ທ່ານໄປທີ່ອີເມລຂອງທ່ານແລະທ່ານຈະເຫັນມີອີເມລໃໝ່ຈາກ ASSIST ສົ່ງມາທາທ່ານ. ອີເມລນີ້ຈະຊີ້ບອກໃຫ້ເຫັນວ່າທ່ານຮູ້ວ່າ ທ່ານໄດ້ທຳການຍື່ນຍື່ນຄໍາຮ້ອງທຸກຂອງທ່ານແລ້ວພ້ອມທັງທາງ CA ຈະກວດສອບຄວາມຖືກຕ້ອງຂອງຄໍາຮ້ອງທຸກ, ແລະກໍ່ໄດ້ຖືກນຳເຂົ້າໄປເກັບໄວ້ໃນລະບົບພາຍໃນຂອງ ASSIST. ASSIST ຈະກັບມາຕິດຕໍ່ອີກເທື່ອໜຶ່ງພ້ອມດ້ວຍຄຳຕອບທີ່ຈະບອກວ່າ ຄໍາຮ້ອງທຸກທີ່ໄດ້ສົ່ງໄປນັ້ນ ໄດ້ຮັບການຍອມຮັບແລ້ວ, ບໍ່ຄົບຖ້ວນ ຫຼື ຖືກປະຕິເສດພາຍໃນ 10 ວັນລັດຖະການ.



 Gmail

ASEAN Trade Association <aseantradeassociation@gmail.com>

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

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

Wed, Oct 31, 2018 at 11:57 AM

ASSIST
ASEAN Solutions for Investments, Services and Trade

Dear Mr. Stephen Bogus,

Thanks for the confirmation of your complaint ID No. **17420181031**.

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

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

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



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

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

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

Thanking you, ASSIST is at your service.

assist.asean.org

2 attachments

Annex_2-Simulated_Fiscal_Customs_Measures_Dual_License_Scheme_of_AMS.Y21.pdf
48K

Annex_1-Simulated_Entity_Registration_of_ASEAN_Tobacco_Trade_Association18.pdf
48K

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

ຂັ້ນຕອນ

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ຕິດຕາມຄວາມຄືບໜ້າຂອງການຮ້ອງທຸກຂອງທ່ານ

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

Follow a Complaint

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

Email

Tracking ID

Central Administration of ASSIST / ASEAN Secretariat - TBA A, Setiabudi Mangrove - Jakarta 12110 - Indonesia
ASSIST - Supported by APSE [Indonesia]

(b) ໃຫ້ທ່ານໃສ່ອີເມລຂອງທ່ານແລະໝາຍເລກເພື່ອຕິດຕາມ (ກໍຄືໝາຍເລກຄຳຮ້ອງທຸກຂອງທ່ານ) ໃນຊ່ອງບ່ອນຂໍ້ມູນທີ່ມີໃຫ້ໄວ້ເພື່ອເຂົ້າສູ່ລະບົບ. ໃນກໍລະນີນີ້, ອີເມລແມ່ນ aseanenterprise0@gmail.com ແລະໝາຍເລກເພື່ອຕິດຕາມແມ່ນ 17420181031.



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

Email

aseantradeassociation@gmail.com

Tracking ID

LOGIN

Central Administrator of ASSIST / ASEAN Secretariat - RBA & Sekeloaunggaraja - Jakarta 12110 - Indonesia
ASSIST : Supported by APEC - [Disclaimer]

ເມື່ອທ່ານໄດ້ເຂົ້າສູ່ລະບົບແລ້ວ, ທ່ານຈະເຫັນ Dashboard ຂອງ ASSIST ຂອງທ່ານເຊິ່ງເປັນບ່ອນທີ່ທ່ານສາມາດຕິດຕາມຄວາມຄືບໜ້າຂອງການຍື່ນຄໍາຮ້ອງທຸກຂອງທ່ານ.

(c) ເປີດເບິ່ງລາຍລະອຽດໃນ Dashboard ຂອງ ASSIST ຂອງທ່ານເມື່ອທ່ານໄດ້ເຂົ້າສູ່ລະບົບແລ້ວຂອງທ່ານເມື່ອທ່ານໄດ້ເຂົ້າສູ່ລະບົບຢ່າງສໍາເລັດຜົນ:



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DISCLAIMER

Tracking ID #17420181031 / AMS-Y

History

Date	Action	Action By	Comments
31/10/2018 11:57:14	Email Confirmed	ASEAN-based Enterprise	Email Confirmed
31/10/2018 11:55:41	New	ASEAN-based Enterprise	

WITHDRAW COMPLAINT

ASEAN ENTERPRISE

ASEAN Enterprise Name	ASEAN Tobacco Trade Association		
Company Size		Address	Barbecue Road No. 78 City A Country X
Phone	+12 905903901	City	City A
Website	www.aseantobacco.com	ZIP Code	90210
		Country	AMS-X

CONTACT PERSON

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

COMPLAINT DESCRIPTION

Country of Legal Registration	AMS-X	Business Sector	Goods
Registration Number	131313	Type of Problem Encountered	Goods / Decreased Customs valuations
Company Registration Proof	Annex 1: Simulated Entry Registration of ASEAN Tobacco Trade Association.pdf		
Destination Country	AMS-Y		
Type of Business	Retailer		



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

Central Administrator of ASSIST / ASEAN Secretariat - FDA B. Soegarnegara - Jakarta 12110 - Indonesia
ASSIST - Supported by ARISE - [Disclaimers]

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

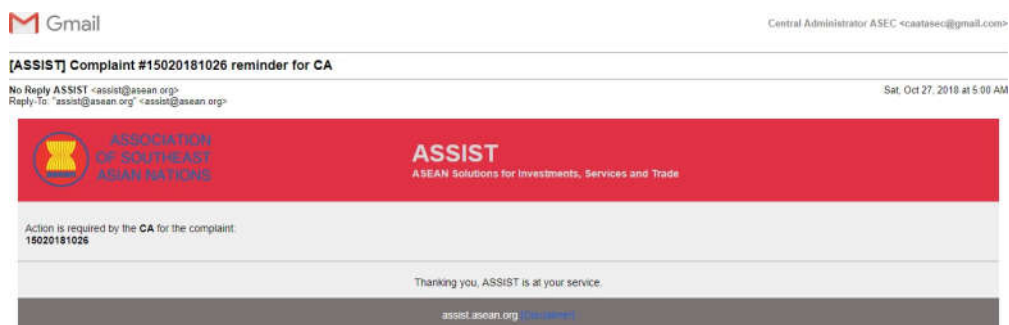
ຂັ້ນຕອນ
8

ຜູ້ດູແລະລະບົບກວດເບິ່ງຄຳຮ້ອງທຸກຂອງທ່ານແລະຕອບທ່ານທາງອີເມລ (ວ່າຮັບຮອງ,ບໍ່ຄົບຖ້ວນ ຫລື ປະຕິເສດ)

ຫລັງຈາກທີ່ CAໄດ້ທຳການກວດກາເບິ່ງຄຳຮ້ອງທຸກຂອງທ່ານເປັນທີ່ຮຽບຮ້ອຍແລ້ວແລະທັງໄດ້ຕັດສິນແລ້ວວ່າຄຳຮ້ອງທຸກນັ້ນໄດ້ຜ່ານການຮັບຮອງ, ບໍ່ຄົບຖ້ວນ ຫລື ຖືກປະຕິເສດນັ້ນຈະມີອີເມລສົ່ງໄປທາທ່ານພາຍໃນ 10 ວັນລັດຖະການນັບຕັ້ງແຕ່ທ່ານໄດ້ສົ່ງຄຳຮ້ອງທຸກຂອງທ່ານ.

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

ອີເມລເຕືອນເທື່ອທີ 1 ສຳລັບຜູ້ດູແລະລະບົບ:





ໃຫ້ທ່ານພົ້ນກວດເບິ່ງອີເມລຂອງທ່ານພາຍໃນ 10 ວັນລັດຖະການຫຼັງຈາກທ່ານໄດ້ຍື່ນຄໍາຮ້ອງທຸກ. ໃນທີ່ສຸດທ່ານກໍ່ຈະໄດ້ຮັບອີເມລໃໝ່ຈາກ ASSIST.



ASEAN Trade Association <aseantradeassociation@gmail.com>

[ASSIST] Your complaint #17420181031 is accepted by CA

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

Wed, Oct 31, 2016 at 12:02 PM



ASSOCIATION
OF SOUTHEAST
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ASSIST

ASEAN Solutions for Investments, Services and Trade

Dear Mr. Stephen Bogus,

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

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

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

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

ASEAN Enterprise / Trade Association / Law Firm : ASEAN Tobacco Trade Association (type Trade)

Company size :
Phone : +12 905903901
Website : www.aseantobacco.com
Address : Barbecue Road No. 78 City A Country X
City : City A / Zip Code : 90210
Country : AMS-X
ASEAN Jurisdiction where the Entity is Established : Country X

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

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

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

Thanking you, ASSIST is at your service.

assist.asean.org

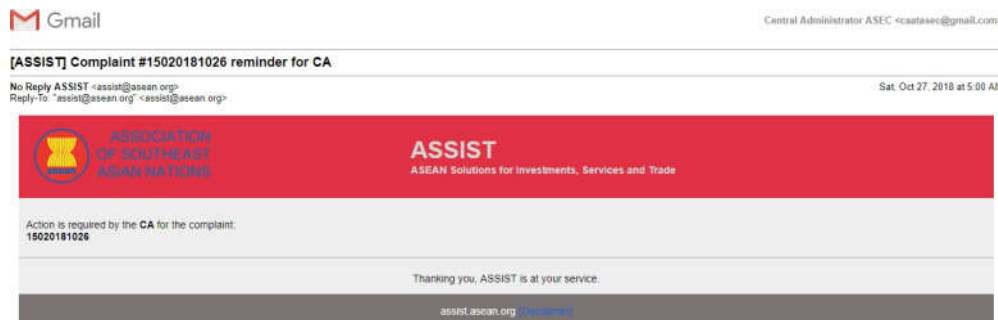
ໃນກໍລະນີນີ້, ອີເມລຂ້າງເທິງນີ້ສະແດງໃຫ້ເຫັນວ່າ ຄໍາຮ້ອງທຸກຂອງທ່ານໄດ້ຮັບການຍອມຮັບຈາກ CA. ອີເມລນີ້ຍັງໄດ້ແຈ້ງໃຫ້ທ່ານຊາບວ່າ, ຄໍາຮ້ອງທຸກຂອງທ່ານຈະຖືກສົ່ງໄປທີ່ຈຸດຕິດຕໍ່ທາງປາຍທາງ, ເຊິ່ງແມ່ນອົງການຂອງລັດຖະບານ (ASSIST Focal Point) ໃນ AMS-Y ບ່ອນທີ່ທ່ານກໍາລັງປະເຊີນກັບບັນຫາດ້ານການຄ້າແລະເປັນບ່ອນທີ່ຄໍາຮ້ອງທຸກຂອງທ່ານໄດ້ຖືກນໍາສົ່ງແລະທາງແກ້ໄຂກໍາລັງຢູ່ໃນລະຫວ່າງການດໍາເນີນການ. DCP ໃນ AMS-Y ຈະໄດ້ຮັບເວລາ 10 ວັນເພື່ອໃຊ້ໃນການເຮັດວຽກເພື່ອທົບທວນຄໍາຮ້ອງທຸກຂອງທ່ານແລະເພື່ອທີ່ຈະຍອມຮັບ, ປະຕິເສດຫຼືສົ່ງຄືນກັບໄປໃຫ້ທ່ານພ້ອມທັງສະເໜີຂໍ້ມູນເພີ່ມເຕີມຈາກທ່ານ. ນີ້ແມ່ນມີຈຸດປະສົງທີ່ສະແດງເຖິງຄວາມຕັ້ງໃຈທີ່ຈະໃຫ້ເວລາແກ່ DCP ໄດ້ສາມາດກວດກາເບິ່ງລາຍລະອຽດຂອງການຮ້ອງທຸກ, ແລະຂໍຄໍາປຶກສາຫາລືຕາມຄວາມຈໍາເປັນກັບເຈົ້າໜ້າທີ່ແຫ່ງຊາດທີ່ກ່ຽວຂ້ອງ.

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

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



ອີເມລເກືອນເທື່ອທີ 2 ສໍາລັບຜູ້ດູແລລະບົບ:



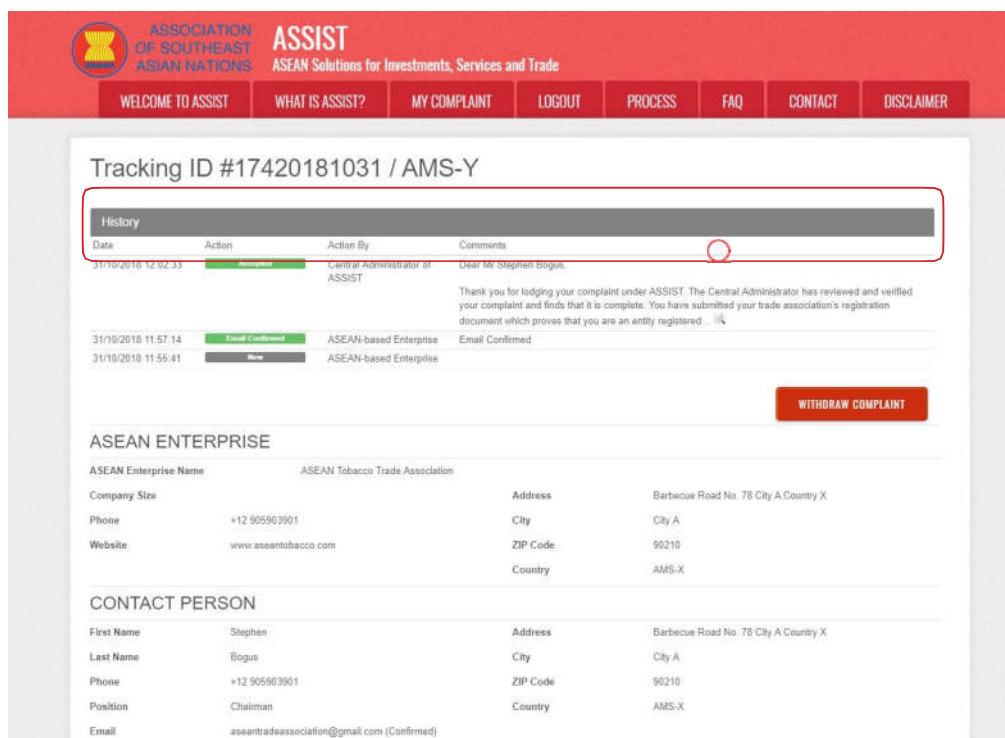
ຂັ້ນຕອນ

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ໃຫ້ທ່ານເຂົ້າສູ່ລະບົບ Dashboard ຂອງ ASSIST ຂອງທ່ານໂດຍໃຊ້ອີເມລແລະໝາຍເລກຕິດຕາມຂອງທ່ານເພື່ອເບິ່ງຄໍາຕອບຕົວຈິງຈາກຜູ້ດູແລລະບົບ

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

ພາບລວມແບບທີ່ເຫັນໄດ້ເຕັມຕົວແລະຄົບຖ້ວນຂອງ dashboard ຂອງທ່ານນັ້ນສາມາດເບິ່ງໄດ້ຂ້າງລຸ່ມນີ້. ດັ່ງທີ່ທ່ານເຫັນ, ການດໍາເນີນການຕ່າງໆລ້ວນແຕ່ໄດ້ຖືກເກັບບັນທຶກເພີ່ມເຂົ້າໄປໃນ 'History-ປະຫວັດ' ຂອງການດໍາເນີນການຕ່າງໆ ເຊິ່ງສາມາດຫາເຫັນການທີ່ໄດ້ລະບຸໄວ້ວ່າ CA ນັ້ນ ໄດ້ “Accepted-ຍອມຮັບ” ຄໍາຮ້ອງທຸກຂອງທ່ານໄປແລ້ວ.





COMPLAINT DESCRIPTION

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

Central Administrator of ASSIST / ASEAN Secretariat - RTA 8, Setiabudi Mangrove - Jakarta 12110 - Indonesia
ASSIST - Supported by ARISE - [Disclaimer]

ໃຫ້ທ່ານຄລິກທີ່ໂອຄອນທີ່ເປັນຮູບແກ້ວຂະຫຍາຍໃນບ່ອນສະແດງຄຳເຫັນທີ່ເປັນຫ້ອງຍາວໆລົງມາ. ການຕອບຮັບອັນຄົບຖ້ວນຈາກທາງ CA ກໍ່ຈະປາກົດຂຶ້ນມາໃຫ້ເຫັນ, ດັ່ງທີ່ໄດ້ສະແດງໃນພາບຂ້າງລຸ່ມນີ້:

Dear Mr Stephen Bogus,

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

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

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

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

ດັ່ງທີ່ໄດ້ແຈ້ງໃນຂັ້ນຕອນທີ 8, ເມື່ອຄຳຮ້ອງທຸກໄດ້ຮັບການຍອມຮັບຈາກ CA ແລ້ວນັ້ນ, ຄຳຮ້ອງທຸກຂອງທ່ານຈະຖືກສົ່ງໄປທີ່ຈຸດຕິດຕໍ່ທາງປາຍທາງ, ເຊິ່ງແມ່ນອົງການຂອງລັດຖະບານ (ASSIST Focal Point) ໃນ AMS-Y ບ່ອນທີ່ທ່ານກຳລັງປະເຊີນກັບບັນຫາດ້ານການຄ້າ. DCP ໃນ AMS-Y ຈະໄດ້ຮັບເວລາ 10 ວັນເພື່ອໃຊ້ໃນການເຮັດວຽກເພື່ອທົບທວນຄຳຮ້ອງທຸກຂອງທ່ານແລະເພື່ອທີ່ຈະຍອມຮັບ, ປະຕິເສດຫຼືສົ່ງຄືນກັບໄປໃຫ້ທ່ານ. ນີ້ແມ່ນມີຈຸດປະສົງທີ່ສະແດງເຖິງຄວາມຕັ້ງໃຈທີ່ຈະໃຫ້ເວລາແກ່ DCP ໄດ້ສາມາດກວດກາເບິ່ງລາຍລະອຽດຂອງການຮ້ອງທຸກ, ແລະຂໍ້ຄຳປຶກສາທາລິນຄວາມຈຳເປັນກັບເຈົ້າໜ້າທີ່ແຫ່ງຊາດທີ່ກ່ຽວຂ້ອງ. ເມື່ອ DCP ໃຫ້ຄຳຕອບ, ອີເມລຈະຖືກສົ່ງມາທ່ານຈາກ ASSIST ເພື່ອແຈ້ງໃຫ້ທ່ານຮູ້ວ່າຄຳຮ້ອງທຸກຂອງທ່ານໄດ້ຖືກຍອມຮັບຫຼືປະຕິເສດໂດຍ DCP ໃນ AMS-Y.

ໃຫ້ທ່ານໝັ້ນກວດເບິ່ງອີເມລຂອງທ່ານພາຍໃນ 10 ວັນລັດຖະການຫຼັງຈາກທ່ານໄດ້ຍື່ນຄຳຮ້ອງທຸກ. ໃນທີ່ສຸດທ່ານກໍ່ຈະໄດ້ຮັບອີເມລໃໝ່ຈາກ ASSIST.



ຂັ້ນຕອນ
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ໄດ້ຮັບແຈ້ງທາງອີເມລຈາກທາງASSISTທີ່ຕອບຮັບການຢືນຄໍາຮ້ອງທຸກຂອງທ່ານທີ່ໂດຍທາງ AMS-Y ແລະໄດ້ຮັບການຍອມຮັບໂດຍຜັດແລະບົບ

(a) ໃຫ້ທ່ານເຂົ້າໄປທີ່ບັນຊີອີເມລຂອງທ່ານ ທ່ານຈະໄດ້ຮັບອີເມລໃໝ່ຈາກທາງ ASSIST ທີ່ສະແດງເຖິງການຕອບຮັບ ຕໍ່ຄໍາຮ້ອງທຸກຂອງທ່ານຈາກ DCP. ໃນກໍລະນີນີ້, ຄໍາຮ້ອງທຸກຂອງທ່ານໄດ້ຖືກປະຕິເສດໂດຍ DCP (AMS-Y) ເປັນ ທີ່ຮຽບຮ້ອຍແລ້ວ.



ASEAN Trade Association <aseantradeassociation@gmail.com>

[ASSIST] Response for your #17420181031 complaint

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

Wed, Oct 31, 2018 at 6:06 P

ASSIST
ASEAN Solutions for Investments, Services and Trade

Dear Mr Stephen Bogus,

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

"The complainant's case is the same that AMS-X had brought against AMS-Y under the WTO dispute settlement mechanism. In fact, on 29 September 2006, AMS-X had requested the establishment of a panel to resolve a dispute that duplicate exactly the same customs valuation regime of AMS-Y as it applied to imported cigarettes. At its meeting on 17 November 2006, the WTO Dispute Settlement Body (DSB) had established a panel, which circulated its report to the Members on 15 November 2010. On 22 February 2011, AMS-Y notified the DSB of its decision to appeal to the Appellate Body certain issues of law and legal interpretation covered in the panel report. On 17 June 2011, the Appellate Body report was circulated to Members and, at its meeting on 15 July 2011, the DSB adopted the Appellate Body report and the panel report, as modified by the Appellate Body report. On 11 August 2011, AMS-Y informed the DSB that it intended to implement the recommendations and rulings of the DSB in line with its WTO obligations and that it would need a reasonable period of time to do so. On 23 September 2011, AMS-X and AMS-Y informed the DSB that they had mutually agreed on the reasonable period of time for AMS-Y to comply with the recommendations and rulings of the DSB. At a DSB meeting on 28 January 2013, AMS-Y reported that it had completed the final outstanding steps in its implementation process. However, AMS-X did not agree that AMS-Y had fully implemented the DSB's recommendations and rulings. At the DSB meeting of 27 February 2013, AMS-X expressed concern that it had not been informed of any progress toward resolving the remaining WTO-inconsistencies and added that it would take appropriate steps shortly. At the DSB meeting on 18 June 2014, AMS-Y reported that it did not have to take any further action to implement the DSB's recommendations and rulings. AMS-X disagreed and was of the view that AMS-Y had failed to comply. Although there has not been an agreement between AMS-X and AMS-Y on whether the WTO dispute was actually resolved, the complaint lodged through ASSIST is one that AMS-Y rightfully considers as already addressed within the WTO framework, including in light of the ASEAN obligations that the complainant had referred to in its ASSIST complaint. Thus, AMS-Y rejects this complaint under ASSIST."

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

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

[Yes](#) / [No](#)

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

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

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

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

Thanking you, ASSIST is at your service.

assist.asean.org

ຂັ້ນຕອນຕ່າງໆຈະແຕກຕ່າງກັນເລັກນ້ອຍໃນກໍລະນີທີ່ຄໍາຮ້ອງທຸກຂອງທ່ານໄດ້ຖືກຍອມຮັບໂດຍ DCP. ພາຍໃນ 10 ວັນລັດຖະການຫຼັກຈາກໄດ້ຮັບຄໍາຕອບຈາກ CA ທີ່ຄໍາຮ້ອງທຸກຂອງທ່ານຖືກຍອມຮັບ, ທ່ານຈະໄດ້ຮັບອີເມລ ທີ່ແຈ້ງໃຫ້ທ່ານຊາບວ່າ ຄໍາຮ້ອງທຸກຂອງທ່ານໄດ້ຖືກຍອມຮັບໂດຍ DCP ໃນ AMS-Y ເປັນທີ່ຮຽບຮ້ອຍແລ້ວ ແລະ ທາງ DCP ຈະປະສານງານກັບເຈົ້າໜ້າທີ່ແຫ່ງຊາດທີ່ເຈົ້າໜ້າທີ່ຮັບຜິດຊອບ (RAs) ທີ່ມີຄວາມສາມາດເພື່ອ ວິເຄາະຄໍາຮ້ອງທຸກຂອງທ່ານໂດຍລະອຽດ.

ໃນເມື່ອ RAs ໄດ້ດໍາເນີນການຢ່າງສຸດຄວາມພະຍາຍາມຂອງພວກເຂົາເປັນທີ່ຮຽບຮ້ອຍແລ້ວ, DCP ກໍ່ຄວນຈະ ກວດກາວິທີແກ້ໄຂແລະສົ່ງຕໍ່ໃຫ້ແກ່ CA ພາຍໃນ 40 ວັນລັດຖະການນັບແຕ່ມື້ທີ່ DCP ໄດ້ໃຫ້ການຍອມຮັບ. ດັ່ງນັ້ນ, ເພື່ອໃຫ້ທ່ານຮັບຮູ້ການກຳນົດການໃນຄັ້ງນີ້, ການກຳນົດຂອບເວລາຄວນຖືກກຳນົດໂດຍ DCP ເພື່ອທີ່ຈະໃຫ້ RAs ດໍາເນີນການທາງວິທີທາງແກ້ໄຂ. ມັນແມ່ນຄວາມຮັບຜິດຊອບຂອງ DCP ເພື່ອແຈ້ງໃຫ້ກັບ CA ກ່ຽວກັບ ການປ່ຽນແປງໃດໆທີ່ກ່ຽວຂ້ອງກັບການກຳນົດໄລຍະເວລາລະຫວ່າງເຂົ້າເຈົ້າແລະເຈົ້າໜ້າທີ່ແຫ່ງຊາດ.



ທາງ CA ອາດຈະຍຶດເວລາກຳນົດການເພີ່ມໄປອີກເຖິງ 20 ວັນລັດຖະການຕາມການຮ້ອງຂໍຂອງ DCP. ລະບົບຈະແຈ້ງໃຫ້ຊາບໂດຍອັດຕະໂນມັດເມື່ອເວລາກຳນົດໄດ້ຫຼົບກັບໄຂ້ມາ (ເຊັ່ນ, ໂດຍປົກກະຕິ, 10 ວັນຕາມເວລາປະຕິທິນກ່ອນທີ່ຈະພົດເວລາ). ຖ້າ DCP ສົ່ງວິທີແກ້ໄຂບັນຫາໃຫ້ກັບ CA ບໍ່ທັນຕາມກຳນົດການແລ້ວ, ລະບົບ online ຈະແຈ້ງໃຫ້ທາງ CA ໄດ້ຮັບຊາບເພື່ອໃຫ້ຕິດຕາມເລື່ອງນີ້ກັບທາງ DCP.

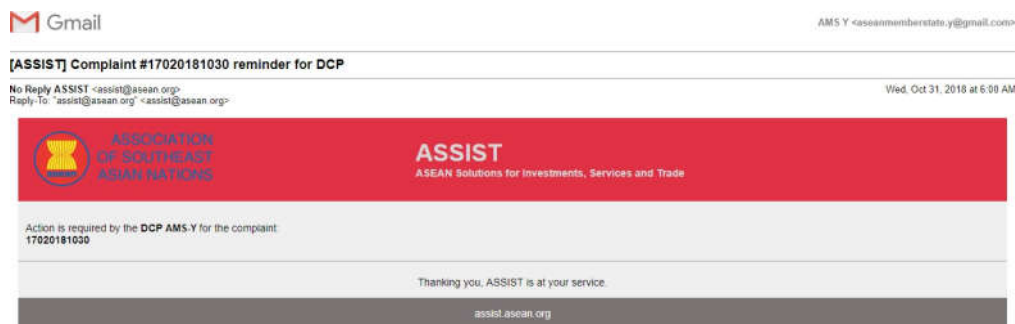
ຈາກນັ້ນທ່ານຈະໄດ້ຮັບແຈ້ງການທາງອີເມລ໌ຄັ້ງທີສອງຈາກ ASSIST ວ່າການແກ້ໄຂບັນຫາໄດ້ຖືກສະເໜີ ໂດຍ DCP / AMS-Y ແລະກໍໄດ້ຮັບການຍອມຮັບຈາກ CA.

ເຖິງຢ່າງໃດກໍຕາມ, ໃນກໍລະນີທີ່ຄ້າຍກັນແບບນີ້ ເຊິ່ງຄຳຮ້ອງທຸກໄດ້ຖືກ " **Rejected-ປະຕິເສດ**" ໂດຍ DCP, ທ່ານອາດຈະບໍ່ໄດ້ຮັບອີເມລຈາກທາງ ASSIST ພາຍໃນກຳນົດເວລາ 10 ວັນລັດຖະການ. ການປະຕິເສດແລະເຫດຜົນສຳລັບການປະຕິເສດໂດຍ DCP ນັ້ນຈະຖືກສົ່ງໄປທີ່ CA ໂດຍຜ່ານທາງ ASSIST ເທົ່ານັ້ນພາຍໃນ 10 ວັນລັດຖະການ. ຫຼັງຈາກນັ້ນ CA ຈະກວດເບິ່ງໃນເລື່ອງຂອງພາສາທີ່ໃຊ້ໃນການຂຽນວ່າຈະແຈ້ງຫລືບໍ່ແລະມີຂໍ້ມູນພຽງພໍຫລືບໍ່ ພາຍໃນ 5 ວັນເຮັດວຽກ ຫລັງຈາກ CA ໄດ້ຮັບອີເມລທີ່ຕອບປະຕິເສດໂດຍ DCP.

ຖ້າຫາກວ່າ CA ຍອມຮັບເຫດຜົນຂອງການປະຕິເສດ, ການຕອບຮັບທີ່ໄດ້ຖືກທົບທວນແລະອະນຸມັດຈາກ CA ນັ້ນແມ່ນໄດ້ຖືກສົ່ງໄປທາງທ່ານໂດຍທາງອີເມລ, ແບບດຽວກັນກັບກໍລະນີຂ້າງເທິງ. ຖ້າຫາກວ່າ CA ບໍ່ພໍໃຈກັບເຫດຜົນທີ່ລະບຸໄວ້ໃນການປະຕິເສດໂດຍ DCP ນັ້ນ, ລະບົບ ASSIST ຈະອະນຸຍາດໃຫ້ CA ທຳການຮ້ອງຂໍໃຫ້ DCP ແກ້ໄຂການປະຕິເສດ. ເຖິງຢ່າງໃດກໍຕາມ, ທາງເລືອກແບບນີ້ທີ່ກຳນົດໂດຍ CA ນັ້ນແມ່ນບໍ່ມີຄ່າຜູກມັດໃດໆກັບ DCP, ແລະຖ້າຫາກບໍ່ມີການຕອບຮັບພາຍໃນ 5 ວັນລັດຖະການ, ລະບົບ online ຈະກະຈາຍການປະຕິເສດຕໍ່ຜູ້ຮ້ອງທຸກໂດຍອັດຕະໂນມັດ.

ຖ້າຫາກວ່າບໍ່ມີການດຳເນີນການໃດໆໂດຍ DCP ໃນລະຍະນີ້ ທາງ DCP ຈະໄດ້ຮັບຄຳເຕືອນແບບອັດຕະໂນມັດດັ່ງທີ່ສະແດງຂ້າງລຸ່ມນີ້ຜ່ານທາງອີເມລຈາກລະບົບ online ຂອງ ASSIST ພາຍໃນ 7 ວັນຕາມເວລາປະຕິທິນ ຫຼັງຈາກການຮ້ອງທຸກໄດ້ຖືກຍື່ນ. ດັ່ງນັ້ນຕາມທີ່ໄດ້ລະບຸໄວ້ຂ້າງເທິງນັ້ນ, ທາງ DCP ຈະຕ້ອງຕັດສິນໃຈພາຍໃນ 10 ວັນລັດຖະການວ່າຈະຮັບຮອງຍອມຮັບເອົາຫລືປະຕິເສດຄຳຮ້ອງທຸກນັ້ນ ນັບຕັ້ງແຕ່ວັນທີ່ທາງ CA ໄດ້ຮັບເລື່ອງຮ້ອງທຸກແລ້ວ

ອີເມລເຕືອນເທື່ອທີ 1 ສຳລັບຈຸດຕິດຕໍ່ປາຍທາງ:



ຖ້າທ່ານບໍ່ໄດ້ຮັບອີເມລຈາກ ASSIST ກ່ຽວກັບການຕອບຮັບໂດຍທາງ DCP ພາຍໃນກຳນົດເວລາທີ່ກຳນົດໄວ້ (10 ວັນລັດຖະການ) ຫຼັງຈາກຄຳຮ້ອງທຸກໄດ້ຮັບການຍອມຮັບຈາກ CA, ນັ້ນກໍ່ໝາຍຄວາມວ່າ DCP ມີການດຳເນີນການທີ່ເກີນຂອບເຂດ ເຊິ່ງທາງ DCP ຈະໄດ້ຮັບຄຳເຕືອນແບບອັດຕະໂນມັດອີກເທື່ອໜຶ່ງຜ່ານທາງອີເມລ (ພາຍໃນ 14 ວັນຕາມເວລາປະຕິທິນຫຼັງຈາກການຮ້ອງທຸກໄດ້ຖືກຍື່ນໄປແລ້ວ).



ອີເມວເຕືອນຄັງທີ 2 ສໍາລັບຈຸດຕິດຕໍ່ປາຍທາງ:

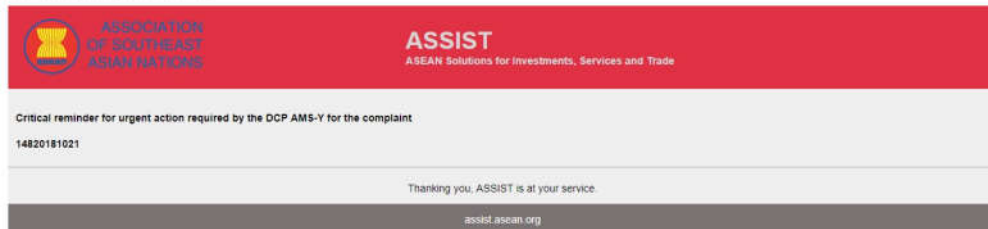


AMS Y <aseanmemberstate.y@gmail.com>

[ASSIST] Critical DCP reminder for the #14820181021 complaint

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

Wed, Oct 24, 2018 at 5:00 AM



(b) ໃຫ້ທ່ານເຂົ້າລະບົບ dashboard ຂອງ ASSIST ຂອງທ່ານໂດຍໃຊ້ອີເມວແລະຫມາຍເລກຕິດຕາມ ຂອງທ່ານຕາມທີ່ລະບຸໄວ້ໃນຂັ້ນຕອນທີ 7 (a) ແລະ (b) ຂ້າງເທິງນັ້ນ. ພາບລວມແບບທີ່ເຫັນໄດ້ເຕັມຕົວແລະຄົບຖ້ວນຂອງ dashboard ຂອງທ່ານນັ້ນສາມາດເບິ່ງໄດ້ຂ້າງລຸ່ມນີ້. ດັ່ງທີ່ທ່ານເຫັນ, ການດໍາເນີນການອື່ນໆລ້ວນແຕ່ໄດ້ຖືກເກັບບັນທຶກເພີ່ມເຂົ້າໄປໃນ 'History - ປະຫວັດ' ຂອງການດໍາເນີນການຕ່າງໆ ຂອງທ່ານທີ່ຊື່ໃຫ້ເຫັນວ່າມີການສະເໜີວິທີແກ້ໄຂຄໍາຮ້ອງທຸກຂອງທ່ານ. ວິທີການແກ້ໄຂບັນຫາ/ການຕອບຮັບຂອງ ASSIST ທີ່ມາຈາກ DCP, ທີ່ທາງ CA ໄດ້ໃຫ້ການຍອມຮັບນັ້ນ ກໍ່ໄດ້ສະແດງໄວ້ໃຫ້ທ່ານເບິ່ງຢູ່ໃນວັກທີ່ຫນຶ່ງໃນ dashboard ຂອງທ່ານ.



Tracking ID #17420181031 / AMS-Y

ASSIST Solution

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

Attachment

History			
Date	Action	Action By	Comments
31/10/2018 18:06:17	Solution	Central Administrator of ASSIST	The complainant's case is the same that AMS-X had brought against AMS-Y under the WTO dispute settlement mechanism. In fact, on 29 September 2008, AMS-X had requested the establishment of a panel to resolve a dispute that challenged exactly the same customs valuation regime of AMS-Y as it applied to ...
31/10/2018 12:02:33	Accepted	Central Administrator of ASSIST	Dear Mr Stephen Bogus,
31/10/2018 11:57:14	Email Confirmed	ASEAN-based Enterprise	Thank you for lodging your complaint under ASSIST. The Central Administrator has reviewed and verified your complaint and finds that it is complete. You have submitted your trade association's registration document which proves that you are an entity registered. ...
31/10/2018 11:55:41	Done	ASEAN-based Enterprise	

ASEAN ENTERPRISE

ASEAN Enterprise Name		ASEAN Tobacco Trade Association	
Company Size		Address	Barbecue Road No. 78 City A Country X
Phone	+12 905903901	City	City A
Website	www.aseantobacco.com	ZIP Code	90210
		Country	AMS-X



CONTACT PERSON

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

COMPLAINT DESCRIPTION

Country of Legal Registration AMS-X	Business Sector	Goods
Registration Number 131313	Type of Problem Encountered	Goods / Decried Customs valuations
Company Registration Proof Annex 1: Simulated Entity Registration of ASEAN Tobacco Trade Association18.pdf	Destination Country	AMS-Y
Type of Business	Retailer	

Description

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

Attachment [Annex 2-Simulated Fiscal Customs Measures Dual License Scheme of AMS-Y21.pdf](#)

Central Administrator of ASSIST / ASEAN Secretariat / JBA A, Sckongmangaraja - Jakarta 12110 - Indonesia
ASSIST - Supported by ADBE: [Outsider]

ຂ້າງລຸ່ມນີ້ແມ່ນຄໍາຕອບຈາກ DCP:

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

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

ເຖິງແມ່ນວ່າ ຍັງບໍ່ທັນມີຂໍ້ຕົກລົງກັນລະຫວ່າງ AMS-X ແລະ AMS-Y ກ່ຽວກັບວ່າຂໍ້ຂັດແຍ່ງຂອງ WTO ວ່າ ໄດ້ຖືກແກ້ໄຂຢ່າງແທ້ຈິງແລ້ວຫຼືບໍ່, ຄໍາຮ້ອງທຸກທີ່ຍື່ນຜ່ານລະບົບຂອງ ASSIST ແມ່ນໜຶ່ງທີ່ AMS-Y ສາມາດທີ່ຈະພິຈາລະນາໄດ້ຢ່າງຖືກຕ້ອງ ແລະທີ່ໄດ້ກ່າວມາໄວ້ແລ້ວວ່າແມ່ນຢູ່ພາຍໃຕ້ຂອບເຂດຂອງ WTO, ລວມທັງໃນຂອບເຂດພັນທະໜ້າທີ່ອາຊຽນທີ່ຜູ້ຮ້ອງທຸກນັ້ນໄດ້ອ້າງອີງເຖິງການຮ້ອງທຸກໃຫ້ກັບການຮ້ອງທຸກກັບ ASSIST. ດັ່ງນັ້ນ, AMS-Y ປະຕິເສດຄໍາຮ້ອງທຸກເຫລົ່ານີ້ທີ່ຢູ່ພາຍໃຕ້ ASSIST.”



(c) ຢູ່ທາງລຸ່ມຂອງອີເມລ໌ທີ່ໄດ້ສົ່ງຈາກ ASSIST ໃນຂັ້ນ 10 (a) ຂ້າງເທິງນັ້ນ, ມີຄວາມຈຳເປັນທີ່ທ່ານຈະຕ້ອງລະບຸວ່າທ່ານພໍໃຈຫຼືບໍ່ກັບຄຳຕອບທີ່ DCP ໄດ້ໃຫ້ທ່ານແລະລວມທັງວິທີແກ້ໄຂທີ່ມີຢູ່ໃນນັ້ນ. ທ່ານສາມາດບອກໄດ້ໂດຍການເລືອກວ່າ 'Yes-ແມ່ນ' ຫຼື 'No-ບໍ່ແມ່ນ' ໃນຊ່ອງປ້ອນຂໍ້ມູນທີ່ໄດ້ມີໄວ້ໃຫ້.

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

☒ Yes / ☐ No

ໃນກໍລະນີນີ້, ທາງ AE ເລືອກເອົາ “yes-ແມ່ນ”

ຂັ້ນຕອນ

11

ໄຫວ້ກອບຄຳຄັດເຫັນຂອງທ່ານຕໍ່ການແກ້ໄຂ / ການຕອບຮັບທີ່ສະເໜີໂດຍ AMS-Y ໃນແບບຟອມການສຳຫຼວດຄວາມເພິ່ງພໍໃຈແລະການຮັບຊາບຈາກ ASSIST ໂດຍທາງອີເມລ

ເມື່ອທ່ານໄດ້ເລືອກຄຳຕອບວ່າ 'Yes/No' ຢູ່ໃນຂັ້ນຕອນທີ 10 (c) ຂ້າງເທິງນັ້ນ, ທ່ານຈະຖືກນຳໄປຫາໜ້າເວັບລຸ່ມນີ້ທີ່ເປັນບ່ອນທີ່ທ່ານຈະຖືກຮ້ອງຂໍໃຫ້ຕອບແບບສຳຫຼວດຄວາມເພິ່ງພໍໃຈແລະຖືກເຊີນໃຫ້ອອກຄຳເຫັນ, ໂດຍສະເພາະຖ້າທ່ານບໍ່ພໍໃຈກັບຂໍ້ສະເໜີຂອງການຕອບຮັບ/ການແກ້ໄຂ.

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

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

Satisfaction survey

Please comment your response for our feedback

Your answer

Comments

Satisfied with the solution

☐ I'm not a robot

Central Administrator of ASSIST / ASEAN Secretariat - TDA 8, Sekeloa Mangrove - Jakarta 12110 - Indonesia
ASSIST - Supported by ARISE - [Disclaimer]

(a) ໃຫ້ທ່ານຕື່ມຂໍ້ມູນໃນແບບຟອມການສຳຫຼວດຄວາມເພິ່ງພໍໃຈ. ໃນກໍລະນີນີ້, ສະມາຄົມການຄ້າອາຊຽນມີຄວາມເພິ່ງພໍໃຈຕໍ່ວິທີການແກ້ໄຂ/ການຕອບຮັບໂດຍ ASSIST ແລະດັ່ງນັ້ນຈຶ່ງຊື້ໃຫ້ເຫັນຕາມຄວາມເໝາະສົມ.



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



ASSOCIATION
OF SOUTHEAST
ASIAN NATIONS

ASSIST

ASEAN Solutions for Investments, Services and Trade

WELCOME TO ASSIST

WHAT IS ASSIST?

MY COMPLAINT

LOGOUT

PROCESS

FAQ

CONTACT

DISCLAIMER

Satisfaction survey

Please comment your response for our feedback

Your answer

Comments

Satisfied with the solution



We are satisfied with the reason of rejection of our complaint by AMS-Y. As mentioned by AMS-Y, there has not been an agreement between AMS-X and AMS-Y on whether the WTO dispute was actually resolved. Thus, we will follow-up with our government regarding this matter, specifically on whether AMS-X had complied with its WTO obligations.

We have decided not to pursue any other course of action regarding our complaint.



I'm not a robot



SUBMIT YOUR FEEDBACK

Central Administrator of ASSIST / ASEAN Secretariat - PDA 3, Cikarangmanggaja - Jakarta 17110 - Indonesia

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

ອີເມລການສະແດງຄວາມຮັບຮູ້ຄັ້ງທໍາອິດຈາກ ASSIST



ASEAN Trade Association <aseantradeassociation@gmail.com>

[ASSIST][#17020181030] Thank you for answer

No Reply ASSIST <assist@asean.org>

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

Wed, Oct 31, 2018 at 8:52 PM



ASSOCIATION
OF SOUTHEAST
ASIAN NATIONS

ASSIST

ASEAN Solutions for Investments, Services and Trade

Dear Mr Stephen Bogus,

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

ASSIST acknowledges receipt of your response to the proposed solution.

assist.asean.org

ອີເມລການສະແດງຄວາມຮັບຮູ້ຄັ້ງທີສອງຈາກ ASSIST

ຖ້າຫາກທ່ານໄດ້ໃຫ້ຄໍາເຫັນກ່ຽວກັບແບບຟອມການສໍາຫຼວດຄວາມເພິ່ງພໍໃຈ, ທ່ານກໍ່ຈະໄດ້ຮັບອີເມລສະບັບທີສອງທີ່ສະແດງໄວ້ຢູ່ທາງລຸ່ມນີ້, ທີ່ເປັນການສະແດງເຖິງວ່າໄດ້ຮັບຮູ້ການໄດ້ຮັບຄໍາຕອບຂອງທ່ານຕໍ່ການແກ້ໄຂບັນຫາທີ່ໄດ້ສະເໜີໄປນັ້ນ ແລະຈະຖືກສົ່ງໃຫ້ທ່ານ, DCP ແລະ HCP ໂດຍ ASSIST.



ASEAN Trade Association <aseantradeassociation@gmail.com>

[ASSIST][#17020181030] Thank you for answer

No Reply ASSIST <assist@asean.org>

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

Wed, Oct 31, 2018 at 9:58 PM



ASSOCIATION
OF SOUTHEAST
ASIAN NATIONS

ASSIST

ASEAN Solutions for Investments, Services and Trade

Dear Mr Stephen Bogus,

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

We are satisfied with the reason of rejection of our complaint by AMS-Y. As mentioned by AMS-Y, there has not been an agreement between AMS-X and AMS-Y on whether the WTO dispute was actually resolved. Thus, we will follow-up with our government regarding this matter, specifically on whether AMS-X had complied with its WTO obligations. We have decided not to pursue any other course of action regarding our complaint.

ASSIST acknowledges receipt of your response to the proposed solution.

assist.asean.org



(c) ໃຫ້ທ່ານເຂົ້າສູ່ລະບົບ dashboard ຂອງ ASSIST ຂອງທ່ານໂດຍໃຊ້ອີເມລແລະຫມາຍເລກຕິດຕາມຂອງທ່ານຕາມທີ່ລະບຸໄວ້ໃນຂັ້ນຕອນທີ 7 (a) ແລະ (b) ຂ້າງເທິງ. ພາບລວມແບບທີ່ເຫັນໄດ້ເຕັມຕົວແລະຄົບຖ້ວນ ຂອງ dashboard ໃນຂັ້ນຕອນສຸດທ້າຍ ຂອງທ່ານນັ້ນສາມາດເບິ່ງໄດ້ຂ້າງລຸ່ມນີ້. ຕາມທີ່ທ່ານເຫັນ, ຂັ້ນຕອນການດຳເນີນການອື່ນໆໄດ້ຖືກເພີ່ມເຂົ້າໃນ 'ປະຫວັດ' ຂອງການດຳເນີນການຕ່າງໆ ຂອງທ່ານທີ່ທ່ານໄດ້ສະແດງຄວາມພໍໃຈຕໍ່ວິທີການແກ້ໄຂບັນຫາທີ່ສະເໜີໂດຍ ASSIST.



Tracking ID #17420181031 / AMS-Y

ASSIST Solution

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

Attachment

History			
Date	Action	Action By	Comments
31/10/2016 18:06:17	Solution	Central Administrator of ASSIST	The complainant's case is the same that AMS-X had brought against AMS-Y under the WTO dispute settlement mechanism. In fact, on 29 September 2008, AMS-X had requested the establishment of a panel to resolve a dispute that challenged exactly the same customs valuation regime of AMS-Y as it applied to...
31/10/2016 12:02:33	Accepted	Central Administrator of ASSIST	Dear Mr Stephen Bogus, Thank you for lodging your complaint under ASSIST. The Central Administrator has reviewed and verified your complaint and finds that it is complete. You have submitted your trade association's registration document which proves that you are an entity registered...
31/10/2016 11:57:14	Email Confirmed	ASEAN-based Enterprise	Email Confirmed
31/10/2016 11:55:41	Done	ASEAN-based Enterprise	

ASEAN ENTERPRISE

ASEAN Enterprise Name		ASEAN Tobacco Trade Association	
Company Size		Address	Barbecue Road No. 78 City A Country X
Phone	+12 905903901	City	City A
Website	www.assantobacco.com	ZIP Code	90210
		Country	AMS-X

CONTACT PERSON

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

COMPLAINT DESCRIPTION

Country of Legal Registration	AMS-X	Business Sector	Goods
Registration Number	131313	Type of Problem Encountered	Goods / Deceit Customs valuations
Company Registration Proof	Annex 1: Simulated Entity Registration of ASEAN Tobacco Trade Association18.pdf		Destination Country
Type of Business	Retailer		AMS-Y

Description

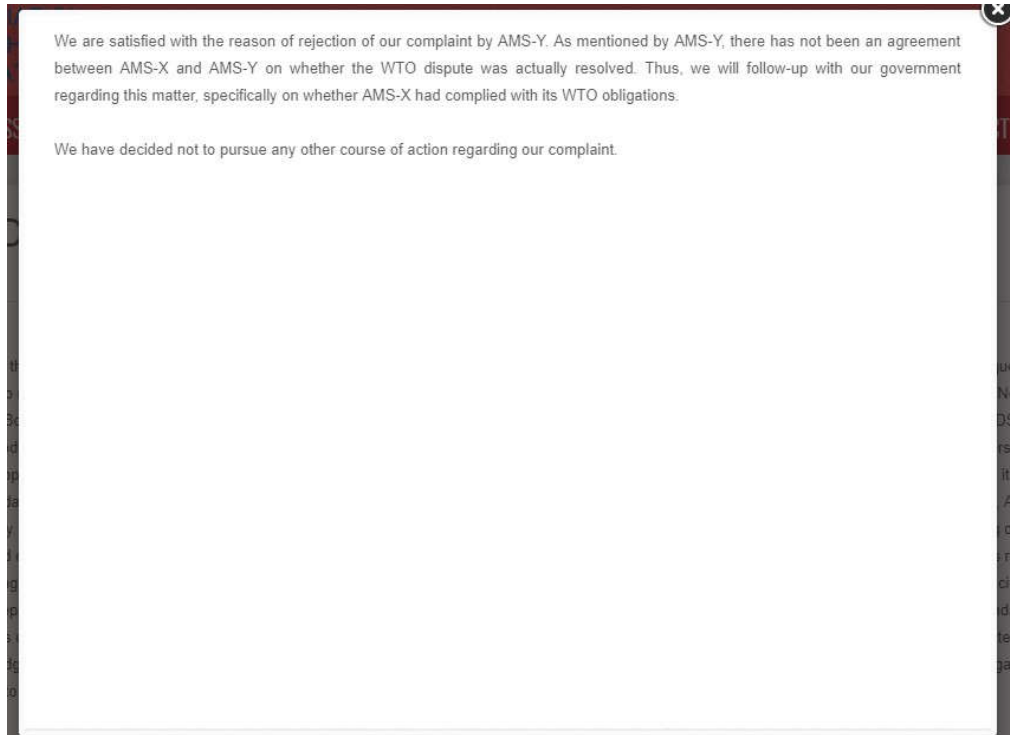
We are a tobacco trade association which represent a registered tobacco company in AMS-X. We would like to file an ASSIST complaint against AMS-Y concerning a number of AMS-Y's fiscal and customs measures affecting cigarettes exported from AMS-X to AMS-Y. Such measures include AMS-Y's customs valuation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

Attachment

[Annex 2-Simulated Fiscal Customs Measures Dual License Scheme of AMS-Y21.pdf](#)



(d) ຖ້າຫາກທ່ານຕ້ອງການເຫັນຄຳເຫັນທີ່ທ່ານໄດ້ໃຫ້ໄວ້ໃນແບບຟອມການສຳຫຼວດຄວາມເພິ່ງພໍໃຈນັ້ນ, ກໍ່ໃຫ້ທ່ານຄລິກທີ່ໂອຄອນທີ່ເປັນຮູບແກ້ວຂະຫຍາຍແລະໜ້າຈໍທາງລຸ່ມນີ້ກໍ່ຈະປາກົດຂຶ້ນໃຫ້ທ່ານໄດ້ເຫັນ.



ໃນກໍລະນີທີ່ບໍ່ມີການແກ້ໄຂບັນຫາຜ່ານທາງ ASSIST ຫຼືຖ້າຫາກ DCP ໄດ້ພົບເຫັນວ່າມີພື້ນຖານພຽງພໍທີ່ RAs ຂອງຕົນນັ້ນໄດ້ປະຕິບັດໄປຕາມຄຳພັນສັນຍາຂອງອາຊຽນທີ່ກ່ຽວຂ້ອງແລະພົບວ່າການຮ້ອງທຸກຍັງຂາດຄຸນລັກສະນະທີ່ຄວນມີ, ການຄົ້ນພົບແລະລວມທັງພື້ນຖານສຳລັບການຄົ້ນພົບດັ່ງກ່າວນີ້ແມ່ນໄດ້ຖືກສົ່ງໄປໃຫ້ທາງ CA ໂດຍທັນທີເຊິ່ງຈະໄດ້ທຳການແຈ້ງໃຫ້ຜູ້ຮ້ອງທຸກໄດ້ຮັບຊາບຕາມຄວາມເໝາະສົມ. ຖ້າຫາກຜູ້ຮ້ອງທຸກມີຄວາມຕ້ອງການອ້າງອີງເລື່ອງຮ້ອງທຸກໂດຍຜ່ານຈຸດຕິດຕໍ່ທີ່ປະເທດຕົ້ນທາງຂອງຜູ້ຮ້ອງທຸກແລະອົງກອນການລົງທະບຽນສະມາຊິກອາຊຽນ, ສິ່ງເລື່ອງໄປຫາອົງກອນລະດັບເຈົ້າໜ້າທີ່ອາວຸໂສອາຊຽນ (ACB), ກົນໄກການແກ້ໄຂຂັ້ນຕ່ຳແຍ່ງດ້ານເສດຖະກິດອາຊຽນ (EDSM), ເພື່ອດຳເນີນຄະດີໃນລະດັບຊາດຫຼືຫາກົນໄກອື່ນໆເພື່ອແກ້ໄຂຂໍ້ຂັດແຍ່ງ (ເຊັ່ນວ່າການໄກ່ແກ່ຍ, ການຄຶນດີຕໍ່ກັນຫຼືການລະງັບຂໍ້ຂັດແຍ່ງ) ພາຍໃນຂອບເຂດອຳນາດລະດັບຊາດຂອງອາຊຽນ.

ASSIST ຈະພິຈາລະນາຂັ້ນຕອນນີ້ໂດຍຖືວ່າເປັນໜຶ່ງໃນຄຳຮ້ອງທຸກທີ່ໄດ້ຖືກປະຕິເສດແລະບໍ່ໄດ້ຮັບການແກ້ໄຂ.

ກະລຸນາໃຫ້ຮັບຊາບວ່າໄລຍະເວລາ ສຳລັບການແກ້ໄຂບັນຫາຂ້າມແດນທີ່ນຳມາດຳເນີນການພາຍໃຕ້ ASSIST ຈະຕ້ອງບໍ່ກາຍ 40 ວັນລັດຖະການຫຼື 2 ເດືອນຕາມເວລາປະຕິທິນ (ເວັ້ນເສຍແຕ່ຈະມີການຕໍ່ເວລາກຳນົດການສູງສຸດ 20 ວັນລັດຖະການ) ນັບແຕ່ວັນທີ່ຄຳຮ້ອງທຸກໄດ້ຢືນໄປແລ້ວ.