

ASSIST

STEP-BY-STEP TUTORIAL FOR CASE STUDY 3

(TRADE IN GOODS)

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

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

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

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

List of Actors and Abbreviations:

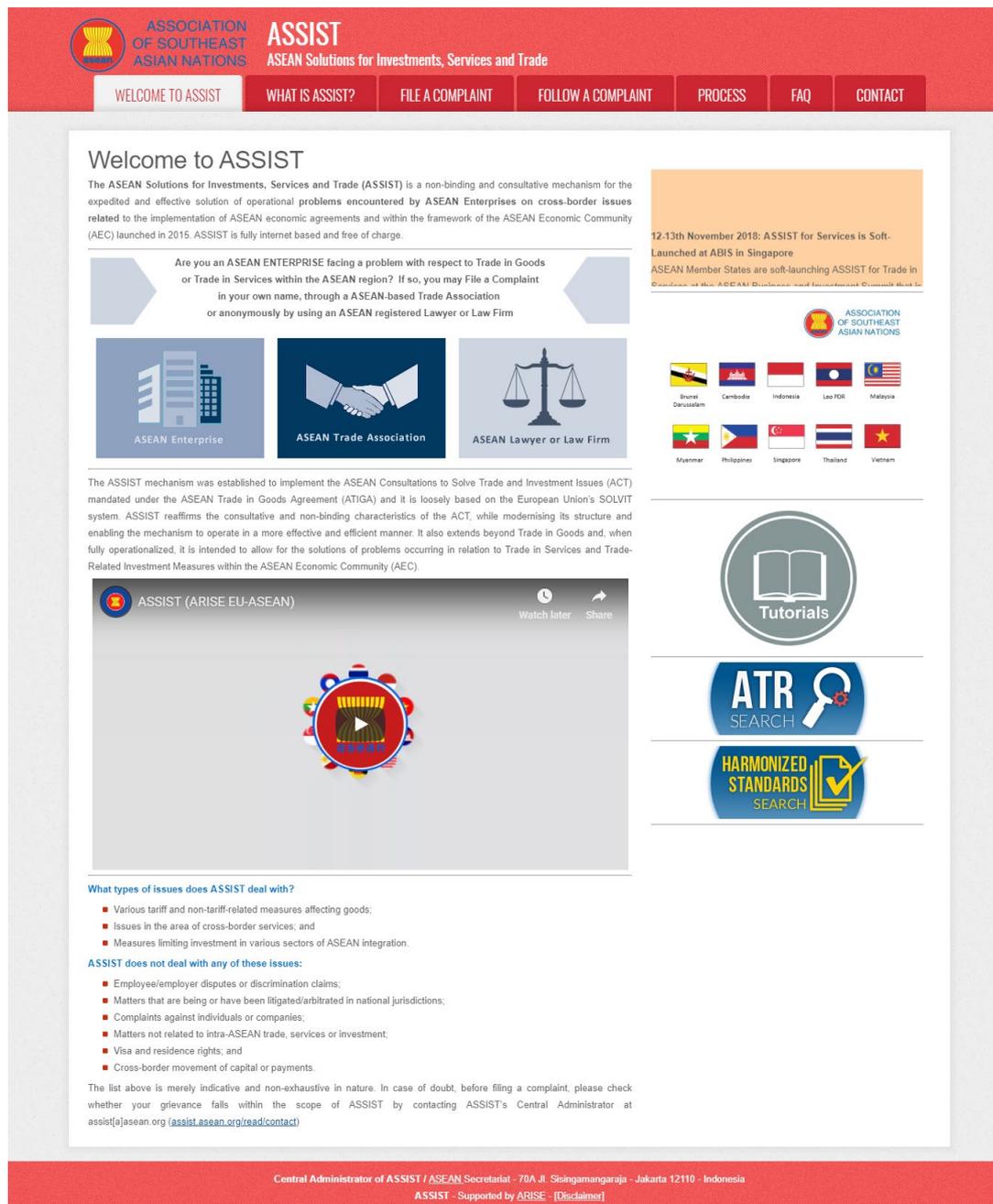
- Complainant = ASEAN Lawyer or Law Firm
- ASEAN Secretariat = Central Administrator of ASSIST (CA)
- Home Country = Home Contact Point (HCP) in ASEAN Member State-X (AMS-X)
- Destination Country = Destination Contact Point (DCP) in ASEAN Member State-Y (AMS-Y)
- Relevant National Authorities = Relevant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

**STEP
1**

GO TO THE ASSIST WEBSITE (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 website homepage. At the top, there is a navigation bar with the ASEAN logo and the text 'ASSOCIATION OF SOUTHEAST ASIAN NATIONS ASSIST ASEAN Solutions for Investments, Services and Trade'. Below this is a secondary navigation bar with buttons for 'WELCOME TO ASSIST', 'WHAT IS ASSIST?', 'FILE A COMPLAINT', 'FOLLOW A COMPLAINT', 'PROCESS', 'FAQ', and 'CONTACT'.

The main content area features a 'Welcome to ASSIST' section with a brief description of the service. Below this is a central call-to-action box asking if the user is an ASEAN Enterprise facing a problem with respect to Trade in Goods or Trade in Services within the ASEAN region. It provides options to file a complaint in one's own name, through a Trade Association, or anonymously via a registered lawyer or law firm. Three icons represent 'ASEAN Enterprise', 'ASEAN Trade Association', and 'ASEAN Lawyer or Law Firm'.

To the right, there is a news item dated 12-13th November 2018, announcing the soft-launch of ASSIST for Services in Singapore. Below this is a grid of ASEAN member state flags: Brunei Darussalam, Cambodia, Indonesia, Lao PDR, Malaysia, Myanmar, Philippines, Singapore, Thailand, and Vietnam.

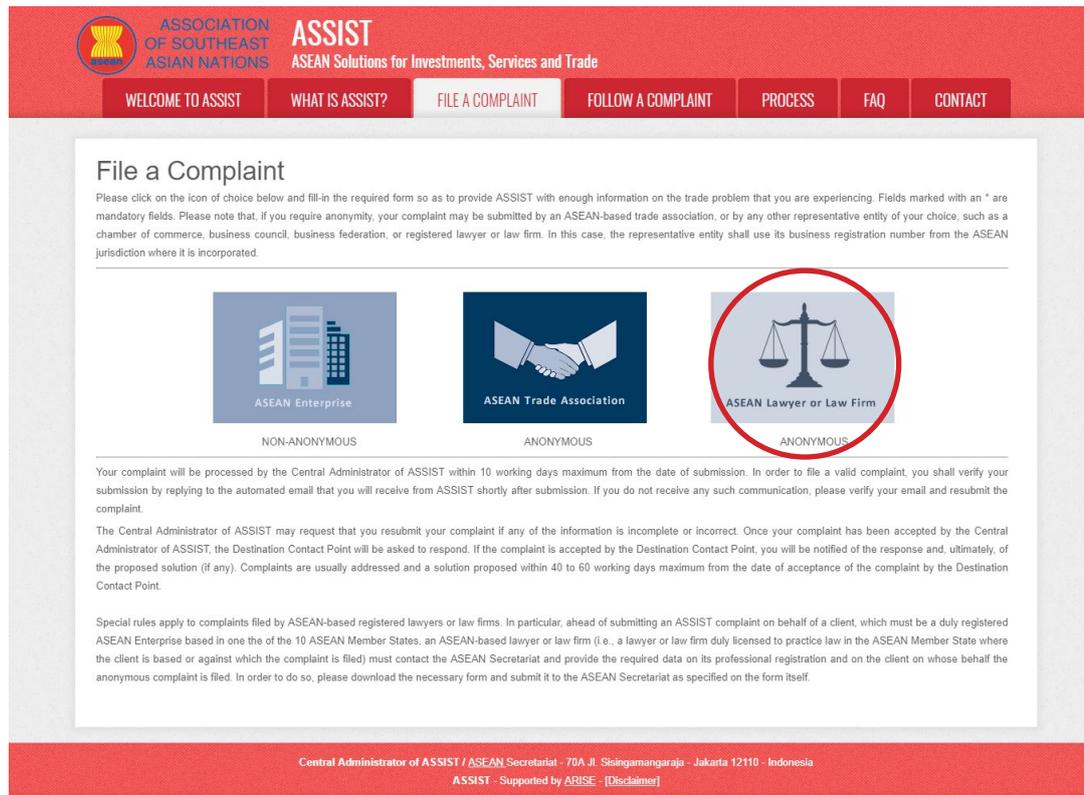
Further down, there are three circular icons for 'Tutorials', 'ATR SEARCH', and 'HARMONIZED STANDARDS SEARCH'. Below these is a video player for 'ASSIST (ARISE EU-ASEAN)' with 'Watch later' and 'Share' options.

The bottom section, titled 'What types of issues does ASSIST deal with?', lists several categories of issues and also specifies what ASSIST does not deal with. At the very bottom, there is contact information for the Central Administrator of ASSIST and a disclaimer.

STEP 2

SELECT THE 'FILE A COMPLAINT' TAB (ASEAN LAWYER OR LAW FIRM)

- (a) If you are an ASEAN registered lawyer or law firm filing a complaint on behalf of your client (i.e. the ASEAN Enterprise having the trade problem) and duly licensed to practice law in the ASEAN Member State where your client is based or against which the complaint is filed, click on the 'ASEAN Lawyer or Law Firm' 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.





NON-ANONYMOUS ANONYMOUS ANONYMOUS

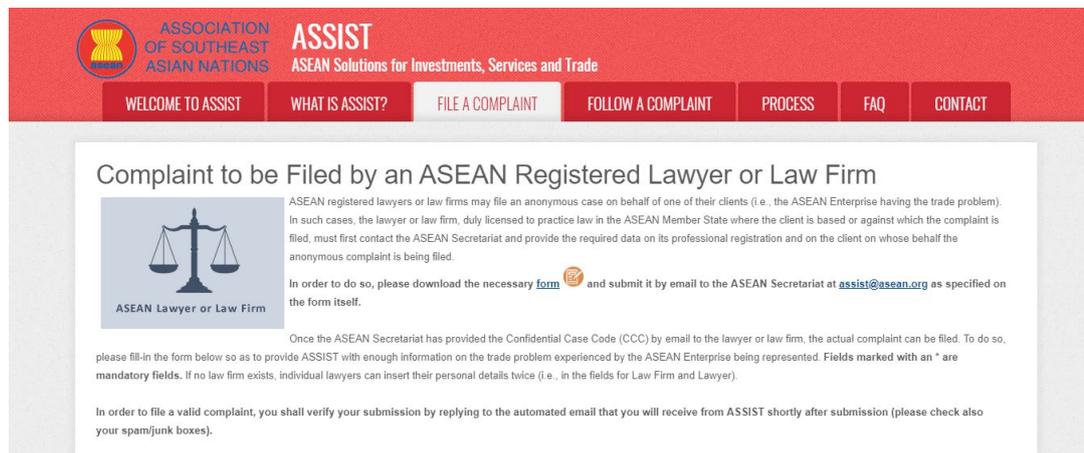
Your complaint will be processed by the Central Administrator of ASSIST within 10 working days maximum from the date of submission. In order to file a valid complaint, you shall verify your submission by replying to the automated email that you will receive from ASSIST shortly after submission. If you 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]

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



Complaint to be Filed by an ASEAN Registered Lawyer or Law Firm

ASEAN registered lawyers or law firms may file an anonymous case on behalf of one of their clients (i.e., the ASEAN Enterprise having the trade problem). In such cases, the 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 first contact the ASEAN Secretariat and provide the required data on its professional registration and on the client on whose behalf the anonymous complaint is being filed.

In order to do so, please download the necessary [form](#) and submit it by email to the ASEAN Secretariat at assist@asean.org as specified on the form itself.

Once the ASEAN Secretariat has provided the Confidential Case Code (CCC) by email to the lawyer or law firm, the actual complaint can be filed. To do so, 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. Fields marked with an * are mandatory fields. If no law firm exists, individual lawyers can insert their personal details twice (i.e., in the fields for Law Firm and Lawyer).

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).

LAW FIRM

* Law Firm Name

* Phone

Website

* Address

300 characters remaining (300 maximum)

* City ZIP Code

* Country

* ASEAN Jurisdiction(s) where Local Office(s) is(are) Established

LAWYER

* Gender Mr Mrs Ms

* First Name * Last Name

* Phone

* Position

* Email

Address

300 characters remaining (300 maximum)

City ZIP Code

ASEAN Jurisdiction(s) where Admitted to Practice Law

COMPLAINT DESCRIPTION

* Confidential Case Code

* Country of Legal Registration

* Legal Registration Number

* Registration Proof No file chosen

* Type of Business

* Business Sector

- Services Sector Description

* Type of Problem Encountered

* Destination Country

* Description

5000 characters remaining (5000 maximum)

Attachment No file chosen

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

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

I'm not a robot 

SUBMIT YOUR COMPLAINT

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

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

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

**STEP
3****DOWNLOAD THE "ANONYMOUS" COMPLAINT FORM FROM THE 'COMPLAINT TO BE FILED BY AN ASEAN REGISTERED LAWYER OR LAW FIRM' PAGE****Form to be used by ASEAN-based Lawyers or Law Firms
to file an 'anonymous' complaint on behalf of an ASEAN Enterprise**

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. assist@asean.org

LAWYER

- Gender:
- First Name:
- Last Name:
- Title/Position:
- Address:
- Zip code: City:
- Phone: E-mail:
- ASEAN Jurisdiction(s) where Admitted to Practice Law (country):

LAW FIRM

- Name:
- Address:
- Zip code: City:
- Phone: E-mail:
- Website:
- ASEAN Jurisdiction(s) where Local Office(s) is(are) Established (country):

PROFESSIONAL LICENCE

Please attach the Professional Licence (e.g., issued by the Government, Lawyers' Bar, Law Society, declaration by Attorney General's Chamber, etc.) for the individual lawyer showing the ability to practice law in the relevant ASEAN jurisdiction(s). Should there be no such Professional Licence, a sworn declaration should be submitted by the Lawyer or Law Firm indicating that the individual Lawyer is admitted to practice law in the relevant ASEAN jurisdiction(s). The document can be attached in PDF format in the original language. If the original language is other than English, an unofficial translation into English should also be attached and submitted to the ASEAN Secretariat.

DETAILS OF ASEAN ENTERPRISE

- ASEAN Enterprise Name:
- Company Size:
- Address:
- Zip code: City:
- Phone: E-mail:
- Website:
- Country of Legal Registration:
- Registration Number:
- Company Registration Proof: *To be attached to the email*

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

**STEP
4****FILL-IN THE "ANONYMOUS" COMPLAINT FORM**

Fill in the downloaded form. Below is an example of a completed form for this specific case study.

**Form to be used by ASEAN-based Lawyers or Law Firms
to file an 'anonymous' complaint on behalf of an ASEAN Enterprise**

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. assist@asean.org

LAWYER

- Gender: Female
- First Name: Sierra
- Last Name: Riviera
- Title/Position: Senior Associate
- Address: Danube Street No. 13
- Zip code: 12310 City: P
- Phone: +36 7878137686 E-mail: aseanlawyer0@gmail.com
- ASEAN Jurisdiction(s) where Admitted to Practice Law (country): Country X

LAW FIRM

- Name: ARISE & Partners
- Address: Danube Street No. 13
- Zip code: 12310 City: P
- Phone: +36 1 7653572 E-mail: aseanlawyer0@gmail.com
- Website: www.arise&partners.com
- ASEAN Jurisdiction(s) where Local Office(s) is(are) Established (country): Country X

PROFESSIONAL LICENCE

Please attach the Professional Licence (e.g., issued by the Government, Lawyers' Bar, Law Society, declaration by Attorney General's Chamber, etc.) for the individual lawyer showing the ability to practice law in the relevant ASEAN jurisdiction(s). Should there be no such Professional Licence, a sworn declaration should be submitted by the Lawyer or Law Firm indicating that the individual Lawyer is admitted to practice law in the relevant ASEAN jurisdiction(s). The document can be attached in PDF format in the original language. If the original language is other than English, an unofficial translation into English should also be attached and submitted to the ASEAN Secretariat.

Professional Licence is attached as Annex 0.

DETAILS OF ASEAN ENTERPRISE

- ASEAN Enterprise Name: Natural Palm Oil Inc.
- Company Size: 150
- Address: Sweet Lane No. 22, Chocolate Boulevard
- Zip code: 13150 City: P
- Phone: +36 1 726 5977 E-mail: aseanenterprise0@gmail.com
- Website: www.naturalpalmoil.com
- Country of Legal Registration: Country X
- Registration Number: 123456789
- Company Registration Proof: *Attached as Annex 1*

**STEP
5**

SEND THE COMPLETED FORM TO THE ASSIST CENTRAL ADMINISTRATOR/ASEAN SECRETARIAT BY EMAIL

As specified in the form, send the completed form to the ASEAN Secretariat/ASSIST Central Administrator at assist@asean.org, along with the other required documents as indicated in Step 3 above. Below is an example of an email sent from the ASEAN Lawyer to the ASEAN Secretariat for this specific case study.

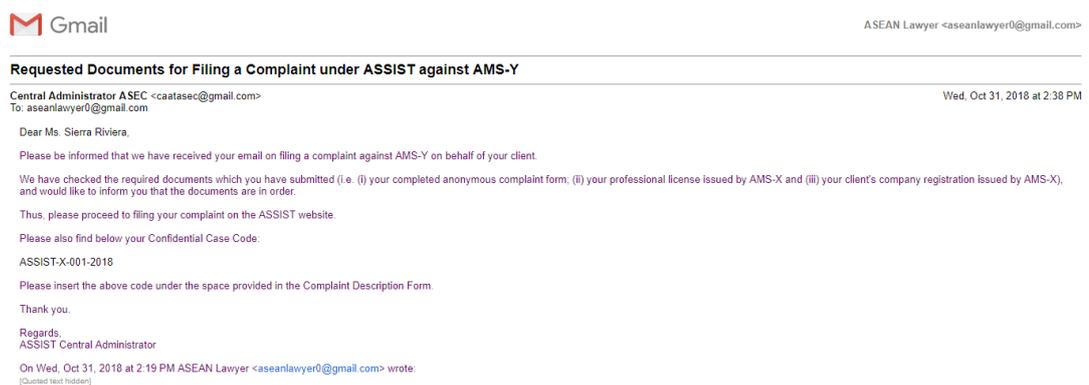


**STEP
6**

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

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

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



(b) Once the ASEAN Secretariat has provided you with the Confidential Case Code (CCC) and informed you that you may proceed in filing the actual complaint, go to the ASSIST webpage again and select the 'File a Complaint' Tab (ASEAN Lawyer or Law Firm). The blank complaint form in Step 2 (b) will appear again. In this case, your CCC is **ASSIST-X-001-2018**.

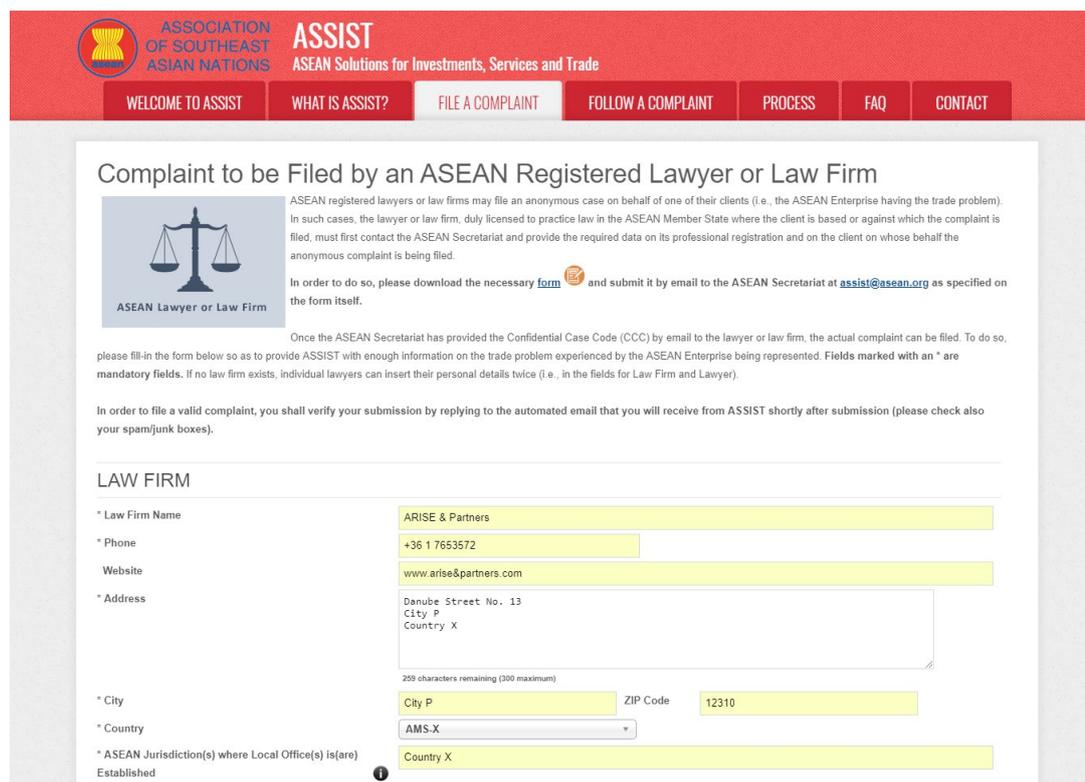
**STEP
7**

FILL-IN THE 'COMPLAINT TO BE FILED BY AN ASEAN REGISTERED LAWYER OR LAW FIRM' FORM

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

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

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



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 Registered Lawyer or Law Firm

ASEAN registered lawyers or law firms may file an anonymous case on behalf of one of their clients (i.e., the ASEAN Enterprise having the trade problem). In such cases, the 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 first contact the ASEAN Secretariat and provide the required data on its professional registration and on the client on whose behalf the anonymous complaint is being filed.

In order to do so, please download the necessary [form](#) and submit it by email to the ASEAN Secretariat at assis@asean.org as specified on the form itself.

Once the ASEAN Secretariat has provided the Confidential Case Code (CCC) by email to the lawyer or law firm, the actual complaint can be filed. To do so, 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. **Fields marked with an * are mandatory fields.** If no law firm exists, individual lawyers can insert their personal details twice (i.e., in the fields for Law Firm and Lawyer).

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).

LAW FIRM

* Law Firm Name:

* Phone:

Website:

* Address:

259 characters remaining (300 maximum)

* City: ZIP Code:

* Country:

* ASEAN Jurisdiction(s) where Local Office(s) is(are) Established:

LAWYER

* Gender Mr Mrs Ms

* First Name * Last Name

* Phone

* Position

* Email

Address
City P
Country X

289 characters remaining (300 maximum)

City ZIP Code

ASEAN Jurisdiction(s) where Admitted to Practice Law

COMPLAINT DESCRIPTION

* Confidential Case Code

* Country of Legal Registration

* Legal Registration Number

Registration Proof

* Type of Business

* Business Sector

- Services Sector Description

* Type of Problem Encountered

* Destination Country

* Description

3656 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



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

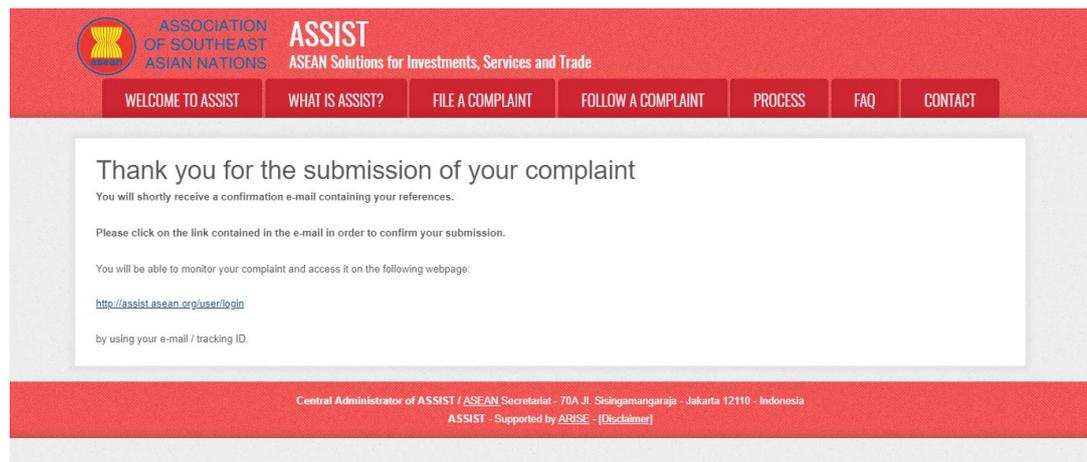
As an example of a clear and concise description of the complaint, below is the description for this specific case study:

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

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

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

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

STEP 8**RECEIVE A NOTIFICATION FROM ASSIST**

The screenshot shows the ASSIST website header with the logo and navigation menu. The main content area contains a white box with the following text:

Thank you for the submission of your complaint
You will shortly receive a confirmation e-mail containing your references.
Please click on the link contained in the e-mail in order to confirm your submission.
You will be able to monitor your complaint and access it on the following webpage:
<http://assist.asean.org/user/login>
by using your e-mail / tracking ID.

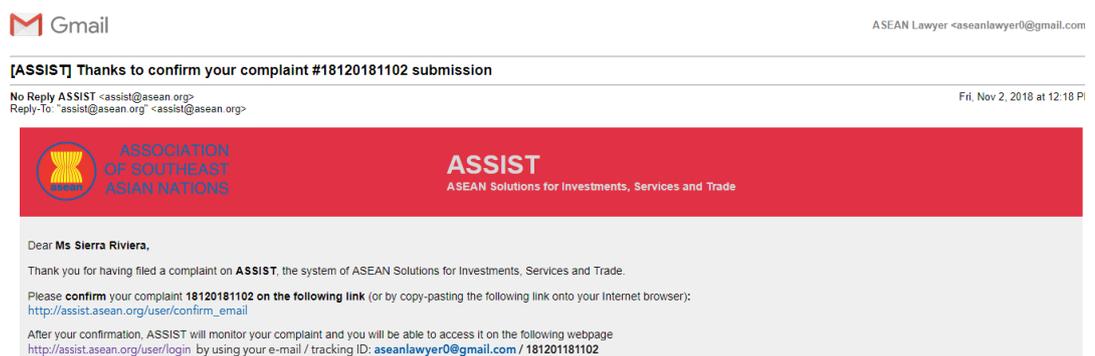
At the bottom of the page, it says: Central Administrator of ASSIST / ASEAN Secretariat - 70A Jl. Sisingamangaraja - Jakarta 12110 - Indonesia
ASSIST - Supported by ARISE - [Disclaimer]

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

STEP 9**CONFIRM YOUR COMPLAINT FROM YOUR EMAIL ACCOUNT**

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

Below is the email which you will receive from ASSIST.



The screenshot shows an email from ASSIST. The header includes the Gmail logo and the sender's name: ASEAN Lawyer <aseanlawyer0@gmail.com>. The subject line is: **[ASSIST] Thanks to confirm your complaint #18120181102 submission**. The email body contains the following text:

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

Dear Ms Sierra Riviera,

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

Please **confirm** your complaint **18120181102** on the following 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: aseanlawyer0@gmail.com / **18120181102**

WELCOME TO ASSIST

WHAT IS ASSIST?

FILE A COMPLAINT

FOLLOW A COMPLAINT

PROCESS

FAQ

CONTACT

Dear your complainant, ASSIST will monitor your complaint and you will be able to track it on the following webpage:
<http://assist.arsenadevelopment.space/user/login> by using your e-mail / tracking ID: aseanlawyer0@gmail.com / 18120181102

ASEAN Enterprise / Trade Association / Law Firm : ARISE & Partners (type Law)
Company size
Phone : +36 1 7653572
Website : www.arise&partners.com
Address : Danube Street No. 13 City P Country X
City : City P / Zip Code : 12310
Country : **AMS-X**
ASEAN Jurisdiction(s) where Local Office(s) is(are) Established : Country X

Contact person : Ms Sierra Riviera
Phone : +36 7876137865
Position : Senior Associate
Email : aseanlawyer0@gmail.com
Address : Danube Street No. 13 City P Country X
City : City P / Zip Code : 12310
Country : AMS-X

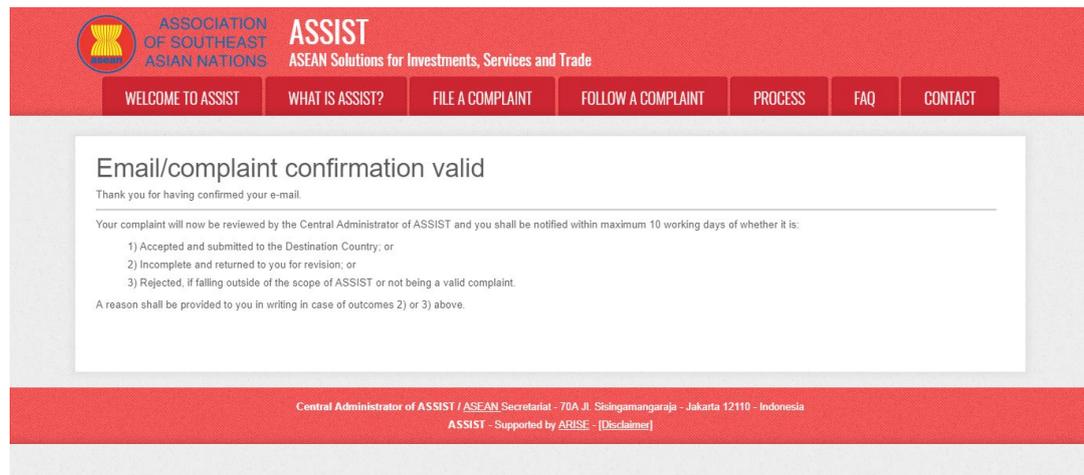
Confidential case code (for law firm or lawyer only): ASSIST-X-001-2018
Country of Legal Registration : AMS-X
Legal Registration Number : 137911
Type of Business : Export/Import
Business Sector : Goods /
Type of problem encountered : Internal taxes and charges levied on imports
Destination Country : AMS-Y

Description:
We are a registered law firm in AMS-X filing a complaint under ASSIST on behalf of our client, a duly registered palm oil company in AMS-X. The complaint is in relation to the new excise duty imposed by AMS-Y (the Destination Contact Point or DCP) on palm oil and food products containing palm oil under its Ministry of Health's Food Regulation Chapter 1000, Section 100 of 2015. The measure adopted by AMS-Y introduced taxes on foods high in sugar and saturated fat as part of a strategy for addressing the rising problem of obesity in AMS-Y. We are of the view that AMS-Y's measure expressly targeted palm oil and not just the saturated fat component of palm oil and of products containing palm oil, thereby discriminating against palm oil and demonizing the product as a whole instead of just discouraging excessive consumption of products containing saturated fats, independently of the vegetable or animal origin of the fats. Thus, we find the measure adopted and applied by AMS-Y is contrary to Article 6 of the ATIGA (on National Treatment on Internal Taxation and Regulation), in as much as it discriminates against palm oil as a whole and is not applied to other "like" products manufactured or sold in AMS-Y (i.e., food products containing saturated fats deriving from soy, sunflower, rapeseed, corn, peanut or animal fat).

Thanking you, ASSIST is at your service.

assist.asean.org

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



The screenshot shows the ASSIST website header with the logo and navigation menu. The main content area displays the following text:

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 of the scope of ASSIST or not being a valid complaint.

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

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

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
10**

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.

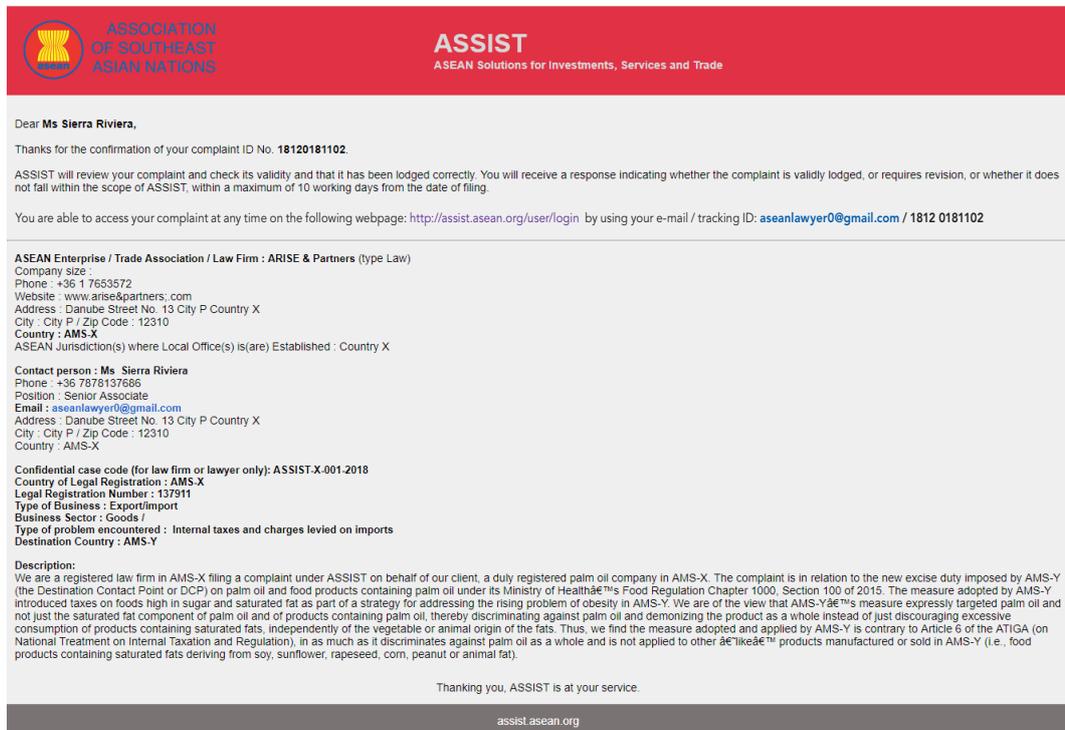


ASEAN Lawyer <aseanlawyer0@gmail.com>

[ASSIST] Thanks for your email confirmation for the complaint #18120181102

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

Fri, Nov 2, 2018 at 12:19 PM



ASSIST
ASEAN Solutions for Investments, Services and Trade

Dear **Ms Sierra Riviera**,

Thanks for the confirmation of your complaint ID No. **18120181102**.

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: aseanlawyer0@gmail.com / **1812 0181102**

ASEAN Enterprise / Trade Association / Law Firm : ARISE & Partners (type Law)
Company size
Phone : +36 1 7653572
Website : www.arise4partners.com
Address : Danube Street No. 13 City P Country X
City : City P / Zip Code : 12310
Country : **AMS-X**
ASEAN Jurisdiction(s) where Local Office(s) Is(are) Established : Country X

Contact person : Ms Sierra Riviera
Phone : +36 7876137686
Position : Senior Associate
Email : aseanlawyer0@gmail.com
Address : Danube Street No. 13 City P Country X
City : City P / Zip Code : 12310
Country : **AMS-X**

Confidential case code (for law firm or lawyer only): ASSIST-X.001-2018
Country of Legal Registration : **AMS-X**
Legal Registration Number : 137911
Type of Business : Export/Import
Business Sector : Goods /
Type of problem encountered : Internal taxes and charges levied on imports
Destination Country : **AMS-Y**

Description:
We are a registered law firm in AMS-X filing a complaint under ASSIST on behalf of our client, a duly registered palm oil company in AMS-X. The complaint is in relation to the new excise duty imposed by AMS-Y (the Destination Contact Point or DCP) on palm oil and food products containing palm oil under its Ministry of Health's Food Regulation Chapter 1000, Section 100 of 2015. The measure adopted by AMS-Y introduced taxes on foods high in sugar and saturated fat as part of a strategy for addressing the rising problem of obesity in AMS-Y. We are of the view that AMS-Y's measure expressly targeted palm oil and not just the saturated fat component of palm oil and of products containing palm oil, thereby discriminating against palm oil and demonizing the product as a whole instead of just discouraging excessive consumption of products containing saturated fats, independently of the vegetable or animal origin of the fats. Thus, we find the measure adopted and applied by AMS-Y is contrary to Article 6 of the ATIGA (on National Treatment on Internal Taxation and Regulation), in as much as it discriminates against palm oil as a whole and is not applied to other "like" products manufactured or sold in AMS-Y (i.e., food products containing saturated fats deriving from soy, sunflower, rapeseed, corn, peanut or animal fat).

Thanking you, ASSIST is at your service.

assist.asean.org

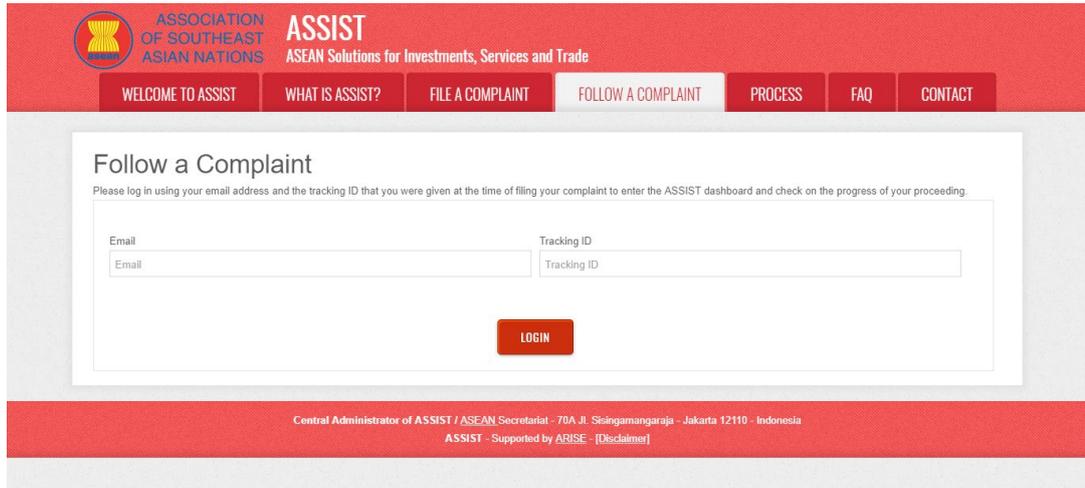
 Annex_0-Simulated_Professional_License_of_Ms_Sierra_Riviera4.pdf
49K

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.

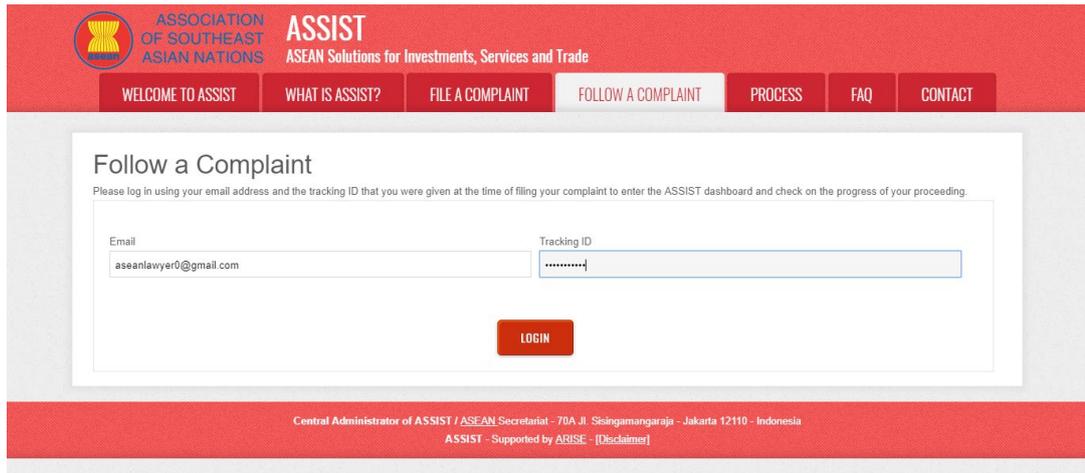
**STEP
11**

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.

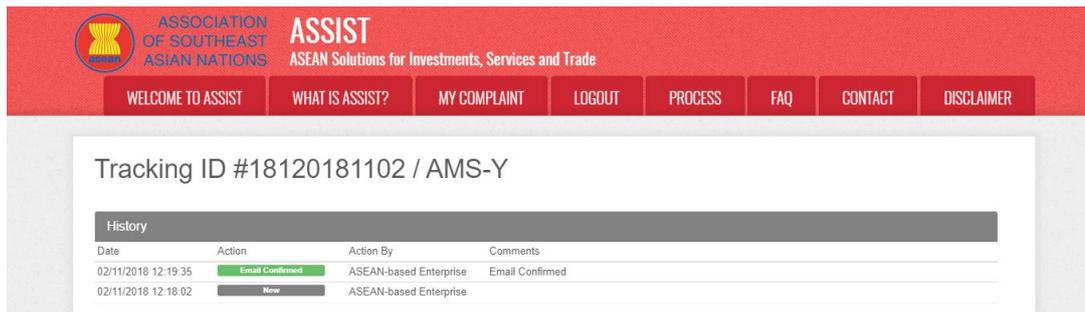


(b) Enter your email address and tracking ID (your complaint number) in the required fields to login. In this case, the **Email Address** is aseanlawyer0@gmail.com and the **Tracking ID** is **18120181102**.



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:



[WITHDRAW COMPLAINT](#)

ASEAN ENTERPRISE

ASEAN Enterprise Name		ARISE & Partners	
Company Size		Address	Danube Street No. 13 City P Country X
Phone	+36 1 7653572	City	City P
Website	www.arise&partners.com	ZIP Code	12310
		Country	AMS-X

CONTACT PERSON

First Name	Sierra	Address	Danube Street No. 13 City P Country X
Last Name	Riviera	City	City P
Phone	+36 7878137686	ZIP Code	12310
Position	Senior Associate	Country	AMS-X
Email	aseanlawyer0@gmail.com (Confirmed)		

COMPLAINT DESCRIPTION

Country of Legal Registration	AMS-X	Business Sector	Goods
Registration Number	137911	Type of Problem Encountered	Goods / Internal taxes and charges levied on imports
Company Registration Proof	Annex 0- Simulated Professional License of Ms Sierra Riviera.pdf	Destination Country	AMS-Y
Type of Business	Export/Import		
Description	We are a registered law firm in AMS-X filing a complaint under ASSIST on behalf of our client, a duly registered palm oil company in AMS-X. The complaint is in relation to the new excise duty imposed by AMS-Y (the Destination Contact Point or DCP) on palm oil and food products containing palm oil under its Ministry of Health's Food Regulation Chapter 1000, Section 100 of 2015. The measure adopted by AMS-Y introduced taxes on foods high in sugar and saturated fat as part of a strategy for addressing the rising problem of obesity in AMS-Y. We are of the view that AMS-Y's measure expressly targeted palm oil and not just the saturated fat component of palm oil and of products containing palm oil, thereby discriminating against palm oil and demonizing the product as a whole instead of just discouraging excessive consumption of products containing saturated fats, independently of the vegetable or animal origin of the fats. Thus, we find the measure adopted and applied by AMS-Y is contrary to Article 6 of the ATIGA (on National Treatment on Internal Taxation and Regulation), in as much as it discriminates against palm oil as a whole and is not applied to other 'like' products manufactured or sold in AMS-Y (i.e., food products containing saturated fats deriving from soy, sunflower, rapeseed, corn, peanut or animal fat).		
Attachment			

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

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
12**

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

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

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

Email Reminder 1 for the Central Administrator:



Central Administrator ASEC <caatasec@gmail.com>

[ASSIST] Complaint #15020181026 reminder for CA

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

Sat, Oct 27, 2018 at 5:00 AM

 <p>ASSOCIATION OF SOUTHEAST ASIAN NATIONS</p>	<p>ASSIST ASEAN Solutions for Investments, Services and Trade</p>
<p>Action is required by the CA for the complaint: 15020181026</p>	
<p>Thanking you, ASSIST is at your service.</p>	
<p>assist.asean.org [Disclaimer]</p>	

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



ASEAN Lawyer <aseanlawyer0@gmail.com>

[ASSIST] Your complaint #18120181102 needs to be revised

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

Fri, Nov 2, 2018 at 4:10 PM

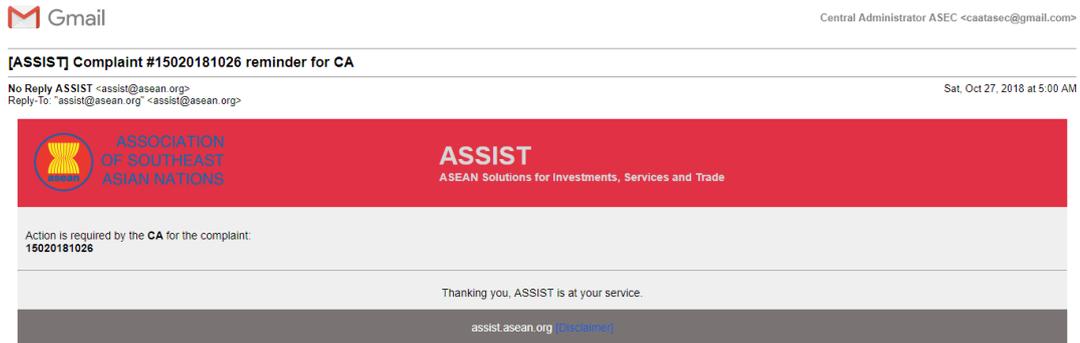
 <p>ASSOCIATION OF SOUTHEAST ASIAN NATIONS</p>	<p>ASSIST ASEAN Solutions for Investments, Services and Trade</p>
<p>Dear Ms Sierra Riviera,</p>	
<p>Your complaint ID 18120181102 has been checked by ASSIST and was found to require revision in order to be completed.</p>	
<p>Reason for request of revision: "Dear Ms. Sierra Riviera, Thank you for lodging your complaint under ASSIST. In order to properly assess your complaint and determine its eligibility under ASSIST, the Central Administrator of ASSIST (i.e. the ASEAN Secretariat or CA) requests additional information. In particular, the CA requests that your complaint be re-submitted together with information on the AMS-Y measure that is allegedly inconsistent with the ATIGA (i.e. AMS-Y&E's Ministry of Health&E's Regulation of 2015, Chapter 1000, Section 100). Please file the actual measure or a translation/summary in the English language. Feel free to attach also any other information or legal brief that may assist the CA in assessing the eligibility of your complaint."</p>	
<p>Please login to your ASSIST dashboard on the following webpage in order to revise your complaint and re-submit it: http://assist.asean.org/user/login by using your e-mail / tracking ID: aseanlawyer0@gmail.com / 1812 0181102</p>	
<p>ASEAN Enterprise / Trade Association / Law Firm : ARISE & Partners (type Law) Company size Phone : +36 1 7653572 Website : www.arise&partners.com Address : Danube Street No. 13 City P Country X City : City P / Zip Code : 12310 Country : AMS-X ASEAN Jurisdiction(s) where Local Office(s) is(are) Established : Country X</p>	
<p>Contact person : Ms Sierra Riviera Phone : +36 7878137686 Position : Senior Associate Email : aseanlawyer0@gmail.com Address : Danube Street No. 13 City P Country X City : City P / Zip Code : 12310 Country : AMS-X</p>	
<p>Confidential case code (for law firm or lawyer only): ASSIST.X.001-2018 Country of Legal Registration : AMS-X Legal Registration Number : 137911 Type of Business : Export/Import Business Sector : Goods / Type of problem encountered : Internal taxes and charges levied on imports Destination Country : AMS-Y</p>	
<p>Description: We are a registered law firm in AMS-X filing a complaint under ASSIST on behalf of our client, a duly registered palm oil company in AMS-X. The complaint is in relation to the new excise duty imposed by AMS-Y (the Destination Contact Point or DCP) on palm oil and food products containing palm oil under its Ministry of Health&E's Food Regulation Chapter 1000, Section 100 of 2015. The measure adopted by AMS-Y introduced taxes on foods high in sugar and saturated fat as part of a strategy for addressing the rising problem of obesity in AMS-Y. We are of the view that AMS-Y&E's measure expressly targeted palm oil and not just the saturated fat component of palm oil and of products containing palm oil, thereby discriminating against palm oil and demonizing the product as a whole instead of just discouraging excessive consumption of products containing saturated fats, independently of the vegetable or animal origin of the fats. Thus, we find the measure adopted and applied by AMS-Y is contrary to Article 6 of the ATIGA (on National Treatment on Internal Taxation and Regulation), in as much as it discriminates against palm oil as a whole and is not applied to other "like" products manufactured or sold in AMS-Y (i.e., food products containing saturated fats deriving from soy, sunflower, rapeseed, corn, peanut or animal fat).</p>	
<p>Thanking you, ASSIST is at your service.</p>	
<p>assist.asean.org [Disclaimer]</p>	

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

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

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:

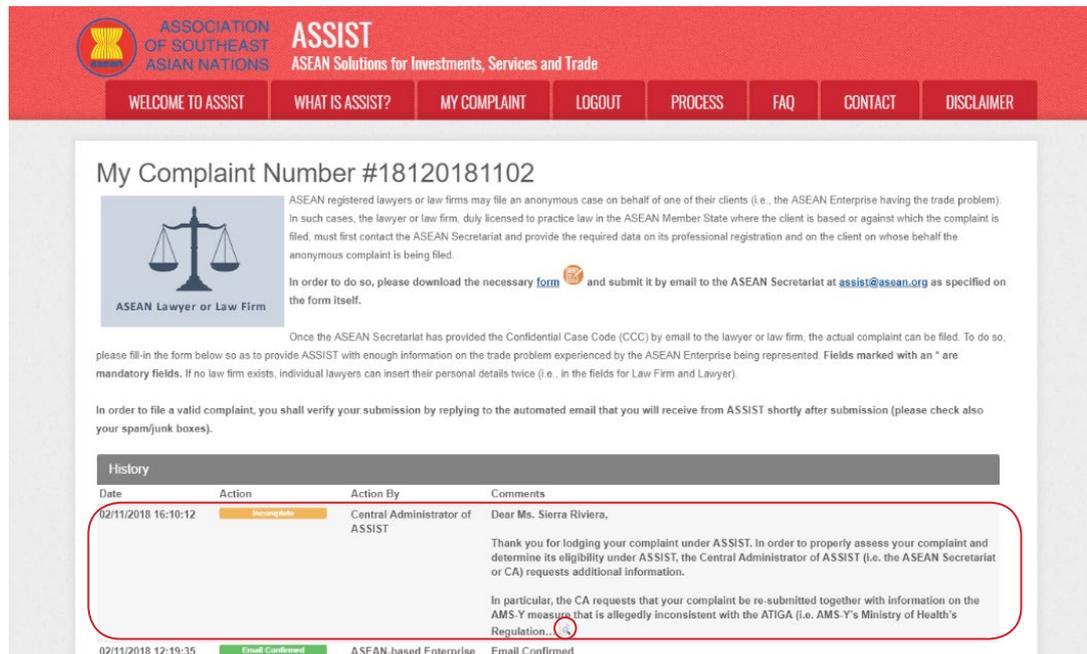


STEP 13

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

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

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



02/11/2018 12:18:02 New ASEAN-based Enterprise

[WITHDRAW COMPLAINT](#)

LAW FIRM

* Law Firm Name:

* Phone:

Website:

* Address:

259 characters remaining (500 maximum)

* City: ZIP Code:

* Country:

* ASEAN Jurisdiction(s) where Local Office(s) is(are) Established:

LAWYER

* Gender: Mr Mrs Ms

* First Name: * Last Name:

* Phone:

* Position:

* Email:

Address:

259 characters remaining (500 maximum)

City: ZIP Code:

ASEAN Jurisdiction(s) where Admitted to Practice Law:

COMPLAINT DESCRIPTION

* Confidential Case Code:

* Country of Legal Registration:

* Legal Registration Number:

* Registration Proof: No file chosen
[* Annex 0-Simulated Professional License of Ms Sierra Riviera4.pdf](#)

* Type of Business:

* Business Sector:

- Services Sector Description:

* Type of Problem Encountered:

* Destination Country:

* Description:

356 characters remaining (5000 maximum)

Attachment: Annex 2-Simulated Regulation of AMS-Y.pdf
 Annex 3-Simulated Le... RISE & Partners.pdf

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](#)

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

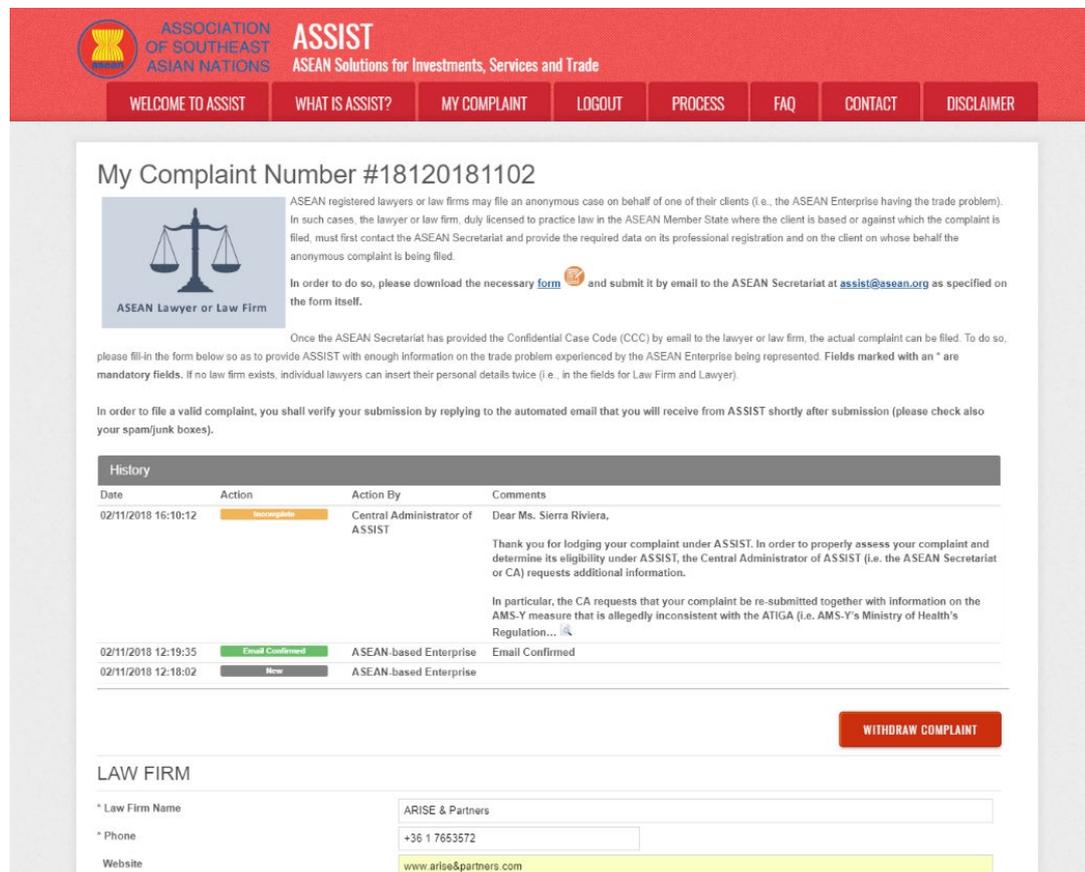
Dear Ms. Sierra Riviera,

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

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

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

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



ASSIST
ASEAN Solutions for Investments, Services and Trade

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

My Complaint Number #18120181102



ASEAN Lawyer or Law Firm

ASEAN registered lawyers or law firms may file an anonymous case on behalf of one of their clients (i.e., the ASEAN Enterprise having the trade problem). In such cases, the 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 first contact the ASEAN Secretariat and provide the required data on its professional registration and on the client on whose behalf the anonymous complaint is being filed.

In order to do so, please download the necessary [form](#) and submit it by email to the ASEAN Secretariat at assist@asean.org as specified on the form itself.

Once the ASEAN Secretariat has provided the Confidential Case Code (CCC) by email to the lawyer or law firm, the actual complaint can be filed. To do so, 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. **Fields marked with an *** are mandatory fields. If no law firm exists, individual lawyers can insert their personal details twice (i.e., in the fields for Law Firm and Lawyer).

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).

History			
Date	Action	Action By	Comments
02/11/2018 16:10:12	Incomplete	Central Administrator of ASSIST	Dear Ms. Sierra Riviera, Thank you for lodging your complaint under ASSIST. In order to properly assess your complaint and determine its eligibility under ASSIST, the Central Administrator of ASSIST (i.e. the ASEAN Secretariat or CA) requests additional information. In particular, the CA requests that your complaint be re-submitted together with information on the AMS-Y measure that is allegedly inconsistent with the ATIGA (i.e. AMS-Y's Ministry of Health's Regulation...
02/11/2018 12:19:35	Email Confirmed	ASEAN-based Enterprise	Email Confirmed
02/11/2018 12:18:02	New	ASEAN-based Enterprise	

[WITHDRAW COMPLAINT](#)

LAW FIRM

* Law Firm Name:

* Phone:

Website:

* Address

250 characters remaining (250 maximum)

* City ZIP Code

* Country

* ASEAN Jurisdiction(s) where Local Office(s) is(are) Established

LAWYER

* Gender Mr Mrs Ms

* First Name * Last Name

* Phone

* Position

* Email

Address

250 characters remaining (250 maximum)

City ZIP Code

ASEAN Jurisdiction(s) where Admitted to Practice Law

COMPLAINT DESCRIPTION

* Confidential Case Code

* Country of Legal Registration

* Legal Registration Number

* Registration Proof No file chosen

* Type of Business

* Business Sector

- Services Sector Description

* Type of Problem Encountered

* Destination Country

* Description

2500 characters remaining (2500 maximum)

Attachment Annex 2-Simulated Regulation of AMS-Y.pdf
 Annex 3-Simulated L... RISE & Partners.pdf

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 

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



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

Thank you for the submission of your complaint

You will shortly receive a confirmation e-mail containing your references.

Please click on the link contained in the e-mail in order to confirm your submission.

You will be able to monitor your complaint and access it on the following webpage:

<http://assist.asean.org/user/login>

by using your e-mail / tracking ID.

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

**STEP
14**

RECEIVE AN EMAIL FROM ASSIST REGARDING YOUR REVISED COMPLAINT

Go to your email account and you will see a new email from ASSIST. This email indicates that your revised complaint has been received and that ASSIST will review it and revert with a response indicating whether the complaint is accepted, incomplete or rejected within 10 working days.



ASEAN Lawyer <aseanlawyer0@gmail.com>

[ASSIST] Thanks for the revision of your #18120181102 complaint

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

Fri, Nov 2, 2018 at 4:52 PM



ASSOCIATION OF SOUTHEAST ASIAN NATIONS



ASSIST
ASEAN Solutions for Investments, Services and Trade

Dear **Ms Sierra Riviera**,

Thank you for the **revision** of your complaint No. **18120181102**.

ASSIST will review it and revert back to you within 10 working days.

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: aseanlawyer0@gmail.com / **18120181102**

ASEAN Enterprise / Trade Association / Law Firm : ARISE & Partners (type Law)
 Company size :
 Phone : +36 1 7653572
 Website : www.arisepartners.com
 Address : Danube Street No. 13 City P Country X
 City : City P / Zip Code : 12310
 Country : **AMS-X**
 ASEAN Jurisdiction(s) where Local Office(s) is(are) Established : Country X

Contact person : Ms Sierra Riviera
 Phone : +36 7878137686
 Position : Senior Associate
 Email : aseanlawyer0@gmail.com
 Address : Danube Street No. 13 City P Country X
 City : City P / Zip Code : 12310
 Country : AMS-X

Confidential case code (for law firm or lawyer only): ASSIST-X-001-2018
 Country of Legal Registration : **AMS-X**
 Legal Registration Number : 137911
 Type of Business : Export/Import
 Business Sector : Goods /
 Type of problem encountered : Internal taxes and charges levied on imports
 Destination Country : **AMS-Y**

Description:
 We are a registered law firm in AMS-X filing a complaint under ASSIST on behalf of our client, a duly registered palm oil company in AMS-X. The complaint is in relation to the new excise duty imposed by AMS-Y (the Destination Contact Point or DCP) on palm oil and food products containing palm oil under its Ministry of Health's Food Regulation Chapter 1000, Section 100 of 2015. The measure adopted by AMS-Y introduced taxes on foods high in sugar and saturated fat as part of a strategy for addressing the rising problem of obesity in AMS-Y. We are of the view that AMS-Y's measure expressly targeted palm oil and not just the saturated fat component of palm oil and of products containing palm oil, thereby discriminating against palm oil and demonizing the product as a whole instead of just discouraging excessive consumption of products containing saturated fats, independently of the vegetable or animal origin of the fats. Thus, we find the measure adopted and applied by AMS-Y is contrary to Article 6 of the ATIGA (on National Treatment on Internal Taxation and Regulation), in as much as it discriminates against palm oil as a whole and is not applied to other "like" products manufactured or sold in AMS-Y (i.e., food products containing saturated fats deriving from soy, sunflower, rapeseed, corn, peanut or animal fat).

Thanking you, ASSIST is at your service.

assist.asean.org

3 attachments

-  [Annex_2-Simulated_Regulation_of_AMS-Y1.pdf](#)
46K
-  [Annex_3-Simulated_Legal_Brief-ARISE_Partners1.pdf](#)
142K
-  [Annex_0-Simulated_Professional_License_of_Ms_Sierra_Riviera4.pdf](#)
49K

If no action has been taken in the meantime by the CA, the CA will receive the automatic email reminders via email from the online system as indicated in Step 12 above.

Regularly check your email account within the 10 working days and you will eventually receive a new email from ASSIST.

**STEP
15**

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

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

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



ASEAN Lawyer <aseanlawyer0@gmail.com>

[ASSIST] Your complaint #1812 0181102 is accepted by CA

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

Fri, Sep 21, 2018 at 2:07 PM



ASSOCIATION
OF SOUTHEAST
ASIAN NATIONS



ASSIST
ASEAN Solutions for Investments, Services and Trade

Dear **Ms Sierra Riviera**,

Your complaint ID No. **18120181102** has been accepted by the Destination Country.

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 : ARISE & Partners (type Law)
 Company size
 Phone : +36 1 7653572
 Website : www.arise4partners.com
 Address : Danube Street No. 13 City P Country X
 City : City P / Zip Code : 12310
 Country : **AMS-X**
 ASEAN Jurisdiction(s) where Local Office(s) is(are) Established : Country X

Contact person : Ms Sierra Riviera
 Phone : +36 7878137686
 Position : Senior Associate
 Email : aseanlawyer0@gmail.com
 Address : Danube Street No. 13 City P Country X
 City : City P / Zip Code : 12310
 Country : AMS-X

Confidential case code (for law firm or lawyer only): ASSIST-X-001-2018
 Country of Legal Registration : **AMS-X**
 Legal Registration Number : 137911
 Type of Business : Export/Import
 Business Sector : Goods /
 Type of problem encountered : Internal taxes and charges levied on imports
 Destination Country : **AMS-Y**

Description:
 The complaint is in relation to the new excise duty imposed by AMS-Y (the Destination Contact Point or DCP) on palm oil and food products containing palm oil under its Ministry of Health's Food Regulation Chapter 1000, Section 100 of 2015. The measure adopted by AMS-Y introduced taxes on foods high in sugar and saturated fat as part of a strategy for addressing the rising problem of obesity in AMS-Y. We are of the view that AMS-Y's measure expressly targeted palm oil and not just the saturated fat component of palm oil and of products containing palm oil, thereby discriminating against palm oil and demonizing the product as a whole instead of just discouraging excessive consumption of products containing saturated fats, independently of the vegetable or animal origin of the fats. Thus, we find the measure adopted and applied by AMS-Y is contrary to Article 6 of the ATIGA (on National Treatment on Internal Taxation and Regulation), in as much as it discriminates against palm oil as a whole and is not applied to other "like" products manufactured or sold in AMS-Y (i.e., food products containing saturated fats deriving from soy, sunflower, rapeseed, corn, peanut or animal fat).

Thanking you, ASSIST is at your service.

assist.asean.org

The above email shows that your revised complaint has been **accepted** by the CA. It also indicates 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.

**STEP
16**

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

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

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



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

[WELCOME TO ASSIST](#)
[WHAT IS ASSIST?](#)
[MY COMPLAINT](#)
[LOGOUT](#)
[PROCESS](#)
[FAQ](#)
[CONTACT](#)
[DISCLAIMER](#)

Tracking ID #18120181102 / AMS-Y

History

Date	Action	Action By	Comments
02/11/2018 18:31:54	Accepted	Central Administrator of ASSIST	Thank you for the completion or revision of your complaint. The Central Administrator has verified that the complaint is now complete, with the submission of the following documents: (i) AMS-Y's Ministry of Health's Regulation of 2015, Chapter 1000, Section 100; and (ii) Legal Brief on the Complaint. Thus, the Central Administrator finds that the nature of your complaint falls within the scope of ASSIST and that you have fulfilled all the necessary requirements to file a complaint under ASSIST. 
02/11/2018 16:52:15	Revised	ASEAN-based Enterprise	
02/11/2018 16:10:12	Incomplete	Central Administrator of ASSIST	Dear Ms. Sierra Riviera, Thank you for lodging your complaint under ASSIST. In order to properly assess your complaint and determine its eligibility under ASSIST, the Central Administrator of ASSIST (i.e. the ASEAN Secretariat or CA) requests additional information. In particular, the CA requests that your complaint be re-submitted together with information on the AMS-Y measure that is allegedly inconsistent with the ATIGA (i.e. AMS-Y's Ministry of Health's Regulation... 
02/11/2018 12:19:35	Email Confirmed	ASEAN-based Enterprise	Email Confirmed
02/11/2018 12:18:02	New	ASEAN-based Enterprise	

[WITHDRAW COMPLAINT](#)

ASEAN ENTERPRISE

ASEAN Enterprise Name		ARISE & Partners	
Company Size		Address	Danube Street No. 13 City P Country X
Phone	+36 1 7653572	City	City P
Website	www.arise&partners.com	ZIP Code	12310
		Country	AMS-X

CONTACT PERSON

First Name	Sierra	Address	Danube Street No. 13 City P Country X
Last Name	Riviera	City	City P
Phone	+36 7878137686	ZIP Code	12310
Position	Senior Associate	Country	AMS-X
Email	aseanlawyer0@gmail.com (Confirmed)		

COMPLAINT DESCRIPTION

Country of Legal Registration	AMS-X	Business Sector	Goods
Registration Number	137911	Type of Problem Encountered	Goods / Internal taxes and charges levied on imports
Company Registration Proof	Annex 0: Simulated Professional License of Ms Sierra Riviera4.pdf		
Type of Business	Export/import		
Description	We are a registered law firm in AMS-X filing a complaint under ASSIST on behalf of our client, a duly registered palm oil company in AMS-X. The complaint is in relation to the new excise duty imposed by AMS-Y (the Destination Contact Point or DCP) on palm oil and food products containing palm oil under its Ministry of Health's Food Regulation Chapter 1000, Section 100 of 2015. The measure adopted by AMS-Y introduced taxes on foods high in sugar and saturated fat as part of a strategy for addressing the rising problem of obesity in AMS-Y. We are of the view that AMS-Y's measure expressly targeted palm oil and not just the saturated fat component of palm oil and of products containing palm oil, thereby discriminating against palm oil and demonizing the product as a whole instead of just discouraging excessive consumption of products containing saturated fats, independently of the vegetable or animal origin of the fats. Thus, we find the measure adopted and applied by AMS-Y is contrary to Article 6 of the ATIGA (on National Treatment on Internal Taxation and Regulation), in as much as it discriminates against palm oil as a whole and is not applied to other 'like' products manufactured or sold in AMS-Y (i.e., food products containing saturated fats deriving from soy, sunflower, rapeseed, corn, peanut or animal fat).		
Attachment	Annex 2-Simulated Regulation of AMS-Y1.pdf Annex 3-Simulated Legal Brief-ARISE_Partners1.pdf		

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:

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

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

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

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

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

**STEP
17****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:

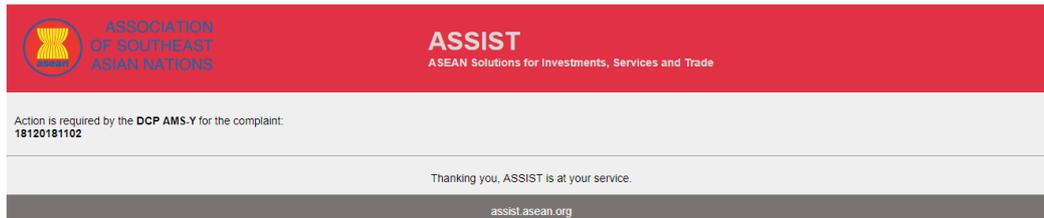


AMS Y <aseanmemberstate.y@gmail.com>

[ASSIST] Complaint #18120181102 reminder for DCP

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

Sat, Nov 3, 2018 at 6:00 AM



ASSOCIATION OF SOUTHEAST ASIAN NATIONS

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Action is required by the DCP AMS-Y for the complaint:
18120181102

Thanking you, ASSIST is at your service.

assist.asean.org

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.



ASEAN Lawyer <aseanlawyer0@gmail.com>

[ASSIST] Your complaint #18120181102 is accepted by DCP

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

Sun, Nov 4, 2018 at 4:50 AM



ASSOCIATION OF SOUTHEAST ASIAN NATIONS

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Dear Ms Sierra Riviera,

Your complaint ID No. **18120181102** has been accepted by the Destination Country.

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**.

As your complaint has been accepted by the Destination Country, the ASSIST Focal Point of the Destination Country (DCP), in coordination with the competent national authorities (RAs), will now analyse your complaint in detail.

Complaints are usually addressed within 40 to 60 working days from the date of acceptance of the Complaint by the Destination Country.

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

ASEAN Enterprise / Trade Association / Law Firm : ARISE & Partners (type Law)
Company size:
Phone : +36 1 7653572
Website : www.arise&partners.com
Address : Danube Street No. 13 City P Country X
City : City P / Zip Code : 12310
Country : **AMS-X**
ASEAN Jurisdiction(s) where Local Office(s) is(are) Established : Country X

Contact person : Ms Sierra Riviera
Phone : +36 7876137686
Position : Senior Associate
Email : aseanlawyer0@gmail.com
Address : Danube Street No. 13 City P Country X
City : City P / Zip Code : 12310
Country : AMS-X

Confidential case code (for law firm or lawyer only): ASSIST-X-001-2018
Country of Legal Registration : **AMS-X**
Legal Registration Number : 137911
Type of Business : Export/Import
Business Sector : Goods /
Type of problem encountered : Internal taxes and charges levied on imports
Destination Country : **AMS-Y**

Description:
We are a registered law firm in AMS-X filing a complaint under ASSIST on behalf of our client, a duly registered palm oil company in AMS-X. The complaint is in relation to the new excise duty imposed by AMS-Y (the Destination Contact Point or DCP) on palm oil and food products containing palm oil under its Ministry of Health's Food Regulation Chapter 1000, Section 100 of 2015. The measure adopted by AMS-Y introduced taxes on foods high in sugar and saturated fat as part of a strategy for addressing the rising problem of obesity in AMS-Y. We are of the view that AMS-Y's measure expressly targeted palm oil and not just the saturated fat component of palm oil and of products containing palm oil, thereby discriminating against palm oil and demonizing the product as a whole instead of just discouraging excessive consumption of products containing saturated fats, independently of the vegetable or animal origin of the fats. Thus, we find the measure adopted and applied by AMS-Y is contrary to Article 6 of the ATIGA (on National Treatment on Internal Taxation and Regulation), in as much as it discriminates against palm oil as a whole and is not applied to other "like" products manufactured or sold in AMS-Y (i.e., food products containing saturated fats deriving from soy, sunflower, rapeseed, corn, peanut or animal fat).

Thanking you, ASSIST is at your service.

assist.asean.org [20181102]

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.

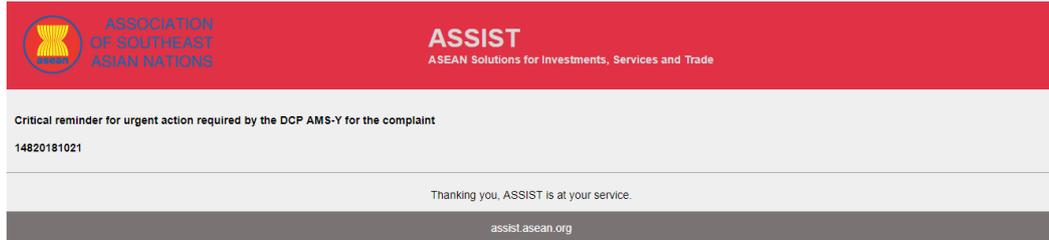
Email Reminder 2 for the Destination Contact Point:

M Gmail

AMS Y <aseanmemberstate.y@gmail.com>

[ASSIST] Critical DCP reminder for the #14820181021 complaintNo Reply ASSIST <assist@asean.org>
Reply-To: "assist@asean.org" <assist@asean.org>

Fri, Oct 26, 2018 at 5:00 AM



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
18****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 Lawyer <aseanlawyer0@gmail.com>

[ASSIST] Response for your #18120181102 complaint

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

Sun, Nov 4, 2018 at 5:21 AM



ASSOCIATION
OF SOUTHEAST
ASIAN NATIONS

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Dear **Ms Sierra Riviera**,

The response for your complaint **18120181102** is ready:

"Upon internal discussions between the DCP and the RAs, it emerges that, indeed, the measure adopted by AMS-Y, imposing increased excise duties to a range of foods high in sugar and saturated fat, is aimed at discouraging excessive consumption of substances considered dangerous under AMS-Y's strategy for addressing the rising problem of obesity among its citizens. This is in line with similar actions taken by several countries around the world and with the World Health Organization's Global Action Plan for the Prevention and Control of Non-Communicable Diseases 2013-2020, such as diabetes and obesity. However, AMS-Y recognizes that the measure did single-out certain products (i.e., inter alia, palm oil) and did not target, in a 'neutral manner', the substances (i.e., saturated fats) that the Government considers dangerous (if consumed in excess) from a dietary and health policy perspective. Therefore, the DCP, in coordination with AMS-Y's RA, proposes the immediate suspension of the measure contained in its Ministry of Health's Food Regulation of 2015, Chapter 1000, Section 100, pending its amendment to delete any express reference to specific products and application only to products containing saturated fats, irrespective of their vegetable or animal origin. AMS-Y underlined that its measure was never intended to have, de jure or de facto, any discriminatory effect or objective, being justified in science and in light of its health protection purpose and applying to all 'like' products containing saturated fats."

You can also check the status of your complaint online at <http://assist.arsenadevelopment.space/user/login> by using your email / 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 : ARISE & Partners (type Law)
Company size
Phone: +36 1 7653572
Website: www.arisepartners.com
Address: Danube Street No. 13 City P Country X
City : City P / Zip Code : 12310
Country : **AMS-X**
ASEAN Jurisdiction(s) where Local Office(s) Is(are) Established : Country X

Contact person : Ms Sierra Riviera
Phone - +36 7878137686
Position - Senior Associate
Email - aseanlawyer0@gmail.com
Address - Danube Street No. 13 City P Country X
City : City P / Zip Code : 12310
Country : AMS-X

Confidential case code (for law firm or lawyer only): ASSIST-X-001-2018
Country of Legal Registration : **AMS-X**
Legal Registration Number : 137911
Type of Business : Export/Import
Business Sector : Goods /
Type of problem encountered : **Internal taxes and charges levied on imports**
Destination Country : **AMS-Y**

Description:
We are a registered law firm in AMS-X filing a complaint under ASSIST on behalf of our client, a duly registered palm oil company in AMS-X. The complaint is in relation to the new excise duty imposed by AMS-Y (the Destination Contact Point or DCP) on palm oil and food products containing palm oil under its Ministry of Health's Food Regulation Chapter 1000, Section 100 of 2015. The measure adopted by AMS-Y introduced taxes on foods high in sugar and saturated fat as part of a strategy for addressing the rising problem of obesity in AMS-Y. We are of the view that AMS-Y's measure expressly targeted palm oil and not just the saturated fat component of palm oil and of products containing palm oil, thereby discriminating against palm oil and demonizing the product as a whole instead of just discouraging excessive consumption of products containing saturated fats, independently of the vegetable or animal origin of the fats. Thus, we find the measure adopted and applied by AMS-Y is contrary to Article 6 of the ATGA (on National Treatment on Internal Taxation and Regulation), in as much as it discriminates against palm oil as a whole and is not applied to other 'like' products manufactured or sold in AMS-Y (i.e., food products containing saturated fats deriving from soy, sunflower, rapeseed, corn, peanut or animal fat).

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 11(a) and (b) above. The full view of your dashboard can be seen below. As you can see, another action has been added to your 'History' 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.



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WELCOME TO ASSIST

WHAT IS ASSIST?

MY COMPLAINT

LOGOUT

PROCESS

FAQ

CONTACT

DISCLAIMER

Tracking ID #18120181102 / AMS-Y

ASSIST Solution

Upon internal discussions between the DCP and the RAs, it emerges that, indeed, the measure adopted by AMS-Y, imposing increased excise duties to a range of foods high in sugar and saturated fat, is aimed at discouraging excessive consumption of substances considered dangerous under AMS-Y's strategy for addressing the rising problem of obesity among its citizens. This is in line with similar actions taken by several countries around the world and with the World Health Organization's Global Action Plan for the Prevention and Control of Non-Communicable Diseases 2013-2020, such as diabetes and obesity. However, AMS-Y recognizes that the measure did single-out certain products (i.e., inter alia, palm oil) and did not target, in a 'neutral manner', the substances (i.e., saturated fats) that the Government considers dangerous (if consumed in excess) from a dietary and health policy perspective. Therefore, the DCP, in coordination with AMS-Y's RA, proposes the immediate suspension of the measure contained in its Ministry of Health's Food Regulation of 2015, Chapter 1000, Section 100, pending its amendment to delete any express reference to specific products and application only to products containing saturated fats, irrespective of their vegetable or animal origin. AMS-Y underlined that its measure was never intended to have, de jure or de facto, any discriminatory effect or objective, being justified in science and in light of its health protection purpose and applying to all 'like' products containing saturated fats.

Attachment

History			
Date	Action	Action By	Comments
04/11/2018 05:21:40	Solved	Central Administrator of ASSIST	Upon internal discussions between the DCP and the RAs, it emerges that, indeed, the measure adopted by AMS-Y, imposing increased excise duties to a range of foods high in sugar and saturated fat, is aimed at discouraging excessive consumption of substances considered dangerous under AMS-Y's strategy for addressing the rising problem of obesity among its citizens. This is in line with similar actions taken by several countries around the world and with the World Health Organization's Global Action ...
02/11/2018 18:31:54	Accepted	Central Administrator of ASSIST	Thank you for the completion or revision of your complaint. The Central Administrator has verified that the complaint is now complete, with the submission of the following documents: (i) AMS-Y's Ministry of Health's Regulation of 2015, Chapter 1000, Section 100, and (ii) Legal Brief on the Complaint. Thus, the Central Administrator finds that the nature of your complaint falls within the scope of ASSIST and that you have fulfilled all the necessary requirements to file a complaint under ASSIST.
02/11/2018 16:52:15	Revised	ASEAN-based Enterprise	
02/11/2018 16:10:12	Incomplete	Central Administrator of ASSIST	Dear Ms. Sierra Riviera, Thank you for lodging your complaint under ASSIST. In order to properly assess your complaint and determine its eligibility under ASSIST, the Central Administrator of ASSIST (i.e. the ASEAN Secretariat or CA) requests additional information. In particular, the CA requests that your complaint be re-submitted together with information on the AMS-Y measure that is allegedly inconsistent with the ATIGA (i.e. AMS-Y's Ministry of Health's Regulation...
02/11/2018 12:19:35	Email Confirmed	ASEAN-based Enterprise	Email Confirmed
02/11/2018 12:18:02	New	ASEAN-based Enterprise	

ASEAN ENTERPRISE

ASEAN Enterprise Name		ARISE & Partners	
Company Size		Address	Danube Street No. 13 City P Country X
Phone	+36 1 7653572	City	City P
Website	www.arise&partners.com	ZIP Code	12310
		Country	AMS-X

CONTACT PERSON

First Name	Sierra	Address	Danube Street No. 13 City P Country X
Last Name	Riviera	City	City P
Phone	+36 7878137686	ZIP Code	12310
Position	Senior Associate	Country	AMS-X
Email	aseanlawyer0@gmail.com (Confirmed)		

COMPLAINT DESCRIPTION

Country of Legal Registration	AMS-X	Business Sector	Goods
Registration Number	137911	Type of Problem Encountered	Goods / Internal taxes and charges levied on imports
Company Registration Proof	Annex_0_Simulated_Professional_License_of_Ms_Sierra_Riviera4.pdf	Destination Country	AMS-Y
Type of Business	Export/import		
Description	We are a registered law firm in AMS-X filing a complaint under ASSIST on behalf of our client, a duly registered palm oil company in AMS-X. The complaint is in relation to the new excise duty imposed by AMS-Y (the Destination Contact Point or DCP) on palm oil and food products containing palm oil under its Ministry of Health's Food Regulation Chapter 1000, Section 100 of 2015. The measure adopted by AMS-Y introduced taxes on foods high in sugar and saturated fat as part of a strategy for addressing the rising problem of obesity in AMS-Y. We are of the view that AMS-Y's measure expressly targeted palm oil and not just the saturated fat component of palm oil and of products containing palm oil, thereby discriminating against palm oil and demonizing the product as a whole instead of just discouraging excessive consumption of products containing saturated fats, independently of the vegetable or animal origin of the fats. Thus, we find the measure adopted and applied by AMS-Y is contrary to Article 6 of the ATIGA (on National Treatment on Internal Taxation and Regulation), in as much as it discriminates against palm oil as a whole and is not applied to other 'like' products manufactured or sold in AMS-Y (i.e., food products containing saturated fats deriving from soy, sunflower, rapeseed, corn, peanut or animal fat).		
Attachment	Annex_2-Simulated_Regulation_of_AMS-Y1.pdf Annex_3-Simulated_Legal_Brief-ARISE_Partners1.pdf		

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

Below is the proposed solution from the DCP:

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

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

Therefore, the DCP, in coordination with AMS-Y's RA, proposes the immediate suspension of the measure contained in its Ministry of Health's Food Regulation of 2015, Chapter 1000, Section 100, pending its amendment to delete any express reference to specific products and application only to products containing saturated fats, irrespective of their vegetable or animal origin. AMS-Y underlined that its measure was never intended to have, de jure or de facto, any discriminatory effect or objective, being justified in science and in light of its health protection purpose and applying to all 'like' products containing saturated fats."

(c) In the bottom of the email from ASSIST in 18(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:

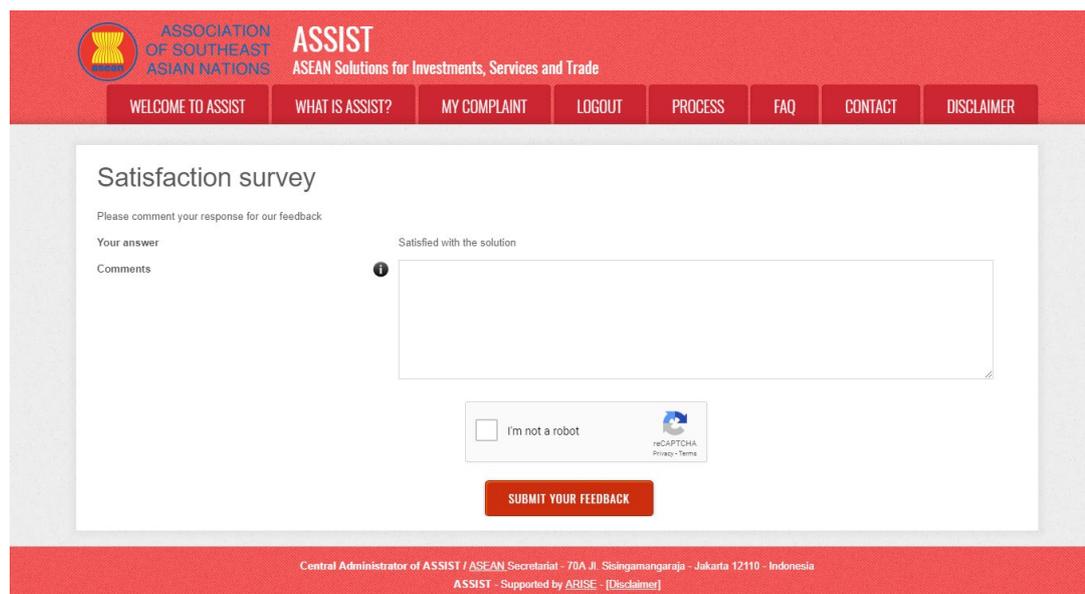
Yes / No

In this case, the AE chooses "Yes".

**STEP
19**

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 18(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.



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

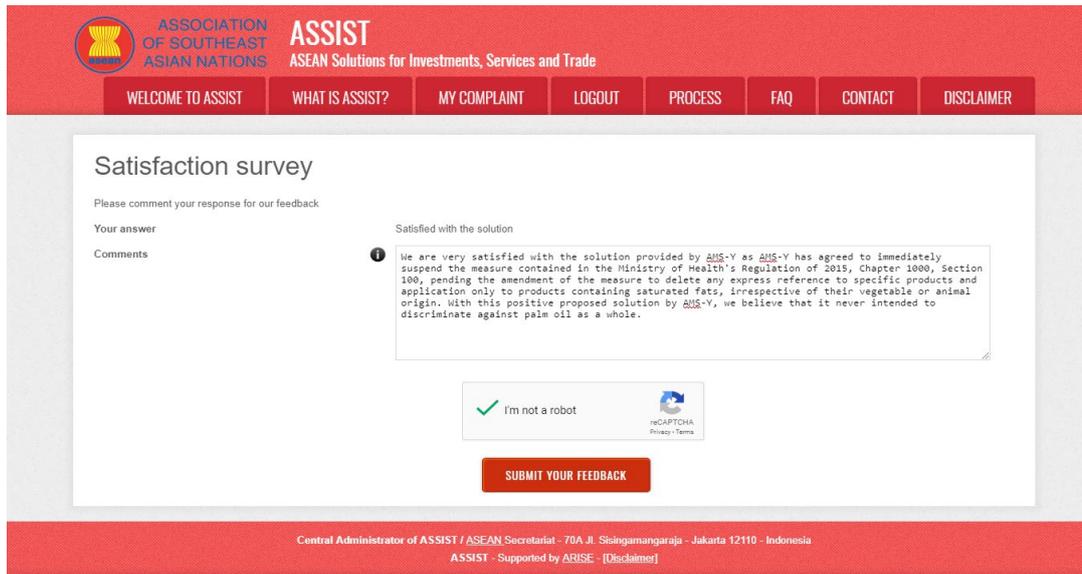
I'm not a robot

reCAPTCHA
Privacy - Terms

SUBMIT YOUR FEEDBACK

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

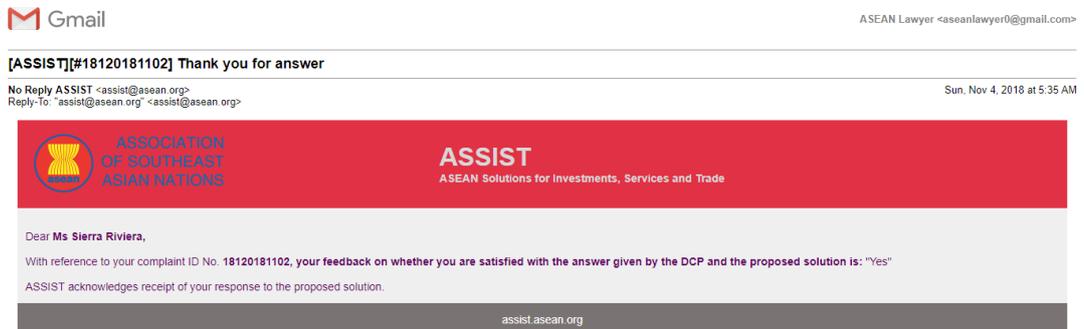
(a) Fill-in the Satisfaction Survey. In this case, the ASEAN Law Firm/Lawyer is satisfied with the solution provided by ASSIST and thus indicates accordingly.



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

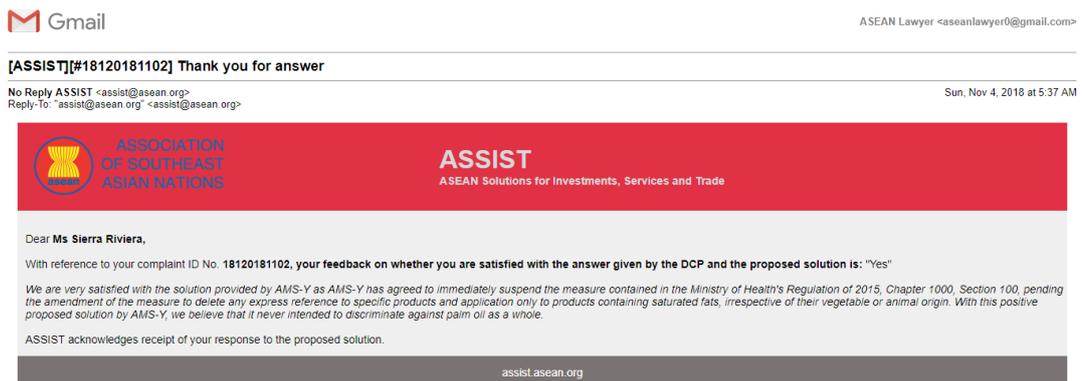
- (b) Go to your email account. You will receive one or two (if you have filled-in the Satisfaction Survey) new emails from ASSIST, which acknowledge receipt of your response to the proposed solution by AMS-Y. A copy of your responses will also be sent to the DCP and the HCP.

First Acknowledgement Email from ASSIST



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.



- (c) Login to your ASSIST dashboard using your email and tracking ID as indicated in Step 11(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.



ASSOCIATION OF SOUTHEAST ASIAN NATIONS

ASSIST
ASEAN Solutions for Investments, Services and Trade

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

Tracking ID #18120181102 / AMS-Y

ASSIST Solution

Upon internal discussions between the DCP and the RAs, it emerges that, indeed, the measure adopted by AMS-Y, imposing increased excise duties to a range of foods high in sugar and saturated fat, is aimed at discouraging excessive consumption of substances considered dangerous under AMS-Y's strategy for addressing the rising problem of obesity among its citizens. This is in line with similar actions taken by several countries around the world and with the World Health Organization's Global Action Plan for the Prevention and Control of Non-Communicable Diseases 2013-2020, such as diabetes and obesity. However, AMS-Y recognizes that the measure did single-out certain products (i.e., inter alia, palm oil) and did not target, in a 'neutral manner', the substances (i.e., saturated fats) that the Government considers dangerous (if consumed in excess) from a dietary and health policy perspective. Therefore, the DCP, in coordination with AMS-Y's RA, proposes the immediate suspension of the measure contained in its Ministry of Health's Food Regulation of 2015, Chapter 1000, Section 100, pending its amendment to delete any express reference to specific products and application only to products containing saturated fats, irrespective of their vegetable or animal origin. AMS-Y underlined that its measure was never intended to have, de jure or de facto, any discriminatory effect or objective, being justified in science and in light of its health protection purpose and applying to all 'like' products containing saturated fats.

Attachment
Satisfied : Yes

History			
Date	Action	Action By	Comments
04/11/2018 05:37:40	Satisfied	ASEAN-based Enterprise	We are very satisfied with the solution provided by AMS-Y as AMS-Y has agreed to immediately suspend the measure contained in the Ministry of Health's Regulation of 2015, Chapter 1000, Section 100, pending the amendment of the measure to delete any express reference to specific products and application only to products containing saturated fats, irrespective of their vegetable or animal origin. With this positive proposed solution by AMS-Y, we believe that it never intended to discriminate against...
04/11/2018 05:21:40	Solution	Central Administrator of ASSIST	Upon internal discussions between the DCP and the RAs, it emerges that, indeed, the measure adopted by AMS-Y, imposing increased excise duties to a range of foods high in sugar and saturated fat, is aimed at discouraging excessive consumption of substances considered dangerous under AMS-Y's strategy for addressing the rising problem of obesity among its citizens. This is in line with similar actions taken by several countries around the world and with the World Health Organization's Global Action...
02/11/2018 18:31:54	Accepted	Central Administrator of ASSIST	Thank you for the completion or revision of your complaint. The Central Administrator has verified that the complaint is now complete, with the submission of the following documents: (i) AMS-Y's Ministry of Health's Regulation of 2015, Chapter 1000, Section 100; and (ii) Legal Brief on the Complaint. Thus, the Central Administrator finds that the nature of your complaint falls within the scope of ASSIST and that you have fulfilled all the necessary requirements to file a complaint under ASSIST.
02/11/2018 16:52:15	Revised	ASEAN-based Enterprise	
02/11/2018 16:10:12	Incomplete	Central Administrator of ASSIST	Dear Ms. Sierra Riviera, Thank you for lodging your complaint under ASSIST. In order to properly assess your complaint and determine its eligibility under ASSIST, the Central Administrator of ASSIST (i.e. the ASEAN Secretariat or CA) requests additional information. In particular, the CA requests that your complaint be re-submitted together with information on the AMS-Y measure that is allegedly inconsistent with the ATIGA (i.e. AMS-Y's Ministry of Health's Regulation...
02/11/2018 12:19:35	Email Confirmed	ASEAN-based Enterprise	Email Confirmed
02/11/2018 12:18:02	New	ASEAN-based Enterprise	

ASEAN ENTERPRISE

ASEAN Enterprise Name ARISE & Partners

Company Size	Address	Danube Street No. 13 City P Country X
Phone +36 1 7653572	City	City P
Website www.arise&partners.com	ZIP Code	12310
	Country	AMS-X

CONTACT PERSON

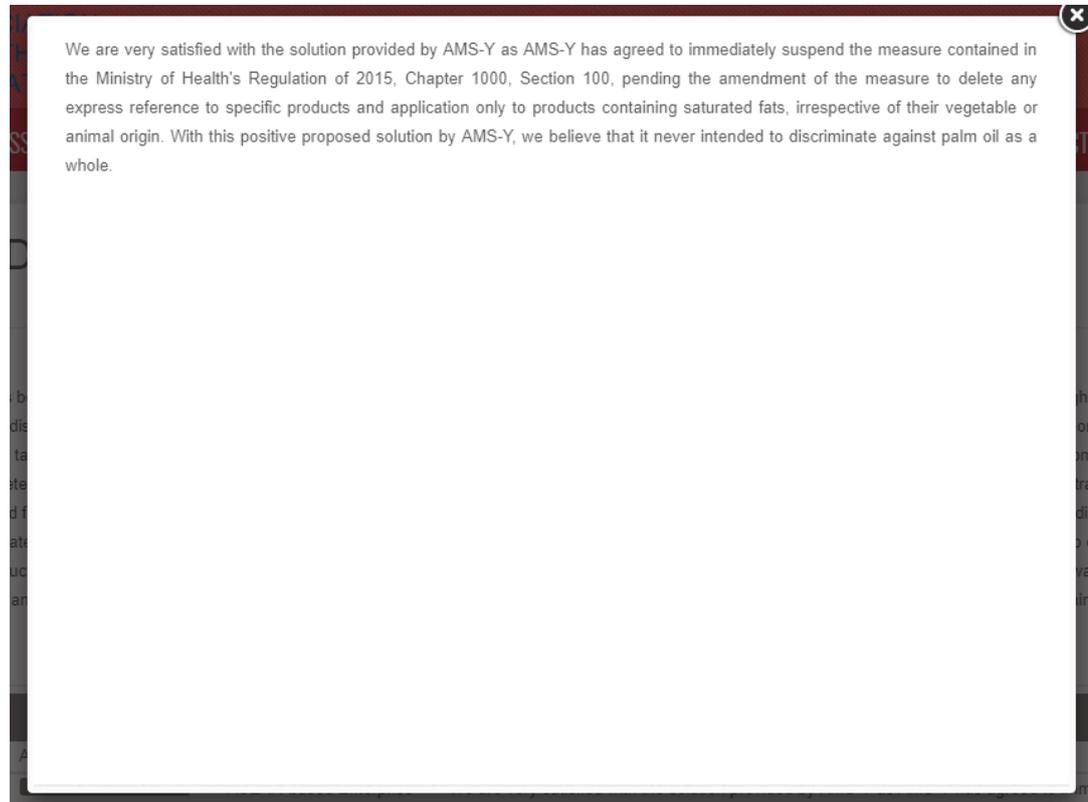
First Name Sierra	Address	Danube Street No. 13 City P Country X
Last Name Riviera	City	City P
Phone +36 7878137686	ZIP Code	12310
Position Senior Associate	Country	AMS-X
Email aseanlawyer0@gmail.com (Confirmed)		

COMPLAINT DESCRIPTION

Country of Legal Registration AMS-X	Business Sector	Goods
Registration Number 137911	Type of Problem Encountered	Goods / Internal taxes and charges levied on imports
Company Registration Proof Annex_0: Simulated_Professional_License_of_Ms_Sierra_Riviera4.pdf	Destination Country	AMS-Y
Type of Business Export/import		
Description	We are a registered law firm in AMS-X filing a complaint under ASSIST on behalf of our client, a duly registered palm oil company in AMS-X. The complaint is in relation to the new excise duty imposed by AMS-Y (the Destination Contact Point or DCP) on palm oil and food products containing palm oil under its Ministry of Health's Food Regulation Chapter 1000, Section 100 of 2015. The measure adopted by AMS-Y introduced taxes on foods high in sugar and saturated fat as part of a strategy for addressing the rising problem of obesity in AMS-Y. We are of the view that AMS-Y's measure expressly targeted palm oil and not just the saturated fat component of palm oil and of products containing palm oil, thereby discriminating against palm oil and demonizing the product as a whole instead of just discouraging excessive consumption of products containing saturated fats, independently of the vegetable or animal origin of the fats. Thus, we find the measure adopted and applied by AMS-Y is contrary to Article 6 of the ATIGA (on National Treatment on Internal Taxation and Regulation), in as much as it discriminates against palm oil as a whole and is not applied to other 'like' products manufactured or sold in AMS-Y (i.e., food products containing saturated fats deriving from soy, sunflower, rapeseed, corn, peanut or animal fat).	
Attachment	Annex_2-Simulated_Regulation_of_AMS-Y1.pdf Annex_3-Simulated_Legal_Brief-ARISE_Partners1.pdf	

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

- (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 ASEAN Law Firm/Lawyer, the DCP should pass notice of the acceptance on to the RA(s), to ensure that any administrative arrangements necessary to implement the solution are in place as soon as possible.

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

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