



ASSIST

TUTORIAL LANGKAH DEMI LANGKAH UNTUK STUDI KASUS 4 (PERDAGANGAN JASA)

Pengaduan yang Diajukan oleh Perusahaan ASEAN (*ASEAN Enterprise (AE)*), Diterima oleh Pengelola Pusat (*Central Administrator (CA)*) dan Titik Kontak Tujuan (*Destination Contact Point (DCP)*) serta Solusi yang Diajukan oleh DCP dan Diterima oleh AE.

Uraian Singkat tentang Kasus: Skenario ini adalah kasus uji-coba yang disusun untuk mencerminkan Moda 1 (atau yang disebut Pasokan Lintas Batas (*Cross Border Supply*)) dari perdagangan jasa internasional, yang didefinisikan dalam Perjanjian Kerangka Kerja ASEAN tentang Jasa (*Asean Framework Agreement on Services (AFAS)*) dan Perjanjian Umum tentang Perdagangan Jasa (*General Agreement on Trade in Services (GATS)*), mutatis mutanda, sebagai penyediaan jasa dari wilayah suatu negara ke wilayah negara lain atau, dengan kata lain, dalam semua kasus komersial di mana jasa bergerak melintasi perbatasan. Skenario ini merupakan pengaduan yang diterima oleh CA ASSIST yang telah diajukan secara sah oleh pemohon pengaduan (yaitu, lengkap dan berada dalam ruang lingkup ASSIST) dan juga diterima oleh Negara Tujuan sebagai masalah di mana untuk itu Negara Anggota ASEAN tertentu bersedia untuk terlibat dengan pemohon

Daftar Aktor dan Singkatan:

- Pemohon pengaduan (*Complainant*) = Asosiasi Dagang Berbasis ASEAN (*ASEAN -Based Trade Association = Asosiasi Dagang ASEAN (ASEAN Trade Association)*)
- Sekretariat ASEAN (*ASEAN Secretariat*) = Pengelola Sistem ASSIST (*Central Administrator of ASSIST (CA)*)
- Negara Asal (*Home Country*) = *Home Contact Point (HCP)* di Negara Anggota ASEAN-X (*ASEAN Member State-X (AMS-X)*)
- Negara Tujuan (*Destination Country*) = *Destination Contact Point (DCP)* dalam Negara Anggota ASEAN-Y (*ASEAN Member State-Y (AMS-Y)*)
- Otoritas Nasional Terkait = *Relevant Authorities (RA)*

pengaduan melalui ASSIS, berinteraksi dengan pihak yang berwenang terkait dan memberikan solusi kepada pemohon pengaduan melalui ASSIST.

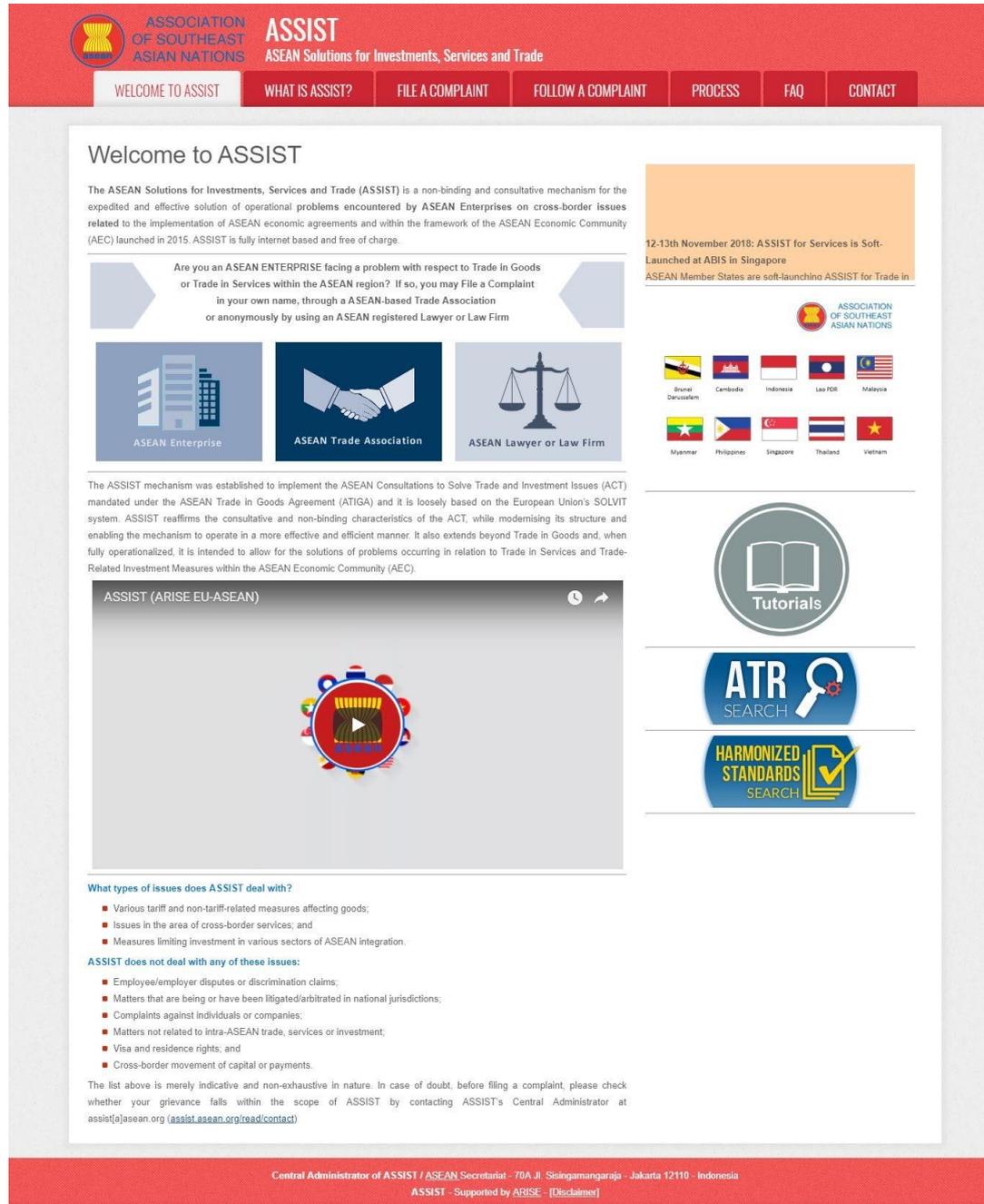
Pengaduan tersebut berkaitan dengan undang-undang baru mengenai pengiriman yang diterbitkan oleh Negara Tujuan, yaitu UU Menteri Perdagangan No. 13 Tahun 2018, yang menyatakan bahwa komoditas tertentu hanya dapat diangkut untuk impor atau ekspor oleh perusahaan angkutan laut nasional. Keempat komoditas (yaitu besi, aluminium, karet dan kapas), adalah beberapa komoditas yang tercantum dalam undang-undang pengiriman yang baru ini. Undang-undang baru ini tentu akan mengakibatkan kerugian finansial bagi bisnis pemohon pengaduan dan mencegahnya memberikan jasa pengiriman maritim antara Negara Asal dan Negara Tujuan. Pemohon pengaduan sangat khawatir dan yakin bahwa perkembangan legislatif ini bertentangan dengan perdagangan bebas, dan semangat Masyarakat Ekonomi ASEAN (*ASEAN Economic Community (AEC)*) dan, mungkin, bertentangan dengan komitmen dan kewajiban tertentu Negara Tujuan berdasarkan perjanjian ekonomi ASEAN yang relevan (mis. Perjanjian Kerangka Kerja ASEAN mengenai Jasa, atau AFAS).

Langkah 1

MEMBUKA SITUS WEB ASSIST ([HTTP://ASSIST.ASEAN.ORG](http://assist.asean.org))

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

Berikut ini adalah laman (*homepage*) ASSIST.



The screenshot shows the ASSIST homepage with the following content:

- Header:** ASEAN logo and 'ASSIST ASEAN Solutions for Investments, Services and Trade'.
- Navigation:** WELCOME TO ASSIST, WHAT IS ASSIST?, FILE A COMPLAINT, FOLLOW A COMPLAINT, PROCESS, FAQ, CONTACT.
- Main Content:**
 - Welcome to ASSIST:** A non-binding and consultative mechanism for the expedited and effective solution of operational problems encountered by ASEAN Enterprises on cross-border issues related to the implementation of ASEAN economic agreements.
 - Are you an ASEAN ENTERPRISE facing a problem with respect to Trade in Goods or Trade in Services within the ASEAN region?** If so, you may File a Complaint in your own name, through an ASEAN-based Trade Association or anonymously by using an ASEAN registered Lawyer or Law Firm.
 - Icons:** ASEAN Enterprise, ASEAN Trade Association, ASEAN Lawyer or Law Firm.
 - ASEAN Member States:** Brunei Darussalam, Cambodia, Indonesia, Lao PDR, Malaysia, Myanmar, Philippines, Singapore, Thailand, Vietnam.
 - ACT (ASEAN Consultations to Solve Trade and Investment Issues):** Mandated under the ASEAN Trade in Goods Agreement (ATIGA).
 - ASSIST (ARISE EU-ASEAN):** Video player showing the ASSIST logo.
 - What types of issues does ASSIST deal with?**
 - Various tariff and non-tariff-related measures affecting goods;
 - Issues in the area of cross-border services; and
 - Measures limiting investment in various sectors of ASEAN integration.
 - ASSIST does not deal with any of these issues:**
 - Employee/employer disputes or discrimination claims;
 - Matters that are being or have been litigated/arbitrated in national jurisdictions;
 - Complaints against individuals or companies;
 - Matters not related to intra-ASEAN trade, services or investment;
 - Visa and residence rights; and
 - Cross-border movement of capital or payments.
 - Footer:** Central Administrator of ASSIST / ASEAN Secretariat - 70A Jl. Sisingamangaraja - Jakarta 12110 - Indonesia. ASSIST - Supported by ARISE - [Disclaimer]

Langkah
2

MEMILIH TAB AJUKAN PENGADUAN "FILE A COMPLAINT" (IKON ASEAN ENTERPRISE)

Jika Anda mengajukan pengaduan di bawah perusahaan Anda sendiri (pengaduan non-anonim) dan Anda tidak diwakili oleh asosiasi perdagangan yang berbasis di ASEAN, atau oleh entitas perwakilan lain pilihan Anda, seperti kamar dagang, dewan bisnis, bisnis federasi, atau pengacara atau firma hukum terdaftar, maka klik ikon Perusahaan ASEAN ('*ASEAN Enterprise*') pada tab Ajukan Pengaduan ('*File a Complaint*').



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.

Ketika Anda mengklik ikon Perusahaan ASEAN ('ASEAN Enterprise'), maka halaman berikut akan tampil.



Complaint to be Filed by an ASEAN Enterprise



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

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

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

ASEAN ENTERPRISE

* ASEAN Enterprise Name

* Company Size

* Phone

Website

* Address

300 characters remaining (300 maximum)

* City ZIP Code

* Country

CONTACT PERSON

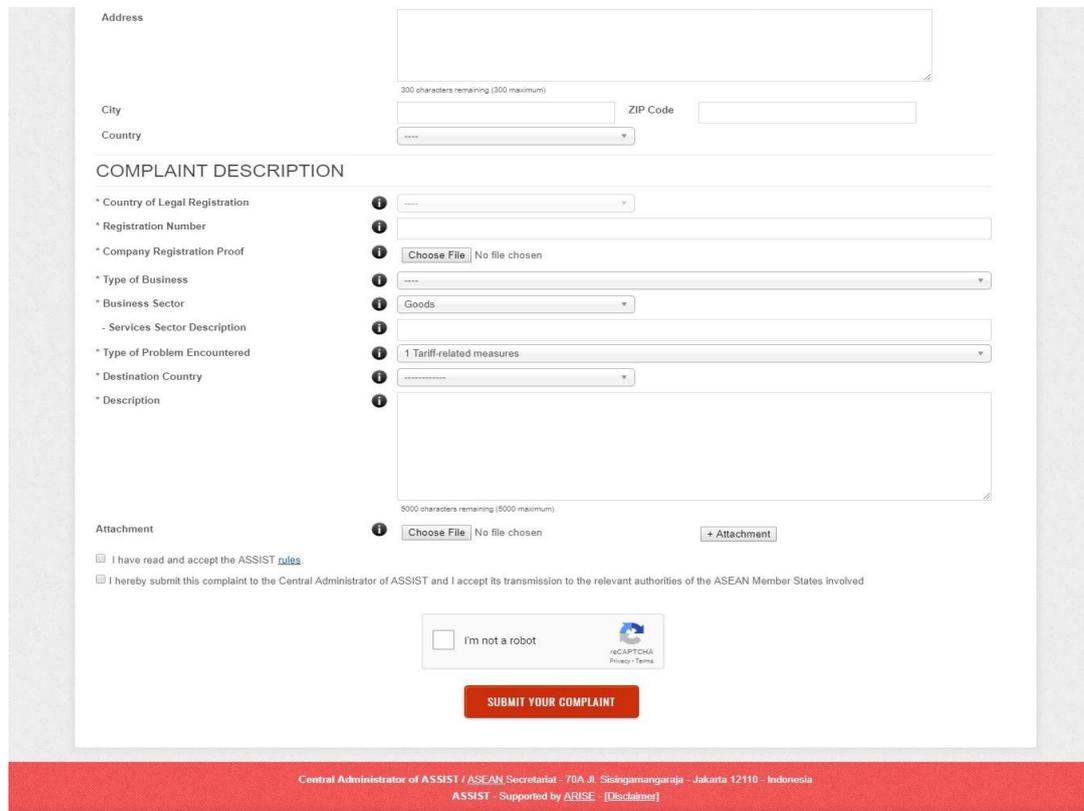
* Gender Mr Mrs Ms

* First Name * Last Name

* Phone

* Position

* Email



Address

300 characters remaining (300 maximum)

City ZIP Code

Country

COMPLAINT DESCRIPTION

* Country of Legal Registration

* Registration Number

* Company Registration Proof Choose File No file chosen

* Type of Business

* Business Sector Goods

- Services Sector Description

* Type of Problem Encountered 1 Tariff-related measures

* Destination Country

* Description

5000 characters remaining (5000 maximum)

Attachment Choose File No file chosen

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

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

I'm not a robot 

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

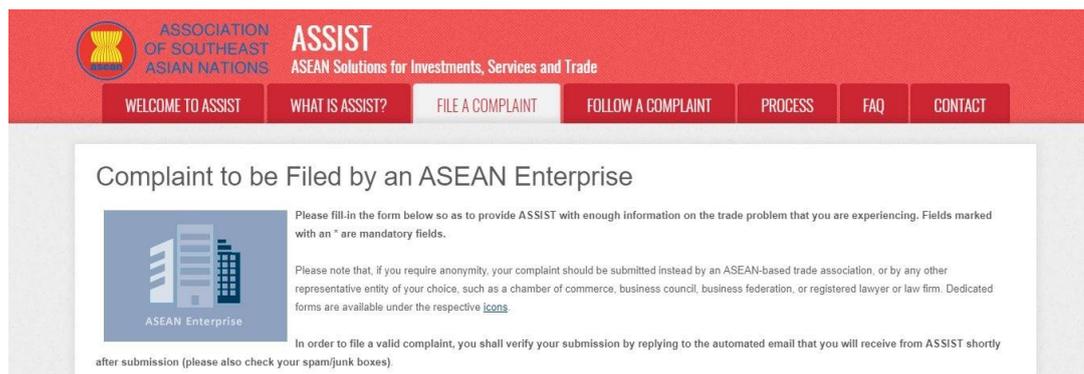
Isi formulir di atas untuk memberikan ASSIST cukup informasi tentang masalah perdagangan yang Anda alami. Kolom yang ditandai dengan tanda bintang (*) wajib diisi. Jika Anda tidak yakin tentang apa yang harus diisi untuk suatu kolom, tersedia tombol  untuk instruksi terperinci tentang apa yang harus diisi untuk setiap kolom. Silakan klik tombol  untuk memastikan bahwa Anda mengisi informasi dalam formulir dengan benar.

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

3

MENGENAL FORMULIR PENGADUAN

Berikut adalah contoh formulir yang sudah diisi untuk studi kasus khusus ini.



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

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

Complaint to be Filed by an ASEAN Enterprise

 ASEAN Enterprise

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

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

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

ASEAN ENTERPRISE

* ASEAN Enterprise Name

* Company Size

* Phone

Website

* Address

201 characters remaining (300 maximum)

* City ZIP Code

* Country

CONTACT PERSON

* Gender Mr Mrs Ms

* First Name * Last Name

* Phone

* Position

* Email

* Address

201 characters remaining (300 maximum)

City ZIP Code

Country

COMPLAINT DESCRIPTION

* Country of Legal Registration

* Registration Number

* Company Registration Proof

* Type of Business

* Business Sector

* Services Sector Description

* Type of Problem Encountered

* Destination Country

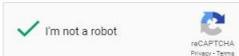
* Description

2572 characters remaining (5000 maximum)

Attachment

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

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



Sebagai contoh uraian pengaduan yang jelas dan ringkas, berikut ini adalah uraian AE tentang pengaduannya dalam studi kasus ini:

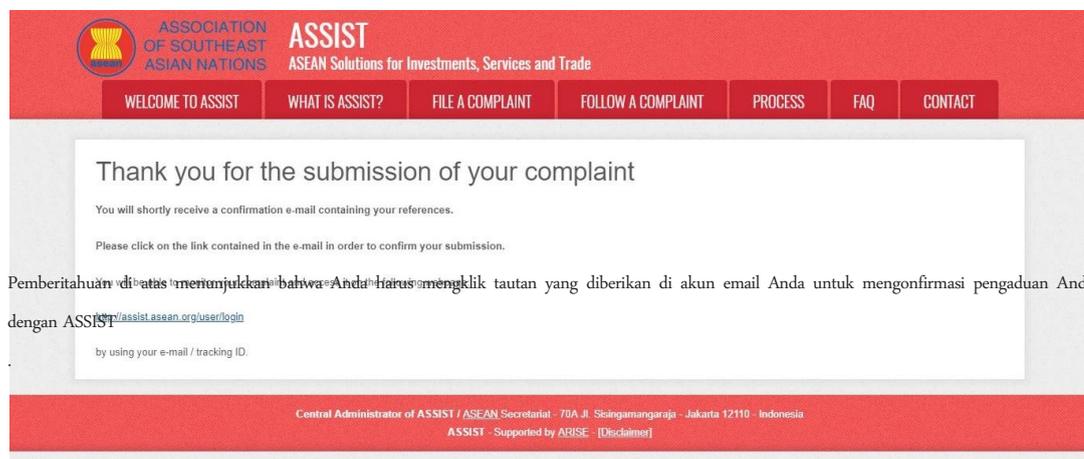
“Kami adalah perusahaan pengiriman yang terdaftar di AMS-X. Kami telah menandatangani perjanjian mengikat dua tahun sejak Januari 2018 dengan perusahaan ekspor-impor di AMS-X. Ruang lingkup perjanjian adalah untuk mengekspor besi dan aluminium dari AMS-X ke AMS-Y dan mengimpor karet dan kapas dari AMS-Y ke AMS-X menggunakan armada kapal kami. Kami telah sepakat untuk melakukan transaksi ekspor-impor ini dalam perjalanan pulang pergi dari AMS-X ke AMS-Y menggunakan kapal yang sama. Tujuannya, antara lain, adalah untuk menghemat biaya dalam konsumsi bahan bakar dan tenaga kerja dengan cara bermuatan pengiriman penuh baik dalam perjalanan ke dalam (*inbound*) maupun ke luar (*outbound*), sehingga mampu memberikan jasa yang hemat biaya dan kompetitif secara lintas batas kepada pelanggan yang berbasis baik di AMS-X maupun di AMS-Y.

Baru-baru ini kami mengetahui bahwa AMS-Y telah mengeluarkan undang-undang pengiriman baru, yaitu Undang-Undang Kemendag No. 13 Tahun 2018, yang menyatakan bahwa komoditas tertentu hanya dapat diangkut untuk impor atau ekspor oleh perusahaan angkutan laut nasional. Keempat komoditas, yaitu besi, aluminium, karet, dan kapas, adalah beberapa komoditas yang tercantum dalam undang-undang pengiriman yang baru ini. Undang-undang baru ini tentunya akan mengakibatkan kerugian finansial bagi bisnis kami dan mencegah kami menyediakan jasa pengiriman maritim antara AMS-X dan AMS-Y. Kami sangat khawatir bahwa pengembangan legislatif ini bertentangan dengan perdagangan bebas, dengan semangat Masyarakat Ekonomi ASEAN (MEA) dan, kemungkinan, bertentangan dengan komitmen dan kewajiban khusus AMS-Y berdasarkan perjanjian ekonomi ASEAN yang relevan (misalnya, Kerangka Perjanjian ASEAN tentang Jasa, atau AFAS).

Kami berpandangan bahwa undang-undang baru ini adalah jelas merupakan langkah proteksionisme dan tidak sesuai dengan prinsip-prinsip perdagangan bebas dan hukum adat mengenai jasa maritim internasional, yang akan berdampak serius pada perusahaan pelayaran AMS-X yang menawarkan jasa transportasi laut lintas batas dalam kaitannya dengan komoditas yang terkena dampak undang-undang ini. Selain itu, langkah baru AMS-Y ini jelas merupakan pelanggaran terhadap komitmen yang dibuat oleh AMS-Y kepada Organisasi Perdagangan Dunia dan jelas merupakan pelanggaran terhadap Jadwal Komitmen Khusus AMS-Y di bawah AFAS, di mana AMS-Y telah berkomitmen untuk mengizinkan perusahaan pelayaran asing yang menawarkan jasa angkutan lintas batas di dalam ASEAN untuk beroperasi di perairannya tanpa batasan akses pasar dan perlakuan nasional. Karena itu, kami ingin meminta AMS-Y untuk mencabut atau mengubah undang-undang baru ini.”

Ketika pengaduan diajukan dengan mengklik Kirim Pengaduan Anda (*‘Submit your Complaint’*), halaman berikut pada Langkah 4 akan tampil.

Setelah Anda mengajukan pengaduan di situs web ASSIST, halaman di bawah ini akan tampil, memberitahukan pada Anda bahwa email konfirmasi akan dikirim ke alamat email yang telah Anda berikan dalam formulir pengaduan Anda.



The screenshot shows the ASSIST website interface. At the top, there is a navigation bar with the ASSIST logo and the text 'ASSIST ASEAN Solutions for Investments, Services and Trade'. Below the navigation bar, there are several menu items: 'WELCOME TO ASSIST', 'WHAT IS ASSIST?', 'FILE A COMPLAINT', 'FOLLOW A COMPLAINT', 'PROCESS', 'FAQ', and 'CONTACT'. The main content area displays a confirmation message: 'Thank you for the submission of your complaint'. Below this message, it states: 'You will shortly receive a confirmation e-mail containing your references. Please click on the link contained in the e-mail in order to confirm your submission.' The link provided is <http://assist.asean.org/user/login>. At the bottom of the page, there is a footer with the text: 'Central Administrator of ASSIST / ASEAN Secretariat - 70A Jl. Senopati - Jakarta 12110 - Indonesia ASSIST - Supported by ARISE - [Disclaimer]'.

Pemberitahuan di atas menunjukkan bahwa Anda harus mengklik tautan yang diberikan di akun email Anda untuk mengonfirmasi pengaduan Anda dengan ASSIST.

Langkah
5

MENGONFIRMASI PENGADUAN ANDA DARI AKUN EMAIL ANDA

- (a) Buka akun email yang Anda berikan dalam formulir pengaduan. Anda akan menerima email dari ASSIST yang meminta Anda untuk mengonfirmasi pengaduan Anda dengan mengklik tautan yang diberikan atau dengan menyalin-menempelkan tautan ke browser Internet. Ini juga diperlukan oleh ASSIST untuk mengonfirmasi bahwa alamat email yang Anda berikan sah. Nomor pengaduan Anda juga diberikan dalam email ini. Dalam hal ini, nomor pengaduan Anda adalah **14620181017**.

Berikut adalah email yang akan Anda terima dari ASSIST.



ASEAN Enterprise <aseanenterprise0@gmail.com>

[ASSIST] Thanks to confirm your complaint #14620181017 submission

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

Wed, Oct 17, 2018 at 12:49 PM



ASSOCIATION
OF SOUTHEAST
ASIAN NATIONS

ASSIST
ASEAN Solutions for Investments, Services and Trade

Dear **Mr Paul Smith**,

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

Please **confirm** your complaint **14620181017** on the following link (or by copy-pasting the following link onto your Internet browser):
http://assist.arsenadevelopment.space/user/confirm_email?email=aseanenterprise0@gmail.com&id=14620181017&code=3y4r38bbq98

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/confirm_email

ASEAN Enterprise / Trade Association / Law Firm / Star 88 Co., Ltd. (Star Enterprise)
<http://assist.asean.org/user/login?byusingyour-email/trackingID:aseanenterprise0@gmail.com/14620181017>
 Phone : +905 524 1532
 Website : www.star88.com
 Address : Better Living Street City W Country X
 City : City W / Zip Code : 1711
 Country : **AMS-X**

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

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

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

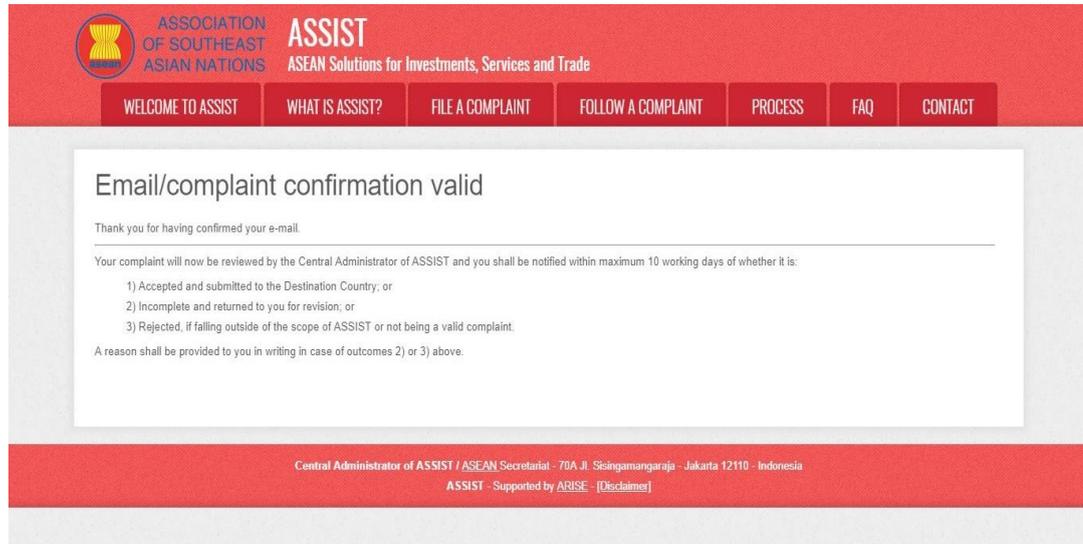
Thanking you, ASSIST is at your service.

assist.asean.org

3 attachments

-  [Annex_2_Simulated_Law_of_AMS-Y2.pdf](#)
47K
-  [Annex_3_Simulated_AMS-Y_Schedule_of_Specific_Commitments_Maritime_Transport_Services.pdf](#)
90K
-  [Annex_1_Simulated_Company_Registration_of_Star_88_Co.,_Ltd_.pdf](#)
50K

(b) Klik pada tautan sebagaimana diminta dalam email di atas dan halaman berikut akan tampil:



The screenshot shows the ASSIST website interface. At the top, there is a navigation bar with the ASSIST logo and the text 'ASSIST ASEAN Solutions for Investments, Services and Trade'. Below the navigation bar, there are several menu items: 'WELCOME TO ASSIST', 'WHAT IS ASSIST?', 'FILE A COMPLAINT', 'FOLLOW A COMPLAINT', 'PROCESS', 'FAQ', and 'CONTACT'. The main content area displays a message titled 'Email/complaint confirmation valid'. The message text reads: '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.' At the bottom of the message, there is contact information for the Central Administrator of ASSIST / ASEAN Secretariat: 70A Jl. Setiabudi - Jakarta 12110 - Indonesia. The footer of the message states 'ASSIST - Supported by ARISE - [Disclaimer]'.

Pemberitahuan di atas akan memberitahukan pada Anda bahwa pengaduan Anda akan diperiksa oleh CA dan bahwa Anda akan diberitahu melalui email dalam waktu maksimum 10 hari kerja apakah itu:

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

Buka akun email Anda.

6

PENGADUAN ANDA SAH

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



ASEAN Enterprise <aseanenterprise0@gmail.com>

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

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

Wed, Oct 17, 2018 at 1:09 PM



ASSIST
ASEAN Solutions for Investments, Services and Trade

Dear **Mr Paul Smith**,

You are able to access your complaint at anytime on the following webpage: <http://assist.asean.org/user/login> by using your e-mail/tracking ID: aseanenterprise0@gmail.com / 14620181017

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

You are able to access your complaint at any time on the following webpage: <http://assist.arsenadevelopment.space/user/login> by using your e-mail / tracking ID: aseanenterprise0@gmail.com / 14620181017

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

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

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

Description:

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

Thanking you, ASSIST is at your service.

assist.asean.org

3 attachments

 Annex_2-Simulated_Law_of_AMS-Y2.pdf
47K

 Annex_3-Simulated_AMS-Y_Schedule_of_Specific_Commitments-Maritime_Transport_Services.pdf
90K

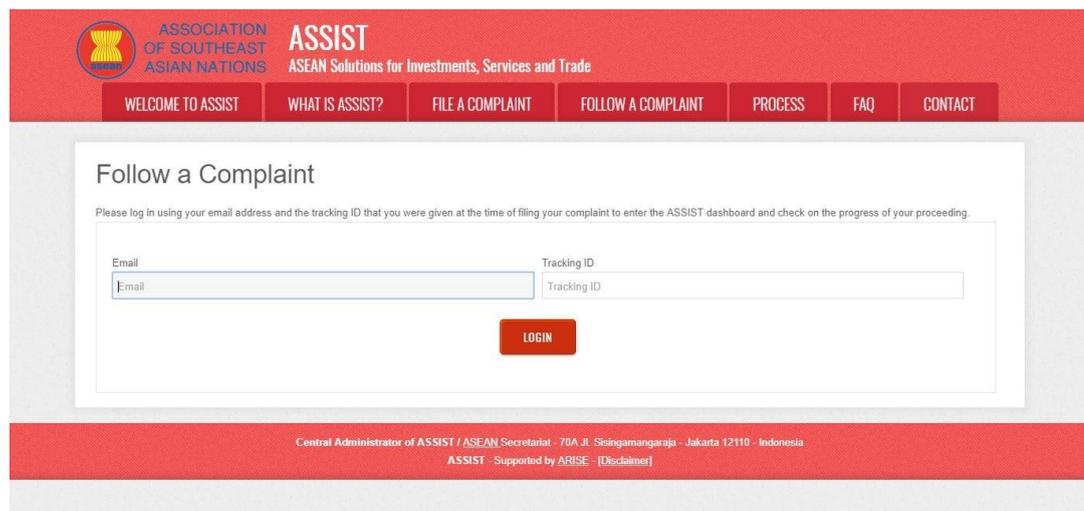
 Annex_1-Simulated_Company_Registration_of_Star_88_Co.,Ltd_.pdf
50K

Seperti yang ditunjukkan dalam email di atas, sekarang Anda dapat memantau perkembangannya dengan mengklik tautan yang ditunjukkan yang akan diarahkan ke tab Ikuti Pengaduan (*Follow a Complaint*) pada bar menu di situs web ASSIST.

Langkah
7

MEMANTAU PERKEMBANGAN PENGADUAN ANDA

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



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

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

Follow a Complaint

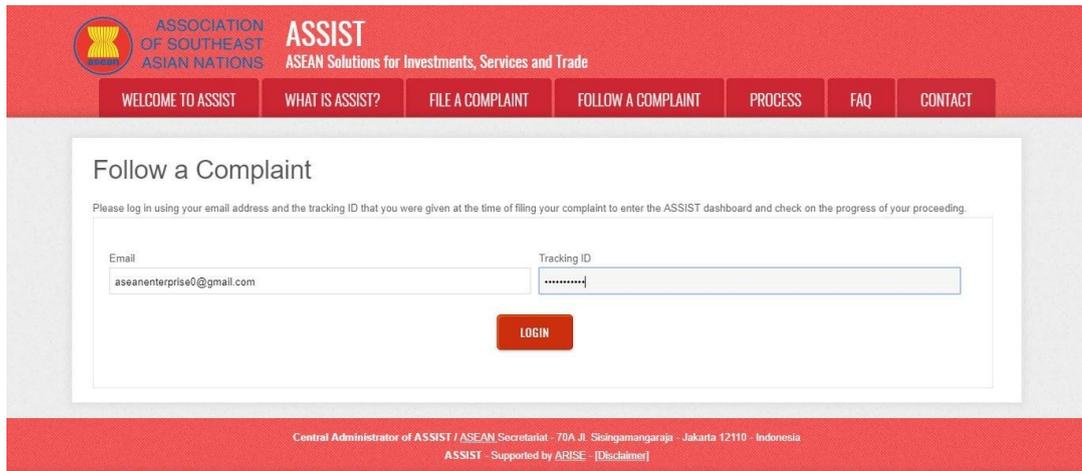
Please log in using your email address and the tracking ID that you were given at the time of filing your complaint to enter the ASSIST dashboard and check on the progress of your proceeding.

Email Tracking ID

LOGIN

Central Administrator of ASSIST / ASEAN Secretariat - 7DA Jl. Sisingamangaraja - Jakarta 12110 - Indonesia
ASSIST - Supported by ARISE - [Disclaimer]

- (b) Masukkan alamat email Anda dan ID pelacakan (nomor pengaduan Anda) di kolom yang diperlukan untuk login. Dalam hal ini, **Alamat Email** adalah aseanenterprise@gmail.com dan ID Pelacakan adalah **14620181017**.



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

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

Follow a Complaint

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

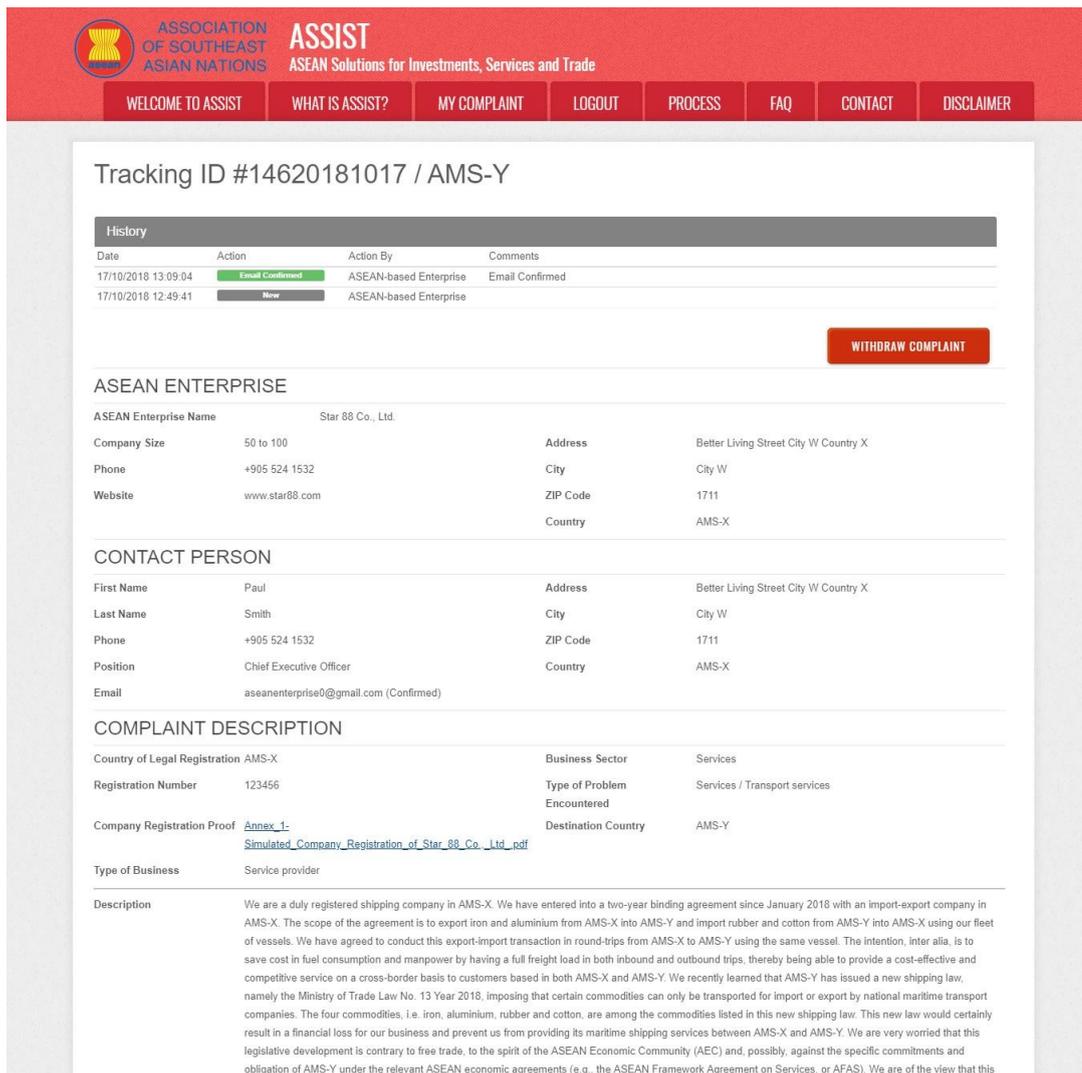
Email: aseanenterprise0@gmail.com Tracking ID:

LOGIN

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

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

(c) Lihat Dasbor ASSIST Anda setelah Anda berhasil log masuk:



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 #14620181017 / AMS-Y

History

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

WITHDRAW COMPLAINT

ASEAN ENTERPRISE

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

CONTACT PERSON

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

COMPLAINT DESCRIPTION

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

Description

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

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

Attachment

[Annex_2-Simulated_Law_of_AMS-Y2.pdf](#)
[Annex_3-Simulated_AMS-Y_Schedule_of_Specific_Commitments-Maritime_Transport_Services.pdf](#)

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

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

Langkah
8**CA MEMERIKSA PENGADUAN ANDA DAN MENGIRIMKAN TANGGAPAN KE EMAIL ANDA (MENERIMA, MENYATAKAN TIDAK LENGKAP, ATAU MENOLAK)**

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

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

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

Central Administrator ASEC <caatasec@gmail.com>

[ASSIST] Complaint #13320180921 reminder for CANo Reply ASSIST <assist@asean.org>
Reply-To: "assist@asean.org" <assist@asean.org>

Sat, Sep 22, 2018 at 5:00 AM

 ASSOCIATION OF SOUTHEAST ASIAN NATIONS**ASSIST**
ASEAN Solutions for Investments, Services and TradeAction is required by the CA for the complaint:
13320180921

Thanking you, ASSIST is at your service.

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

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



ASEAN Enterprise <aseanenterprise0@gmail.com>

[ASSIST] Your complaint #14620181017 is accepted by CA

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

Wed, Oct 17, 2018 at 2:40 PM



ASSIST
ASEAN Solutions for Investments, Services and Trade

Dear Mr Paul Smith,

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

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

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

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

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

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

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

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

Thanking you, ASSIST is at your service.

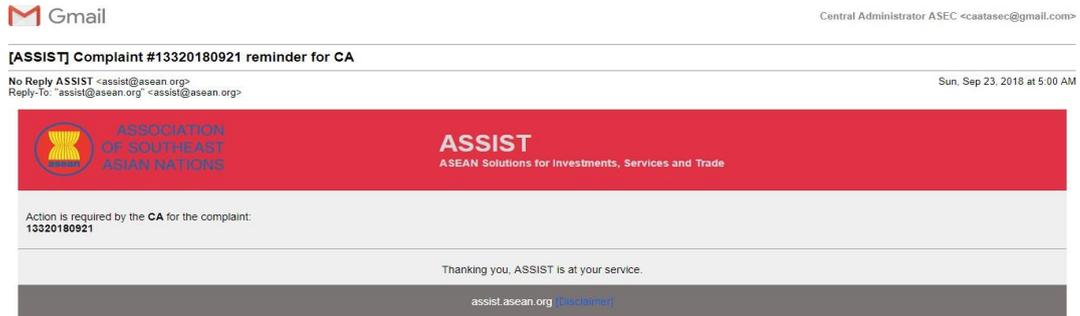
assist.asean.org

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

Titik Kontak Asal (HCP), yang merupakan agen pemerintah (Titik Kontak Utama ASSIST) di AMS-X (Negara Asal Anda) juga telah diberitahu tentang pengaduan yang Anda ajukan.

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

Email pengingat 2 untuk Pengelola Sistem (CA) :



Langkah

9

LOG MASUK KE DASBOR ASSIST ANDA MELALUI EMAIL DAN ID PELACAKAN ANDA UNTUK MELIHAT TANGGAPAN AKTUAL DARI ADMINISTRATOR PUSAT

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

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

Tracking ID #14620181017 / AMS-Y

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

WITHDRAW COMPLAINT

ASEAN ENTERPRISE

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

CONTACT PERSON

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

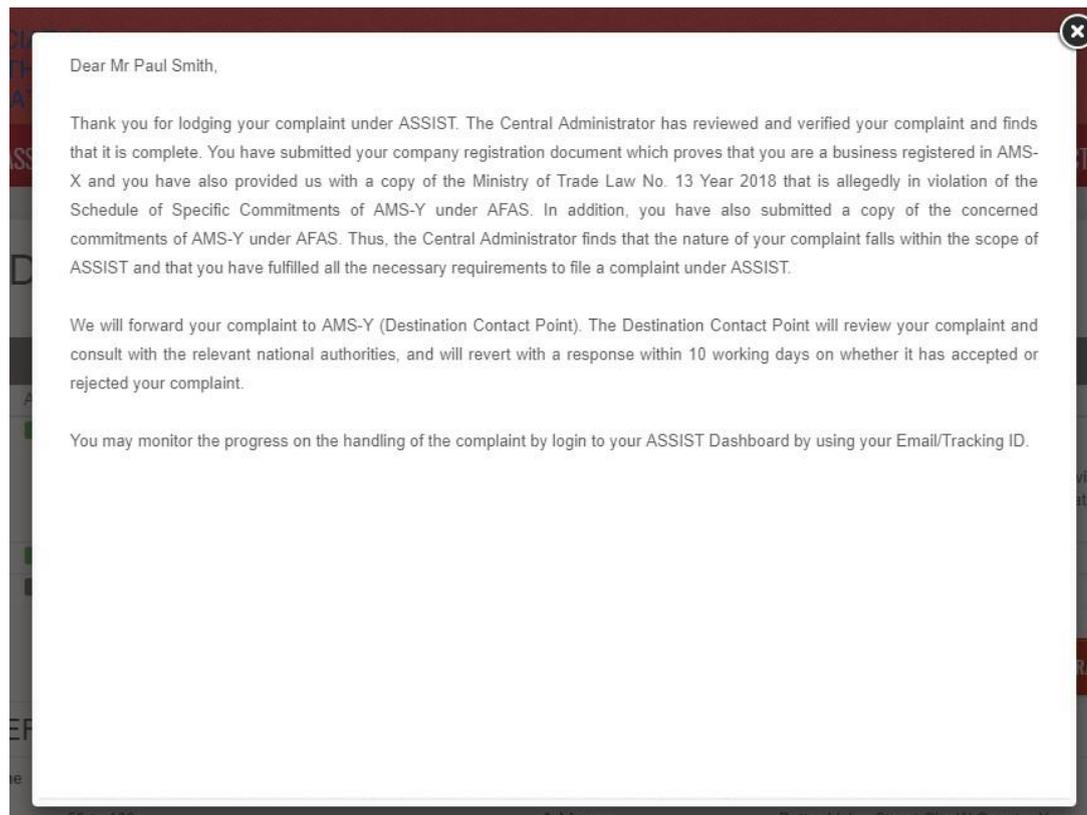
COMPLAINT DESCRIPTION

Country of Legal Registration	AMS-X	Business Sector	Services
Registration Number	123456	Type of Problem Encountered	Services / Transport services
Company Registration Proof	Annex 1- Simulated Company Registration of Star_88_Co.,Ltd_.pdf	Destination Country	AMS-Y

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

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

Klik ikon kaca pembesar di kolom komentar. Tanggapan lengkap CA akan tampil, seperti yang dapat dilihat di bawah ini:



Sebagaimana diinformasikan dalam Langkah 8, setelah pengaduan diterima oleh CA, pengaduan akan dikirim ke DCP di AMS-Y tempat Anda menghadapi masalah perdagangan. DCP di AMS-Y akan diberikan 10 hari kerja untuk meninjau pengaduan Anda dan menerima atau menolaknya. Ini dimaksudkan untuk memberi waktu bagi DCP untuk memeriksa rincian pengaduan, dan berkonsultasi seperlunya dengan otoritas nasional terkait. Setelah DCP menanggapi, email akan dikirimkan kepada Anda dari ASSIST yang memberitahukan kepada Anda apakah pengaduan Anda telah diterima atau ditolak oleh DCP di AMS-Y.

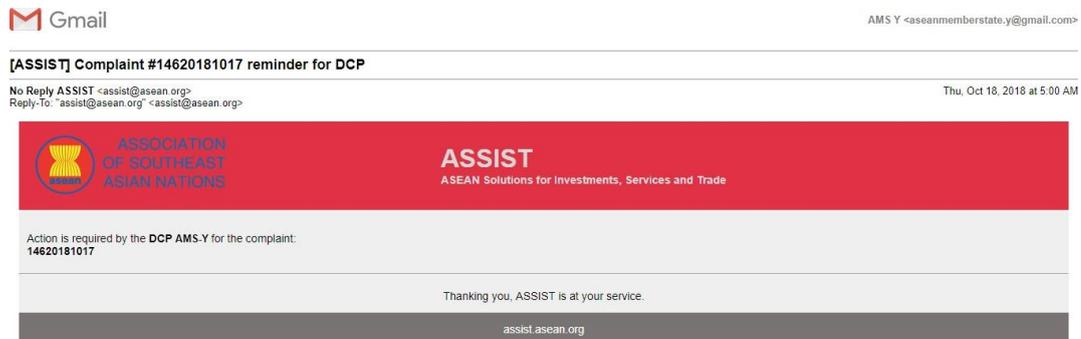
Langkah
10

MENERIMA EMAIL PEMBERITAHUAN DARI ASSIST TENTANG APAKAH PENGADUAN ANDA DITERIMA ATAU DITOLAK OLEH TITIK KONTAK TUJUAN DI AMS-Y

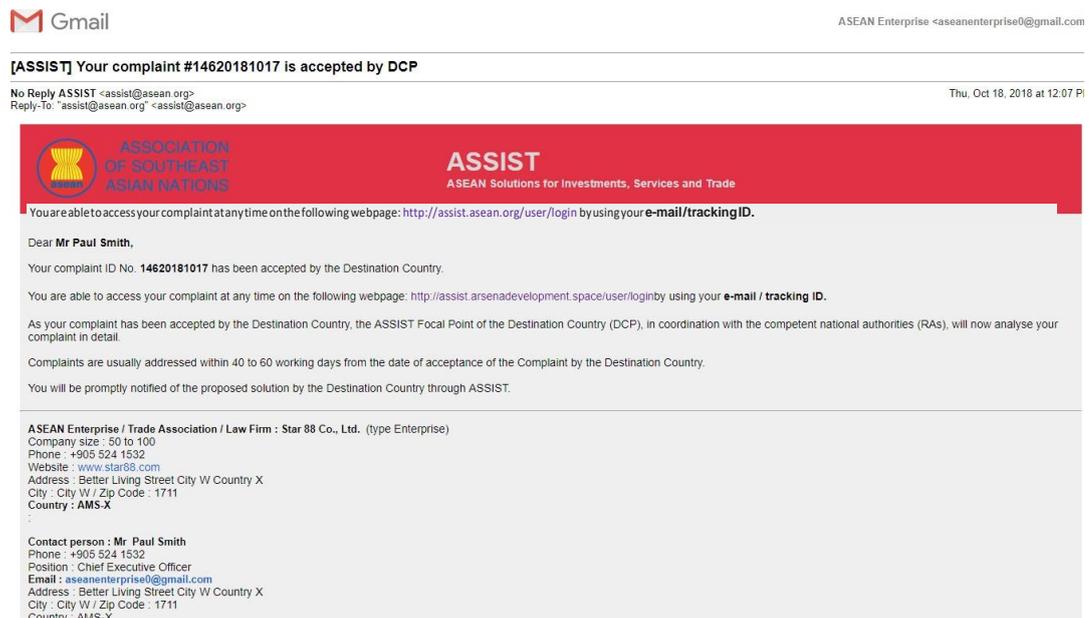
Dalam 10 hari kerja setelah tanggapan dari CA bahwa pengaduan Anda diterima, Anda akan menerima email di bawah ini untuk menyampaikan informasi bahwa pengaduan Anda telah diterima atau ditolak oleh DCP di AMS-Y.

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

Email pengingat 1 untuk Titik Kontak Tujuan (DCP):



Periksa akun email Anda secara teratur dalam 10 hari kerja setelah tanggapan dari CA bahwa pengaduan Anda diterima. Pada akhirnya Anda akan menerima email baru dari ASSIST.



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

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

Thanking you, ASSIST is at your service.

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

Dalam hal ini, pengaduan telah diterima oleh DCP sebagaimana dapat dilihat di atas.

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

Email pengingat 2 untuk DCP.



AMS Y <aseanmemberstate.y@gmail.com>

[ASSIST] Complaint #14620181017 reminder for DCP

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

Thu, Oct 18, 2018 at 5:00 AM

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

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

Thanking you, ASSIST is at your service.

assist.asean.org

Setelah DCP menerima pengaduan, masalah tersebut diteruskan ke Otoritas Penanggung Jawab (*Responsible Authorities (RA)*) untuk mendapat masukan. Setelah RA menyelesaikan upaya mereka, DCP harus memeriksa solusi dan memberikannya kepada CA dalam tenggat waktu 40 hari kerja. Dengan demikian, untuk memenuhi tenggat waktu ini, DCP harus menetapkan batas waktu agar RA dapat menemukan solusi. DCP bertanggungjawab untuk memberitahukan kepada CA mengenai setiap perubahan yang berkaitan dengan jangka waktu antara DCP dan otoritas nasional.

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

Periksa email Anda secara teratur dalam 40 + 20 hari kerja setelah Anda diberitahu bahwa DCP telah menerima pengaduan Anda. Pada akhirnya Anda akan menerima email baru dari ASSIST yang menunjukkan solusi yang diusulkan oleh DCP.

Langkah
11

MENERIMA EMAIL PEMBERITAHUAN DARI ASSIST BAHWA AMS-Y TELAH MENGAJUKAN SOLUSI DAN DITERIMA OLEH CA

Setelah DCP (AMS-Y) menerima solusi yang diajukan dari RA mereka dan menganggap bahwa usulan tersebut mengatasi masalah yang diangkat dalam pengaduan, maka DCP akan memberikan solusi yang diajukan kepada CA.

CA akan: (i) memeriksa solusi dalam konteks pengaduan asli; (ii) mendaftarkan solusi tersebut dan mengirimkannya ke AE melalui email; dan (iii) menyalin solusi untuk HCP/ HCP di AMS-X (negara asal Anda).

Buka akun email Anda. Anda akan menerima email baru dari ASSIST yang menunjukkan tanggapan dari DCP terhadap pengaduan Anda.



ASEAN Enterprise <aseanenterprise0@gmail.com>

[ASSIST] Response for your #14620181017 complaint

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

Thu, Oct 18, 2018 at 12:38 PM



ASSOCIATION
OF SOUTHEAST
ASIAN NATIONS



ASSIST
ASEAN Solutions for Investments, Services and Trade

Dear **Mr Paul Smith**,

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

"Upon internal discussions between the DCP and the RAs, AMS-Y decides to postpone the application of the new regulation requiring exporters and importers of certain commodities, including iron, aluminium, cotton and rubber, to use only AMS-Y's domestic vessels (i.e., vessels belonging to maritime shipping companies based in AMS-Y), as there has also been criticism and disagreements from local exporters that this new regulation will possibly affect export volumes and State revenues, as it will discourage or alienate foreign investors, as many buyers of the restricted commodities are now pending finalization of their contracts. Likewise, AMS-Y stated that it did not intend for the regulation to be seen as a preferential measure against foreign vessels and to violation of free trade principles. AMS-Y indicated that the measure You can also check the status of your complaint online at <http://assist.asean.org/user/login> by using your e-mail / tracking ID.

rubber industry more than 90% of export shipments are conducted by foreign vessels. Domestic shipping capacity was estimated at 50 million tons in 2017, while foreign vessels shipped 800 million tons in the same year, which is a major difference. AMS-Y added that the key goal of the regulation is that domestic shipping services companies start to benefit more significantly from the rising amount of sea trade in AMS-Y waters. Currently, most of the contracts and volumes of sea trade are dominated by foreign shipping service companies. However, AMS-Y agrees that it requires a more gradual process rather than a sudden break, thus the decision to postpone indefinitely (although not to revoke) the application of the new law."

You can also check the status of your complaint online at <http://assist.aseandevelopment.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 : Star 88 Co., Ltd. (type Enterprise)
Company size : 50 to 100
Phone : +905 524 1532
Website : www.star88.com
Address : Better Living Street City W Country X
City : City W / Zip Code : 1711
Country : **AMS-X**

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

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

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

Thanking you, ASSIST is at your service.

assist.asean.org

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



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 #14620181017 / AMS-Y

ASSIST Solution

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

Attachment

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

ASEAN ENTERPRISE

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

CONTACT PERSON

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

COMPLAINT DESCRIPTION

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

Description

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

Attachment

[Annex 2-Simulated Law of AMS-Y2.pdf](#)
[Annex 3-Simulated AMS-Y Schedule of Specific Commitments-Maritime Transport Services.pdf](#)

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

Di bawah ini adalah solusi yang diajukan dari DCP:

"Setelah mengadakan diskusi internal antara DCP dan RA, AMS-Y memutuskan untuk menunda penerapan peraturan baru yang mewajibkan eksportir dan importir komoditas tertentu, termasuk besi, aluminium, kapas dan karet, untuk menggunakan hanya kapal dalam negeri AMS-Y (yaitu, kapal milik perusahaan pelayaran maritim yang berbasis di AMS-Y), karena eksportir lokal juga mengkritik dan menyatakan ketidaksepakatan terhadap peraturan baru ini, bahwa peraturan tersebut mungkin akan memengaruhi volume ekspor dan pendapatan negara, karena mengasingkan investor asing, dan banyak pembeli komoditas terbatas sekarang sedang menunggu finalisasi kontrak mereka.

Namun, AMS-Y menyatakan bahwa mereka tidak bermaksud untuk membuat peraturan tersebut dipandang sebagai langkah proteksionis terhadap kapal asing dan melanggar prinsip-prinsip perdagangan bebas. AMS-Y menggarisbawahi bahwa langkah awalnya ditujukan untuk mendorong industri pengiriman AMS-Y guna meningkatkan kapasitas pengiriman dalam negeri karena lebih dari 90% dari semua pengiriman di perairan AMS-Y ditangani oleh kapal asing. Jadi, misalnya, dalam industri karet lebih dari 90% pengiriman ekspor dilakukan oleh kapal asing. Kapasitas pengiriman dalam negeri diperkirakan mencapai 50 juta ton pada tahun 2017, sementara kapal asing mengirim 800 juta ton pada tahun yang sama, sehingga perbedaannya menjadi sangat besar.

AMS-Y menambahkan bahwa tujuan utama dari peraturan ini adalah bahwa perusahaan jasa pengiriman domestik mulai mendapatkan manfaat lebih signifikan dari meningkatnya jumlah perdagangan laut di perairan AMS-Y. Saat ini, sebagian besar kontrak dan volume perdagangan laut didominasi oleh perusahaan jasa pengiriman asing. Namun, AMS-Y setuju bahwa itu membutuhkan proses yang lebih bertahap daripada pemutusan secara tiba-tiba, sehingga keputusannya adalah menunda tanpa batas waktu (meskipun tidak mencabut) penerapan undang-undang baru."

- (c) Di bagian bawah email dari ASSIST dalam 11 (a) di atas, Anda diminta untuk menunjukkan apakah Anda puas atau tidak dengan jawaban yang diberikan oleh DCP dan solusi yang disediakan di dalamnya. Anda dapat melakukannya dengan memilih 'Ya' atau 'Tidak' di pilihan yang disediakan.

Dalam hal ini, AE memilih "Ya".

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

Setelah Anda memilih 'Ya/Tidak' pada Langkah 11 (c) di atas, Anda akan diarahkan ke halaman di bawah ini di mana Anda akan diminta untuk menjawab Survei Kepuasan dan diundang untuk memberikan komentar, terutama jika solusi yang diajukan tidak memenuhi harapan Anda.

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

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

Satisfaction survey

Please comment your response for our feedback

Your answer Satisfied with the solution

Comments

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) Isi Survei Kepuasan. Dalam hal ini, AE puas dengan solusi yang disediakan oleh ASSIST dan menunjukkannya sesuai dengan itu.

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

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

Satisfaction survey

Please comment your response for our feedback

Your answer Satisfied with the solution

Comments

Although AMS-Y decided to only postpone the new law and not revoke it, for the time being, my company is quite satisfied with the proposed solution by AMS-Y. We understand that it was not AMS-Y's intention for the new law to be seen as a protectionist measure against foreign vessels and that AMS-Y's main goal was to encourage its domestic shipping industry and to promote its domestic maritime industry to be competitive with international shippers. However, we are of the view that there are not enough local AMS-Y vessels meeting the standards required by international importers and the local market does not have the capacity and experience yet to undertake certain operations. This is our partners' (export import companies in AMS-X) main concern. Thus, we would like to seek the Government of AMS-Y's consideration to amend the law

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]

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

Email Pernyataan Penerimaan Pertama dari ASSIST



ASEAN Enterprise <aseanenterprise0@gmail.com>

[ASSIST][#14620181017] Thank you for answer

Thu, Oct 18, 2018 at 4:39 PM

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



ASSOCIATION
OF SOUTHEAST
ASIAN NATIONS

ASSIST

ASEAN Solutions for Investments, Services and Trade

Dear **Mr Paul Smith**,

With reference to your complaint ID No. **14620181017**, **your feedback on whether you are satisfied with the answer given by the DCP and the proposed solution is: "Yes"**

ASSIST acknowledges receipt of your response to the proposed solution.

assist.asean.org

Email Pernyataan Penerimaan kedua dari ASSIST

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



ASEAN Enterprise <aseanenterprise0@gmail.com>

[ASSIST][#14620181017] Thank you for answer

Thu, Oct 18, 2018 at 4:52 PM

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



ASSOCIATION
OF SOUTHEAST
ASIAN NATIONS

ASSIST

ASEAN Solutions for Investments, Services and Trade

Dear **Mr Paul Smith**,

With reference to your complaint ID No. **14620181017**, **your feedback on whether you are satisfied with the answer given by the DCP and the proposed solution is: "Yes"**

Although AMS-Y decided to only postpone the new law and not revoke it, for the time being, my company is quite satisfied with the proposed solution by AMS-Y. We understand that it was not AMS-Y's intention for the new law to be seen as a protectionist measure against foreign vessels and that AMS-Y's main goal was to encourage its domestic shipping industry and to promote its domestic maritime industry to be competitive with international shippers. However, we are of the view that there are not enough local AMS-Y vessels meeting the standards required by international importers and the local market does not have the capacity and experience yet to undertake certain operations. This is our partners' (export/import companies in AMS-X) main concern. Thus, we would like to seek the Government of AMS-Y's consideration to amend the law accordingly before it decides to actually implement it.

ASSIST acknowledges receipt of your response to the proposed solution.

assist.asean.org

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



Tracking ID #14620181017 / AMS-Y

ASSIST Solution

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

Attachment

Satisfied : Yes

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

ASEAN ENTERPRISE

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

CONTACT PERSON

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

COMPLAINT DESCRIPTION

Country of Legal Registration	AMS-X	Business Sector	Services
Registration Number	123456	Type of Problem Encountered	Services / Transport services
Company Registration Proof	Annex_1_Simulated_Company_Registration_of_Star_88_Co_Ltd_pdf	Destination Country	AMS-Y
Type of Business	Service provider		

Description

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

Attachment

[Annex_2-Simulated_Law_of_AMS-Y2.pdf](#)
[Annex_3-Simulated_AMS-Y_Schedule_of_Specific_Commitments-Maritime_Transport_Services.pdf](#)

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



Pada pemberitahuan bahwa suatu solusi yang diajukan untuk AE dan telah diterima sebagai memenuhi harapan AE, maka DCP harus menyampaikan pemberitahuan penerimaan ke RA, untuk memastikan bahwa segala pengaturan administratif yang diperlukan untuk mengimplementasikan solusi tersedia sesegera mungkin.

ASSIST akan menganggap prosedur ini sebagai salah satu prosedur di mana pengaduan diterima dan DCP telah memberikan solusi dan diterima oleh AE.

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