



ASSIST

ຄູ່ມືແນະນຳເທື່ອລະຂັ້ນຕອນຂອງກໍລະນີສຶກສາ 4

(ການຄ້າດ້ານການບໍລິການ)

ຄຳຮ້ອງທຸກທີ່ຍື່ນໂດຍວິສາຫະກິດອາຊຽນ, ໄດ້ຮັບການຍອມ ຮັບ ຈາກຜູ້ດູແລລະບົບແລະຈຸດຕິດຕໍ່ຈຸປາຍທາງແລະການແກ້ໄຂທີ່ສະເໜີໂດຍຈຸດຕິດຕໍ່ປາຍທາງແລະໄດ້ຮັບການຍອມຮັບຈາກວິສາຫະກິດອາຊຽນ.

ລາຍລະອຽດໂດຍຫຍໍ້ກ່ຽວກັບກໍລະນີ: ສະຖານະການນີ້ແມ່ນກໍລະນີທີ່ເຍາະເຍີ້ຍຫລືທ້າທາຍທີ່ຖືກສ້າງຂຶ້ນເພື່ອສະທ້ອນໃຫ້ເຫັນຮູບແບບທີ 1 ຫຼື ອັນທີ່ ເອີ້ນວ່າ ການບໍລິການຂ້າມເຂດແດນ) ຂອງການຄ້າການ ບໍລິການລະຫວ່າງປະເທດ, ເຊິ່ງໄດ້ກຳນົດໄວ້ໃນສັນຍາຂອບເຂດການບໍລິການ (AFAS) ແລະ ຂໍ້ຕົກລົງທົ່ວໄປກ່ຽວກັບການຄ້າການບໍລິການ (GATS), ເຊິ່ງເປັນການໃຫ້ການບໍລິການຈາກອານາເຂດຂອງປະເທດໜຶ່ງເຂົ້າໄປໃນອານາເຂດຂອງອີກປະເທດອື່ນຫຼືເວົ້າອີກຢ່າງໜຶ່ງວ່າກໍແມ່ນໃນທຸກໆກໍລະນີການຄ້າທີ່ການບໍລິການເຄື່ອນຍ້າຍຂ້າມແດນ. ສະຖານະການນີ້ແມ່ນຄຳຮ້ອງທຸກທີ່ໄດ້ຮັບການຍອມຮັບ.

ຈາກຜູ້ດູແລລະບົບຂອງ ASSIST ວ່າມີການຍື່ນຄຳຮ້ອງທຸກຢ່າງຖືກຕ້ອງໂດຍຜູ້ຮ້ອງທຸກ (ໝາຍຄວາມວ່າໄດ້ຍື່ນໃຫ້ຢ່າງຄົບຖ້ວນແລະນອນຢູ່ໃນຂອບເຂດຂອງ ASSIST) ແລະຍັງໄດ້ຮັບການຍອມຮັບຈາກປະເທດປາຍທາງຊຶ່ງເປັນປະເດັນທີ່ບັນດາປະເທດສະມາຊິກອາຊຽນມີຄວາມເຕັມໃຈທີ່ຈະພົວພັນ

ປະສານກັບຜູ້ຮ້ອງທຸກຜ່ານ ASSIST, ກໍລິພົວພັນກັບຜູ້ທີ່ກ່ຽວຂ້ອງພາຍໃນປະເທດ. ຄຳຮ້ອງທຸກແມ່ນມີຄວາມກ່ຽວຂ້ອງກັບກົດໝາຍຂົນສົ່ງສະບັບໃໝ່ ທີ່ໄດ້ອອກໂດຍປະເທດປາຍທາງຄືກະຊວງການຄ້າສະບັບເລກທີ 13 ປີ 2018 ໂດຍກຳນົດວ່າສິນຄ້າບາງຊະນິດສາມາດຂົນສົ່ງເພື່ອນຳເຂົ້າຫລືສົ່ງອອກໂດຍບໍລິສັດຂົນສົ່ງທາງທະເລແຫ່ງຊາດເທົ່ານັ້ນ. ສິນຄ້າ 4 ຊະນິດ (ອັນໄດ້ແກ່ ເຫລັກ, ອາລູມິນຽມ, ຢາງແລະຝ້າຍ) ແມ່ນໜຶ່ງໃນບັນດາສິນຄ້າທີ່ມີລາຍຊື່ທີ່ໄດ້ລະບຸໄວ້ໃນກົດໝາຍວ່າດ້ວຍຂົນສົ່ງສະບັບໃໝ່ນີ້. ກົດໝາຍສະບັບໃໝ່ນີ້ແນ່ນອນວ່າຈະເຮັດໃຫ້ເກີດມີການສູນເສຍທາງດ້ານການເງິນສຳ ລັບທຸລະກິດຂອງຜູ້ຮ້ອງທຸກແລະ ປ້ອງກັນບໍ່ໃຫ້ມີການບໍລິການຂົນສົ່ງທາງທະເລລະຫວ່າງປະເທດຕົ້ນທາງແລະປະເທດປາຍ ທາງເກີດຂຶ້ນໄດ້. ຜູ້ຮ້ອງທຸກມີຄວາມວິຕົກກັງວົນເປັນຢ່າງຍິ່ງແລະເຊື່ອວ່າການພັດທະນາທາງດ້ານນິຕິບັນຍັດນີ້ແມ່ນມີຄວາມຂັດແຍ່ງກັບການຄ້າເສລີ, ທັງຕໍ່ກັບຈິດໃຈຂອງປະຊາຄົມເສດ ຖະກິດອາຊຽນ (AEC) ແລະອາດເປັນໄປໄດ້ອີກວ່າ, ຂັດຕໍ່ກັບຄຳໝັ້ນສັນຍາແລະພັນທະສັນຍາສະເພາະຂອງປະເທດປາຍ ທາງທີ່ຢູ່ພາຍໃຕ້ສັນຍາເສດຖະກິດອາຊຽນທັງຫລາຍທີ່ກ່ຽວຂ້ອງ (ເຊັ່ນວ່າ, ສັນຍາຂອບເຂດອາຊຽນກ່ຽວກັບການບໍລິການ, ຫຼື AFAS ນັ້ນເອງ).

ລາຍຊື່ຜູ້ດຳເນີນການຫລັກແລະຕົວຫຍໍ້:

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

ຂັ້ນຕອນ
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ໄປທີ່ເວັບໄຊທ໌ (<http://ASSIST.ASEAN.org>)

ຖ້າທ່ານຮູ້ສຶກວ່າຄະດີຂອງທ່ານແມ່ນບັນຫາທີ່ກ່ຽວກັບປະເດັນທີ່ກ່ຽວຂ້ອງກັບການຄ້າຂ້າມເຂດແດນຂອງອາຊຽນ, ທັງທ່ານກໍແມ່ນທຸລະກິດທີ່ຈົດທະບຽນຢູ່ໃນປະເທດສະມາຊິກອາຊຽນ, ແລະທ່ານຕ້ອງການບໍລິການແບບບໍ່ເສຍຄ່າ, ບໍ່ມີການຜູກມັດ, ໃຫ້ຄຳປຶກສາແລະໄດ້ຮັບວິທີແກ້ໄຂທີ່ເລັ່ງດ່ວນ ແລະ ມີປະສິດທິພາບ, ກໍ່ໃຫ້ທ່ານຕິດຕໍ່ໄປທີ່ລິ້ງຕໍ່ໄປນີ້: <http://assist.asean.org>.



ຂ້າງລຸ່ມນີ້ແມ່ນເວັບໜ້າທຳອິດຂອງ ASSIST.

ASSIST
ASEAN Solutions for Investments, Services and Trade

WELCOME TO ASSIST

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Welcome to ASSIST

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

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

ASEAN Enterprise

ASEAN Trade Association

ASEAN Lawyer or Law Firm

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

ASSIST (ARISE EU-ASEAN)

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

ASEAN Member States

Tutorials

ATR SEARCH

HARMONIZED STANDARDS SEARCH

What types of issues does ASSIST deal with?

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

ASSIST does not deal with any of these issues:

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

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

Central Administrator of ASSIST / ASEAN Secretariat - 7BA A, Setiabudi Mangrove - Jakarta 12110 - Indonesia
ASSIST - Supported by ARISE - [Disclaimer]

ຖ້າທ່ານກຳລັງຍື່ນຄຳຮ້ອງທຸກໃນນາມຂອງບໍລິສັດຂອງທ່ານເອງ(ຄຳຮ້ອງທຸກທີ່ບໍ່ລະບຸຊື່) ແລະທ່ານບໍ່ໄດ້ເປັນຕົວແທນໂດຍສະມາຄົມການຄ້າອາຊຽນ, ຫຼືໂດຍໜ່ວຍງານຕົວແທນອື່ນໆທີ່ທ່ານເລືອກ, ເຊັ່ນສະພາການຄ້າ, ສະພາທຸລະກິດ, ສະຫະພັນທຸລະກິດ, ຫຼືທະນາຍຄວາມຫຼືສຳນັກງານກົດໝາຍທີ່ລົງທະບຽນ, ໃຫ້ທ່ານຄລິກທີ່ຮູບໄອຄອນ “ASEAN Enterprise ວິສາຫະກິດອາຊຽນ” ທີ່ຢູ່ໃນແຖບເມນູຂອງການຍື່ນຄຳຮ້ອງທຸກ.



ASSOCIATION
OF SOUTHEAST
ASIAN NATIONS

ASSIST

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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 - TDA J. Setiabudi - Jakarta 12110 - Indonesia

ASSIST - Supported by ARISE - [Disclaimers]

ເມື່ອທ່ານຄລິກທີ່ໂອກອນ 'ASEAN Enterprise-ວິສາຫະກິດອາຊຽນ', ເວັບໜ້າຕໍ່ໄປຈະປາກົດຂຶ້ນໃຫ້ເຫັນ.



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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

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

Attachment

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

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

☐ I want to remain anonymous.

☐ I'm not a robot

[SUBMIT YOUR COMPLAINT](#)

Central Administrator of ASSIST / ASEAN Secretariat - TBA 2, Sisinganperaja - Jakarta 12110 - Indonesia
ASSIST - Supported by ASEAN. (Indonesia)

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

ມັນເປັນສິ່ງສໍາຄັນທີ່ສຸດທີ່ທ່ານຕ້ອງປ້ອນຂໍ້ມູນໃສ່ໃນຊ່ອງ 'Description'. ທາງ CA ຈະຕ້ອງ ໄດ້ທໍາການກວດສອບວ່າ ຄໍາອະທິບາຍຕ່າງໆທີ່ໄດ້ກ່າວໄວ້ໃນຄໍາຮ້ອງທຸກມັນແມ່ນມີຄວາມພຽງພໍທີ່ຈະກໍານົດບັນຫາໄດ້ຢ່າງຈະແຈ້ງໃນແງ່ຂອງຂໍ້ຕົກລົງກ່ຽວກັບທິວຂໍ້ສະເພາະຫລືບໍ່. ດັ່ງນັ້ນ, ກະລຸນາໃຫ້ທ່ານຈັດແຈງຄໍາຮ້ອງທຸກຂອງ ທ່ານ ຢ່າງລະມັດລະວັງພ້ອມດ້ວຍຂໍ້ມູນການໂຕ້ຖຽງຕ່າງໆທາງກົດໝາຍ ແລະຫຼັກຖານທີ່ເປັນຈິງເພື່ອຊ່ວຍໃຫ້ທາງ CA ໃນການຕັດສິນໃຈວ່າຈະອະນຸມັດຄໍາຮ້ອງທຸກຂອງທ່ານໄດ້ຫຼືບໍ່.

ຂັ້ນຕອນ

3

ປ້ອນຂໍ້ມູນໃສ່ແບບຟອມສໍາລັບຍື່ນຄໍາຮ້ອງທຸກ

ຂ້າງລຸ່ມນີ້ແມ່ນຕົວຢ່າງຂອງແບບຟອມທີ່ໄດ້ປ້ອນຂໍ້ມູນໄວ້ຮຽບຮ້ອຍສໍາລັບການສຶກສາກໍລະນີນີ້ໂດຍສະເພາະ.

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

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

Complaint to be Filed by an ASEAN Enterprise

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

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

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

Star 88 Co., Ltd.

* 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

* Gender

☒ Mr
 ☐ Mrs
 ☐ Ms

* First Name

Paul

* Last Name

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

COMPLAINT DESCRIPTION

* Country of Legal Registration

AMS-X

* Registration Number

123456

* Company Registration Proof

Choose File Annex 1-Simulat... 8 Co., Ltd.pdf

* Type of Business

Service provider

* Business Sector

Services

* Services Sector Description

* Type of Problem Encountered

11 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.

Attachment

Choose File Annex 2-Simulated Law of AMS-Y.pdf

+ Attachment

Choose File Annex 3-Simulated AM... report Services.pdf

Remove

☒ 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 : JDA 3, Sisingamangaraja : Jakarta 12110 - Indonesia

ASSIST - Supported by ASEAN - (EU/ASEAN)

ມີການຍົກຕົວຢ່າງຂອງການອະທິບາຍຄໍາຮ້ອງທຸກທີ່ໄດ້ຂຽນໄວ້ຈະແຈ້ງແລະຊັດເຈນ, ຂ້າງລຸ່ມນີ້ແມ່ນຄໍາອະທິບາຍແລະລາຍລະອຽດສໍາລັບກໍລະນີສຶກສານີ້ໂດຍສະເພາະສະເພາະ:

“ພວກເຮົາແມ່ນບໍລິສັດຂົນສົ່ງທີ່ໄດ້ຈັດທະບຽນຖືກຕ້ອງໃນ AMS-X. ພວກເຮົາໄດ້ເຂົ້າຮ່ວມ ຂໍ້ຕົກລົງຜູກມັດສອງປີນັບຕັ້ງແຕ່ເດືອນມັງກອນ 2018 ກັບບໍລິສັດຂາເຂົ້າ - ຂາອອກໃນ AMS-X. ຂອບເຂດຂອງຂໍ້ຕົກລົງແມ່ນການສົ່ງເຫລັກແລະອະລູມິນຽມຈາກ AMS-X ເຂົ້າໄປທີ່ AMS-Y ແລະນໍາເຂົ້າຢາງ ແລະ ຝ້າຍຈາກ AMS-Y ເຂົ້າໃນ AMS-X ໂດຍນໍາໃຊ້ກຳປັ່ນຂອງພວກເຮົາ. ພວກເຮົາໄດ້ຕົກລົງທີ່ຈະດໍາເນີນທຸລະກຳກ່ຽວກັບການສົ່ງສິນຄ້າຂາອອກ - ຂາເຂົ້າ ໃນການເດີນທາງຄົບຮອບແບບໄປກັບຈາກ AMS-X ເຖິງ AMS-Y ໂດຍໃຊ້ເຮືອລ່າດຽວກັນ. ຄວາມຕັ້ງໃຈ, ແມ່ນເພື່ອປະຫຍັດຄ່າໃຊ້ຈ່າຍໃນການນໍາໃຊ້ນໍ້າມັນເຊື້ອໄຟແລະແຮງງານໂດຍມີກຳລັງການຂົນສົ່ງສິນຄ້າຢ່າງເຕັມທີ່ໃນການເດີນທາງທັງພາຍໃນ ແລະ ຕ່າງປະເທດດັ່ງນັ້ນຈຶ່ງມີຄວາມສາມາດໃນການໃຫ້ບໍລິການທີ່ມີລາຄາຖືກແລະມີຄວາມສາມາດໃນການແຂ່ງຂັນບົນພື້ນຖານການຄ້າຂັ້ນເຂດແດນໃຫ້ກັບລູກຄ້າທັງທີ່ AMS-X ແລະ ທີ່ AMS-Y.



ເມື່ອບໍ່ດົນມານີ້ພວກເຮົາໄດ້ຮຽນຮູ້ວ່າ AMS-Y ໄດ້ອອກກົດໝາຍວ່າດ້ວຍການຂົນສົ່ງໃໝ່, ຄືໃນນາມຂອງກະຊວງການຄ້າສະບັບເລກທີ 13 ປີ 2018, ໂດຍກຳນົດວ່າ ສິນຄ້າບາງຊະນິດສາມາດຂົນສົ່ງເພື່ອນຳເຂົ້າຫຼືສົ່ງອອກ ໂດຍບໍລິສັດຂົນສົ່ງທາງທະເລແຫ່ງຊາດເທົ່ານັ້ນ. ສິນຄ້າ 4 ຊະນິດທີ່ເປັນເຫຼັກ, ອາລູມິນຽມ, ຢາງແລະຝ້າຍແມ່ນໄດ້ຈັດຢູ່ໃນບັນດາສິນຄ້າທີ່ມີລາຍຊື່ໃນກົດໝາຍວ່າດ້ວຍຂົນສົ່ງສະບັບໃໝ່ນີ້. ກົດໝາຍສະບັບໃໝ່ນີ້ ແນ່ນອນວ່າຈະເຮັດໃຫ້ທຸລະກິດຂອງພວກເຮົາເກີດການສູນເສຍທາງດ້ານການເງິນແລະມັນເປັນການສະກັດກັ້ນພວກເຮົາຈາກການໃຫ້ບໍລິການຂົນສົ່ງທາງທະເລລະຫວ່າງ AMS-X ແລະ AMS-Y. ພວກເຮົາມີຄວາມວິຕົກກັງວົນເປັນຢ່າງຍິ່ງວ່າການພັດທະນານິຕິກຳເພື່ອອອກກົດໝາຍ ນີ້ແມ່ນມີຄວາມຂັດແຍ່ງກັບການຄ້າເສລີ, ຕໍ່ກັບປະຊາຄົມເສດຖະກິດອາຊຽນ (AEC) ແລະອາດເປັນໄປໄດ້, ທັງຕໍ່ກັບຄຳໝັ້ນສັນຍາແລະພັນທະສະເພາະຂອງ AMS-Y ຕາມຂໍ້ຕົກລົງທາງດ້ານເສດຖະກິດອາຊຽນທີ່ກ່ຽວຂ້ອງ (ເຊັ່ນວ່າ: ຂໍ້ຕົກລົງຂອບເຂດກ່ຽວກັບການໃຫ້ບໍລິການຂອງອາຊຽນ, ຫຼື AFAS).

ທັດສະນະຂອງພວກເຮົາມີຄວາມເຫັນວ່າກົດໝາຍສະບັບໃໝ່ແມ່ນມາດຕະການອັນແນ່ນອນຂອງການປົກປ້ອງແລະເປັນສິ່ງທີ່ບໍ່ສອດຄ່ອງກັບຫຼັກການການຄ້າເສລີແລະກົດໝາຍທີ່ເຄີຍນຳໃຊ້ໃນການໃຫ້ບໍລິການ ທາງທະເລສາກົນເຊິ່ງຈະສົ່ງຜົນກະທົບຢ່າງຮ້າຍແຮງຕໍ່ບັນດາບໍລິສັດຂົນສົ່ງຂອງ AMS-X ທີ່ກຳລັງໃຫ້ບໍລິ ການຂົນສົ່ງທາງທະເລຂ້າມເຂດແດນທີ່ກ່ຽວຂ້ອງກັບການທີ່ ສິນຄ້າທີ່ຖືກກະທົບຈາກກົດໝາຍນີ້. ຍິ່ງໄປກວ່ານັ້ນ, ມາດຕະການໃໝ່ນີ້ທີ່ມາຈາກ AMS-Y ແມ່ນການລະເມີດຢ່າງຈະແຈ້ງຂອງຄຳໝັ້ນສັນຍາຂອງ AMS-Y ຕໍ່ອົງການການຄ້າໂລກແລະເປັນການລະເມີດຢ່າງຈະແຈ້ງຕໍ່ຂັ້ນຕອນການດຳເນີນການຈາມຄຳໝັ້ນສັນຍາສະເພາະເຈາະຈົງຂອງ AMS-Y ພາຍໃຕ້ຂອບເຂດຂອງ AFAS, ເຊິ່ງເປັນບ່ອນທີ່ AMS-Y ໄດ້ທຳການອະນຸຍາດໃຫ້ບໍລິສັດຂົນສົ່ງຕ່າງປະເທດທີ່ໃຫ້ການບໍລິການຂົນສົ່ງສິນຄ້າຂ້າມເຂດແດນພາຍໃນອາຊຽນສາມາດດຳເນີນທຸລະກິດຢູ່ໃນເຂດນ່ານນ້ຳຂອງຕົນໂດຍບໍ່ມີຂໍ້ຈຳກັດໃນການເຂົ້າເຖິງຕະຫຼາດແລະການປະຕິບັດຕໍ່ກັນລະຫວ່າງຊາດ. ດັ່ງນັ້ນ, ພວກເຮົາຈຶ່ງໄດ້ຂໍຮຽກຮ້ອງໃຫ້ AMS-Y ຍົກເລີກຫຼືປ່ຽນແປງກົດໝາຍໃໝ່ນີ້ຕາມຄວາມເໝາະສົມດ້ວຍ”

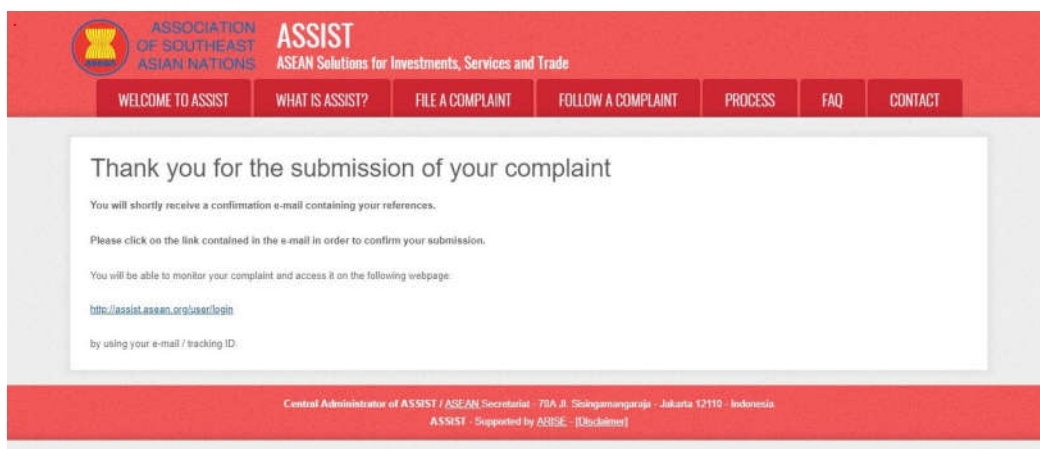
ເມື່ອຄຳຮ້ອງທຸກຖືກຍື່ນໂດຍການຄລິກໄປທີ່ “ສົ່ງ Submit Your Complaint-ຄຳຮ້ອງທຸກຂອງທ່ານ”, ໜ້າຕໍ່ໄປນີ້ໃນຂັ້ນຕອນທີ 4 ກໍ່ຈະປາກົດຂຶ້ນ.

ຂັ້ນຕອນ

4

ໄດ້ຮັບແຈ້ງການຈາກ ASSIST

ເມື່ອທ່ານຍື່ນຄຳຮ້ອງທຸກໃນເວັບໄຊທ໌ຂອງ ASSIST ແລ້ວ, ເວັບຕໍ່ໄປນີ້ກໍ່ຈະປາກົດຂຶ້ນ, ແລະ ແຈ້ງໃຫ້ທ່ານຮູ້ວ່າອີເມລການຍັງຍືນຈະຖືກສົ່ງໄປຫາອີເມລທີ່ທ່ານໃຫ້ໄວ້ໃນພອມການຮ້ອງທຸກຂອງທ່ານ.



ແຈ້ງການຂ້າງເທິງຊີ້ໃຫ້ເຫັນວ່າທ່ານຄວນຄລິກທີ່ລິ້ງທີ່ຢູ່ໃນບັນຊີອີເມລຂອງທ່ານເພື່ອຍືນຄຳຮ້ອງທຸກຂອງທ່ານກັບ ASSIST.



ຂັ້ນຕອນ

5

ຍືນຍັນການສົ່ງຄໍາຮ້ອງທຸກຂອງທ່ານດ້ວຍອີເມລຂອງທ່ານເອງ

(a) ໃຫ້ທ່ານເຂົ້າໄປໃນບັນຊີອີເມລຂອງທ່ານທີ່ທ່ານໄດ້ໃຫ້ໄວ້ກັບແບບຟອມການຮ້ອງທຸກ. ທ່ານຈະ ໄດ້ຮັບອີເມລ ຈາກ ASSIST ເພື່ອໃຫ້ທ່ານທຳການຍືນຍັນ ການສົ່ງຄໍາຮ້ອງທຸກຂອງທ່ານ ໂດຍໃຫ້ໂປດລິກທີ່ລຶງທີ່ໄດ້ ສົ່ງ ມາໃຫ້ທ່ານກັບອີເມລຫລືຖ້າບໍ່ຢາກລິກກໍພຽງແຕ່ທ່ານຄັດລອກເອົາລິ້ງນັ້ນໄປແປະໃສ່ໃນ browser ອິນເຕີ ເນັດ. ອັນນີ້ແມ່ນຕ້ອງໄດ້ເຮັດຕາມທີ່ ASSIST ໄດ້ຮຽກຮ້ອງມາເພື່ອເປັນການຍືນຍັນວ່າ ອີເມລທີ່ທ່ານໄດ້ໃຫ້ ໄປນັ້ນຖືກຕ້ອງ. ໝາຍເລກຄໍາຮ້ອງທຸກຂອງທ່ານກໍໄດ້ສົ່ງມາໃຫ້ທ່ານດ້ວຍອີເມລນີ້ເຊັ່ນກັນ. ໃນກໍລະນີນີ້, ໝາຍ ເລກຄໍາຮ້ອງທຸກຂອງທ່ານແມ່ນ 14620181017.

ຂ້າງລຸ່ມນີ້ແມ່ນອີເມລທີ່ທ່ານຈະໄດ້ຮັບຈາກ ASSIST.



ASEAN Enterprise <aseanenterprise@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 12:48 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.aseandevelopment.space/user/confirm_email?email=aseanenterprise@gmail.com&id=14620181017&code=3y4r30bbq96

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

http://assist.asean.org/user/confirm_email

ASEAN Enterprise / Trade Association / Law Firm : Star 88 Co., Ltd. (type Enterprise)

Company size : 50 to 100

<http://assist.asean.org/user/login> by using your e-mail / tracking ID: aseanenterprise@gmail.com / 14620181017

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 : 125456

Type of Business : Service provider

Business Sector : Services /

Type of problem encountered : Transport services

Destination Country : AMS-Y

Description:

We are a duty 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

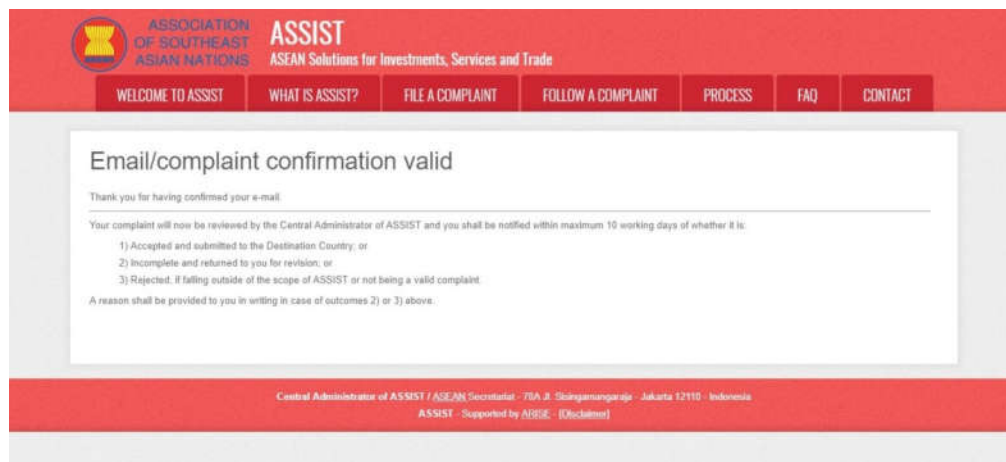
Annex_2.Simulated_Law_of_AMS-Y2.pdf
47K

Annex_3.Simulated_AMS-Y_Schedule_of_Specific_CommitmentsMaritime_Transport_Services.pdf
90K

Annex_1.Simulated_Company_Registration_of_Star_88_Co.,Ltd..pdf
50K



(b) ໃຫ້ທ່ານຄລິກທີ່ລິ້ງທີ່ໄດ້ໃຫ້ມາກັບອີເມລເຊິ່ງຕ້ອງໄດ້ຄລິກ ແລະໜ້າໃໝ່ໃນອີເມລນັ້ນກໍຈະສະແດງໃຫ້ເຫັນ.



ການແຈ້ງເຕືອນທີ່ໄດ້ສະແດງໄວ້ຂ້າງເທິງນີ້ຈະແຈ້ງໃຫ້ທ່ານຊາບວ່າ ຄໍາຮ້ອງທຸກຂອງທ່ານຈະຖືກທົບທວນໂດຍ CA ແລະຫຼັງຈາກນັ້ນ ທ່ານຈະໄດ້ຮັບການແຈ້ງກັບມາຫາທ່ານທາງອີເມລ ພາຍໃນເວລາສູງສຸດ 10 ວັນລັດຖະການ ໂດຍທີ່ການຍື່ນຄໍາຮ້ອງທຸກຂອງທ່ານນັ້ນຈະ:

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

ໄປທີ່ບັນຊີອີເມລຂອງທ່ານ.

ຂັ້ນຕອນ
6

ໄດ້ຮັບອີເມລຈາກ ASSIST ເພື່ອໃຫ້ຮູ້ວ່າອີເມລແລະຄໍາຮ້ອງທຸກຂອງທ່ານນັ້ນໃຊ້ການໄດ້

ໃຫ້ທ່ານໄປທີ່ອີເມລຂອງທ່ານແລະທ່ານຈະເຫັນມີອີເມລໃໝ່ຈາກ ASSIST ສົ່ງມາຫາທ່ານ. ອີເມລນີ້ຈະຊີ້ບອກໃຫ້ເຫັນວ່າ ທ່ານຮູ້ວ່າທ່ານໄດ້ທໍາການຍື່ນຍືນຄໍາຮ້ອງທຸກຂອງທ່ານແລ້ວພ້ອມທັງທາງ CA ຈະກວດສອບຄວາມຖືກຕ້ອງ ຂອງຄໍາຮ້ອງທຸກ, ແລະກໍໄດ້ຖືກນໍາເຂົ້າໄປເກັບໄວ້ໃນລະບົບພາຍໃນຂອງ ASSIST. ASSIST ຈະກັບມາຕິດຕໍ່ອີກເທື່ອໜຶ່ງພ້ອມດ້ວຍຄໍາຕອບທີ່ຈະບອກວ່າ ຄໍາຮ້ອງທຸກທີ່ໄດ້ສົ່ງໄປນັ້ນໄດ້ຮັບການຍອມຮັບແລ້ວ, ບໍ່ຄົບຖ້ວນ ຫຼື ຖືກປະຕິເສດພາຍໃນ 10 ວັນລັດຖະການ.



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



ASSOCIATION
OF SOUTHEAST
ASIAN NATIONS

ASSIST

ASEAN Solutions for Investments, Services and Trade

Dear Mr Paul Smith,

Thanks for the confirmation of your complaint ID No. 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

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: aseanenterprise0@gmail.com / 14620181017
Address : Better Living Street City W Country X
City : City W / Zip Code : 1711
Country : AMS-X



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

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

Description:

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

Thanking you, ASSIST is at your service.

assist.asean.org

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

ຕາມທີ່ໄດ້ລະບຸໄວ້ໃນອີເມລ໌ຂ້າງເທິງນັ້ນ, ໃນເວລານີ້ ທ່ານສາມາດຕິດຕາມເບິ່ງຄວາມຄືບໜ້າໄດ້ໂດຍໃຫ້ທ່ານຄລິກທີ່ລິ້ງທີ່ໄດ້ແນະນຳໄວ້ໃຫ້ເຊິ່ງຈະພາທ່ານທີ່ແຖບ 'Follow a Complaint-ຕິດຕາມເບິ່ງຄຳຮ້ອງທຸກ' ຢູ່ແຖບເມນູໃນເວັບໄຊທ໌ ASSIST.

ຂັ້ນຕອນ
7

ຕິດຕາມຄວາມຄືບໜ້າຂອງການຮ້ອງທຸກຂອງທ່ານ

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

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

Email Tracking ID

Central Administrator of ASSIST / ASEAN Secretariat - 78A, J. Sudirmanmanggara - Jakarta 12110 - Indonesia
ASSIST - Supported by AEGE - [Disclaimer]

(b) ໃຫ້ທ່ານໃສ່ອີເມລ໌ຂອງທ່ານແລະໝາຍເລກເພື່ອຕິດຕາມ (ກໍຄືໝາຍເລກຄຳຮ້ອງທຸກຂອງທ່ານ) ໃນຊ່ອງບ່ອນຂໍ້ມູນທີ່ມີໃຫ້ໄວ້ເພື່ອເຂົ້າສູ່ລະບົບ. ໃນກໍລະນີນີ້, ອີເມລ໌ແມ່ນ aseanenterprise0@gmail.com ແລະໝາຍເລກເພື່ອຕິດຕາມແມ່ນ 14620181017.



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FILE A COMPLAINT

FOLLOW A COMPLAINT

PROCESS

FAQ

CONTACT

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Email: aseanenterprise@gmail.com Tracking ID: *****

LOGIN

Central Administrator of ASSIST / ASEAN Secretariat - JPA & Sekeloa Mangrove - Jakarta 12110 - Indonesia
ASSIST - Supported by AISE - [Disclaimer]

ເມື່ອທ່ານໄດ້ເຂົ້າສູ່ລະບົບແລ້ວ, ທ່ານຈະເຫັນ Dashboard ຂອງ ASSIST ຂອງທ່ານເຊິ່ງ ເປັນບ່ອນທີ່ທ່ານສາມາດຕິດຕາມຄວາມຄືບໜ້າຂອງການຍື່ນຄໍາຮ້ອງທຸກຂອງທ່ານ.

(c) ເປີດເບິ່ງລາຍລະອຽດໃນ Dashboard ຂອງ ASSIST ຂອງທ່ານເມື່ອທ່ານ ໄດ້ເຂົ້າສູ່ລະບົບແລ້ວຂອງທ່ານເມື່ອທ່ານໄດ້ເຂົ້າສູ່ລະບົບຢ່າງສໍາເລັດຜົນ:

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 13:05:04	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.

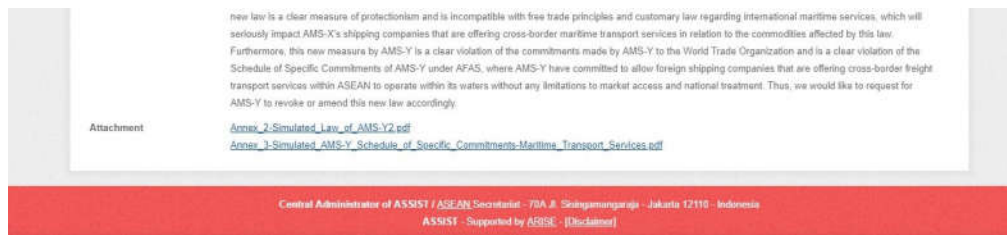
Company Size	50 to 100	Address	Better Living Street City W Country X
Phone	+905 524 1532	City	City W
Website	www.star88.com	ZIP Code	1711
		Country	AMS-X

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	aseanenterprise@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	Append 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 aluminum from AMS-X into AMS-Y and import rubber and cotton from AMS-Y into AMS-X using our fleet of vessels. We have agreed to conduct this export-import transaction in round-trips from AMS-X to AMS-Y using the same vessel. The intention, inter alia, is to save cost in fuel consumption and manpower by having a full freight load in both inbound and outbound trips, thereby being able to provide a cost-effective and competitive service on a cross-border basis to customers based in both AMS-X and AMS-Y. We recently learned that AMS-Y has issued a new shipping law, namely the Ministry of Trade Law No. 13 Year 2018, imposing that certain commodities can only be transported for import or export by national maritime transport companies. The four commodities, i.e. iron, aluminum, 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		



ດັ່ງທີ່ທ່ານສາມາດເຫັນໄດ້ໃນ dashboard ຂອງທ່ານ, ການດຳເນີນການຕ່າງໆ ຂອງການຮ້ອງທຸກຂອງທ່ານ ແມ່ນໄດ້ຖືກລະບຸໄວ້ຢ່າງຈະແຈ້ງໃນ dashboard ຂອງທ່ານແລະ ເນື້ອໃນລາຍການຕ່າງໆ ເຫລົ່ານີ້ຈະຖືກປັບໃຫ້ໃຫມ່ຢູ່ສະເໝີ ຫຼັງຈາກການດຳເນີນການໃນແຕ່ລະຄັ້ງ. ແບບຟອມຄຳຮ້ອງທຸກທີ່ທ່ານໄດ້ຍື່ນໄປແລ້ວນັ້ນ, ກໍ່ສາມາດເຂົ້າເບິ່ງໄດ້ໃນ dashboard ຂອງທ່ານເຊັ່ນກັນ.

ຂັ້ນຕອນ

8

ຜູ້ດູແລລະບົບກວດເບິ່ງຄຳຮ້ອງທຸກຂອງທ່ານແລະຕອບທ່ານທາງອີເມລ (ວ່າຮັບຮອງ,ບໍ່ຄົບຖ້ວນ ຫລື ປະຕິເສດ)

ຫລັງຈາກທີ່ CAໄດ້ທຳການກວດກາເບິ່ງຄຳຮ້ອງທຸກຂອງທ່ານເປັນທີ່ຮຽບຮ້ອຍແລ້ວແລະທັງໄດ້ຕັດສິນແລ້ວວ່າຄຳຮ້ອງທຸກນັ້ນໄດ້ຜ່ານການຮັບຮອງ, ບໍ່ຄົບຖ້ວນ ຫລື ຖືກປະຕິເສດນັ້ນ ຈະມີອີເມລສົ່ງໄປຫາທ່ານພາຍໃນ 10 ວັນລັດຖະການ ນັບຕັ້ງແຕ່ທ່ານໄດ້ສົ່ງຄຳຮ້ອງທຸກຂອງທ່ານ.

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

ອີເມລເຕືອນເທື່ອທີ 1 ສຳລັບຜູ້ດູແລລະບົບ:



Central Administrator ASEC <caatasec@gmail.com>

[ASSIST] Complaint #13320180921 reminder for CA

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

Sat, Sep 22, 2018 at 5:00 AM



ASSOCIATION
OF SOUTHEAST
ASIAN NATIONS

ASSIST

ASEAN Solutions for Investments, Services and Trade

Action is required by the CA for the complaint:
13320180921

Thanking you, ASSIST is at your service.

assist.asean.org [View details](#)



ໃຫ້ທ່ານຫມັ້ນກວດເບິ່ງອີເມລຂອງທ່ານພາຍໃນ 10 ວັນລັດຖະການຫຼັງຈາກທ່ານໄດ້ຍື່ນຄໍາຮ້ອງທຸກ. ໃນທີ່ສຸດທ່ານກໍ່ຈະໄດ້ຮັບອີເມລໄພ່ຈາກ ASSIST.



ASEAN Enterprise <aseanenterprise@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 2:48 PM



ASSOCIATION
OF SOUTHEAST
ASIAN NATIONS

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.arsenaddevelopment.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.

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 : 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

ໃນກໍລະນີນີ້, ອີເມລຂ້າງເທິງນີ້ສະແດງໃຫ້ເຫັນວ່າ ຄໍາຮ້ອງທຸກຂອງທ່ານໄດ້ຮັບການຍອມຮັບຈາກ CA. ອີເມລນີ້ຍັງໄດ້ແຈ້ງໃຫ້ທ່ານຊາບວ່າ, ຄໍາຮ້ອງທຸກຂອງທ່ານຈະຖືກສົ່ງ ໄປທີ່ຈຸດຕິດຕໍ່ທາງປາຍທາງ, ເຊິ່ງແມ່ນອົງການຂອງລັດຖະບານ (ASSIST Focal Point) ໃນ AMS-Y ບ່ອນທີ່ທ່ານກຳລັງ ປະເຊີນກັບບັນຫາດ້ານການຄ້າແລະເປັນບ່ອນທີ່ຄໍາຮ້ອງທຸກຂອງທ່ານໄດ້ຖືກນຳສົ່ງແລະທາງແກ້ໄຂກໍກຳລັງຢູ່ໃນລະຫວ່າງການດຳເນີນການ. DCP ໃນ AMS-Y ຈະໄດ້ຮັບເວລາ 10 ວັນເພື່ອໃຊ້ໃນການເຮັດວຽກເພື່ອທົບທວນຄໍາຮ້ອງທຸກຂອງທ່ານແລະເພື່ອທີ່ຈະຍອມຮັບ, ປະຕິເສດ ຫຼືສົ່ງຄືນ ກັບໄປໃຫ້ທ່ານພ້ອມທັງສະເໜີຂໍ້ມູນເພີ່ມເຕີມຈາກທ່ານ. ນີ້ແມ່ນມີຈຸດປະສົງທີ່ສະແດງເຖິງຄວາມຕັ້ງໃຈທີ່ຈະໃຫ້ເວລາແກ່ DCP ໄດ້ສາມາດກວດກາເບິ່ງລາຍລະອຽດຂອງການຮ້ອງທຸກ, ແລະຂໍຄໍາປຶກສາຫາລືຕາມຄວາມຈຳເປັນກັບເຈົ້າໜ້າທີ່ແຫ່ງຊາດທີ່ກ່ຽວຂ້ອງ.

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

ຖ້າທ່ານບໍ່ໄດ້ຮັບອີເມລຈາກ ASSIST ພາຍໃນກຳນົດເວລາທີ່ໄດ້ກຳນົດໄວ້ (ກໍ່ຄື 10 ວັນລັດຖະການນັບ ຕັ້ງແຕ່ວັນທີ່ຄໍາຮ້ອງທຸກໄດ້ຖືກຍື່ນໄປ), ອັນນີ້ ມັນກໍ່ໝາຍຄວາມວ່າ CA ມີການດຳເນີນການທີ່ເກີນຂອບເຂດ. CA ຈະໄດ້ຮັບການແຈ້ງເຕືອນອັດຕະໂນມັດອີກທາງໜຶ່ງຜ່ານທາງອີເມລ (ພາຍໃນ 14 ວັນຕາມເວລາປະຕິທິນ ຫຼັງຈາກການຮ້ອງຮຽນໄດ້ຖືກຍື່ນ) CA ຈະໄດ້ຮັບອີເມລແບບຂ້າງລຸ່ມນີ້:



ອີເມລເກືອນເທື່ອທີ 2 ສໍາລັບຜູ້ດູແລລະບົບ:



Central Administrator ASEC <castasec@gmail.com>

[ASSIST] Complaint #13320180921 reminder for CA

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

Sun, Sep 23, 2018 at 5:08 AM



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Action is required by the CA for the complaint:
13320180921

Thanking you, ASSIST is at your service.

assist.asean.org [View details](#)

ຂັ້ນຕອນ

9

ໃຫ້ທ່ານເຂົ້າສູ່ລະບົບ Dashboard ຂອງ ASSIST ຂອງທ່ານໂດຍໃຊ້ອີເມລ ແລະ ຫມາຍເລກຕິດຕາມຂອງທ່ານເພື່ອເບິ່ງ
ຄໍາຕອບຕົວຈິງຈາກຜູ້ດູແລລະບົບ

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

ພາບລວມແບບທີ່ເຫັນໄດ້ເຕັມຕົວແລະຄົບຖ້ວນຂອງ dashboard ຂອງທ່ານນັ້ນສາມາດເບິ່ງໄດ້ຂ້າງລຸ່ມນີ້. ດັ່ງທີ່ທ່ານ
ເຫັນ, ການດໍາເນີນການຕ່າງໆລ້ວນແຕ່ໄດ້ຖືກເກັບບັນທຶກເພີ່ມເຂົ້າໄປໃນ 'History-ປະຫວັດ' ຂອງການດໍາເນີນການ
ຕ່າງໆ ເຊິ່ງສາມາດຫາເຫັນການທີ່ໄດ້ລະບຸໄວ້ວ່າ CA ນັ້ນ ໄດ້ "Accepted-ຍອມຮັບ" ຄໍາຮ້ອງທຸກຂອງທ່ານໄປ
ແລ້ວ.



ASSOCIATION
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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 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 our 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	Append 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-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.
Attachment	Annex 1-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. Setiabudi - Jakarta 12110 - Indonesia
 ASSIST - Supported by AISEE - [Disclaimer]

ໃຫ້ທ່ານຄລິກທີ່ໄອຄອນທີ່ເປັນຮູບແກ້ວຂະຫຍາຍໃນບ່ອນສະແດງຄໍາເຫັນທີ່ເປັນຫ້ອງຍາວໆລົງມາ. ການຕອບຮັບອັນຄົບຖ້ວນຈາກທາງ CA ກໍ່ຈະປາກົດຂຶ້ນມາໃຫ້ເຫັນ, ດັ່ງທີ່ໄດ້ສະແດງໃນພາບຂ້າງລຸ່ມນີ້:

Dear Mr Paul Smith,

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

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

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

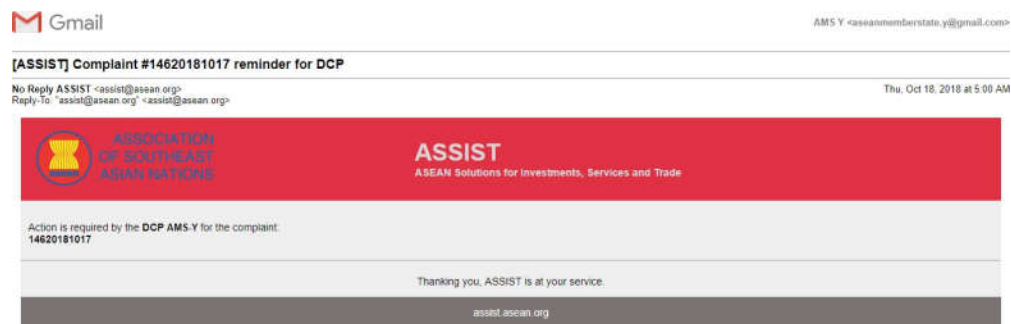
ດັ່ງທີ່ໄດ້ແຈ້ງໃນຂັ້ນຕອນທີ 8, ເມື່ອຄໍາຮ້ອງທຸກໄດ້ຮັບການຍອມຮັບຈາກ CAແລ້ວນັ້ນ, ຄໍາຮ້ອງທຸກຂອງທ່ານຈະຖືກສົ່ງໄປທີ່ຈຸດຕິດຕໍ່ທາງປາຍທາງ, ເຊິ່ງແມ່ນອົງການຂອງລັດຖະບານ (ASSIST Focal Point) ໃນ AMS-Y ບ່ອນທີ່ທ່ານກໍາລັງປະເຊີນກັບບັນຫາດ້ານການຄ້າ. DCP ໃນ AMS-Y ຈະໄດ້ຮັບເວລາ 10 ວັນເພື່ອໃຊ້ໃນການເຮັດວຽກເພື່ອທົບທວນຄໍາຮ້ອງທຸກຂອງທ່ານແລະເພື່ອທີ່ຈະຍອມຮັບ, ປະຕິເສດຫຼືສົ່ງຄືນກັບໄປໃຫ້ທ່ານ. ນີ້ແມ່ນມີຈຸດປະສົງທີ່ສະແດງເຖິງຄວາມຕັ້ງໃຈທີ່ຈະໃຫ້ເວລາແກ່ DCP ໄດ້ສາມາດກວດກາເບິ່ງລາຍລະອຽດຂອງການຮ້ອງທຸກ, ແລະຂໍຄໍາປຶກສາຫາລືຕາມຄວາມຈໍາເປັນກັບເຈົ້າໜ້າທີ່ແຫ່ງຊາດທີ່ກ່ຽວຂ້ອງ. ເມື່ອ DCP ໃຫ້ຄໍາຕອບ, ອີເມລຈະຖືກສົ່ງມາຫາທ່ານຈາກ ASSIST ເພື່ອແຈ້ງໃຫ້ທ່ານຮູ້ວ່າຄໍາຮ້ອງທຸກຂອງທ່ານ ໄດ້ຖືກຍອມຮັບຫຼືປະຕິເສດໂດຍ DCP ໃນ AMS-Y.

ຮັບແຈ້ງທາງອີເມລຈາກASSISTວ່າຄໍາຮ້ອງທຸກຂອງທ່ານໄດ້ຖືກຍອມຮັບຫຼືປະຕິເສດ ໂດຍຈຸດຕິດຕໍ່ປາຍທາງທີ່AMS-Y

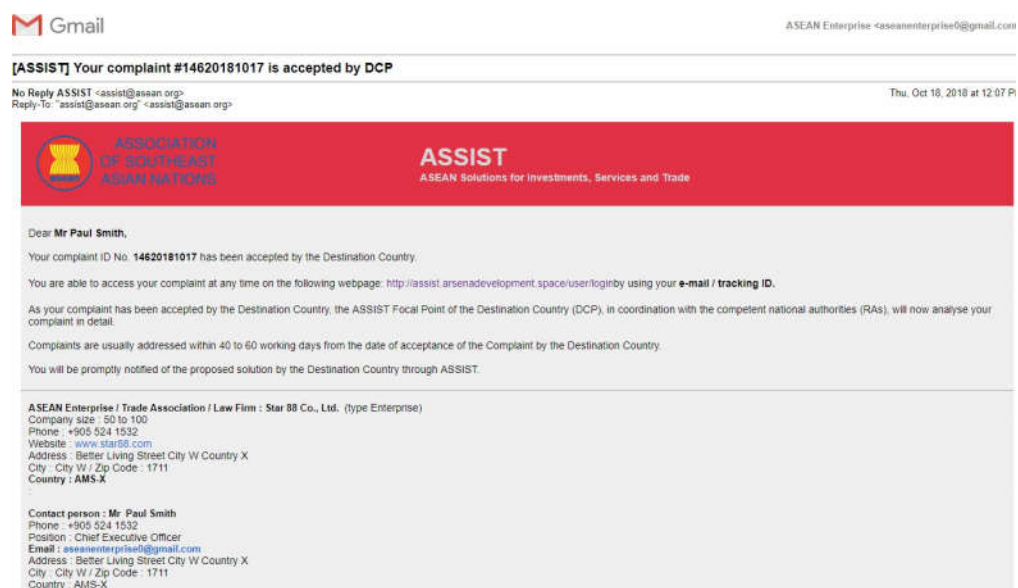
ພາຍໃນ 10 ວັນລັດຖະການ ຫຼັງຈາກໄດ້ຮັບຄໍາຕອບຈາກ CA ທີ່ຄໍາຮ້ອງທຸກຂອງທ່ານ ຖືກຍອມຮັບ, ທ່ານຈະໄດ້ຮັບ ອີເມລທີ່ແຈ້ງໃຫ້ທ່ານຊາບວ່າ ຄໍາຮ້ອງທຸກຂອງທ່ານໄດ້ຖືກຍອມຮັບໂດຍ DCP ໃນ AMS-Y ເປັນທີ່ຮຽບຮ້ອຍແລ້ວ.

ຖ້າທ່ານວ່າບໍ່ມີການດໍາເນີນການໃດໆໂດຍDCPໃນລະຍະນີ້ ທາງ DCP ຈະໄດ້ຮັບຄໍາເຕືອນ ແບບອັດຕະໂນມັດ ດັ່ງທີ່ສະແດງຂ້າງລຸ່ມນີ້ຜ່ານທາງອີເມລຈາກລະບົບ online ຂອງ ASSIST ພາຍໃນ 7 ວັນຕາມເວລາປະຕິທິນ ຫຼັງຈາກການຮ້ອງທຸກໄດ້ຖືກຍື່ນ. ດັ່ງນັ້ນຕາມທີ່ໄດ້ລະບຸໄວ້ຂ້າງເທິງນັ້ນ, ທາງ DCP ຈະຕ້ອງຕັດສິນໃຈພາຍໃນ 10 ວັນລັດຖະການວ່າ ຈະຮັບຮອງຍອມຮັບເອົາຫຼື ປະຕິເສດຄໍາຮ້ອງທຸກນັ້ນ ນັບຕັ້ງແຕ່ວັນທີທາງ CA ໄດ້ຮັບ ເລື່ອງຮ້ອງທຸກແລ້ວ.

ແຈ້ງເຕືອນທາງອີເມວ 1 ສໍາລັບຈຸດຕິດຕໍ່ປາຍທາງ:



ໃຫ້ທ່ານພົ້ນກວດເບິ່ງອີເມລຂອງທ່ານພາຍໃນ 10 ວັນລັດຖະການຫຼັງຈາກທ່ານໄດ້ຍື່ນຄໍາຮ້ອງທຸກ. ໃນທີ່ສຸດທ່ານກໍ່ຈະ ໄດ້ຮັບອີເມລໃໝ່ຈາກ 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 /
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 assist@asean.org

ໃນກໍລະນີນີ້, ຄໍາຮ້ອງທຸກໄດ້ຮັບການຍອມຮັບຈາກ DCP ດັ່ງທີ່ເຫັນໄດ້ຂ້າງເທິງ.

ຖ້າທ່ານບໍ່ໄດ້ຮັບອີເມລຈາກ ASSIST ກ່ຽວກັບການຕອບຮັບໂດຍທາງ DCP ພາຍໃນກຳນົດເວລາທີ່ກຳນົດໄວ້ (10 ວັນລັດຖະການ) ຫຼັງຈາກຄໍາຮ້ອງທຸກໄດ້ຮັບການຍອມຮັບຈາກ CA, ນັ້ນກໍ່ພາຍຄວາມວ່າ DCP ມີການດຳເນີນການທີ່ເກີນຂອບເຂດ ເຊິ່ງທາງ DCP ຈະໄດ້ຮັບຄໍາເຕືອນ ແບບອັດຕະໂນມັດອີກ ເທື່ອໜຶ່ງຜ່ານທາງອີເມລ (ພາຍໃນ 14 ວັນຕາມເວລາປະຕິທິນຫຼັງຈາກການຮ້ອງທຸກໄດ້ຖືກຍື່ນໄປແລ້ວ) ເຊິ່ງເປັນການດຳເນີນການທີ່ເລັ່ງດ່ວນທີ່ DCP ໄດ້ຮ້ອງຂໍສໍາລັບການຮ້ອງທຸກນີ້.

ແຈ້ງເຕືອນທາງອີເມວ 2 ສໍາລັບຈຸດຕິດຕໍ່ປາຍທາງ:

Gmail 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

ເມື່ອ DCP ຍອມຮັບຄໍາຮ້ອງທຸກແລ້ວ, ເລື່ອງດັ່ງກ່າວຈະຖືກສົ່ງຕໍ່ເຈົ້າໜ້າທີ່ຮັບຜິດຊອບ (RAs) ເພື່ອຂໍຄວາມເຫັນ. ເມື່ອ RAs ໄດ້ດຳເນີນການຕາມຄວາມພະຍາຍາມຂອງພວກເຂົາແລ້ວ, DCP ຄວນກວດກາວິທີແກ້ໄຂແລະສົ່ງຕໍ່ໃຫ້ແກ່ CA ພາຍໃນກຳນົດເວລາ 40 ວັນລັດຖະການ. ດັ່ງນັ້ນ, ເພື່ອໃຫ້ສາມາດເຮັດໃຫ້ໄດ້ພາຍໃນກຳນົດການນີ້, ການກຳນົດການຄວນຖືກກຳນົດໂດຍ DCP ສໍາລັບ RAs ເພື່ອຊອກຫາວິທີແກ້ໄຂ. ມັນແມ່ນຄວາມຮັບຜິດຊອບຂອງ DCP ເພື່ອແຈ້ງໃຫ້ CAໄດ້ຮັບຊາບ ກ່ຽວກັບການປ່ຽນແປງໃດໆທີ່ກ່ຽວຂ້ອງກັບໄລຍະເວລາລະຫວ່າງເຂົ້າເຈົ້າແລະເຈົ້າໜ້າທີ່ແຫ່ງຊາດ.

CA ອາດຈະຕໍ່ກຳນົດ ເວລາອອກໄປອີກ 20 ວັນລັດຖະການ ຕາມການຮ້ອງຂໍຂອງ DCP. ທາງລະບົບຈະແຈ້ງໃຫ້ຊາບໂດຍອັດຕະໂນມັດ ເມື່ອເວລາກຳນົດໄດ້ຫຍັບໃກ້ເຂົ້າມາ (ເຊັ່ນວ່າ ໂດຍປົກກະຕິແລ້ວກໍ່ຈະແມ່ນ 10 ວັນຕາມເວລາປະຕິທິນ ກ່ອນທີ່ຈະພົດເວລາກຳນົດການ). ຖ້າຫາກວ່າ DCP ດຳເນີນການຂອງຕົນ ໃນການສົ່ງວິທີແກ້ໄຂຕໍ່ CA ນັ້ນບໍ່ທັນ, ລະບົບ online ກໍ່ຈະແຈ້ງ CA ໃຫ້ໄດ້ຮັບຊາບເພື່ອໄປຕິດຕາມກັບ DCP.

ໃຫ້ທ່ານຫມັ້ນກວດ ເບິ່ງອີເມລຂອງທ່ານ ເປັນປະຈຳພາຍໃນ 40 + 20 ວັນລັດຖະການຫລັງຈາກທີ່ທ່ານໄດ້ຮັບແຈ້ງວ່າ DCP ໄດ້ຍອມຮັບຄໍາຮ້ອງທຸກຂອງທ່ານແລ້ວ. ໃນທີ່ສຸດທ່ານຈະໄດ້ຮັບອີເມລອັນໃໝ່ຈາກ ASSIST ທີ່ຊີ້ບອກເຖິງການແກ້ໄຂບັນຫາທີ່ສະເໜີໂດຍ DCP.



ຂັ້ນຕອນ
11

ຮັບແຈ້ງທາງອີເມລຈາກ ASSIST ວ່າການແກ້ໄຂບັນຫາໄດ້ຖືກສະເໜີໂດຍ AMS-Y ແລະຍອມຮັບໂດຍຜູ້ຕາມລະບົບ

ຫຼັງຈາກ DCP (AMS-Y) ໄດ້ຮັບການສະເໜີການແກ້ໄຂບັນຫາຈາກ RA(s) ຂອງພວກເຂົາແລະພິຈາລະນາວ່າຂໍ້ສະເໜີດັ່ງກ່າວໄດ້ແຈ້ງໄປທີ່ໄດ້ຍົກຂຶ້ນໃນຄໍາຮ້ອງທຸກ, DCP ກໍ່ຈະໃຫ້ການແກ້ໄຂທີ່ສະເໜີໄປແລ້ວຕໍ່ກັບ CA .

CA ຈະທຳການ: (i) ທົບທວນວິທີແກ້ໄຂໃນແງ່ຂອງການຮ້ອງທຸກອັນດັ້ງເດີມ; (ii) ລົງທະບຽນວິທີແກ້ໄຂແລະສົ່ງໃຫ້ AE ໂດຍທາງອີເມລ; ແລະ (iii) ຄັດລອກວິທີແກ້ໄຂບັນຫາໄປໃຫ້ທາງຈຸດຕິດຕໍ່ທາງຕົ້ນທາງໃນ AMS-X (ກໍ່ຄືປະເທດບ້ານເກີດຂອງທ່ານ).

(a) ໃຫ້ທ່ານໄປທີ່ບັນຊີອີເມລຂອງທ່ານ. ທ່ານຈະໄດ້ຮັບອີເມລອັນໃໝ່ມາຈາກ ASSIST ທີ່ສະແດງການຕອບຮັບຕໍ່ຄໍາຮ້ອງທຸກຂອງທ່ານຈາກ DCP.



ASEAN Enterprise <aseanenterprise@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. 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 600 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:
You can also check the status of your complaint online at <http://assist.asean.org/user/login> by using your e-mail/tracking ID.

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 : 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 2016 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



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



Tracking ID #14620181017 / AMS-Y

ASSIST Solution

Upon internal discussions between the DCP and the RAAs, 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 RAAs, 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	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 ...
17/10/2018 13:09:04	Email Confirmation	ASEAN-based Enterprise	Email Confirmed
17/10/2018 12:49:41	New	ASEAN-based Enterprise	

ASEAN ENTERPRISE

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

CONTACT PERSON

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

COMPLAINT DESCRIPTION

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

Description

We are a duly registered shipping company in AMS-X. We have entered into a two-year binding agreement since January 2015 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](#)



ຂ້າງລຸ່ມນີ້ແມ່ນການແກ້ໄຂບັນຫາທີ່ສະເໜີມາຈາກ DCP:

"ພາຍຫຼັງການສົນທະນາພາຍໃນລະຫວ່າງ DCP ແລະ RAs, AMS-Y ຕັດສິນໃຈທີ່ຈະເລື່ອນການນຳໃຊ້ກົດລະບຽບໃໝ່ທີ່ຮຽກຮ້ອງໃຫ້ຜູ້ສົ່ງອອກແລະຜູ້ນຳເຂົ້າສິນຄ້າບາງຊະນິດ, ອັນລວມມີທັງທາດເຫຼັກ, ອາລູມິນຽມ, ຝ້າຍແລະຢາງພາລາໂດຍໃຊ້ເຮືອພາຍໃນຂອງ AMS-Y ເທົ່ານັ້ນ, (ຫມາຍເຖິງເຮືອທີ່ຂຶ້ນກັບບໍລິສັດຂົນສົ່ງທາງທະເລທີ່ປະຈຳຢູ່ AMS-Y), ຍ້ອນວ່າກໍ່ຍັງມີທາງສູງວິພາກວິຈານແລະຄວາມບໍ່ເຫັນດີຈາກຜູ້ສົ່ງອອກໃນທ້ອງຖິ່ນວ່າກົດລະບຽບໃໝ່ນີ້ມີຄວາມເປັນໄປໄດ້ທີ່ຈະສົ່ງຜົນກະທົບຕໍ່ປະລິມານການສົ່ງອອກແລະລາຍໄດ້ຂອງລັດ, ເພາະມັນຈະເຮັດໃຫ້ນັກລົງທຶນຕ່າງປະເທດບໍ່ມີຄວາມສົນໃຈ, ຍ້ອນວ່າຜູ້ຊື້ສິນຄ້າຫລາຍຄົນທີ່ຊື້ສິນຄ້າບໍລິໂພກທີ່ໄດ້ຖືກຈຳກັດໄວ້ນັ້ນ ໃນຂະນະນີ້ກຳລັງລໍຖ້າການເຮັດສັນຍາໃນຂັ້ນສຸດທ້າຍ.

ເຖິງຢ່າງໃດກໍ່ຕາມ, AMS-Y ກໍ່ໄດ້ລະບຸໄວ້ວ່າ ບໍ່ໄດ້ມີຈຸດປະສົງທີ່ຈະເຮັດໃຫ້ຖືກເບິ່ງວ່າເປັນມາດຕະການປົກປ້ອງຕໍ່ເຮືອຕ່າງປະເທດແລະເປັນການລະເມີດຫຼັກການການຄ້າເສລີ. AMS-Y ໄດ້ຊີ້ໃຫ້ເຫັນວ່າມາດຕະການຂອງຕົນນັ້ນ ແມ່ນມີຈຸດປະສົງໃນເບື້ອງຕົ້ນກໍ່ເພື່ອຊຸກຍູ້ອຸດສະຫະກຳຂົນສົ່ງຂອງ AMS-Y ໃຫ້ມີຄວາມສາມາດຂົນສົ່ງພາຍໃນປະເທດ ຍ້ອນວ່າຫຼາຍກວ່າ 90% ຂອງການຂົນສົ່ງອອກນອກປະເທດທັງໝົດ ໃນຂອບເຂດນ່ານນ້ຳAMS-Yນັ້ນແມ່ນໄດ້ຖືກບໍລິຫານຈັດການໂດຍເຮືອຕ່າງປະເທດ. ດັ່ງນັ້ນ, ມັນມີຕົວຢ່າງເຊັ່ນວ່າ, ໃນອຸດສະຫະກຳຜະລິດຢາງພາລານັ້ນ ຫຼາຍກວ່າ 90% ຂອງການຂົນສົ່ງສິນຄ້າສົ່ງອອກແມ່ນດຳເນີນໂດຍເຮືອຕ່າງປະເທດ. ຄວາມສາມາດຂົນສົ່ງພາຍໃນປະເທດໄດ້ທຳການປະເມີນໄວ້ຢູ່ທີ່ 50 ລ້ານໂຕນໃນປີ 2017, ໃນຂະນະທີ່ເຮືອຕ່າງປະເທດສົ່ງອອກໄດ້ 800 ລ້ານໂຕນໃນປີດຽວກັນ, ເຊິ່ງເປັນຄວາມແຕກຕ່າງທີ່ໃຫຍ່ຫລວງ.

AMS-Y ກໍ່ໄດ້ກ່າວຕື່ມອີກວ່າ ເປົ້າໝາຍສຳຄັນຂອງຂໍ້ກຳນົດແມ່ນບໍລິສັດບໍລິການຂົນສົ່ງພາຍໃນປະເທດເລີ່ມທີ່ຈະໄດ້ຮັບຜົນປະໂຫຍດຫຼາຍກວ່າເກົ່າ ຈາກການເພີ່ມຂຶ້ນຂອງການຄ້າ ທາງທະເລໃນເຂດນ່ານນ້ຳຂອງ AMS-Y. ໃນປະຈຸບັນນີ້, ສັນຍາແລະປະລິມານການຄ້າສ່ວນໃຫຍ່ ແມ່ນໄດ້ຖືກຄອບງຳໂດຍບໍລິສັດບໍລິການຂົນສົ່ງຕ່າງປະເທດ. ເຖິງຢ່າງໃດກໍ່ຕາມ, AMS-Y ເຫັນດີວ່າຕ້ອງໃຫ້ມີຂັ້ນຕອນການດຳເນີນການທີ່ຄ່ອຍໆເປັນໄປແທນທີ່ຈະໄປຢຸດສະຖິກຢ່າງກະທັນຫັນ, ດັ່ງນັ້ນການຕັດສິນໃຈໄດ້ເຮັດໃຫ້ມີການເລື່ອນເວລາອອກໄປຢ່າງບໍ່ມີກຳນົດ (ເຖິງວ່າຈະບໍ່ມີການຖອນຄືນ) ຂອງການນຳໃຊ້ກົດໝາຍໃໝ່.

(c) ຢູ່ທາງລຸ່ມຂອງອີເມລທີ່ໄດ້ສົ່ງມາຈາກ ASSIST ໃນ ຂໍ້ 11 (a) ຂ້າງເທິງນັ້ນ, ທ່ານໄດ້ຖືກຮ້ອງຂໍໃຫ້ລະບຸວ່າທ່ານພໍໃຈຫຼືບໍ່ກັບຄຳຕອບທີ່ DCP ໄດ້ໃຫ້ມາແລະພ້ອມທັງວິທີແກ້ໄຂທີ່ມີຢູ່ໃນນັ້ນ. ທ່ານສາມາດລະບຸໄດ້ໂດຍການເລືອກ 'Yes-ແມ່ນ' ຫຼື 'No-ບໍ່ແມ່ນ' ຊ່ອງບ່ອນຂໍ້ມູນທີ່ມີໄວ້ໃຫ້ທ່ານ.

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

Yes / No

ໃນກໍລະນີນີ້, ທາງ AE ເລືອກເອາ "Yes-ແມ່ນ"

ຂັ້ນ
ຕອນ
12

ໃຫ້ປະກອບຄຳຄິດເຫັນຂອງທ່ານຕໍ່ກັບການແກ້ໄຂ / ການຕອບຮັບທີ່ສະເໜີໂດຍ AMS-Y ໃນແບບຟອມການສຳຫຼວດຄວາມເພິ່ງພໍໃຈແລະການຮັບຊາບຈາກ ASSIST ໂດຍທາງອີເມລ

ເມື່ອທາງທ່ານໄດ້ເລືອກຄຳຕອບວ່າ 'ແມ່ນ/ບໍ່ແມ່ນ' ຢູ່ໃນຂັ້ນຕອນທີ 11 (c) ຂ້າງເທິງນັ້ນ, ທ່ານຈະຖືກນຳໄປຫາໜ້າເວັບລຸ່ມນີ້ທີ່ເປັນບ່ອນທີ່ທ່ານຈະຖືກຮ້ອງຂໍໃຫ້ຕອບແບບສຳຫຼວດຄວາມເພິ່ງພໍໃຈແລະຖືກເຊີນໃຫ້ອອກຄຳເຫັນ, ໂດຍສະເພາະຖ້າທ່ານບໍ່ພໍໃຈກັບຂໍ້ສະເໜີຂອງການຕອບຮັບ/ການແກ້ໄຂ.



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Satisfaction survey

Please comment your response for our feedback

Your answer: Satisfied with the solution

Comments

☒ I'm not a robot

SUBMIT YOUR FEEDBACK

Central Administrator of ASSIST / ASEAN Secretariat : JPA & Sekeloa Mangaraja - Jakarta 12110 - Indonesia
ASSIST - Supported by ARES - (Disbursement)

(a) ໃຫ້ທ່ານຕື່ມຂໍ້ມູນໃນແບບຟອມການສຳຫຼວດຄວາມເພິ່ງພໍໃຈ. ໃນກໍລະນີນີ້, ສະມາຄົມການຄ້າອາຊຽນມີຄວາມເພິ່ງພໍໃຈຕໍ່ວິທີການແກ້ໄຂ/ການຕອບຮັບ ໂດຍ ASSIST ແລະດັ່ງນັ້ນຈຶ່ງຊື້ໃຫ້ເໝາະຕາມຄວາມເໝາະສົມ.

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Satisfaction survey

Please comment your response for our feedback

Your answer: Satisfied with the solution

Comments

☒ I'm not a robot

SUBMIT YOUR FEEDBACK

Central Administrator of ASSIST / ASEAN Secretariat : JPA & Sekeloa Mangaraja - Jakarta 12110 - Indonesia
ASSIST - Supported by ARES - (Disbursement)

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



ອີເມລການສະແດງຄວາມຮັບຮູ້ຄັ້ງທຳອິດຈາກ ASSIST



ASEAN Enterprise <aseanenterprise@gmail.com>

[ASSIST][#14620181017] Thank you for answer

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

Thu, Oct 18, 2018 at 4:39 PM



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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

ອີເມລການສະແດງຄວາມຮັບຮູ້ຄັ້ງທີສອງຈາກ ASSIST

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



ASEAN Enterprise <aseanenterprise@gmail.com>

[ASSIST][#14620181017] Thank you for answer

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

Thu, Oct 18, 2018 at 4:52 PM



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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.

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(c) ໃຫ້ທ່ານເຂົ້າສູ່ລະບົບ dashboard ຂອງ ASSIST ຂອງທ່ານໂດຍໃຊ້ອີເມລແລະຫມາຍເລກຕິດຕາມຂອງທ່ານຕາມທີ່ລະບຸໄວ້ໃນຂັ້ນຕອນທີ 7 (a) ແລະ (b) ຂ້າງເທິງ. ພາບລວມແບບທີ່ເຫັນໄດ້ເຕັມຕົວແລະຄົບຖ້ວນຂອງ dashboard ໃນຂັ້ນຕອນສຸດທ້າຍຂອງທ່ານນັ້ນສາມາດເບິ່ງໄດ້ຂ້າງລຸ່ມນີ້. ຕາມທີ່ທ່ານເຫັນ, ຂັ້ນຕອນການດໍາເນີນການອື່ນໆໄດ້ຖືກເພີ່ມເຂົ້າໃນ 'ປະຫວັດ' ຂອງການດໍາເນີນການຕ່າງໆຂອງທ່ານທີ່ທ່ານໄດ້ສະແດງຄວາມພໍໃຈຕໍ່ວິທີການແກ້ໄຂບັນຫາທີ່ສະເໜີໂດຍ 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	aseanenterprise@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) ຖ້າຫາກທ່ານຕ້ອງການເຫັນຄໍາເຫັນທີ່ທ່ານໄດ້ໃຫ້ໄວ້ໃນແບບຟອມການສໍາຫຼວດຄວາມເພິ່ງພໍໃຈນັ້ນ, ກໍ່ໃຫ້ທ່ານຄລິກທີ່ໂອກອນທີ່ເປັນຮູບແກ້ວຂະຫຍາຍແລະໜ້າຈໍທາງລຸ່ມນີ້ກໍ່ຈະປາກົດຂຶ້ນໃຫ້ທ່ານໄດ້ເຫັນ.



ກ່ຽວກັບການແຈ້ງການວ່າວິທີການສະເໜີຕໍ່ AE ນັ້ນໄດ້ຖືກຍອມຮັບເປັນທີ່ພໍໃຈຂອງ AE, DCP ຄວນໃຫ້ມີການແຈ້ງການກ່ຽວກັບການຍອມຮັບຕໍ່ RA(s), ເພື່ອຮັບປະກັນວ່າການຈັດການດ້ານການບໍລິຫານທີ່ຈໍາເປັນເພື່ອຈັດຕັ້ງປະຕິບັດວິທີແກ້ໄຂໃນທັນທີຍິ່ງໄວຍິ່ງດີ.

ASSIST ຈະທໍາການພິຈາລະນາຂັ້ນຕອນນີ້ວ່າເປັນໜຶ່ງຂັ້ນຕອນໃນຄໍາຮ້ອງທຸກທີ່ຖືກຍອມຮັບ ແລະ ວິທີການແກ້ໄຂໄດ້ຖືກແນະນໍາໂດຍ DCP ແລະເປັນທີ່ຍອມຮັບໂດຍ AE.

ກະລຸນາຮັບຊາບວ່າ ໄລຍະເວລາສໍາລັບການແກ້ໄຂບັນຫາຂ້າມແດນທີ່ນໍາມາພາຍໃຕ້ຂອບເຂດຂອງ ASSIST ຈະຕ້ອງບໍ່ກາຍ 40 ວັນລັດຖະການຫຼື 2 ເດືອນຕາມເວລາປະຕິທິນ (ເວັ້ນເສຍແຕ່ວ່າຈະມີການຕໍ່ກໍານົດເວລາສູງສຸດ 20 ມື້ລັດຖະການ) ຈາກວັນທີ່ຄໍາຮ້ອງທຸກທີ່ໄດ້ຮັບການຍອມຮັບໂດຍ DCP (ໝາຍເຖິງປະເທດສະມາຊິກອາຊຽນທີ່ໄດ້ມີປະຕິກິລິຍາຕໍ່ກັບຄໍາຮ້ອງທຸກທີ່ຖືກຍື່ນໄປ).