Complaint Filed by an ASEAN Enterprise (Parent Company of its Subsidiary Company), Accepted by Central Administrator and Rejected by Destination Contact Point.

Brief Description of Case: This scenario is that of a mock case that falls under Mode 3 (Commercial Presence) of services trade, which is defined in the ASEAN Framework Agreement on Services (AFAS) and the General Agreement on Trade in Services (GATS), mutatis mutanda, as the supply of a service supplier of one country, through commercial presence in the territory of any other country. This scenario is that of a complaint that is accepted by ASSIST’s Central Administrator (CA) as having been validly lodged by the AE, which is the parent company in another ASEAN Member State of its subsidiary company where the Subject ASEAN Member State is located and that is actually the one with the problem or complaint, but being rejected by the Destination Country because the latter finds that the allegations by the AE lack merit as the Destination Country has complied with the relevant ASEAN commitments.

The complaint is in relation to the revocation of the license of the subsidiary company and the amendment of the Telecommunications Business License Act by the Destination Country, which AE claims is a discrimination against foreign investors and in clear violation of the Schedule of Specific ASEAN Commitments of the Destination Country under the AFAS where the Destination Country has committed to allow commercial presence of a foreign company, in other words the legal right for foreign operators, legally registered in another ASEAN Member State, to provide the service through commercial establishment, without any limitations to market access and national treatment.

List of Actors and Abbreviations:
- Complainant = ASEAN Enterprise (AE)
- ASEAN Secretariat = Central Administrator of ASSIST (CA)
- Home Country = Home Contact Point (HCP) in ASEAN Member State-X (AMS-X)
- Destination Country = Destination Contact Point (DCP) in ASEAN Member State-Y (AMS-Y)
- Relevant National Authorities = Relevant Authorities (RAs)

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

Welcome to ASSIST

The ASSIST Solutions for Investments, Services and Trade (ASSIST) is a collaborative and consultative mechanism for the expeditious and effective resolution of operational and regulatory 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 industry-based and user-driven.

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

The ASSIST mechanism was established to implement the ASEAN Conventions to Facilitate Trade and Investment Issues (ACTI) mandated under the ASEAN Trade in Goods Agreement (ATIGA) and it is closely based on the European Union’s SOLVIT system. ASSIST mirrors the consultative and non-binding characteristics of the ACTI while modernizing 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 resolution of problems occurring in relation to Trade in Services and Trade-Related Investment Measures within the ASEAN Economic Community (AEC).

What types of issues does ASSIST deal with?
- Verbal self and non-self-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 Bigly/Solvent in national jurisdictions;
- Complaints against individuals or companies;
- Matters not related to intra-ASEAN trade, services or investment;
- You and yourselves 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

If you are filing a complaint under your own company (non-anonymous complaint) and you are not represented by an ASEAN-based trade association, or by any other representative entity of your choice, such as a chamber of commerce, business council, business federation, or registered lawyer or law firm, click on the ‘ASEAN Enterprise’ icon on the File a Complaint tab.
When you click on the ‘ASEAN Enterprise’ icon, the following page will appear.

**ASEAN Enterprise**

Please fill in the boxes below so we can provide ASSIST with enough information on the trade problem that you are experiencing. Fields marked with an * are mandatory fields.

* *Company Name* 
* *Company Type* 
* *Company Address* 
* *City* 
* *Country* 

**CONTACT PERSON**

* *Gender* 
* *First Name* 
* *Last Name* 
* *Phone* 
* *Position* 
* *Email* 

In order to file a valid complaint, you will verify your submission by replying to the automated email that you will receive from ASSIST shortly after submission (please also check your spam/junk box).
Fill-in the above form so as to provide ASSIST with enough information on the trade problem that you are experiencing. Fields marked with an asterisk (*) are mandatory fields. If you are not sure on what to fill-in for a field, the buttons are available for detailed instructions on what to fill-in for each field. Please click on the buttons to make sure that you fill-in the correct information in the form.

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

Below is an example of a completed form for this specific case study.
As an example of a clear and concise description of the complaint, below is the AE's description of his complaint in this case study:

"We are a duly registered telecommunications company in AMS-X, AiTel Holdings, Inc. Our subsidiary company, AiTel Holdings, Inc. is based in AMS-Y. 80% of the total shares issued by AiTel Co., Ltd. are owned by AMS-X shareholders and its senior management level positions are dominated by AMS-Y nationals. AiTel Co., Ltd.'s operating license has been revoked by AMS-Y's National Communication Authority in September 2018 on the argument that the telecommunications license possessed by AoSCSC, Ltd. is no longer valid. To this, in August 2018, AoSCSC had firmed their "Telecommunications Business License" to AMS-Y, hereby foreign shareholders are no longer permitted to apply for type A and type B licenses.
longer valid. In fact, in August 2018, AMS-Y had amended the Telecommunications Business License Act No. 1500, whereby foreign operators were no longer permitted to apply for Type B and Type C licenses.

A type B telecom license is for an operator with or without its own network, but provides services targeting a segment or even several segments of the public. A type C telecom license is for an operator with a network that provides services to the general public, or services that cause a significant impact on fair competition, the public interest, or require special consumer protection. The applicant applying for Type B and Type C licenses must be companies where AMS-Y nationals hold at least 51% shares and at least three quarters of the applicant’s senior level management and the person authorized to sign any binding commitments, as a representation of the applicant company, must be an AMS-Y national. We feel that AirTel Co., Ltd. has been treated unfairly as it simply followed the government process at the time when it had applied for the license and it was not given any notification by AMS-Y on this new development. It has also complied with the requirement for foreign companies with a majority of foreign shareholders, which is obtaining a Foreign Business License from the Ministry of Commerce.

The revoking of AirTel Co., Ltd.’s license and the amendment of the business license regulation has caused AirTel Holdings, Inc., shares to fall 5.67% in AMS-X as AMS-Y is the world’s second biggest cellular market. We believe that the revoking of its license is a discrimination against foreign investors in the telecommunications sector and a violation of the specific commitments and obligations of AMS-Y under the relevant ASEAN Framework Agreement on Services (AFAS).”

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

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

The above notification indicates that you should click on the link provided in your email account to confirm your complaint with ASSIST.
Go to the email account that you have provided in the complaint form. You will receive an email from ASSIST requesting you to confirm your complaint by clicking on the link provided or by copy-pasting the link onto the Internet browser. This is also required by ASSIST to confirm that the email address which you have provided is valid. Your complaint number is also provided in this email. In this case, your complaint number is 17720181101.

Below is the email which you will receive from ASSIST.

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[ASSIST] Thanks to confirm your complaint #17720181101 submission

Hi, Bruce Kent,

Thank you for having filed a complaint on ASSIST, the system of ASEAN Solutions for Investments, Services and Trade. Please confirm your complaint 17720181101 on the following link by copy-pasting the following link onto your Internet browser:

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

After your confirmation, ASSIST will mark your complaint and you will be able to access it on the following webpage:

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

by using your e-mail/tracking ID: aseanenterprise0@gmail.com/17720181101

ASSIST Enterprise / Trade Association / Law Firm: AirNet Holdings, Inc. / Type Enterprise

Company Name: AirNet Holdings, Inc.
Phone: +63 2 542 2000
Website: www.airnetph.com
Address: 8th Avenue, Ortigas Center, Pasig City
City: Ortigas Center
Country: Philippines

Contact person: Mr. Bruce Kent
Phone: +63 917 636 5636
Position: President
Email: bkcenterprise@gmail.com
Address: 8th Avenue, Ortigas Center, Pasig City
City: Ortigas Center
Country: Philippines

Confidential case code (for law firm or lawyer only):
Country of Legal Registration: Philippines
Legal Registration Number: 123456
Year of Legal Registration: 2008
Business Sector: Services / Telecommunications
Type of mobile operators: Communication Services
Destination Country: USA

Description:

The firm is a telecommunication service provider in the Philippines. It offers various services, including mobile communication and data transfer services.

Type of complaint:
Type of complaints: Self-Complaint

Type of application:
Type of application: Type A

Applicant and its senior management: The applicant is the owner and operator of the telecommunication service.

Type of complaint:
Type of complaint: Competition

Type of application:
Type of application: Type A

Applicant and its senior management: The applicant is the owner and operator of the telecommunication service.

Type of complaint:
Type of complaint: Competition

Type of application:
Type of application: Type A

Applicant and its senior management: The applicant is the owner and operator of the telecommunication service.

Type of complaint:
Type of complaint: Competition

Type of application:
Type of application: Type A

Applicant and its senior management: The applicant is the owner and operator of the telecommunication service.

Thank you, ASSIST at your service.

assist.asean.org
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Click on the link as requested in the above email and the following page will appear.
The above notification will inform you that your complaint will be reviewed by the CA and that you will be notified by email within maximum 10 working days of whether it is:

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

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

Go to your email account.

ASSIST will revert with a response indicating whether the complaint is accepted, incomplete or rejected within 10 working days.

You are allowed to access your complaint at any time on the following webpage:
http://assist.asean.org/user/login

by using your email/tracking ID: aseanenterprise0@gmail.com/17720181101

Go to your email account and you will see a new email from ASSIST. This email indicates that you have confirmed your complaint, that the CA will check its validity, and that it has been filed within ASSIST. ASSIST will revert with a response indicating whether the complaint is accepted, incomplete or rejected within 10 working days.
As indicated in the above email, you are now able to monitor the progress by clicking on the indicated link which will be directed to the ‘Follow a Complaint’ tab on the menu bar on the ASSIST Website.

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

(a) Enter your email address and tracking ID (your complaint number) in the required fields to login. In this case, the Email Address is aseanenterprise0@gmail.com and the Tracking ID is 17720181101.
Once you login, you will see your ASSIST dashboard where you can monitor the progress of your complaint.

(c) View of your ASSIST Dashboard once you have successfully logged-in:
As you can see in your dashboard, the actions taken for your complaint are clearly indicated in your dashboard and this list will be regularly updated after each action is taken. Your completed complaint form, which you have submitted, is also accessible on your dashboard.

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

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

**Email Reminder 1 for the Central Administrator:**

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

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

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

Email Reminder 2 for the Central Administrator:

Gmail

[ASSIST] Complaint #132001802021 reminder for CA

No Reply: ASSIST

[View email message]

To: Central Administrator ASSC <santhanan@gmail.com>

Subject: Email Reminder 2 for the Central Administrator

 Dear Central Administrator,

This email is to inform you that a complaint has been lodged with ASSIST. The complaint is related to your region (AMS-Y) where you are facing trade problems. The complaint has been accepted by the Central Administrator, and it is now being handled by the Destination Contact Point in your region.

The Destination Contact Point will have 10 working days to review the complaint and either accept, reject or request more information. This is intended to give time to the DCP to examine the details of the complaint, and consult as necessary with any relevant national authorities.

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

Thank you for your continued support.

ASSIST

ASIA Solutions for Investments, Services and Trade

Assist@asean.org

Thanking you, ASSIST is at your service.

Date: Sun, 9 Sep 2018 10:55 AM

server.com
If you wish to see the full response from the CA, you will need to login to your ASSIST dashboard using your email and tracking ID as indicated in Step 7(a) and (b) above.

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

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**ASEAN ENTERPRISE**

**Company Name:** After Holdings, Inc.

**Address:** Jl. Anggrek Avenue, City U Country X

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**CONTACT PERSON**

**First Name:** Jane

**City:** City U

**Last Name:** Smith

**Zip Code:** 10000

**Phone:** +61 756299

**Country:** AMS-Y

**Position:** Head

**Email:** aseee@enterprises@gmail.com (Confirmed)

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**COMPLAINT DESCRIPTION**

**Country of Legal Registration:** AMS-Y

**Registration Number:** 123456

**Type of Problem Encountered:** Services / Communication Services

**Description:** We are a duly registered telecommunications company in AMS-Y, After Holdings, Inc. Our subsidiary company, After Holdings, Inc, is based in AMS-Y. 92% of the total shares issued of After Holdings, Inc. are owned by After Holdings, Inc. And its main segment level positions are dominated by After Holdings, Inc.

**Type of Business:** Service provider

**Attachment:**

- After-Holdings_A Communication Services License Application Form.pdf
- After-Holdings_A Communication Services License Application Form Fill-in.pdf
- After-Holdings_A Communication Services License Application Form Final.pdf

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**Central Administration of ASSIST / ASEAN Secretariat:** Jalan Jilid Plenggiran 29, Jakarta 12100, Indonesia

**ASSIST** Supported by ASEAN—Edit/delete
Click on the magnifying glass icon in the comments column. The full response from the CA will appear, as can be seen below:

Dear Mr Bruce Kent,

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 AMS-Y’s Specific Schedule of ASEAN Services Commitments, specifically in the Telecommunication Services sector, as well as the AMS-Y 2010 Telecommunications Business License Act No. 150 and the amended act (2016).

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

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

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

As informed in Step 8, once the complaint has been accepted by the CA, the complaint will be sent to the Destination Contact Point (DCP) in AMS-Y where you are facing trade problems. The DCP in AMS-Y will be given 10 working days to review your complaint and either accept or reject it. This is intended to give time for the DCP to examine the details of the complaint, and consult as necessary with any relevant national authorities. Once the DCP responds, an email will be sent to you from ASSIST informing you whether your complaint has been accepted or rejected by the DCP in AMS-Y.

(a) Go to your email account. You will receive a new email from ASSIST indicating the response to your complaint from the DCP. In this case, your complaint has been rejected by the DCP (AMS-Y).
The process is slightly different in cases where your complaint is accepted by the DCP. Within 10 working days after the response from the CA that your complaint is accepted, you will receive an email informing that your complaint has been accepted by the DCP in AMS-Y and that the DCP will coordinate with the competent national authorities or the Responsible Authorities (RAs) to analyse your complaint in detail.

Once the RAs complete their efforts, the DCP should review the solution and provide it to the CA within the 40 working days from the date of acceptance by the DCP. Thus, to meet this deadline, a time limit should be assigned by the DCP for the RAs to find a solution. It is the responsibility of the DCP to notify the CA of any change relating to the timeframe between it and national authorities.

The CA may extend the deadline for up to 20 working days upon request of the DCP. The system will automatically notify when the deadlines are approaching (i.e., typically, 10 calendar days before the lapse).

If the DCP misses its deadline to submit a solution to the CA, the online system will notify the CA to follow-up with the DCP.

You will then receive a second email notification from ASSIST that a solution is proposed by the DCP/AMS-Y and accepted by the CA.

However, in cases such as this one where a complaint is “Rejected” by the DCP, you may not receive an email from ASSIST within the 10 working days deadline. The rejection and reason for rejection by the DCP will only be sent to the CA through ASSIST within the 10 working days. The CA will then review it for language and sufficiency of information within 5 working days from the receipt by the CA of a rejection email by the DCP.

If the CA accepts the reason of rejection, a response which has been reviewed and approved by the CA is sent to your email, such as the one above. If the CA is dissatisfied with the stated reasons for the rejection
by the DCP, the ASSIST system allows the CA to request the DCP to rectify the rejection. However, this option by the CA has no binding value on the DCP, and if no response within 5 working days, the online system will automatically circulate the rejection to the AE.

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

**Email Reminder 1 for the Destination Contact Point:**

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

**Email Reminder 2 for the Destination Contact Point:**

(b) Login to your ASSIST dashboard using your email and tracking ID as indicated in Step 7(a) and (b) above. The full view of your dashboard can be seen below. As you can see, another action has been added to your ‘History’ indicating that a solution for your complaint has been proposed. The complete ASSIST solution/response from the DCP, which has been accepted by the CA, is also provided in the first paragraph of your dashboard.
Below is the response from the DCP:

“AMS-Y finds sufficient basis that AMS-Y has complied with its relevant ASEAN commitments and that the complaint lacks merit. It argues that, although under the AFAS Schedule of Specific Commitments, AMS-Y has no limitations on foreign ownership, it is stated in its Horizontal Commitments that, as a limitation to market access, the Commercial Presence of the foreign service provider(s) may be in the form of a joint venture and/or representative office, which should meet the following requirements: (i) not more than 49% of the capital share of the company may be owned by foreign partner(s); (ii) at least two quarters of the company’s senior-level management and the person authorized to sign any binding commitments as a representative of the company must be of AMS-Y nationality. Thus, the amendment of the 2016 Telecommunications Business License Act No. 15/2016 in relation to AMS-Y’s Schedule of Services Commitments. The AMS-Y Horizontal Commitments are attached as an annex. In response to the AE’s claim that this resulted in any notification from AMS-Y on the new arrangement, AMS-Y responded that the Government of AMS-Y has promulgated the amendment of the law through official government websites and local newspapers after it has been approved on 1 September 2019. (Attachment)

AMS-Y finds sufficient basis that AMS-Y has complied with its relevant ASEAN commitments and that the complaint lacks merit. It argues that, although under the AFAS Schedule of Specific Commitments, AMS-Y has no limitations on foreign ownership, it is stated in its Horizontal Commitments that, as a limitation to market access, the Commercial Presence of the foreign service provider(s) may be in the form of a joint venture and/or representative office, which should meet the following requirements: (i) not more than 49% of the capital share of the company may be owned by foreign partner(s); (ii) at least two quarters of the company’s senior-level management and the person authorized to sign any binding commitments as a representative of the company must be of AMS-Y nationality. Thus, the amendment of the 2016 Telecommunications Business License Act No. 15/2016 in relation to AMS-Y’s Schedule of Services Commitments. The AMS-Y Horizontal Commitments are attached as an annex. In response to the AE’s claim that this resulted in any notification from AMS-Y on the new arrangement, AMS-Y responded that the Government of AMS-Y has promulgated the amendment of the law through official government websites and local newspapers after it has been approved on 1 September 2019. (Attachment)
limitation to market access, the Commercial Presence of the foreign service provider(s) may be in the form of a joint venture and/or representative office, which should meet the following requirements: (i) not more than 49% of the capital share of the company may be owned by foreign partner(s); (ii) at least three quarters of the company’s senior level management and the person authorized to sign any binding commitments as a representation of the company must be AMS-Y nationals. Thus, the amendment of the 2018 Telecommunications Business License Act No. 1500 is not in violation of AMS-Y’s Schedule of Services Commitments.

In response to the AE’s claim that it has not received any notification from AMS-Y on the new amendment, AMS-Y responded that the Government of AMS-Y has promulgated the amendment of the law through official government websites and local newspapers after it has been approved on 1 September 2018.”

(c) In the bottom of the email from ASSIST in 10(a) above, you are requested to indicate whether you are satisfied or not with the answer given by the DCP and the solution provided therein. You can do so by choosing ‘Yes’ or ‘No’ in the field provided.

In this case, the AE chooses “Yes”.

Once you choose ‘Yes/No’ in Step 10(c) above, you will be directed to the page below where you will be requested to answer the Satisfaction Survey and be invited to provide comments, particularly if you are not satisfied with the proposed response/solution.
(a) Fill-in the Satisfaction Survey. In this case, the AE is satisfied with the solution/response provided by ASSIST and thus indicates accordingly.

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

First Acknowledgement Email from ASSIST

Gmail

[ASSIST][2177201811101] Thank you for answer

Ms. Bruno Kent,

With reference to your complaint ID No. 17732018101, 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.

Second Acknowledgement Email from ASSIST

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

Gmail

[ASSIST][2177201811101] Thank you for answer

Ms. Bruno Kent,

With reference to your complaint ID No. 17732018101, your feedback on whether you are satisfied with the answer given by the DCP and the proposed solution is: "Yes"

We are satisfied with the reason of rejection of our complaint by AMS-Y and have decided not to pursue any other course of action regarding our complaint.

ASSIST acknowledges receipt of your response to the proposed solution.
(c) Login to your ASSIST dashboard using your email and tracking ID as indicated in Step 7(a) and (b) above. The final view of your dashboard can be seen below. As you can see, another action has been added to your ‘History’ indicating that you have indicated satisfaction to the proposed solution by ASSIST. The comment that you have provided in the Satisfaction Survey can also be seen in the ‘Comments’ section.
In cases where no solution is found through ASSIST or if the DCP finds sufficient basis that its Member State has complied with its relevant ASEAN commitments and that the complaint lacks merits, this finding and the basis for such finding is promptly conveyed to the CA, which informs the complainant accordingly. The complainant may, if so desired and through its Home Contact Point and ASEAN Member State of registration, refer the case to the ASEAN Compliance Body (ACB), the ASEAN Enhanced Dispute Settlement Mechanism (EDSM), pursue national litigation or alternative dispute resolution mechanisms (i.e. mediation, conciliation or arbitration) within national ASEAN jurisdictions.

ASSIST will consider this procedure as one where the complaint was rejected and a solution has not been provided.

Please note that the timeframe for solving cross-border problems brought under ASSIST shall be no more than 40 working days or 2 calendar months (unless an extension of maximum 20 working days has been accorded) from the date in which the complaint is lodged.