



ASSIST

មេរៀនមួយជំហានម្តងៗសម្រាប់ករណីសិក្សាទី ៥ (ពាណិជ្ជកម្មលើទំនិញ)

បណ្តឹងដាក់ដោយសហគ្រាសអាស៊ាន (ក្រុមហ៊ុនមេរបស់ក្រុមហ៊ុនបុត្រសម្ព័ន្ធ) ត្រូវបានទទួលយកដោយរដ្ឋបាលកណ្តាល និងត្រូវបានច្រានចោលដោយចំណុចទំនាក់ទំនងនៃប្រទេសគោលដៅ។

បរិយាយសង្ខេបនៃសំណុំរឿង៖ សេណារីយ៉ូនេះគឺជាសំណុំរឿងប្រឌិតមួយដែលស្ថិតក្រោមម្លូដ ៣ (វត្តមានពាណិជ្ជកម្ម) នៃពាណិជ្ជកម្មលើសេវាកម្ម ដែលត្រូវបានកំណត់និយមន័យនៅក្នុងកិច្ចព្រមព្រៀងក្របខ័ណ្ឌអាស៊ានស្តីពីសេវាកម្ម (AFAS) និងកិច្ចព្រមព្រៀងទូទៅស្តីពីពាណិជ្ជកម្មលើសេវាកម្ម (GATS) ថាជាការផ្គត់ផ្គង់របស់អ្នកផ្តល់សេវាកម្មនៃប្រទេសមួយតាមរយៈ វត្តមានពាណិជ្ជកម្មនៅក្នុងដែនដីនៃប្រទេសមួយផ្សេងទៀត។ សេណារីយ៉ូនេះគឺជាបណ្តឹងមួយដែលត្រូវបានទទួលយកដោយរដ្ឋបាលកណ្តាល (CA) របស់ ASSIST ថាជាបណ្តឹងដែលមានសុពលភាពធ្វើឡើងដោយ AE ដែលជាក្រុមហ៊ុនមេនៅក្នុងរដ្ឋសមាជិកអាស៊ានមួយទៀតនៃក្រុមហ៊ុនបុត្រសម្ព័ន្ធ ជាទីកន្លែងដែលរដ្ឋសមាជិកអាស៊ាននោះត្រូវបានប្តឹង និងដែលជារដ្ឋមានបញ្ហា ឬមានបណ្តឹង ប៉ុន្តែបណ្តឹងនោះត្រូវបានច្រានចោលដោយ

ប្រទេសច្រានចោលដោយប្រទេសគោលដៅ ពីព្រោះប្រទេសគោលដៅរកឃើញថាការចោទប្រកាន់ដោយ AE ខ្វះខាតមូលដ្ឋានច្បាប់លាស់ពីព្រោះប្រទេសគោលដៅបានអនុលោមតាមការសន្យាអាស៊ានដែលពាក់ព័ន្ធ។

បណ្តឹងនេះ គឺទាក់ទងនឹងការដកហូតអាជ្ញាប័ណ្ណរបស់ក្រុមហ៊ុនបុត្រសម្ព័ន្ធ និងការធ្វើវិសោធនកម្មនៃច្បាប់ស្តីពីអាជ្ញាប័ណ្ណធុរកិច្ចទូទៅតាមគមន៍ដោយប្រទេសគោលដៅ ដែល AE អះអាងថាការធ្វើបែបនេះគឺជាការរើសអើងចំពោះវិនិយោគិនបរទេស និងជាការរំលោភយ៉ាងច្បាស់ទៅលើកម្មវិធីនៃកិច្ចសន្យាអាស៊ានជាក់លាក់របស់ប្រទេសគោលដៅនៅក្រោម AFAS ដែលប្រទេសគោលដៅបានសន្យាអនុញ្ញាតឱ្យមានវត្តមានពាណិជ្ជកម្មរបស់ក្រុមហ៊ុនបរទេសមួយ ឬនិយាយម្យ៉ាងទៀត គឺអនុញ្ញាតសិទ្ធិស្របច្បាប់ឱ្យប្រតិបត្តិការបរទេស ដែលចុះបញ្ជីត្រឹមត្រូវនៅក្នុងរដ្ឋសមាជិកអាស៊ានមួយទៀតដើម្បីផ្តល់សេវាកម្ម តាមរយៈវត្តមានពាណិជ្ជកម្ម ដោយគ្មានការរឹតត្បិតលើការចូលទៅទីផ្សារ និងប្រព្រឹត្តកម្មជាតិ។

បញ្ជីតួអង្គ និងអក្សរកាត់

- ដើមបណ្តឹង = សហគ្រាសអាស៊ាន (AE)
- លេខាធិការដ្ឋានអាស៊ាន = រដ្ឋបាលកណ្តាលរបស់ ASSIST (CA)
- ប្រទេសដើម = ចំណុចទំនាក់ទំនងនៅក្នុងប្រទេសដើម (HCP) នៅក្នុងរដ្ឋសមាជិកអាស៊ាន X (AMS-X)
- ប្រទេសគោលដៅ = ចំណុចទំនាក់ទំនងនៅប្រទេសគោលដៅ (DCP) នៅក្នុងរដ្ឋសមាជិកអាស៊ាន Y (AMS-Y)
- អាជ្ញាធរជាតិពាក់ព័ន្ធ = អាជ្ញាធរពាក់ព័ន្ធ (RAs)

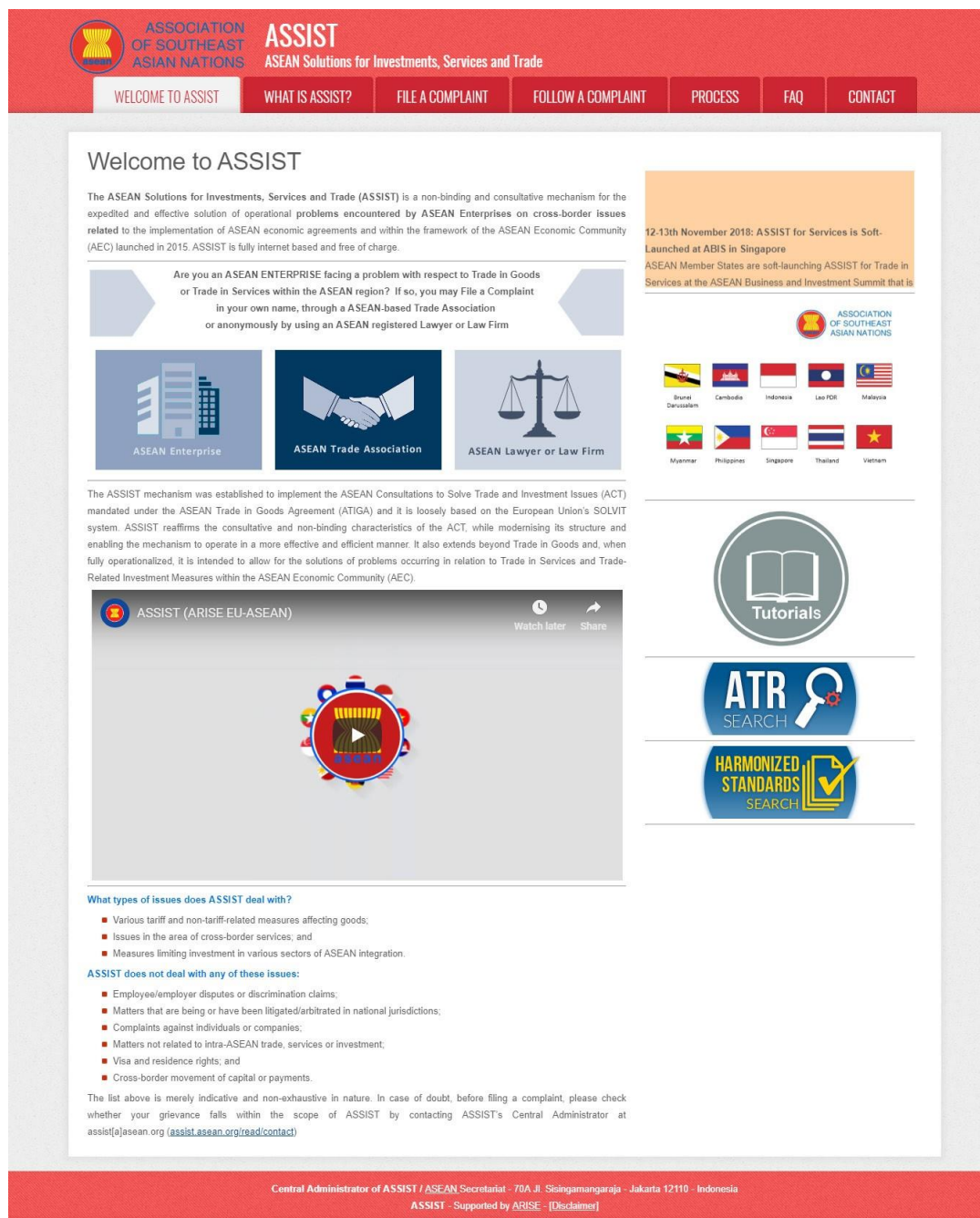
ជំហាន

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ចូលទៅគេហទំព័រ ASSIST (<http://assist.asean.org>)

ប្រសិនបើអ្នកគិតថាករណីរបស់អ្នកគឺជាបញ្ហាដែលពាក់ព័ន្ធនឹងពាណិជ្ជកម្មឆ្លងដែនអាស៊ាន អ្នកជាក្រុមហ៊ុនដែលចុះបញ្ជីនៅក្នុងរដ្ឋសមាជិកអាស៊ាន ហើយអ្នកត្រូវការសេវាកម្មពិគ្រោះយោបល់ឥតគិតថ្លៃ ប៉ុន្តែមិនចង់កាតព្វកិច្ច និងទទួលបានដំណោះស្រាយលឿន និងមានប្រសិទ្ធភាព សូមចូលទៅមើលគេហទំព័រនេះ៖ <http://assist.asean.org>

ខាងក្រោមនេះ គឺជាគេហទំព័ររបស់ ASSIST



The screenshot shows the ASSIST website homepage. At the top is the ASEAN logo and the text 'ASSIST ASEAN Solutions for Investments, Services and Trade'. Below this is a navigation bar with links: 'WELCOME TO ASSIST', 'WHAT IS ASSIST?', 'FILE A COMPLAINT', 'FOLLOW A COMPLAINT', 'PROCESS', 'FAQ', and 'CONTACT'. The main content area is titled 'Welcome to ASSIST' and contains a paragraph explaining the mechanism. Below this is a section titled 'Are you an ASEAN ENTERPRISE facing a problem with respect to Trade in Goods or Trade in Services within the ASEAN region?' with three options: 'ASEAN Enterprise', 'ASEAN Trade Association', and 'ASEAN Lawyer or Law Firm'. To the right, there is a news item dated '12-13th November 2018' about the soft-launching of ASSIST for Services. Below the news item are flags of ASEAN member states. Further down, there are icons for 'Tutorials', 'ATR SEARCH', and 'HARMONIZED STANDARDS SEARCH'. At the bottom, there is a video player for 'ASSIST (ARISE EU-ASEAN)' and a list of issues ASSIST deals with and does not deal with. The footer contains contact information for the Central Administrator of ASSIST and a disclaimer.

ជំហាន

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ចូរជ្រើសរើសយក 'File A Complaint' TAB (LAIN'T) (និមិត្តសញ្ញា Asean enterprise)

ប្រសិនបើអ្នកដាក់បណ្តឹងក្រោមឈ្មោះក្រុមហ៊ុនផ្ទាល់ខ្លួនរបស់អ្នក (បណ្តឹងមិនមែនអនាមិក) ហើយអ្នកមិនត្រូវបានតំណាងដោយសមាគមពាណិជ្ជកម្មដែលមានមូលដ្ឋាននៅក្នុងអាស៊ាន ឬដោយអង្គភាពតំណាងដែលអ្នកបានជ្រើសរើស ដូចជាសភាពាណិជ្ជកម្ម ក្រុមប្រឹក្សាធុរកិច្ច សហព័ន្ធធុរកិច្ច ឬក្រុមហ៊ុនមេធាវី ឬមេធាវីចុះបញ្ជី ទេនោះចូរចុចលើនិមិត្តសញ្ញា "ASEAN Enterprise" នៅលើខ្ទង់ "FILE A COMPLAINT"។



File a Complaint

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



ASEAN Enterprise

NON-ANONYMOUS



ASEAN Trade Association

ANONYMOUS



ASEAN Lawyer or Law Firm

ANONYMOUS

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

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

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

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

នៅពេលដែលអ្នកចុចនៅលើនិមិត្តសញ្ញា 'ASEAN Enterprise' រួចហើយ ទំព័រខាងក្រោមនេះនឹងបង្ហាញឡើង។



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

* Company Size

* Phone

Website

* Address

300 characters remaining (300 maximum)

* City ZIP Code

* Country

CONTACT PERSON

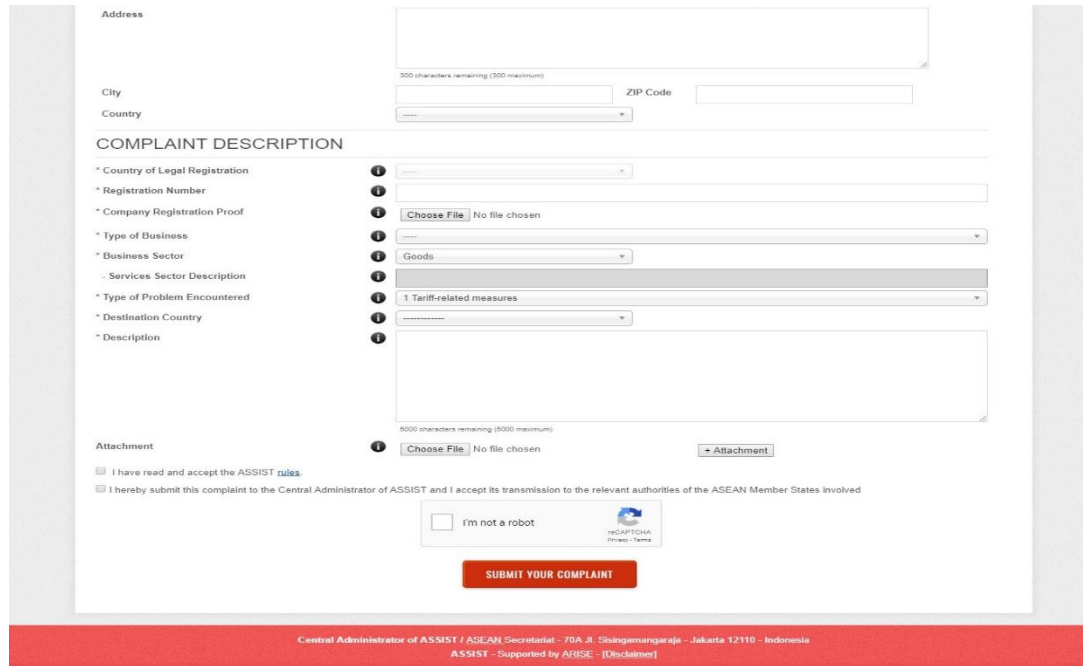
* Gender ☐ Mr ☐ Mrs ☐ Ms

* First Name * Last Name

* Phone

* Position

* Email



Address

City

Country

ZIP Code

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'm not a robot

SUBMIT YOUR COMPLAINT

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

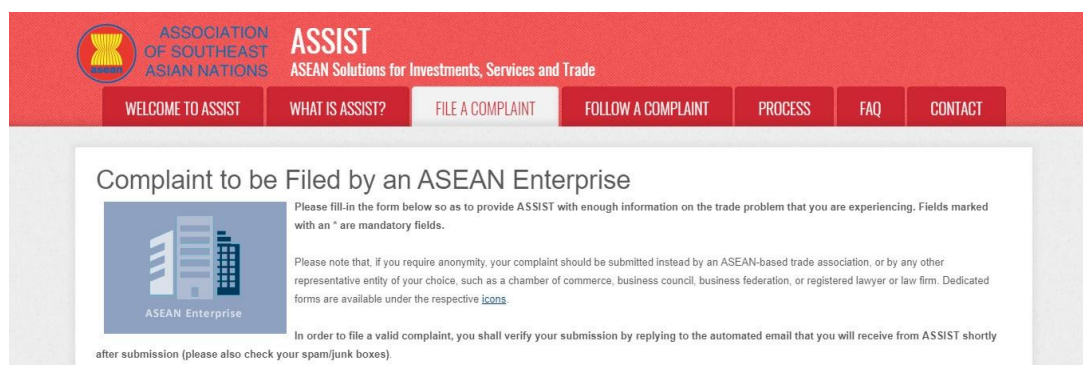
ចូរបំពេញទម្រង់ខាងលើដើម្បីផ្តល់ដល់ ASSIST នូវព័ត៌មានគ្រប់គ្រាន់អំពីបញ្ហាពាណិជ្ជកម្មដែលអ្នកកំពុងជួបប្រទះ។ ត្រង់កន្លែងណាដែលសម្គាល់ដោយសញ្ញា (*) គឺត្រូវបំពេញជាចាំបាច់។ ប្រសិនបើអ្នកមិនយល់ច្បាស់ថា ត្រូវបំពេញអ្វីនៅត្រង់កន្លែងនីមួយៗគឺមានប៊ូតុង ❶ នៅក្បែរដែលអាចចុចមើលការណែនាំលម្អិតអំពីអ្វីដែលត្រូវបំពេញ។ ចូរចុចលើប៊ូតុង ❶ នោះដើម្បីឱ្យប្រាកដថាអ្នកបំពេញព័ត៌មានបានត្រឹមត្រូវនៅក្នុងទម្រង់នីមួយៗ។

ចំណុចសំខាន់ៗគឺត្រូវបំពេញនៅត្រង់កន្លែង “បរិយាយ” ឬ “Description”។ CA នឹងត្រូវផ្ទៀងផ្ទាត់ថាបរិយាយដែលផ្តល់ឱ្យនៅក្នុងបណ្តឹងគ្រប់គ្រាន់ដើម្បីកំណត់បញ្ហានៅក្នុងបរិបទនៃកិច្ចព្រមព្រៀងវិស័យនានាដែរឬទេ ដូច្នេះចូររៀបចំបណ្តឹងរបស់អ្នកឱ្យបានហ្មត់ចត់ដោយមានអង្គហេតុ និងភស្តុតាងជាក់ស្តែងច្បាស់លាស់ ដើម្បីជួយ CA ក្នុងការសម្រេចចិត្តថាតើគេគួរទទួល ឬមិនទទួលបណ្តឹងនោះ។

ជំហាន
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បំពេញទម្រង់បែបបទ ពាក្យបណ្តឹង

ខាងក្រោមនេះជាឧទាហរណ៍នៃបែបបទបណ្តឹងដែលបានបំពេញរួចសម្រាប់ករណីសិក្សាជាក់លាក់នេះ។



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 [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

AirTel Holdings, Inc.

Company Size

200+

Phone

+261 7262991

Website

www.airtel.com

Address

Jingle Avenue

City U

Country X

City

City U

Country

AMS-X

ZIP Code

10090

CONTACT PERSON

Gender

☒ Mr
 ☐ Mrs
 ☐ Ms

First Name

Bruce

Last Name

Kent

Phone

+261 8159255399

Position

President

Email

aseanenterprise0@gmail.com

Address

Jingle Avenue

City U

Country X

City

City U

Country

AMS-X

ZIP Code

10090

COMPLAINT DESCRIPTION

Country of Legal Registration

AMS-X

Registration Number

123456

Company Registration Proof

Choose File

Annex 1-Simulated Idings, Inc.pdf

Type of Business

Service provider

Business Sector

Services

Services Sector Description

Telecommunication

Type of Problem Encountered

2 Communication Services

Destination Country

AMS-Y

Description

We are a duly registered telecommunications company in AMS-X, AirTel Holdings, Inc. Our subsidiary company, AirTel Holdings, Inc. is based in AMS-Y. 80% of the total shares issued by AirTel Co., Ltd. is owned by AMS-X shareholders and its senior management level positions are dominated by AMS-Y nationals. AirTel Co., Ltd.'s operating license has recently been revoked by AMS-Y's National Communication Authority in September 2018 on the argument that the telecommunications license possessed by AirTel Co., Ltd. is no 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.

Attachment

Choose File

Annex 2-Simulated AM...dated Schedule.pdf

+ Attachment

Choose File

Annex 3-Simulated Law of AMS-Y.pdf

Remove

Choose File

Annex 4-Simulated A...nt Law of AMS-Y.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

reCAPTCHA

SUBMIT YOUR COMPLAINT

Central Administrator of ASSIST / ASEAN Secretariat - 70A Jl. Sisingamangaraja - Jakarta 12110 - Indonesia

ASSIST - Supported by AEBSE - [Disclaimer]

ជាគំរូនៃបរិយាយច្បាប់លាស់អំពីបណ្តឹងខាងក្រោមនេះគឺជាបរិយាយរបស់ AE អំពីបណ្តឹងរបស់ខ្លួននៅក្នុងករណីសិក្សានេះ៖

“យើងខ្ញុំគឺជាក្រុមហ៊ុនទូរគមនាគមន៍ដែលចុះបញ្ជីត្រឹមត្រូវតាមច្បាប់នៅក្នុង AMS-X ឈ្មោះក្រុមហ៊ុន AirTel Holdings, Inc.។ ក្រុមហ៊ុនបុត្រសម្ព័ន្ធរបស់យើង AirTel Co., Ltd. មានមូលដ្ឋាននៅក្នុង AMS-Y។ ៨០% នៃភាគហ៊ុនសរុបដែលចេញដោយ AirTel Co., Ltd. កាន់កាប់ដោយម្ចាស់ភាគហ៊ុន AMS-X ហើយតំណែងគ្រប់គ្រងជាន់ខ្ពស់របស់ខ្លួនកាន់កាប់លើសលប់ដោយពលរដ្ឋនៅក្នុង AMS-Y។ អាជ្ញាប័ណ្ណប្រតិបត្តិការរបស់ AirTel Co., Ltd. ត្រូវបានដកហូតដោយអាជ្ញាធរសារគមនាគមន៍ជាតិរបស់ AMS-Y កាលពីខែកញ្ញា ឆ្នាំ២០១៨ ដោយឈរលើហេតុផលថាអាជ្ញាប័ណ្ណទូរគមនាគមន៍ដែលកាន់កាប់ដោយ AirTel Co., Ltd. លែងមានសុពលភាពទៀតហើយ។ តាមពិតកាលពីខែសីហា ឆ្នាំ២០១៨ AMS-X បានធ្វើវិសោធនកម្មច្បាប់ស្តីពីអាជ្ញាប័ណ្ណធុរកិច្ចទូរគមនាគមន៍ លេខ 1500 ដែលក្នុងច្បាប់វិសោធនកម្មនេះ ប្រតិបត្តិការបរទេសលែងត្រូវបានអនុញ្ញាតឱ្យដាក់ពាក្យសុំអាជ្ញាប័ណ្ណប្រភេទ B និងអាជ្ញាប័ណ្ណប្រភេទ C ទៀតហើយ។

អាជ្ញាប័ណ្ណប្រភេទ B គឺសម្រាប់ប្រតិបត្តិការដែលមាន ឬគ្មានបណ្តាញផ្ទាល់ខ្លួន ប៉ុន្តែផ្តល់សេវាកម្មដែលផ្ដោតទៅលើផ្នែកមួយ ឬផ្នែកជាច្រើននៃមហាជន។ អាជ្ញាប័ណ្ណប្រភេទ C គឺសម្រាប់ប្រតិបត្តិការដែលមានបណ្តាញ ដែលផ្តល់សេវាកម្មដល់មហាជនទូទៅ

ប្រសាទកម្មដែលបង្កផលប៉ះពាល់ធំទៅលើការប្រកួតប្រជែងដោយយុត្តិធម៌ ផលប្រយោជន៍សាធារណៈ ឬទាមទារឱ្យមានការការពារអ្នកប្រើប្រាស់ពិសេស។ អ្នកដាក់ពាក្យសុំអាជ្ញាប័ណ្ណប្រភេទ B និង C ត្រូវតែជាភ្នាក់ងារដែលមានពលរដ្ឋ AMS-Y កាន់កាប់ភាគហ៊ុនយ៉ាងតិចបំផុត ៥១% ហើយយ៉ាងហោចណាស់ ៣ ភាគ ៤ នៃមុខតំណែងគ្រប់គ្រងជាន់ខ្ពស់របស់ភ្នាក់ងារដាក់ពាក្យសុំ និងបុគ្គលដែលអនុញ្ញាតឱ្យចុះហត្ថលេខាលើកិច្ចសន្យាចងកាតព្វកិច្ចនានា ជាតំណាងឱ្យភ្នាក់ងារដែលដាក់ពាក្យសុំត្រូវតែជាអ្នកដែលមានសញ្ជាតិរបស់ AMS-Y។ យើងយល់ឃើញថា AirTel Co., Ltd. ត្រូវបានប្រព្រឹត្តដាក់ដោយមិនយុត្តិធម៌ពីព្រោះខ្លួនបានធ្វើតាមដំណើរការរបស់រដ្ឋាភិបាលនៅពេលដែលខ្លួនបានដាក់ពាក្យសុំអាជ្ញាប័ណ្ណ ហើយខ្លួនមិនបានទទួលការជូនដំណឹងណាមួយពី AMS-Y ស្តីពីការវិវឌ្ឍន៍នេះទេ។ ខ្លួនបានអនុលោមតាមលក្ខខណ្ឌតម្រូវសម្រាប់ភ្នាក់ងារបរទេស ដែលមានម្ចាស់ភាគហ៊ុនភាគច្រើនជាជនបរទេស ដែលទទួលបានអាជ្ញាប័ណ្ណធុរកិច្ចបរទេសពីក្រសួងពាណិជ្ជកម្ម។

ការដកហូតអាជ្ញាប័ណ្ណរបស់ AirTel Co., Ltd. និងការធ្វើវិសោធនកម្មច្បាប់ស្តីពីអាជ្ញាប័ណ្ណធុរកិច្ច បានធ្វើឱ្យតម្លៃហ៊ុនរបស់ AirTel Holdings, Inc. ធ្លាក់ចុះ ៥,៦៧% នៅក្នុងប្រទេស AMS-X ដោយសារតែ AMS-Y គឺជាទីផ្សារបណ្តាញទូរស័ព្ទចល័តធំជាងគេបំផុតទីពីរ នៅលើពិភពលោក។ យើងជឿថា ការដកហូតអាជ្ញាប័ណ្ណនេះ គឺជាការរើសអើងចំពោះវិនិយោគិនបរទេស នៅក្នុងវិស័យទូរគមនាគមន៍ និងជាការរំលោភលើការសន្យានិងកាតព្វកិច្ចរបស់ AMS-Y នៅក្រោមកិច្ចព្រមព្រៀងក្របខ័ណ្ឌអាស៊ានស្តីពីសេរីភាព (AFAS)។

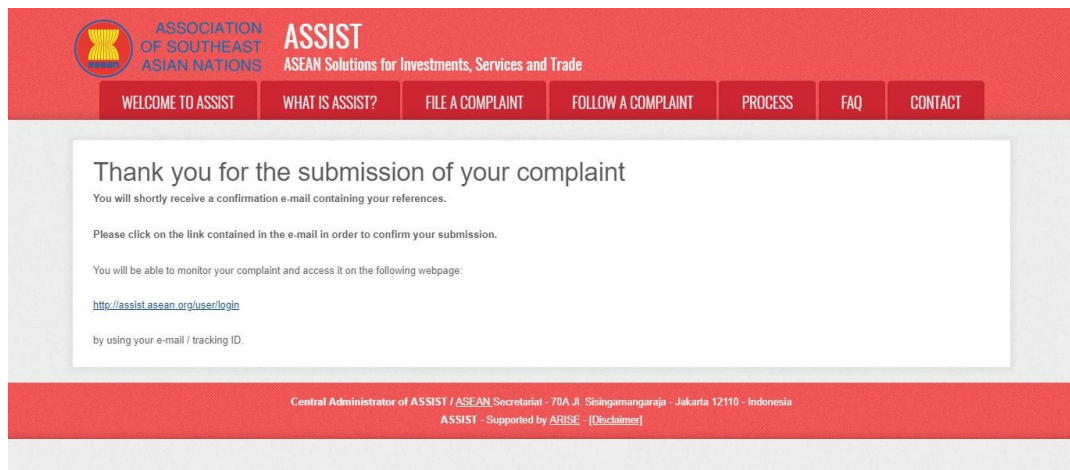
នៅពេលដែលបណ្តឹងត្រូវបានដាក់ដោយចុចលើ “Submit Your Complaint” ទំព័រដូចមាននៅក្នុងជំហាន ៤ នឹងបង្ហាញឡើង។

ជំហាន

4

ទទួលការជូនដំណឹងពី ASSIST

នៅពេលអ្នកដាក់បណ្តឹងនៅលើគេហទំព័រ ASSIST ទំព័រខាងក្រោមនេះនឹងបង្ហាញឡើង ដែលជូនដំណឹងដល់អ្នកថា អ៊ីមែលបញ្ជាក់មួយនឹងផ្ញើទៅកាន់អាសយដ្ឋានអ៊ីមែល ដែលអ្នកបានផ្តល់នៅក្នុងបែបបទបណ្តឹង។



ការជូនដំណឹងខាងលើនេះ ចង្អុលបង្ហាញថា អ្នកគួរតែចុចលើតំណភ្ជាប់ ដែលបានផ្តល់នៅក្នុងគណនីអ៊ីមែលរបស់អ្នកដើម្បីបញ្ជាក់អំពីបណ្តឹងរបស់អ្នក ដែលដាក់ទៅកាន់ ASSIST។

ជំហាន
5

បញ្ជាក់បណ្តឹងរបស់អ្នក ពីក្នុងគណនីអ៊ីមែលរបស់អ្នក

(ក) ចូរចូលទៅកាន់គណនីអ៊ីមែលដែលអ្នកបានផ្តល់នៅក្នុងបែបបទបណ្តឹង។ អ្នកនឹងទទួលបានអ៊ីមែលពី ASSIST ដែលស្នើឱ្យអ្នកបញ្ជាក់បណ្តឹងរបស់អ្នក ដោយចុចលើតំណភ្ជាប់ដែលបានផ្តល់ឱ្យ ឬដោយ copy-paste តំណភ្ជាប់នោះទៅលើកម្មវិធីបើកអ៊ីនធឺណិត ។ ASSIST ក៏តម្រូវឱ្យអ្នកធ្វើដូច្នេះដែរ ដើម្បីបញ្ជាក់ថា អាសយដ្ឋានអ៊ីមែលដែលអ្នកបានផ្តល់ឱ្យ គឺជាអាសយដ្ឋានដែលមានសុពលភាពត្រឹមត្រូវ ។ លេខបណ្តឹងរបស់អ្នក ក៏ត្រូវបានផ្តល់ឱ្យនៅក្នុងអ៊ីមែលនេះដែរ ។ ក្នុងករណីនេះ លេខបណ្តឹងរបស់អ្នក គឺ **17720181101** ។

ខាងក្រោមនេះ គឺជាអ៊ីមែលដែលអ្នកនឹងទទួលបានពី ASSIST ។



ASEAN Enterprise <aseanenterprise0@gmail.com>

[ASSIST] Thanks to confirm your complaint #17720181101 submission

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

Thu, Nov 1, 2018 at 4:01 PM



ASSOCIATION
OF SOUTHEAST
ASIAN NATIONS

ASSIST

ASEAN Solutions for Investments, Services and Trade

Thank Mr Bruce Kent
http://assist.asean.org/user/confirm_email

Thank you for having filed a complaint on **ASSIST**, the system of ASEAN Solutions for Investments, Services and Trade.
<http://assist.asean.org/user/login> by using your e-mail / tracking ID: aseanenterprise0@gmail.com / **17720181101**
Please **confirm** your complaint **17720181101** on the following link (or by copy-pasting the following link onto your Internet browser):
http://assist.arsenaddevelopment.space/user/confirm_email?email=aseanenterprise0@gmail.com&id=17720181101&code=1ax9eg5v3

After your confirmation, ASSIST will monitor your complaint and you will be able to access it on the following webpage
<http://assist.arsenaddevelopment.space/user/login> by using your e-mail / tracking ID: aseanenterprise0@gmail.com / **17720181101**

ASEAN Enterprise / Trade Association / Law Firm : AirTel Holdings, Inc. (type Enterprise)

Company size : 200+
Phone : +261 7262991
Website : www.airtel.com
Address : Jingle Avenue City U Country X
City : City U / Zip Code : 10090
Country : **AMS-X**

Contact person : Mr Bruce Kent
Phone : +261 6159255399
Position : President
Email : aseanenterprise0@gmail.com
Address : Jingle Avenue City U Country X
City : City U / Zip Code : 10090
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 / Telecommunication
Type of problem encountered : Communication Services
Destination Country : AMS-Y

Description:
We are a duly registered telecommunications company in AMS-X. AirTel Holdings, Inc. Our subsidiary company, AirTel Holdings, Inc. is based in AMS-Y. 80% of the total shares issued by AirTel Co., Ltd. is owned by AMS-X shareholders and its senior management level positions are dominated by AMS-Y nationals. AirTel Co., Ltd.'s operating license has recently been revoked by AMS-Y's National Communication Authority in September 2018 on the argument that the telecommunications license possessed by AirTel Co., Ltd. is no 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).

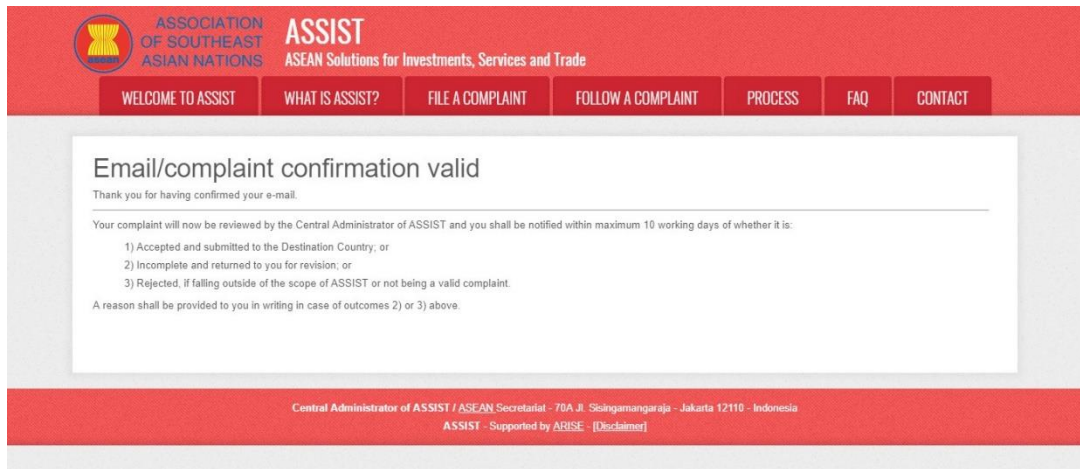
Thanking you, ASSIST is at your service.

assist.asean.org

4 attachments

-  **Annex_2-Simulated_AMS-Y_Schedule_of_Specific_Commitments-AFAS_9_Consolidated_Schedule1.pdf**
91K
-  **Annex_3-Simulated_Law_of_AMS-Y1.pdf**
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-  **Annex_4-Simulated_Amendment_Law_of_AMS-Y1.pdf**
47K
-  **Annex_1-Simulated_Company_Registration_of_AirTel_Holdings_Inc1.pdf**
49K

(ខ) ចូរចុចលើតំណភ្ជាប់ទៅតាមការស្នើសុំនៅក្នុងអ៊ីមែលខាងលើ បន្ទាប់មកទំព័រខាងក្រោមនេះនឹងបង្ហាញឡើង។



ការជូនដំណឹងខាងលើ នឹងប្រាប់អ្នកថា បណ្តឹងរបស់អ្នកនឹងត្រូវពិនិត្យដោយ CA និងថា អ្នកនឹងត្រូវបានជូនដំណឹងតាមអ៊ីមែល ក្នុងរយៈពេលយ៉ាងយូរបំផុត ១០ ថ្ងៃ (ថ្ងៃធ្វើការ) ថា៖

១) បណ្តឹងត្រូវបានទទួលយក និងដាក់ជូនទៅប្រទេសគោលដៅ ឬ

២) បណ្តឹងមានលក្ខណៈមិនពេញលេញ និងត្រូវបញ្ជូនឱ្យអ្នកវិញដើម្បីធ្វើការកែសម្រួល, ឬ

៣) បណ្តឹងត្រូវបានប្រគល់ជូន ប្រសិនបើស្ថិតនៅក្រៅសមត្ថកិច្ចរបស់ ASSIST ឬវាមិនមែនជាបណ្តឹងដែលមានសុពលភាព។ ចូរចូលទៅកាន់គណនីអ៊ីមែលរបស់អ្នក។

**ជំហាន
6**

ទទួលអ៊ីមែលពី ASSIST ថា អាសយដ្ឋានអ៊ីមែល និងបណ្តឹងរបស់អ្នក មានសុពលភាព

ចូរចូលទៅកាន់គណនីអ៊ីមែលរបស់អ្នក ហើយអ្នកនឹងឃើញអ៊ីមែលថ្មីមួយ ផ្ញើមកពី ASSIST។ អ៊ីមែលនេះបង្ហាញថា អ្នកបានបញ្ជាក់បណ្តឹងរបស់អ្នករួចហើយ CA នឹងពិនិត្យសុពលភាពបណ្តឹង និងថា បណ្តឹងនោះត្រូវបានធ្វើឡើងនៅក្នុង ក្របខ័ណ្ឌ ASSIST។ បន្ទាប់មក ASSIST នឹងឆ្លើយតបដោយបញ្ជាក់ថា តើបណ្តឹងនោះត្រូវបានទទួលយក ឬយ៉ាងណាថា តើវាមិនពេញលេញ ឬត្រូវបានប្រគល់ជូន នៅក្នុងរយៈពេល ១០ ថ្ងៃ យ៉ាងយូរបំផុត។



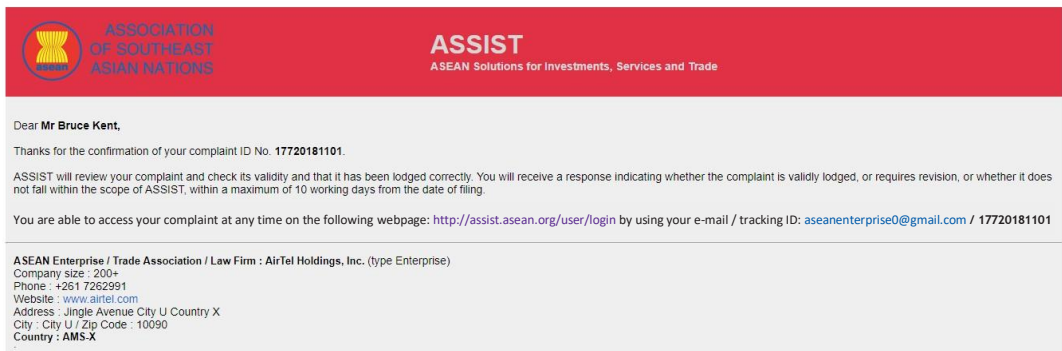
ASEAN Enterprise <aseanenterprise0@gmail.com>

[ASSIST] Thanks for your email confirmation for the complaint #17720181101

No Reply ASSIST <assist@asean.org>

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

Thu, Nov 1, 2018 at 4:07 PM



Contact person : Mr. Bruce Kent
Phone : +261 8159255399
Position : President
Email : aseanenterprise0@gmail.com
Address : Jingle Avenue City U Country X
City : City U / Zip Code : 10090
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 / Telecommunication
Type of problem encountered : Communication Services
Destination Country : AMS-Y

Description:
We are a duly registered telecommunications company in AMS-X, AirTel Holdings, Inc. Our subsidiary company, AirTel Holdings, Inc. is based in AMS-Y. 80% of the total shares issued by AirTel Co., Ltd. is owned by AMS-X shareholders and its senior management level positions are dominated by AMS-Y nationals. AirTel Co., Ltd.'s operating license has recently been revoked by AMS-Y's National Communication Authority in September 2018 on the argument that the telecommunications license possessed by AirTel Co., Ltd. is no 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).

Thanking you, ASSIST is at your service.

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49K

ដូចបានបង្ហាញនៅក្នុងអ៊ីមែលខាងលើ ឥឡូវនេះ អ្នកអាចតាមដានវឌ្ឍនភាពនៃបណ្តឹងរបស់អ្នក ដោយចុចលើតំណភ្ជាប់ដែលបានផ្តល់ ដែលនឹងនាំអ្នកទៅដល់ទំព័រ 'Follow a Complaint' នៅលើគេហទំព័រ ASSIST។

ជំហាន
7

តាមដានវឌ្ឍនភាពនៃបណ្តឹងរបស់អ្នក

(គ) ចូលទៅតំណភ្ជាប់នេះ៖ <http://assist.asean.org/user/login> ឬចូលទៅរក 'Follow a Complaint' នៅលើបាឌីនុយនៃគេហទំព័រ ASSIST។ ទំព័រខាងក្រោមនេះ នឹងលេចឡើង ។

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


Follow a Complaint

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

Email Tracking ID

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

(ឃ) បញ្ចូលអាសយដ្ឋានអ៊ីមែល និងលេខ ID តាមដានរបស់អ្នក (លេខបណ្តឹងរបស់អ្នក) នៅក្នុងប្រអប់ដែលចាំបាច់ត្រូវបំពេញ ដើម្បីចូលទៅកាន់ទីនោះ ។ ក្នុងករណីនេះ អាសយដ្ឋានអ៊ីមែល គឺ aseanenterprise0@gmail.com ហើយលេខ ID បណ្តឹងរបស់អ្នក គឺ 17720181101 ។



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WELCOME TO ASSIST

WHAT IS ASSIST?

FILE A COMPLAINT

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PROCESS

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Follow a Complaint

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

Email
aseanenterprise0@gmail.com

Tracking ID
.....


LOGIN

Central Administrator of ASSIST / ASEAN Secretariat - 70A Jl. Sisingamangaraja - Jakarta 12110 - Indonesia

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នៅពេលអ្នកចូលទៅដល់ហើយ អ្នកនឹងឃើញ dashboard នៅលើគេហទំព័រ ASSIST របស់អ្នក ដែលទីនោះ អ្នកអាចតាមដានវឌ្ឍនភាពនៃបណ្តឹងរបស់អ្នកបាន។

(ង) នេះជាប្រភពនៃ dashboard នៅលើគេហទំព័រ ASSIST របស់អ្នក នៅពេលអ្នកបំពេញឈ្មោះចូលដោយជោគជ័យរួចហើយ ។



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WELCOME TO ASSIST

WHAT IS ASSIST?

MY COMPLAINT

LOGOUT

PROCESS

FAQ

CONTACT

DISCLAIMER

Tracking ID #17720181101 / AMS-Y

History			
Date	Action	Action By	Comments
01/11/2018 16:07:27	Email Confirmed	ASEAN-based Enterprise	Email Confirmed
01/11/2018 16:01:39	New	ASEAN-based Enterprise	

WITHDRAW COMPLAINT

ASEAN ENTERPRISE

ASEAN Enterprise Name	AirTel Holdings, Inc.		
Company Size	200+	Address	Jingle Avenue City U Country X
Phone	+261 7262991	City	City U
Website	www.airtel.com	ZIP Code	10090
		Country	AMS-X

CONTACT PERSON

First Name	Bruce	Address	Jingle Avenue City U Country X
Last Name	Kent	City	City U
Phone	+261 8159255399	ZIP Code	10090
Position	President	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 / Communication Services
Company Registration Proof	Annex 1- Simulated Company Registration of AirTel Holdings_Incl.pdf		
Type of Business	Service provider		
Description	<p>We are a duly registered telecommunications company in AMS-X, AirTel Holdings, Inc. Our subsidiary company, AirTel Holdings, Inc. is based in AMS-Y. 80% of the total shares issued by AirTel Co., Ltd. is owned by AMS-X shareholders and its senior management level positions are dominated by AMS-Y nationals. AirTel Co., Ltd.'s operating license has recently been revoked by AMS-Y's National Communication Authority in September 2018 on the argument that the telecommunications license possessed by AirTel Co., Ltd. is no 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</p>		

Attachment

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Central Administrator of ASSIST / ASEAN Secretariat - 70A Jl. Sisingamangaraja - Jakarta 12110 - Indonesia

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ដូចដែលអ្នកអាចមើលឃើញនៅលើ dashboard ចំណាត់ការនានាដែលធ្វើឡើងពាក់ព័ន្ធនឹងបណ្តឹងរបស់អ្នក ត្រូវបានបង្ហាញយ៉ាងច្បាស់នៅលើ dashboard ហើយបញ្ជីនេះនឹងត្រូវធ្វើបច្ចុប្បន្នភាពជាទៀងទាត់ នៅពេលដែលចំណាត់ការអ្វីមួយត្រូវបានធ្វើឡើង។ ទម្រង់បណ្តឹងដែលអ្នកបានបំពេញរួច និងបានដាក់ជូនរួច ក៏អាចរកមើលនៅលើ dashboard នេះបានដែរ។

ជំហាន
8

(ទទួលយក មិនពេញលេញ ឬប្រាន់ចោល)

នៅពេល CA បានពិនិត្យមើលបណ្តឹងរបស់អ្នករួចរាល់ហើយ និងបានសម្រេចចិត្តថា តើទទួលយក/ចាត់ថាមិនពេញលេញ/ប្រាន់ចោល ឬយ៉ាងណានោះ អ៊ីមែលមួយនឹងត្រូវផ្ញើទៅអ្នកក្នុងរយៈពេល ១០ ថ្ងៃ (ថ្ងៃធ្វើការ) យ៉ាងយូរបំផុតគិតចាប់ពីថ្ងៃដាក់ពាក្យបណ្តឹង។

ក្នុងខណៈនេះ ប្រសិនបើ CA មិនមានចំណាត់ការអ្វីទេ នោះ CA នឹងទទួលបានការត្រួតពិនិត្យដោយស្វ័យប្រវត្តិតាមអ៊ីមែល ពីប្រព័ន្ធអនុញ្ញរបស់ ASSIST ក្នុងរយៈពេល ៧ថ្ងៃ បន្ទាប់ពីថ្ងៃដាក់ពាក្យបណ្តឹង។ ដូចបានបង្ហាញខាងលើ CA ត្រូវតែសម្រេចចិត្តថា តើត្រូវទទួលយក ប្រកាសថាមិនពេញលេញនិងស្នើឱ្យកែសម្រួលឡើងវិញ ឬប្រាន់ចោលពាក្យបណ្តឹងក្នុងរយៈពេល ១០ថ្ងៃ (ថ្ងៃធ្វើការ)។

អ៊ីមែលរំលឹកទី១ សម្រាប់រដ្ឋបាលកណ្តាល៖




Central Administrator ASEC <caatasec@gmail.com>

[ASSIST] Complaint #15020181026 reminder for CA

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

Sat, Oct 27, 2018 at 5:00 AM



ASSOCIATION
OF SOUTHEAST
ASIAN NATIONS

ASSIST

ASEAN Solutions for Investments, Services and Trade

Action is required by the CA for the complaint:
15020181026

Thanking you, ASSIST is at your service.

assist.asean.org/trackID

ចូរពិនិត្យអ៊ីមែលអ្នកឱ្យបានទៀងទាត់ក្នុងអំឡុងពេល ១០ថ្ងៃ បន្ទាប់ពីថ្ងៃដែលអ្នកបានដាក់ពាក្យបណ្តឹង។ អ្នកប្រាកដជានឹងទទួលបានអ៊ីមែលពី ASSIST។




ASEAN Enterprise <aseanenterprise0@gmail.com>

[ASSIST] Your complaint #17720181101 is accepted by CA

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

Thu, Nov 1, 2018 at 10:37 PM



ASSOCIATION
OF SOUTHEAST
ASIAN NATIONS

ASSIST

ASEAN Solutions for Investments, Services and Trade

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

Dear Mr Bruce Kent,

Your complaint ID No. 17720181101 has been accepted by ASSIST.

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

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

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

ASEAN Enterprise / Trade Association / Law Firm : AirTel Holdings, Inc. (type Enterprise)
Company size : 200+
Phone : +261 7262991
Website : www.airtel.com
Address : Jingle Avenue City U Country X
City : City U / Zip Code : 10090
Country : AMS-X
:

Contact person : Mr. Bruce Kent
Phone : +261 8159255399
Position : President
Email : aseanenterprise@gmail.com
Address : Jingle Avenue City U Country X
City : City U / Zip Code : 10090
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 / Telecommunication
Type of problem encountered : Communication Services
Destination Country : AMS-Y

Description:
We are a duly registered telecommunications company in AMS-X, AirTel Holdings, Inc. Our subsidiary company, AirTel Holdings, Inc. is based in AMS-Y. 80% of the total shares issued by AirTel Co., Ltd. is owned by AMS-X shareholders and its senior management level positions are dominated by AMS-Y nationals. AirTel Co., Ltd.'s operating license has recently been revoked by AMS-Y's National Communication Authority in September 2018 on the argument that the telecommunications license possessed by AirTel Co., Ltd. is no 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).

Thanking you, ASSIST is at your service.

assist.asean.org

នៅក្នុងករណីនេះ អ៊ីមែលខាងលើបង្ហាញថា បណ្តឹងរបស់អ្នកត្រូវបានទទួលយកដោយ CA។ អ៊ីមែលក៏ប្រាប់អ្នកផងដែរថា បណ្តឹងរបស់អ្នក ឥឡូវនេះ ត្រូវបានបញ្ជូនរួចហើយទៅកាន់កន្លែងទំនាក់ទំនងនៃប្រទេសគោលដៅ ដែលជាទីភ្នាក់ងាររដ្ឋាភិបាល (កន្លែងទំនាក់ទំនង ASSIST) នៅក្នុង AMS-Y ដែលអ្នកកំពុងជួបប្រទះបញ្ហាពាណិជ្ជកម្ម និងជាកន្លែងដែលបណ្តឹងរបស់អ្នកត្រូវបានបញ្ជូនទៅ និងស្វែងរកដំណោះស្រាយ។ DCP នៅក្នុង AMS-Y នឹងត្រូវផ្តល់ពេលឱ្យ ១០ថ្ងៃ (ថ្ងៃធ្វើការ) ដើម្បីពិនិត្យមើលបណ្តឹងរបស់អ្នករួចហើយសម្រេចថាតើទទួលយក ប្រាន់ចោល ឬបញ្ជូនត្រឡប់ទៅអ្នកវិញ ដោយស្មើសុំព័ត៌មានបន្ថែម ឬយ៉ាងណា។ ធ្វើដូច្នេះ គឺទុកពេលឱ្យ DCP ពិនិត្យសេចក្តីលម្អិតនៃបណ្តឹង រួចហើយពិគ្រោះជាមួយអាជ្ញាធរជាតិពាក់ព័ន្ធ ប្រសិនបើចាំបាច់ ។

កន្លែងទំនាក់ទំនងនៅប្រទេសដើម ដែលជាទីភ្នាក់ងាររដ្ឋាភិបាល (កន្លែងទំនាក់ទំនង ASSIST) នៅក្នុង AMS-X (ប្រទេសដើមរបស់អ្នក) ក៏ត្រូវបានជូនដំណឹងដែរ ថា បណ្តឹងរបស់អ្នកត្រូវបានធ្វើរួចហើយ។

ប្រសិនបើអ្នកមិនបានទទួលអ៊ីមែលពី ASSIST ក្នុងរយៈពេលដែលបានកំណត់ (១០ថ្ងៃ (ថ្ងៃធ្វើការ) គិតចាប់ពីថ្ងៃដាក់ពាក្យបណ្តឹង) នោះទេ នោះមានន័យថា CA មានចំណាត់ការយឺតយ៉ាវ។ CA នឹងទទួលបានសាររំលឹកស្វ័យប្រវត្តិមួយទៀត តាមអ៊ីមែល (១៤ថ្ងៃ បន្ទាប់ពីថ្ងៃដាក់ពាក្យបណ្តឹង) ដែលរំលឹកថា CA ត្រូវមានចំណាត់ការចំពោះបណ្តឹងនេះ ។ CA នឹងទទួលអ៊ីមែលដូចខាងក្រោម ៖

អ៊ីមែលរំលឹក ទី២ សម្រាប់រដ្ឋបាលកណ្តាល៖



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>

Sun, Sep 23, 2018 at 5:00 AM



ASSOCIATION
OF SOUTHEAST
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Action is required by the CA for the complaint:
13320180921

Thanking you, ASSIST is at your service.


assist.asean.org/DocJama01

ជំហាន
9

ស្តង់ដារ រដ្ឋបាលកណ្តាល

ប្រសិនបើអ្នកចង់មើលចម្លើយពេញលេញពី CA អ្នកចាំបាច់ត្រូវចុះឈ្មោះចូលទៅកាន់ dashboard របស់អ្នកនៅលើគេហទំព័រ ASSIST ដោយប្រើគណនីអ៊ីមែលរបស់អ្នក និងលេខ ID បណ្តឹង ដូចបានបង្ហាញនៅក្នុងជំហាន 7 (ក) និង (ខ) ខាងលើ។

ខាងក្រោមនេះ គឺជារូបភាពនៃ dashboard។ ដូចដែលអ្នកអាចមើលឃើញ ចំណាត់ការមួយផ្សេងទៀត ទើបតែត្រូវបានបន្ថែមទៅក្នុង "History" របស់អ្នក ដែលបញ្ជាក់ថា CA បាន "ទទួលយក" បណ្តឹងរបស់អ្នក។



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WELCOME TO ASSIST

WHAT IS ASSIST?

MY COMPLAINT

LOGOUT

PROCESS

FAQ

CONTACT

DISCLAIMER

Tracking ID #17720181101 / AMS-Y

History

Date	Action	Action By	Comments
01/11/2018 22:37:34	Accepted	Central Administrator of ASSIST	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.
01/11/2018 16:07:27	Email Confirmed	ASEAN-based Enterprise	Email Confirmed
01/11/2018 16:01:39	New	ASEAN-based Enterprise	

WITHDRAW COMPLAINT

ASEAN ENTERPRISE

ASEAN Enterprise Name	AirTel Holdings, Inc.		
Company Size	200+	Address	Jingle Avenue City U Country X
Phone	+261 7262991	City	City U
Website	www.airtel.com	ZIP Code	10090
		Country	AMS-X

CONTACT PERSON

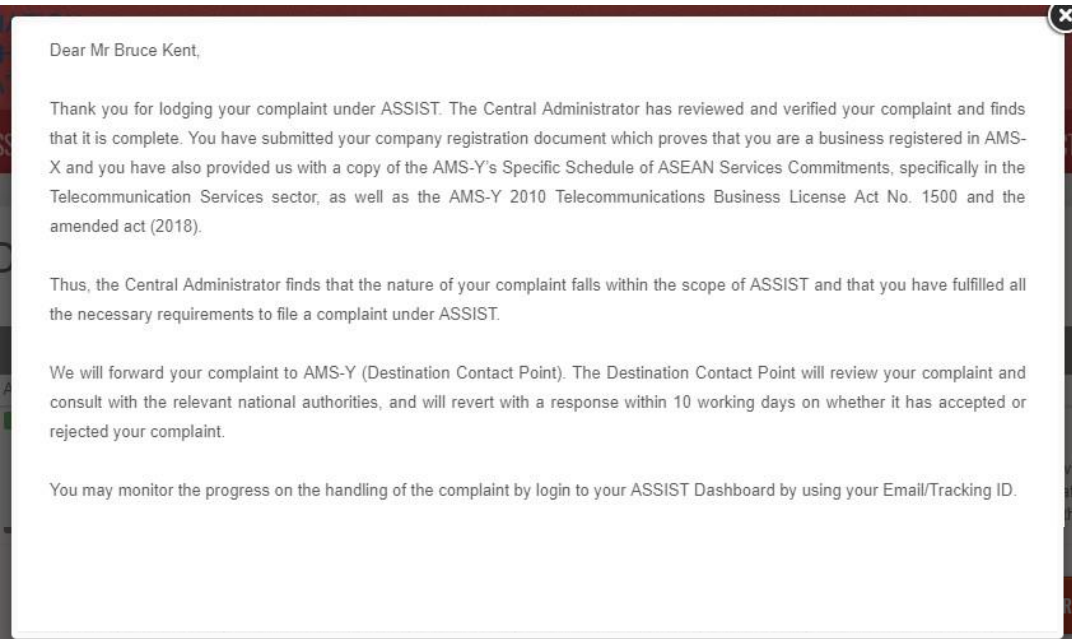
First Name	Bruce	Address	Jingle Avenue City U Country X
Last Name	Kent	City	City U
Phone	+261 8159255399	ZIP Code	10090
Position	President	Country	AMS-X
Email	aseanenterprise0@gmail.com (Confirmed)		

COMPLAINT DESCRIPTION

Country of Legal Registration	AMS-X	Business Sector	Services
Registration Number	123456	Type of Problem Encountered	Services / Communication Services
Company Registration Proof	Annex 1: Simulated Company Registration of AirTel Holdings_Inc1.pdf		
Type of Business	Service provider		
Description	<p>We are a duly registered telecommunications company in AMS-X, AirTel Holdings, Inc. Our subsidiary company, AirTel Holdings, Inc. is based in AMS-Y. 80% of the total shares issued by AirTel Co., Ltd. is owned by AMS-X shareholders and its senior management level positions are dominated by AMS-Y nationals. AirTel Co., Ltd.'s operating license has recently been revoked by AMS-Y's National Communication Authority in September 2018 on the argument that the telecommunications license possessed by AirTel Co., Ltd. is no 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).</p>		
Attachment	Annex 2-Simulated_AMS-Y_Schedule_of_Specific_Commitments-AFAS_9_Consolidated_Schedule1.pdf Annex 3-Simulated_Law_of_AMS-Y1.pdf Annex 4-Simulated_Amendment_Law_of_AMS-Y1.pdf		

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

ចូរចូលលើនិមិត្តសញ្ញាកែវពង្រីកនៅក្នុងប្រអប់ អធិប្បាយ ។ ចម្លើយតបពេញលេញពី CA នឹងបង្ហាញឡើង ដូចដែលអ្នក ឃើញខាងក្រោមនេះ ៖



ដូចដែលបានប្រាប់នៅក្នុងជំហានទី៨ នៅពេលដែល CA ទទួលយកបណ្តឹងរួចហើយ បណ្តឹងនោះនឹងបញ្ជូនទៅកាន់កន្លែង ទំនាក់ទំនងនៃប្រទេសគោលដៅ (DCP) នៅក្នុង AMS-Y ជាទីកន្លែងដែលអ្នកកំពុងជួបប្រទះនឹងបញ្ហាពាណិជ្ជកម្ម។ DCP នៅ ក្នុង AMS-Y នឹងត្រូវផ្តល់ពេលឱ្យ ១០ថ្ងៃ (ថ្ងៃធ្វើការ) ដើម្បីពិនិត្យមើលបណ្តឹងរបស់អ្នក រួចហើយសម្រេចថាតើទទួលយក ឬប្រានចោល។ ធ្វើដូច្នេះ គឺទុកពេលឱ្យ DCP ពិនិត្យសេចក្តីសម្តីនៃបណ្តឹង រួចហើយពិគ្រោះជាមួយអាជ្ញាធរជាតិពាក់ព័ន្ធ ប្រសិនបើចាំបាច់ ។ នៅពេល DCP ឆ្លើយតប អ៊ីមែលនឹងបញ្ជូនទៅអ្នកចេញពីប្រព័ន្ធ ASSIST ដោយជូនដំណឹងអ្នកអំពីថា តើបណ្តឹងរបស់អ្នកត្រូវបានទទួលយក ឬប្រានចោលដោយ DCP នៅក្នុង AMS-Y។

ជំហាន
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ទទួលការជូនដំណឹងតាមអ៊ីមែលពី ASSIST បញ្ជាក់ថា ការឆ្លើយតបចំពោះបណ្តឹងអ្នកត្រូវបានផ្តល់ឱ្យដោយ AMS-Y និងទទួលយកដោយរដ្ឋបាលកណ្តាល

(ក) ចូរចូលមើលគណនីអ៊ីមែលរបស់អ្នក។ អ្នកនឹងទទួលបានអ៊ីមែលថ្មីមួយ ពី ASSIST ដែលបង្ហាញពីការឆ្លើយតប ចំពោះបណ្តឹងរបស់អ្នកពីសំណាក់ DCP។ ក្នុងករណីនេះ បណ្តឹងរបស់អ្នកត្រូវបានប្រានចោល ដោយ DCP (AMS-Y)។



ASEAN Enterprise <aseanenterprise0@gmail.com>

[ASSIST] Response for your #17720181101 complaint

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

Fri, Nov 2, 2018 at 12:05 A



ASSOCIATION
OF SOUTHEAST
ASIAN NATIONS

ASSIST

ASEAN Solutions for Investments, Services and Trade

Dear Mr Bruce Kent,

The response for your complaint **17720181101** is ready:

"AMS-Y finds sufficient basis that AMS-X 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 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. The AMS-Y AFAS Horizontal Commitments is attached for ease of reference. In response to the AEd'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."

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

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

Yes / No

ASEAN Enterprise / Trade Association / Law Firm : AirTel Holdings, Inc. (type Enterprise)
Company size : 200+
Phone : +261 8159255399
Website : www.airtel.com
Address : Jingle Avenue City U Country X
City : City U / Zip Code : 10090
Country : AMS-X

Contact person : Mr. Bruce Kent
Phone : +261 8159255399
Position : President
Email : aseanenterprise@gmail.com
Address : Jingle Avenue City U Country X
City : City U / Zip Code : 10090
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 / Telecommunication
Type of problem encountered : Communication Services
Destination Country : AMS-Y

Description:
We are a duly registered telecommunications company in AMS-X, AirTel Holdings, Inc. Our subsidiary company, AirTel Holdings, Inc. is based in AMS-Y. 80% of the total shares issued by AirTel Co., Ltd. is owned by AMS-X shareholders and its senior management level positions are dominated by AMS-Y nationals. AirTel Co., Ltd. is no 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).

Thanking you, ASSIST is at your service.

assist.asean.org

ដំណើរការមានភាពខុសគ្នាបន្តិចបន្តួចនៅក្នុងករណីដែលបណ្តឹងរបស់អ្នកត្រូវបានទទួលយកដោយ DCP។ ក្នុងរយៈពេល ១០ថ្ងៃ(ថ្ងៃធ្វើការ) បន្ទាប់ពីទទួលបានការឆ្លើយតបពី CA ថាបណ្តឹងរបស់អ្នកត្រូវបានទទួលយក អ្នកនឹងទទួលបានអ៊ីមែលមួយ ដែលប្រាប់អ្នកថា បណ្តឹងរបស់អ្នកត្រូវបានទទួលយកដោយ DCP នៅក្នុង AMS-Y និងថា DCP នឹងសម្របសម្រួលជាមួយអាជ្ញាធរជាតិដែលមានសមត្ថកិច្ច ឬអាជ្ញាធរដែលទទួលខុសត្រូវ (RAs) ដើម្បីវិភាគទៅលើបណ្តឹងរបស់អ្នកលម្អិតបន្ថែមទៀត។

នៅពេលណាដែល RAs បញ្ចប់ការពិនិត្យរួចហើយ DCP នឹងពិនិត្យទៅលើដំណោះស្រាយ រួចហើយផ្តល់ទៅឱ្យ CA ក្នុងរយៈពេល ៥០ថ្ងៃ (ថ្ងៃធ្វើការ) គិតចាប់ពីថ្ងៃនៃការទទួលយកដោយ DCP។ ដូច្នេះ ដើម្បីគោរពតាមកាលកំណត់នេះ DCP ត្រូវដាក់កំហិតពេលវេលាឱ្យ RAs ផ្សេងៗក្នុងដំណោះស្រាយ។ វាជាទំនួលខុសត្រូវរបស់ DCP ក្នុងការជូនដំណឹងទៅ CA អំពីការផ្លាស់ប្តូរណាមួយ ដែលទាក់ទងនឹងគម្រោងពេលវេលារវាងខ្លួន និងអាជ្ញាធរជាតិ។

CA អាចពន្យារកាលកំណត់បានដល់ទៅ ២០ថ្ងៃ (ថ្ងៃធ្វើការ) បន្ថែមទៀត តាមការស្នើសុំរបស់ DCP។ ប្រព័ន្ធនឹងជូនដំណឹងដោយស្វ័យប្រវត្តិនៅពេលដែលកាលកំណត់ឈានចូលមកជិតដល់ (ឧ. ១០ថ្ងៃ (ថ្ងៃប្រតិទិន) នៅមុនពេលដល់កាលកំណត់)។ ប្រសិនបើ DCP ខកខានមិនបានផ្តល់ដំណោះស្រាយតាមកាលកំណត់ទៅឱ្យ CA ទេនោះ ប្រព័ន្ធអនុវត្តនឹងជូនដំណឹងដល់ CA ដើម្បីឱ្យធ្វើការសាកសួរទៅ DCP។

បន្ទាប់មក អ្នកនឹងទទួលបានការជូនដំណឹងតាមអ៊ីមែលជាលើកទីពីរ ពី ASSIST ដែលប្រាប់ថា ដំណោះស្រាយមួយត្រូវបានស្នើឡើងដោយ DCP/AMS-Y និងទទួលយកដោយ CA។

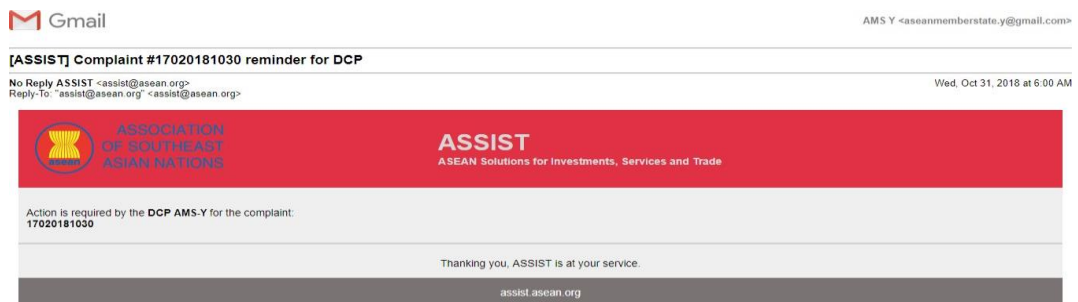
ប៉ុន្តែក្នុងករណីនានាដូចករណីមួយនេះ ដែលបណ្តឹងត្រូវបាន**ប្រានចោល**ដោយ DCP អ្នកមិនអាចទទួលអ៊ីមែលពី ASSIST នៅក្នុងកាលកំណត់ ១០ថ្ងៃ(ថ្ងៃធ្វើការ)នោះទេ។ ការប្រានចោល និងមូលហេតុនៃការប្រានចោលដោយ DCP នឹងធ្វើទៅឱ្យតែ CA តាមរយៈ ASSIST ក្នុងរយៈពេលកំណត់ ១០ថ្ងៃ។ បន្ទាប់មក CA នឹងពិនិត្យទៅលើសាលា និងភាពគ្រប់គ្រាន់នៃព័ត៌មានក្នុងរយៈពេល ៥ថ្ងៃ(ថ្ងៃធ្វើការ) គិតចាប់ពីថ្ងៃដែល CA បានទទួលអ៊ីមែលនៃការប្រានចោលដោយ DCP។

ប្រសិនបើ CA ទទួលយកហេតុផលនៃការប្រានចោល ការឆ្លើយតបមួយដែលត្រូវបានពិនិត្យនិងសម្រេចដោយ CA ត្រូវបានធ្វើទៅកាន់អ៊ីមែលរបស់អ្នក ដូចជា អ៊ីមែលដែលបានឃើញខាងលើនេះ។

ប្រសិនបើ CA មិនពេញចិត្តនឹងមូលហេតុដែលបានលើកឡើងសម្រាប់ការប្រានចោលពីសំណាក់ DCP ទេ នោះប្រព័ន្ធ ASSIST អនុញ្ញាតឱ្យ CA ស្នើសុំឱ្យ DCP កែតម្រូវការប្រានចោលរបស់ខ្លួន។ ប៉ុន្តែ ជម្រើសបែបនេះរបស់ CA ពុំមានគុណតម្លៃចងក្លាបកាតព្វកិច្ចទៅលើ DCP ទេ ហើយប្រសិនបើគ្មានការឆ្លើយតបនៅក្នុងរយៈពេល ៥ថ្ងៃ(ថ្ងៃធ្វើការ) ទេ ប្រព័ន្ធអនុវត្តនឹងផ្សព្វផ្សាយការប្រានចោលនេះដោយស្វ័យប្រវត្តិទៅដល់ AE។

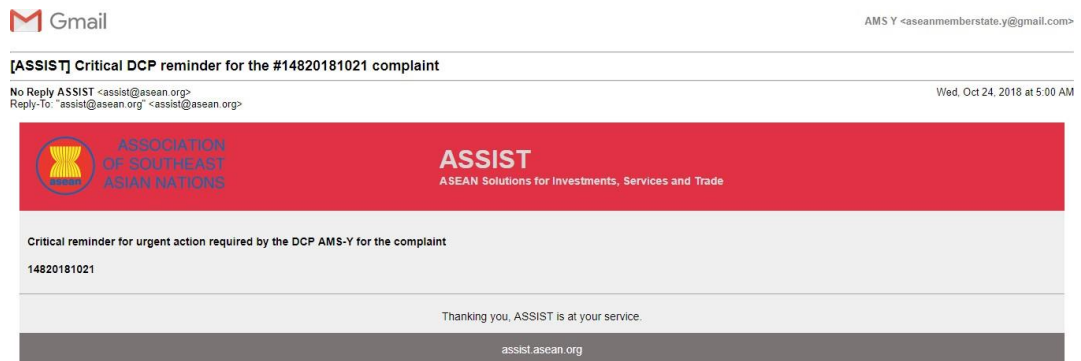
ប្រសិនបើក្នុងពេលនេះ ពុំមានចំណាត់ការណាមួយពី DCP ទេ នោះ DCP នឹងទទួលបានការរំលោភដោយស្វ័យប្រវត្តិដូចខាងក្រោម តាមអ៊ីមែល ពីប្រព័ន្ធអនុញ្ញរបស់ ASSIST ក្នុងរយៈពេល ៧ថ្ងៃ(ថ្ងៃប្រតិទិន) បន្ទាប់ពីបណ្តឹងត្រូវបានទទួលយកដោយ CA។ ដូចបានបង្ហាញនៅខាងលើ DCP ត្រូវតែសម្រេចចិត្ត ថាទទួលយក ឬច្រានចោលបណ្តឹង ក្នុងរយៈពេល ១០ថ្ងៃ(ថ្ងៃធ្វើការ) ដោយគិតចាប់ពីថ្ងៃដែល CA ទទួលយកបណ្តឹងនោះ។

អ៊ីមែលរំលឹកទី១ សម្រាប់កន្លែងទំនាក់ទំនងនៅក្នុងប្រទេសគោលដៅ (DCP) ៖




ប្រសិនបើអ្នកមិនទទួលបានអ៊ីមែលពី ASSIST ស្តីពីការឆ្លើយតបពី DCP ក្នុងរយៈពេលដែលបានកំណត់ (១០ថ្ងៃនៃថ្ងៃធ្វើការ) បន្ទាប់ពីបណ្តឹងត្រូវបានទទួលយកដោយ CA ទេនោះ នេះមានន័យថា DCP មានចំណាត់ការយឺតយ៉ាវហើយ។ DCP នឹងទទួលបានការរំលោភដោយស្វ័យប្រវត្តិមួយលើកទៀត តាមអ៊ីមែល (១៤ថ្ងៃនៃថ្ងៃប្រតិទិន បន្ទាប់ពីបណ្តឹងត្រូវបានដាក់) ដែលប្រាប់ថា ចំណាត់ការមួយត្រូវការជាបន្ទាន់ពីសំណាក់ DCP ទៅលើបណ្តឹងនេះ។

អ៊ីមែលរំលឹកជាលើកទី២ សម្រាប់កន្លែងទំនាក់ទំនងនៃប្រទេសគោលដៅ (DCP)៖



(២) បំពេញឈ្មោះចូលទៅក្នុង dashboard របស់ ASSIST ដោយប្រើប្រាស់អ៊ីមែល និងលេខ ID បណ្តឹងរបស់អ្នក ដូចបានបង្ហាញនៅក្នុងជំហានទី៧(ក) និង (ខ) ខាងលើ។ ខាងក្រោមនេះ ជាប្រភពបង្ហាញពី dashboard។ ដូចដែលអ្នកបានឃើញ ចំណាត់ការមួយទៀតទើបតែត្រូវបានបន្ថែមទៅក្នុង 'History' របស់អ្នក ដែលបង្ហាញថា ដំណោះស្រាយចំពោះបណ្តឹងរបស់អ្នកត្រូវបានស្នើឡើង។ ការឆ្លើយតប/ដំណោះស្រាយ ASSIST ពីសំណាក់ DCP ដែលត្រូវបានទទួលយកដោយ CA ក៏ផ្តល់ឱ្យផងដែរ នៅក្នុងកថាខណ្ឌទីមួយនៃ dashboard របស់អ្នក។



ASSOCIATION
OF SOUTHEAST
ASIAN NATIONS

ASSIST

ASEAN Solutions for Investments, Services and Trade

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PROCESS

FAQ

CONTACT

DISCLAIMER

Tracking ID #17720181101 / AMS-Y

ASSIST Solution

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 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. The AMS-Y AFAS Horizontal Commitments is attached for ease of reference. 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.

Attachment

Date	Action	Action By	Comments
02/11/2018 00:05:11	Solution	Central Administrator of ASSIST	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:...
01/11/2018 22:37:34	Accepted	Central Administrator of ASSIST	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...
01/11/2018 16:07:27	Email Confirmed	ASEAN-based Enterprise	Email Confirmed
01/11/2018 16:01:39	New	ASEAN-based Enterprise	

ASEAN ENTERPRISE

ASEAN Enterprise Name	AirTel Holdings, Inc.		
Company Size	200+	Address	Jingle Avenue City U Country X
Phone	+261 7262991	City	City U
Website	www.airtel.com	ZIP Code	10090
		Country	AMS-X

CONTACT PERSON

First Name	Bruce	Address	Jingle Avenue City U Country X
Last Name	Kent	City	City U
Phone	+261 8159255399	ZIP Code	10090
Position	President	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 / Communication Services
Company Registration Proof	Annex 1: Simulated Company Registration of AirTel Holdings_Incl.pdf	Destination Country	AMS-Y
Type of Business	Service provider		
Description	<p>We are a duly registered telecommunications company in AMS-X, AirTel Holdings, Inc. Our subsidiary company, AirTel Holdings, Inc. is based in AMS-Y. 80% of the total shares issued by AirTel Co., Ltd. is owned by AMS-X shareholders and its senior management level positions are dominated by AMS-Y nationals. AirTel Co., Ltd.'s operating license has recently been revoked by AMS-Y's National Communication Authority in September 2018 on the argument that the telecommunications license possessed by AirTel Co., Ltd. is no 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).</p>		
Attachment	Annex 2-Simulated_AMS-Y_Schedule_of_Specific_Commitments-AFAS_9_Consolidated_Schedule1.pdf Annex 3-Simulated_Law_of_AMS-Y1.pdf Annex 4-Simulated_Amendment_Law_of_AMS-Y1.pdf		

Central Administrator of ASSIST / ASEAN Secretariat - 70A Jl. Sisingamangaraja - Jakarta 12110 - Indonesia

ASSIST - Supported by ARISE - [Disclaimer]

ខាងក្រោមនេះ គឺជាការឆ្លើយតបពី DCP៖

“AMS-Y រកឃើញមូលដ្ឋានគ្រប់គ្រាន់ដែលបញ្ជាក់ថា AMS-Y បានអនុលោមទៅតាមកិច្ចសន្យារបស់ខ្លួននៅក្រោមអាស៊ាន និង ថាបណ្តឹងនេះខ្វះខាតមូលដ្ឋានគាំទ្រ។ AMS-Y លើកហេតុផលថា ទោះបីក្រោមកម្មវិធីនៃកិច្ចសន្យាជាក់លាក់ AFAS, AMS-Y ពុំមានការរឹតត្បិតទៅលើម្ចាស់កម្មសិទ្ធិជាជនបរទេសក្តី នៅក្នុងកិច្ចសន្យាខ្សែផ្អាក បានចែងថា ជាការរឹតត្បិតលើការចូលទៅទីផ្សារ វត្តមានពាណិជ្ជកម្មរបស់អ្នកផ្តល់សេវាកម្មជាជនបរទេស អាចមានទម្រង់ជាការរកស៊ីរួមទុនគ្នា និង/ឬការិយាល័យតំណាង ដែលត្រូវបំពេញកិច្ចខណ្ឌដូចតទៅ ៖ (១) ភាគហ៊ុនដើមទុនក្រុមហ៊ុនមិនលើសពី ៤៩% អាចកាន់កាប់ដោយដៃគូបរទេស (២) យ៉ាងហោចណាស់ ៣ភាគ៤នៃមុខតំណែងគ្រប់គ្រងជាន់ខ្ពស់របស់ក្រុមហ៊ុនដាក់ពាក្យសុំ និងបុគ្គលដែលអនុញ្ញាតឱ្យចុះហត្ថ

លេខាលើកិច្ចសន្យាចងកាតព្វកិច្ចនានា ជាតំណាងឱ្យក្រុមហ៊ុនដែលដាក់ពាក្យសុំ ត្រូវតែជាអ្នកដែលមានសញ្ញាតិរបស់ AMS-Y។ ដូច្នេះវិសោធនកម្មច្បាប់ស្តីពីអាជ្ញាប័ណ្ណធុរកិច្ចទូរគមនាគមន៍ឆ្នាំ២០១៨ លេខ ១៥០០ មិនមែនជាការរំលោភទៅលើតារាងនៃកិច្ចសន្យាស្តីពីសេវាកម្មរបស់ AMS-Y ឡើយ។

ជាការឆ្លើយតបទៅនឹងការអះអាងរបស់ AE ដែលថា ខ្លួនមិនបានទទួលការជូនដំណឹងពី AMS-Y ស្តីពីវិសោធនកម្មថ្មីនេះ AMS-Y បានឆ្លើយតបថា រដ្ឋាភិបាលនៃ AMS-Y បានប្រកាសដាក់ឱ្យប្រើប្រាស់វិសោធនកម្មច្បាប់តាមរយៈគេហទំព័រផ្លូវការរបស់រដ្ឋាភិបាល និងកាសែតក្នុងស្រុក បន្ទាប់ពីវិសោធនកម្មនេះត្រូវបានអនុម័តនៅថ្ងៃទី១ ខែកញ្ញា ឆ្នាំ២០១៨។

(គ) នៅខាងក្រោមនៃអ៊ីមែលពី ASSIST នៅក្នុងជំហានទី១០(ក)ខាងលើ អ្នកត្រូវបានស្នើឱ្យបញ្ជាក់ថា តើអ្នកពេញចិត្ត ឬមិនទាន់ពេញចិត្តចំពោះចម្លើយដែល DCP បានផ្តល់ឱ្យ និងដំណោះស្រាយដែលបានផ្តល់នៅក្នុងចម្លើយនោះ។ អ្នកអាចបញ្ជាក់ដោយជ្រើសរើសយក “Yes” ឬ “No” នៅក្នុងប្រអប់ដែលផ្តល់ឱ្យជ្រើសរើស។

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:

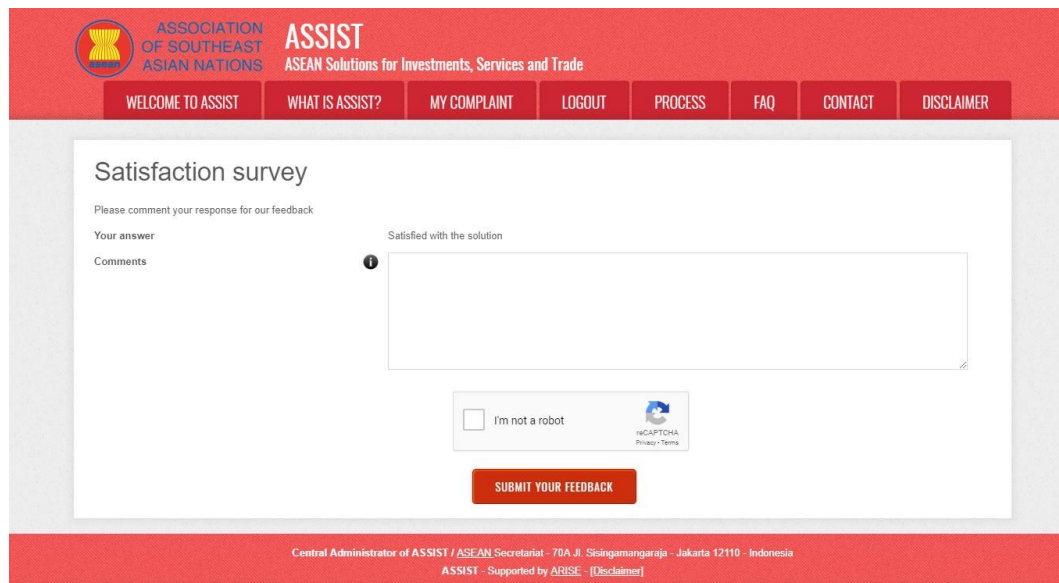
☒ Yes / ☐ No

នៅក្នុងករណីនេះ AE ជ្រើសរើសយក ‘Yes’។

ជំហាន
11

ផ្តល់មតិក្រឡប់របស់អ្នកចំពោះដំណោះស្រាយ/ចម្លើយដែលផ្តល់ដោយ AMS-Y នៅក្នុងការស្ទង់មតិការពេញចិត្ត និងទទួលអ៊ីមែលទទួលស្គាល់ពី ASSIST

កាលណាអ្នកជ្រើសរើស ‘Yes/No’ នៅក្នុងជំហានទី១០(គ)ខាងលើរួចហើយ អ្នកនឹងត្រូវនាំទៅរកទំព័រមួយ ដូចបង្ហាញខាងក្រោមនេះ ដែលនៅលើទំព័រនោះអ្នកនឹងត្រូវស្នើឱ្យឆ្លើយសំណួរស្ទង់មតិអំពីការពេញចិត្ត ឬមិនពេញចិត្តរបស់អ្នក និងផ្តល់យោបល់របស់អ្នក ជាពិសេស ប្រសិនបើអ្នកមិនពេញចិត្តចំពោះចម្លើយ/ដំណោះស្រាយដែលបានស្នើឡើង។



ASSOCIATION OF SOUTHEAST ASIAN NATIONS

ASSIST
ASEAN Solutions for Investments, Services and Trade

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

Satisfaction survey

Please comment your response for our feedback

Your answer

Comments

Satisfied with the solution

☐ I'm not a robot

reCAPTCHA

SUBMIT YOUR FEEDBACK

Central Administrator of ASSIST / ASEAN Secretariat - 70A Jl. Setiabudi - Jakarta 12110 - Indonesia
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(ក) ចូរបំពេញការស្ទង់មតិ ។ ក្នុងករណីនេះ សមាគមពាណិជ្ជកម្មអាស៊ាន ពេញចិត្តចំពោះដំណោះស្រាយ/ការឆ្លើយតបដែលផ្តល់ដោយ ASSIST ដូច្នេះ បានបញ្ជាក់ថាពេញចិត្ត។

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

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

Satisfaction survey

Please comment your response for our feedback:

Your answer: Satisfied with the solution

Comments: 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.

I'm not a robot

SUBMIT YOUR FEEDBACK

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

(ខ) ចូរចូលទៅកាន់គណនីអ៊ីមែលរបស់អ្នក ។ អ្នកនឹងទទួលបានអ៊ីមែលថ្មីមួយ ឬពីរ (ប្រសិនបើអ្នកបានបំពេញបែបបទស្ទង់មតិ) ពី ASSIST ដែលទទួលស្គាល់ពីការទទួលបានការឆ្លើយតបរបស់អ្នកចំពោះដំណោះស្រាយដែលបានស្នើឡើង ដោយ AMS-Y។ ចម្លើយរបស់អ្នកក៏នឹងត្រូវចម្លងជូនទៅ DCP និង HCP ផងដែរ។

អ៊ីមែលទទួលស្គាល់ទីពីរ ពី ASSIST

M Gmail ASEAN Enterprise <aseanenterprise0@gmail.com>

[ASSIST][#17720181101] Thank you for answer

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

Fri, Nov 2, 2018 at 6:44 AM

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

Dear Mr Bruce Kent,

With reference to your complaint ID No. 17720181101, 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

អ៊ីមែលទទួលស្គាល់ទីពីរ ពី ASSIST

ប្រសិនបើអ្នកបានផ្តល់អធិប្បាយនៅលើទម្រង់ស្ទង់មតិ អ្នកនឹងទទួលបានអ៊ីមែលទីពីរដូចខាងក្រោមដែលទទួលស្គាល់ការបានទទួលចម្លើយរបស់អ្នក ចំពោះដំណោះស្រាយដែលបានស្នើឡើង ដែលនឹងត្រូវផ្ញើចេញដោយ ASSIST ទៅឱ្យអ្នក, DCP និង HCP ។

M Gmail ASEAN Enterprise <aseanenterprise0@gmail.com>

[ASSIST][#17720181101] Thank you for answer

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

Fri, Nov 2, 2018 at 6:47 AM

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

Dear Mr Bruce Kent,


With reference to your complaint ID No. 17720181101, 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.

assist.asean.org

(គ) ចូរបំពេញទម្រង់ដើម្បីចូលទៅប្រើ dashboard របស់អ្នកនៅលើ ASSIST ដោយប្រើអ៊ីមែល និងលេខ ID បណ្តឹងរបស់អ្នក ដូចបានណែនាំនៅក្នុងជំហានទី៧(ក) និង(ខ)ខាងលើ។ ខាងក្រោមនេះ ជាប្រភពនៃ dashboard របស់អ្នក។ ដូចដែលអ្នកអាចមើលឃើញ ចំណាត់ការមួយទៀតត្រូវបានបន្ថែមទៅក្នុង "History" របស់អ្នក ដែលបង្ហាញថា អ្នកបានបញ្ជាក់ពីការពេញចិត្តចំពោះដំណោះស្រាយដែលបានស្នើឡើងដោយ ASSIST។ យោបល់ដែលអ្នកបានផ្តល់នៅក្នុងការស្ទង់មតិនេះ ក៏អាចមើលឃើញនៅក្នុងផ្នែក "អធិប្បាយ" ផងដែរ។



ASSOCIATION
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WELCOME TO ASSIST

WHAT IS ASSIST?

MY COMPLAINT

LOGOUT

PROCESS

FAQ

CONTACT

DISCLAIMER

Tracking ID #17720181101 / AMS-Y

ASSIST Solution

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 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. The AMS-Y AFAS Horizontal Commitments is attached for ease of reference. 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.

Attachment
Satisfied : Yes

History

Date	Action	Action by	Comments
02/11/2018 06:47:04	Satisfied	ASEAN-based Enterprise	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.
02/11/2018 00:05:11	Solution	Central Administrator of ASSIST	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: ...
01/11/2018 22:37:34	Accepted	Central Administrator of ASSIST	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...
01/11/2018 16:07:27	Email Confirmed	ASEAN-based Enterprise	Email Confirmed
01/11/2018 16:01:39	Now	ASEAN-based Enterprise	

ASEAN ENTERPRISE

ASEAN Enterprise Name	AirTel Holdings, Inc.		
Company Size	200+	Address	Jingle Avenue City U Country X
Phone	+261 7262991	City	City U
Website	www.airtel.com	ZIP Code	10090
		Country	AMS-X

CONTACT PERSON

First Name	Bruce		
Last Name	Kent	City	City U
Phone	+261 8159255399	ZIP Code	10090
Position	President	Country	AMS-X
Email	aseanenterprise0@gmail.com (Confirmed)		

COMPLAINT DESCRIPTION

Country of Legal Registration	AMS-X		
Registration Number	123456	Business Sector	Services
Company Registration Proof	Annex 1: Simulated Company Registration of AirTel Holdings_Inc1.pdf	Type of Problem Encountered	Services / Communication Services
Type of Business	Service provider	Destination Country	AMS-Y
Description	We are a duly registered telecommunications company in AMS-X, AirTel Holdings, Inc. Our subsidiary company, AirTel Holdings, Inc. is based in AMS-Y. 80% of the total shares issued by AirTel Co., Ltd. is owned by AMS-X shareholders and its senior management level positions are dominated by AMS-Y nationals. AirTel Co., Ltd.'s operating license has recently been revoked by AMS-Y's National Communication Authority in September 2018 on the argument that the telecommunications license possessed by AirTel Co., Ltd. is no 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).		
Attachment	Annex 2-Simulated_AMS-Y_Schedule_of_Specific_Commitments-AFAS_9_Consolidated_Schedule1.pdf Annex 3-Simulated_Law_of_AMS-Y1.pdf Annex 4-Simulated_Amendment_Law_of_AMS-Y1.pdf		

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ក្នុងករណីដែលគេមិនអាចរកដំណោះស្រាយតាមរយៈ ASSIST បានទេ ឬប្រសិនបើ DCP យល់ឃើញថា គេមានមូលដ្ឋានគ្រប់គ្រាន់ដែលបញ្ជាក់ថា រដ្ឋជាសមាជិករបស់ខ្លួន បានអនុវត្តតាមការប្តេជ្ញាចិត្តពាក់ព័ន្ធនៅក្រោមក្របខ័ណ្ឌអាស៊ាន និងថាបណ្តឹងខ្លះនូវសុពលភាព ការយល់ឃើញនេះ និងមូលដ្ឋាននៃការយល់ឃើញនេះ នឹងត្រូវបញ្ជូនបន្តជាបន្ទាន់ទៅកាន់ CA ដែលបន្ទាប់មក CA នឹងជូនដំណឹងដល់ដើមបណ្តឹងទៅតាមនេះដែរ ។ ដើមបណ្តឹងអាចបញ្ជូនសំណុំរឿងនេះទៅកាន់ស្ថាប័នអនុលោមភាពអាស៊ាន (ACB) យន្តការដោះស្រាយវិវាទជាន់ខ្ពស់អាស៊ាន (EDSM) ប្រសិនបើខ្លួនមានបំណងដូច្នេះ និងតាមរយៈកន្លែងទំនាក់ទំនងរបស់ប្រទេសដើមរបស់ខ្លួន និងរដ្ឋជាសមាជិកដែលខ្លួនចុះបញ្ជី ឬក៏ ប្តឹងទៅយន្តការដោះស្រាយវិវាទថ្នាក់ជាតិ ឬយន្តការផ្សេងពីនេះ (ឧ. ការសម្រុះសម្រួល, ការផ្សះផ្សា ឬមជ្ឈត្តកម្ម) នៅក្នុងយុត្តាធិការអាស៊ានថ្នាក់ជាតិ។

ASSIST នឹងចាត់ទុកនីតិវិធីនេះជានីតិវិធីមួយដែលបណ្តឹងត្រូវបានច្រានចោល ហើយដំណោះស្រាយមិនត្រូវបានផ្តល់ឱ្យ។

ចូរកត់សម្គាល់ថារយៈពេលសម្រាប់ការដោះស្រាយបញ្ហាឆ្លងដែន ដែលលើកឡើងនៅក្រោមប្រព័ន្ធ ASSIST គឺមិនលើសពី ៤០ថ្ងៃ (ថ្ងៃធ្វើការ) ឬពីរខែ (ខែប្រតិទិន) (លើកលែងតែមានការព្រមព្រៀងគ្នាលើការពន្យារពេលបន្ថែមមិនលើសពី ២០ថ្ងៃ(ថ្ងៃធ្វើការ) គិតពីថ្ងៃដែលបណ្តឹងត្រូវបានដាក់។