



ASSIST

TUTORIAL LANGKAH-DEMI-LANGKAH UNTUK STUDI KASUS 5 (PERDAGANGAN JASA)

Pengaduan yang Diajukan oleh Perusahaan ASEAN (Perusahaan Induk dari Anak Perusahaannya), Diterima oleh Pengelola Sistem (Central Administrator (CA)) dan Ditolak oleh Titik Kontak Tujuan (Destination Contact Point (DCP)).

Uraian Singkat mengenai Kasus: Skenario ini adalah kasus tiruan yang termasuk dalam Moda 3 (Kehadiran Komersial) perdagangan jasa, yang didefinisikan dalam Perjanjian Kerangka Kerja ASEAN tentang Jasa (*ASEAN Framework Agreement on Services (AFAS)*) dan Perjanjian Umum tentang Perdagangan Jasa (*General Agreement on Trade in Services (GATS)*), mutatis mutanda, sebagai persediaan pemasok jasa suatu negara, melalui kehadiran komersial di setiap wilayah negara lain. Skenario ini adalah pengaduan yang diterima oleh Pengelola Sistem (CA) ASSIST sebagai telah diajukan secara sah oleh AE, yaitu induk perusahaan dari anak perusahaannya di Negara Anggota ASEAN lain, tempat Negara Anggota ASEAN

yang mendapat pengajuan pengaduan tersebut berada dan negara itulah yang sebenarnya bermasalah atau diadukan, tetapi ditolak oleh Negara Tujuan karena negara tujuan menemukan bahwa tuduhan AE tersebut tidak layak dengan alasan Negara Tujuan telah memenuhi komitmen ASEAN terkait.

Pengaduan tersebut terkait dengan pencabutan ijin anak perusahaan dan amandemen Undang-Undang Ijin Usaha Telekomunikasi oleh Negara Tujuan, yang diklaim oleh AE sebagai diskriminasi terhadap investor asing dan jelas melanggar Jadwal Komitmen ASEAN Khusus untuk Negara Tujuan berdasarkan AFAS di mana Negara Tujuan telah berkomitmen untuk mengizinkan kehadiran komersial perusahaan asing, dengan kata lain hak hukum untuk operator asing, yang terdaftar secara hukum di Negara Anggota ASEAN lainnya, untuk menyediakan jasa melalui perusahaan komersial, tanpa setiap batasan untuk akses pasar dan perlakuan nasional.

Daftar Para Aktor dan Singkatan:

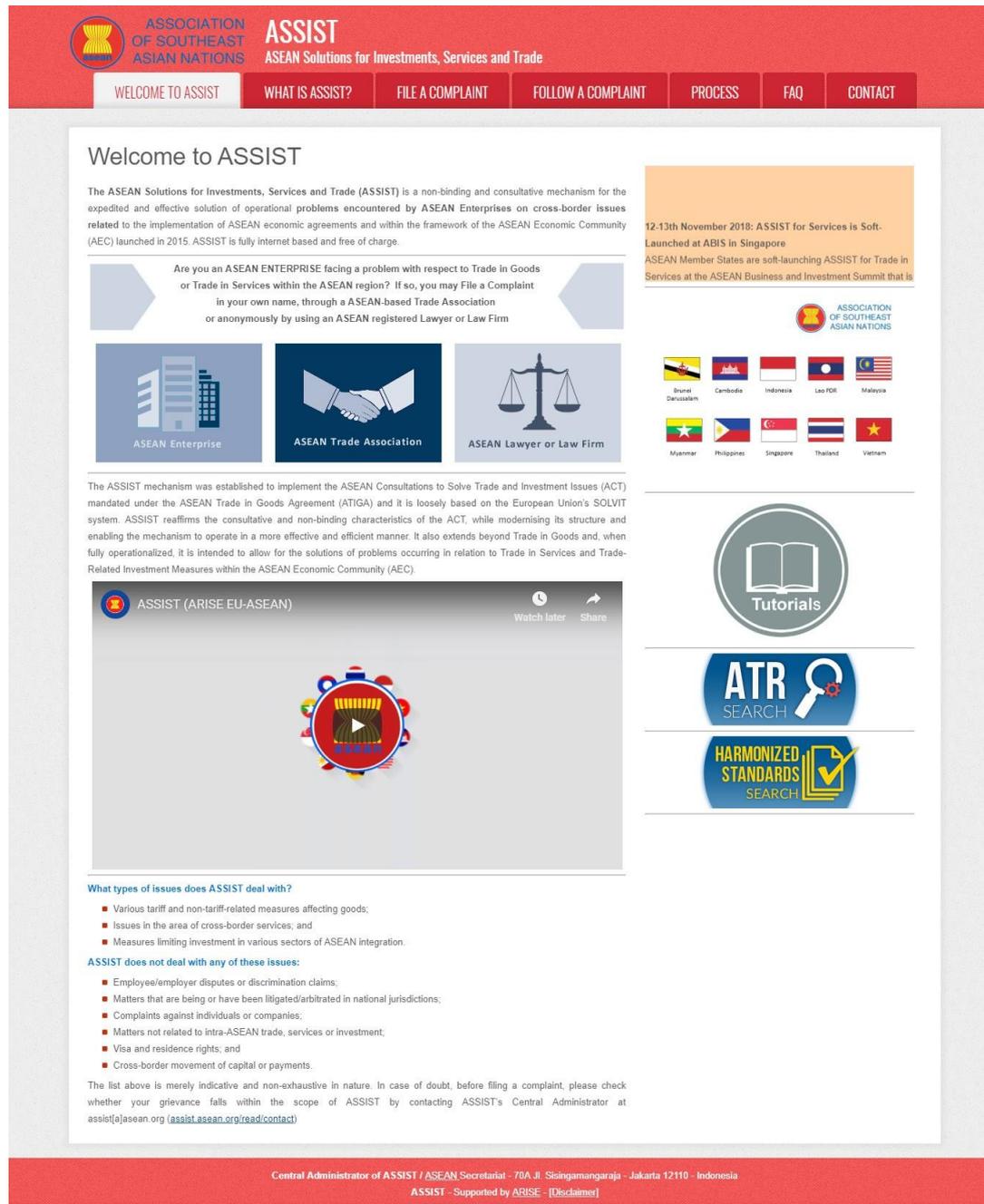
- Pemohon pengaduan (*Complainant*) = Asosiasi Dagang Berbasis ASEAN (*ASEAN -Based Trade Association = Asosiasi Dagang ASEAN (ASEAN Trade Association)*)
- Sekretariat ASEAN (*ASEAN Secretariat*) = Pengelola Sistem ASSIST (*Central Administrator of ASSIST (CA)*)
- Negara Asal (*Home Country*) = *Home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

Langkah
1

MEMBUKA SITUS WEB ASSIST (HTTP://ASSIST.ASEAN.ORG)

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

Di bawah ini adalah laman (*homepage*) ASSIST.



The screenshot shows the ASSIST homepage with a navigation menu at the top. The main content area includes a 'Welcome to ASSIST' section with a brief description of the mechanism. Below this, there are three icons representing 'ASEAN Enterprise', 'ASEAN Trade Association', and 'ASEAN Lawyer or Law Firm'. A video player is embedded, showing a video titled 'ASSIST (ARISE EU-ASEAN)'. To the right, there are several service icons: 'Tutorials', 'ATR SEARCH', and 'HARMONIZED STANDARDS SEARCH'. A list of ASEAN member states is displayed with their respective flags. At the bottom, contact information for the Central Administrator of ASSIST is provided.

Welcome to ASSIST

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

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

ASEAN Enterprise | ASEAN Trade Association | ASEAN Lawyer or Law Firm

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

ASSIST (ARISE EU-ASEAN)

Tutorials | ATR SEARCH | HARMONIZED STANDARDS SEARCH

What types of issues does ASSIST deal with?

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

ASSIST does not deal with any of these issues:

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

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

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

Langkah
2

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

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



File a Complaint

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



NON-ANONYMOUS



ANONYMOUS



ANONYMOUS

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

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

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

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



Complaint to be Filed by an ASEAN Enterprise



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

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

300 characters remaining (300 maximum)

City ZIP Code

Country

COMPLAINT DESCRIPTION

* Country of Legal Registration

* Registration Number

* Company Registration Proof No file chosen

* Type of Business

* Business Sector

- Services Sector Description

* Type of Problem Encountered

* Destination Country

* Description

5000 characters remaining (5000 maximum)

Attachment No file chosen

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

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

I'm not a robot 

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

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

Anda harus mengisi kolom "Uraian ('Description') dengan benar. CA perlu memverifikasi bahwa uraian yang diberikan dalam pengaduan cukup untuk mengidentifikasi masalah dalam konteks perjanjian subyek tertentu. Dengan demikian, aturlah pengaduan Anda secara hati-hati disertai argumen hukum dan bukti faktual untuk membantu CA dalam memutuskan apakah akan menyetujui pengaduan Anda.

3

Berikut adalah formulir yang telah diisi untuk studi kasus khusus ini.



ASSOCIATION OF SOUTHEAST ASIAN NATIONS

ASSIST
ASEAN Solutions for Investments, Services and Trade

WELCOME TO ASSIST

WHAT IS ASSIST?

FILE A COMPLAINT

FOLLOW A COMPLAINT

PROCESS

FAQ

CONTACT

Complaint to be Filed by an ASEAN Enterprise



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

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

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

ASEAN ENTERPRISE

* ASEAN Enterprise Name

* Company Size

* Phone

Website

* Address

290 characters remaining (300 maximum)

City ZIP Code

* Country

CONTACT PERSON

* Gender Mr Mrs Ms

* First Name * Last Name

* Phone

* Position

* Email

Address

268 characters remaining (300 maximum)

City ZIP Code

Country

COMPLAINT DESCRIPTION

* Country of Legal Registration

* Registration Number

* Company Registration Proof

* Type of Business

* Business Sector

- Services Sector Description

* Type of Problem Encountered

* Destination Country

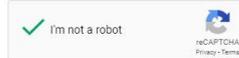
* Description

2881 characters remaining (5000 maximum)

Attachment

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

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



SUBMIT YOUR COMPLAINT

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

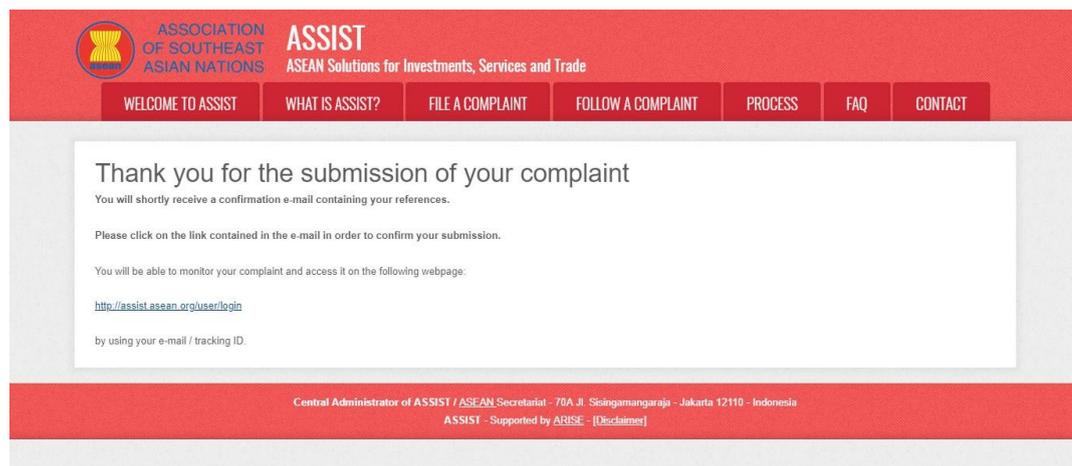
“Kami adalah perusahaan telekomunikasi yang terdaftar di AMS-X, AirTel Holdings, Inc. Anak perusahaan kami, AirTel Co., Ltd., berbasis di AMS-Y. 80% dari total saham yang diterbitkan oleh AirTel Co., Ltd. dimiliki oleh pemegang saham AMS-X dan posisi level manajemen seniornya didominasi oleh warga negara AMS-Y. Lisensi pengoperasian AirTel Co., Ltd. telah dicabut oleh Otoritas Komunikasi Nasional AMS-Y pada September 2018 dengan argumen bahwa lisensi telekomunikasi yang dimiliki oleh AirTel Co., Ltd. tidak lagi berlaku. Faktanya, pada Agustus 2018, AMS-Y telah mengubah Undang-Undang Ijin Usaha Telekomunikasi No. 1500, di mana operator asing tidak lagi diijinkan untuk mengajukan lisensi Tipe B dan Tipe C.

Lisensi telekomunikasi tipe B adalah untuk operator dengan atau tanpa jaringannya sendiri, tetapi menyediakan jasa yang menargetkan segmen atau bahkan beberapa segmen publik. Lisensi telekomunikasi tipe C adalah untuk operator dengan jaringan yang menyediakan jasa kepada masyarakat umum, atau jasa yang menyebabkan dampak signifikan pada persaingan yang sehat, kepentingan publik, atau memerlukan perlindungan konsumen khusus. Pemohon pengaduan yang mengajukan lisensi untuk Tipe B dan Tipe C haruslah perusahaan di mana warga negara AMS-Y memiliki setidaknya 51% saham dan sekurangnya tiga perempat dari manajemen tingkat senior pemohon pengaduan dan orang yang berwenang untuk menandatangani komitmen yang mengikat, sebagai perwakilan dari perusahaan pemohon pengaduan, harus warga negara AMS-Y. Kami merasa bahwa AirTel Co., Ltd. telah diperlakukan tidak adil karena hanya mengikuti proses pemerintah pada saat perusahaan ini telah mengajukan lisensi dan tidak ada pemberitahuan oleh AMS-Y mengenai perkembangan baru ini. Perusahaan ini juga telah memenuhi persyaratan untuk perusahaan asing dengan mayoritas pemegang saham asing, yang memperoleh Ijin Usaha Asing dari Kementerian Perdagangan.

Pencabutan lisensi AirTel Co., Ltd. dan amandemen peraturan lisensi bisnis telah menyebabkan saham AirTel Holdings, Inc. turun 5,67% di AMS-X karena AMS-Y adalah pasar seluler terbesar kedua di dunia. Kami yakin bahwa pencabutan ijinnya adalah diskriminasi terhadap investor asing di sektor telekomunikasi dan pelanggaran terhadap komitmen dan kewajiban spesifik AMS-Y berdasarkan Perjanjian Kerangka Kerja ASEAN tentang Jasa (AFAS) yang relevan."

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

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



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

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

MRNGONFIRMASI PENGADUAN ANDA MELALUI AKUN EMAIL ANDA

- (a) Buka akun email yang Anda berikan dalam formulir pengaduan. Anda akan menerima email dari ASSIST yang meminta Anda untuk mengonfirmasi pengaduan Anda dengan mengklik tautan yang diberikan atau dengan menyalin-menempelkan tautan tersebut ke browser Internet. Ini juga diperlukan oleh ASSIST untuk mengonfirmasi bahwa alamat email yang Anda berikan sah. Nomor pengaduan Anda juga diberikan dalam email ini. Dalam hal ini, nomor pengaduan Anda adalah 17720181101.

Berikut adalah email yang akan Anda terima dari ASSIST.


ASEAN Enterprise <aseanenterprise0@gmail.com>

[ASSIST] Thanks to confirm your complaint #17720181101 submission

No Reply ASSIST <assist@asean.org> Thu, Nov 1, 2018 at 4:01 PM
 Reply-To: 'assist@asean.org' <assist@asean.org>



ASSIST
ASEAN Solutions for Investments, Services and Trade

Dear **Mr Bruce Kent**,

Thank you for having filed a complaint on **ASSIST**, the system of ASEAN Solutions for Investments, Services and Trade.
http://assist.asean.org/user/confirm_email
Please confirm your complaint 17720181101 on the following link (or by copy-pasting the following link onto your Internet browser):
http://assist.arsenadevelopment.space/user/confirm_email?email=aseanenterprise0@gmail.com&id=17720181101&code=1ax9eg5vt3
<http://assist.asean.org/user/login> by using your e-mail / tracking ID: aseanenterprise0@gmail.com / **17720181101**
 After your confirmation, ASSIST will monitor your complaint and you will be able to access it on the following webpage
<http://assist.arsenadevelopment.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 815925399
 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](#)
47K
-  [Annex_4.Simulated_Amendment_Law_of_AMS-Y1.pdf](#)
47K
-  [Annex_1.Simulated_Company_Registration_of_AirTel_Holdings_Inc1.pdf](#)
49K

- (b) Klik pada tautan tersebut sebagaimana diminta dalam email di atas, maka halaman berikut akan tampil.



Email/complaint confirmation valid

Thank you for having confirmed your e-mail.

Your complaint will now be reviewed by the Central Administrator of ASSIST and you shall be notified within maximum 10 working days of whether it is:

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

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

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

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

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

Buka akun email Anda.

Langkah 6

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



ASEAN Enterprise <aseanenterprise0@gmail.com>

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

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

Thu, Nov 1, 2018 at 4:07 PM



Dear **Mr Bruce Kent**,

Thanks for the confirmation of your complaint ID No. **17720181101**.

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

You are able to access your complaint at any time on the following webpage: <http://assist.asean.org/user/login> by using your e-mail / tracking ID: aseanenterprise0@gmail.com / **17720181101**

ASEAN Enterprise / Trade Association / Law Firm : AirTel Holdings, Inc. (type Enterprise)
Company size : 200+
Phone : +251 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 8159256399
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. ð€™s operating license has recently been revoked by AMS-Y ð€™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 ð€™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. ð€™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 ð€™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

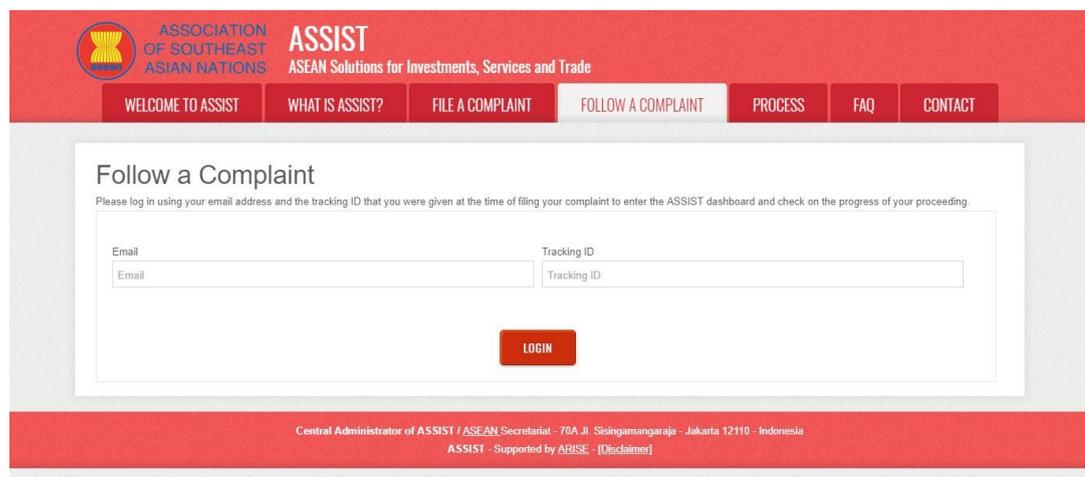
-  [Annex_2-Simulated_AMS_Y_Schedule_of_Specific_Commitments-AFAS_9_Consolidated_Schedule1.pdf](#)
91K
-  [Annex_3-Simulated_Law_of_AMS-Y1.pdf](#)
47K
-  [Annex_4-Simulated_Amendment_Law_of_AMS-Y1.pdf](#)
47K
-  [Annex_1-Simulated_Company_Registration_of_AirTel_Holdings_Inct.pdf](#)
49K

Seperti yang ditunjukkan dalam email di atas, Anda sekarang dapat memantau perkembangan dengan mengklik tautan yang ditunjukkan yang akan diarahkan ke tab 'Follow a Complaint' pada kolom menu di Situs ASSIST.

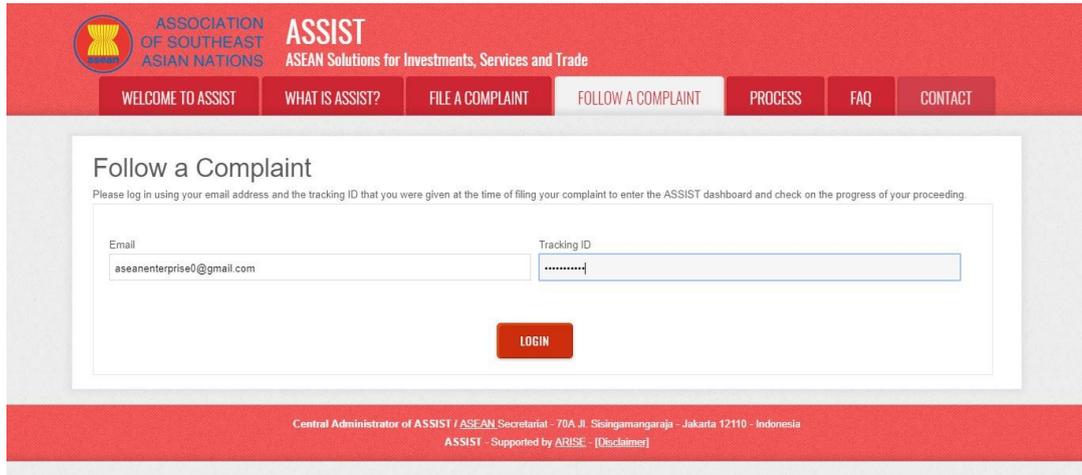
Langkah
7

MEMANTAU PERKEMBANGAN PENGADUAN ANDA

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



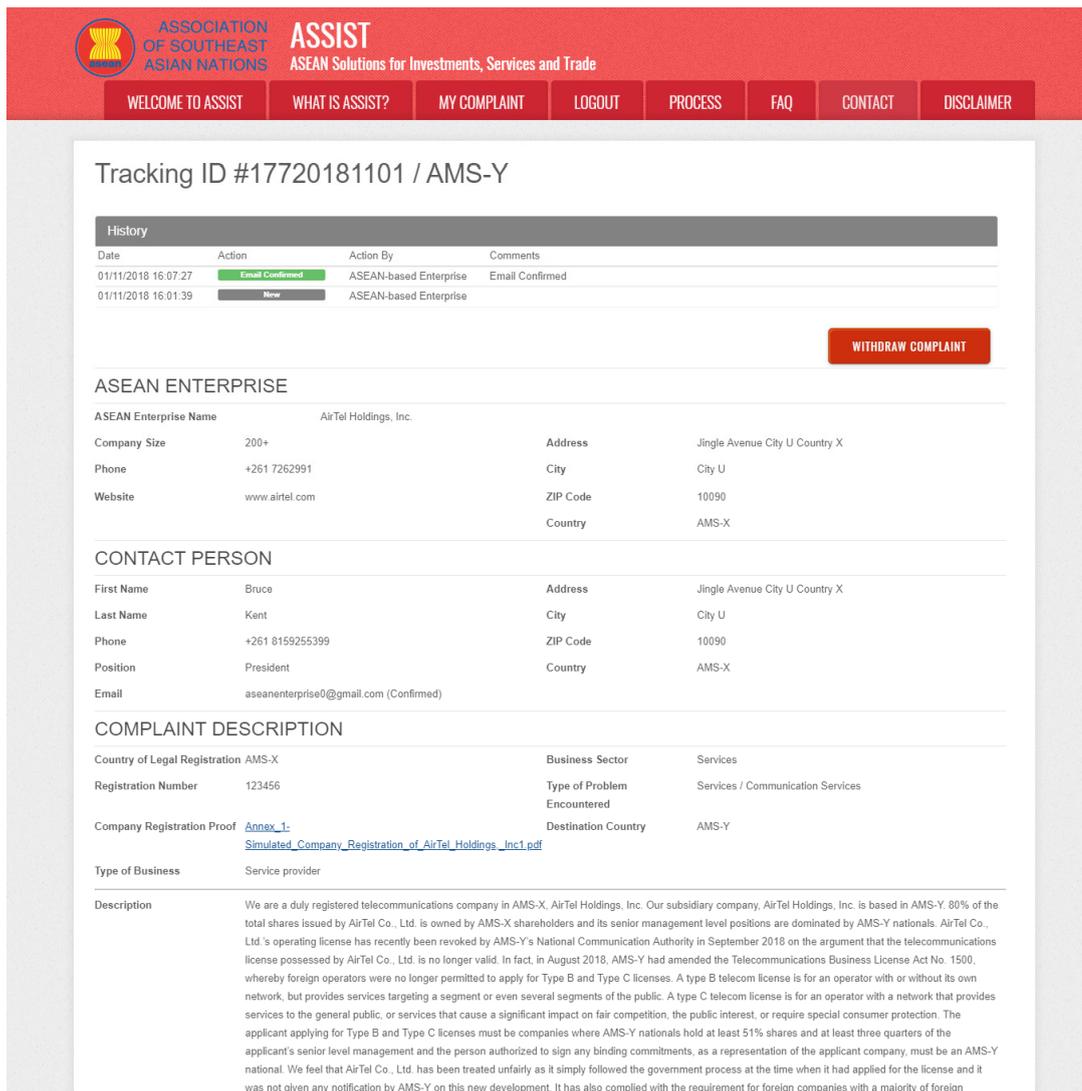
- (b) Masukkan alamat email Anda dan ID pelacakan ('tracking ID') (nomor pengaduan Anda) di kolom yang disyaratkan untuk log masuk. Dalam hal ini, **Alamat Email** aseanenterprise0@gmail.com dan **ID Pelacakan** adalah **17720181101**.



The screenshot shows the 'Follow a Complaint' login page. At the top, there is a navigation bar with the ASSIST logo and the text 'ASSIST ASEAN Solutions for Investments, Services and Trade'. Below the navigation bar are several menu items: 'WELCOME TO ASSIST', 'WHAT IS ASSIST?', 'FILE A COMPLAINT', 'FOLLOW A COMPLAINT' (which is highlighted), 'PROCESS', 'FAQ', and 'CONTACT'. The main content area has a heading 'Follow a Complaint' and a sub-heading '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'. There are two input fields: 'Email' with the value 'aseanenterprise0@gmail.com' and 'Tracking ID' with a masked value '.....'. A 'LOGIN' button is positioned below the input fields. At the bottom of the page, there is a footer with the text 'Central Administrator of ASSIST / ASEAN Secretariat - 70A Jl. Sisingamangaraja - Jakarta 12110 - Indonesia' and 'ASSIST - Supported by ARISE - [Disclaimer]'.

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

(c) Lihatlah Dasbor ASSIST Anda segera setelah Anda berhasil log masuk:



The screenshot shows the ASSIST dashboard for a specific complaint. At the top, there is a navigation bar with the ASSIST logo and the text 'ASSIST ASEAN Solutions for Investments, Services and Trade'. Below the navigation bar are several menu items: 'WELCOME TO ASSIST', 'WHAT IS ASSIST?', 'MY COMPLAINT' (which is highlighted), 'LOGOUT', 'PROCESS', 'FAQ', 'CONTACT', and 'DISCLAIMER'. The main content area has a heading 'Tracking ID #17720181101 / AMS-Y'. Below the heading is a 'History' table with the following data:

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	

Below the history table is a 'WITHDRAW COMPLAINT' button. The dashboard is divided into several sections:

- 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
 - ZIP Code: 10090
 - Country: AMS-X
- CONTACT PERSON:**
 - First Name: Bruce
 - Last Name: Kent
 - Phone: +261 8159255399
 - Position: President
 - Email: aseanenterprise0@gmail.com (Confirmed)
 - Address: Jingle Avenue City U Country X
 - City: City U
 - ZIP Code: 10090
 - Country: AMS-X
- COMPLAINT DESCRIPTION:**
 - Country of Legal Registration: AMS-X
 - Registration Number: 123456
 - Company Registration Proof: [Annex 1- Simulated Company Registration of AirTel Holdings_Incl1.pdf](#)
 - Type of Business: Service provider
 - Business Sector: Services
 - Type of Problem Encountered: Services / 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

Attachment

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).

[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]

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

8

MENYATAKAN TIDAK LENGKAP, ATAU MENOLAK

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

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

Email Pengingat 1 untuk CA:



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

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

Thanking you, ASSIST is at your service.

assist.asean.org [Disclaimer]

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 any time 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.arsenadeployment.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.'s 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

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

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

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

Email Pengingat 2 untuk Pengelola Sistem (CA):



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 ASIAN NATIONS

ASSIST

ASEAN Solutions for Investments, Services and Trade

Action is required by the CA for the complaint:
13320180921

Thanking you, ASSIST is at your service.

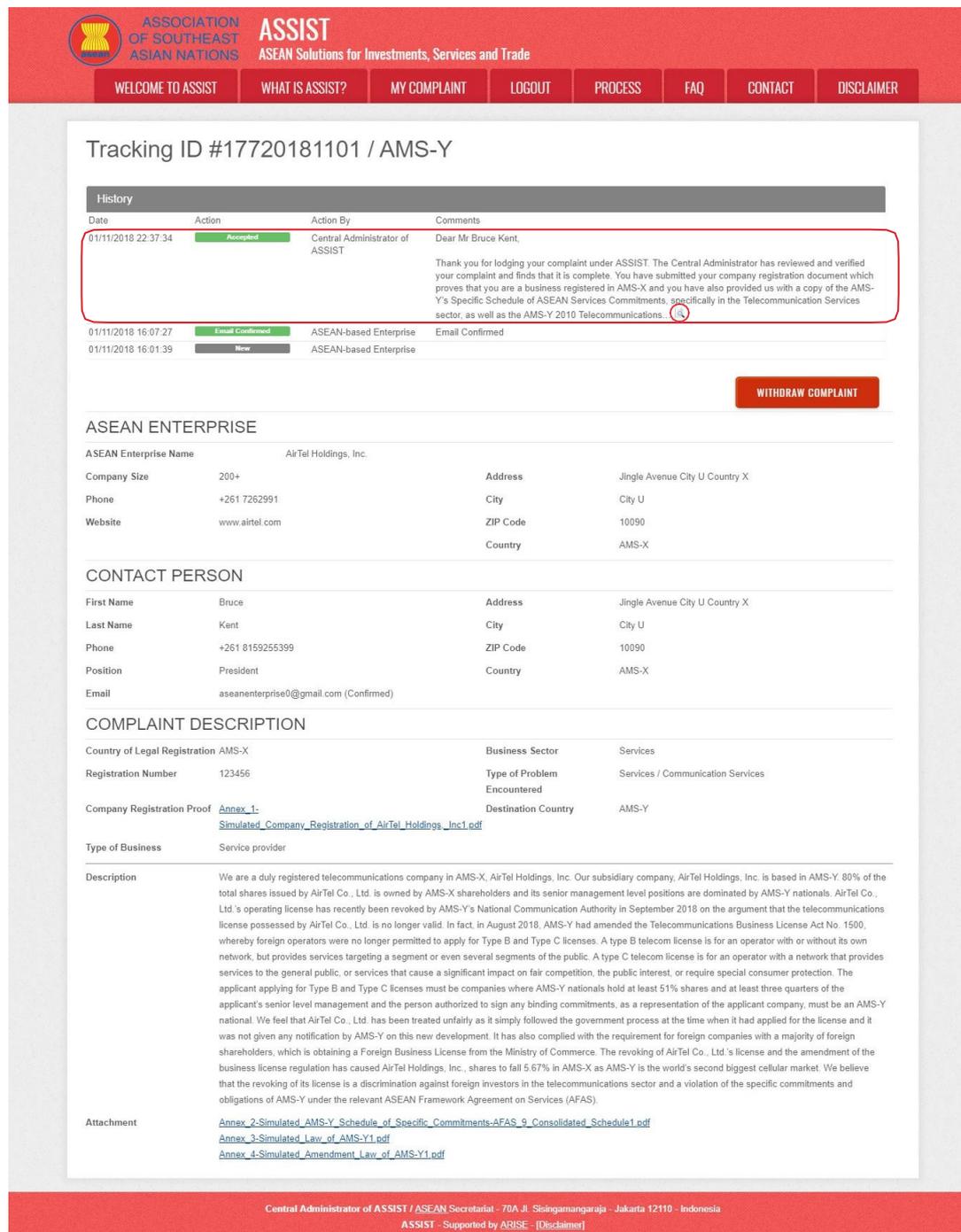
assist.asean.org [\[Disclaimer\]](#)

STEP 9

LOG MASUK KE DASHBOARD ASSIST ANDA MELALUI EMAIL ANDA DAN ID PELACAKAN UNTUK MELIHAT TANGGAPAN SEBENARNYA DARI PENGELOLA SISTEM (CA)

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

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



Tracking ID #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_Incl1.pdf	Destination Country	AMS-Y
Type of Business	Service provider		

Description

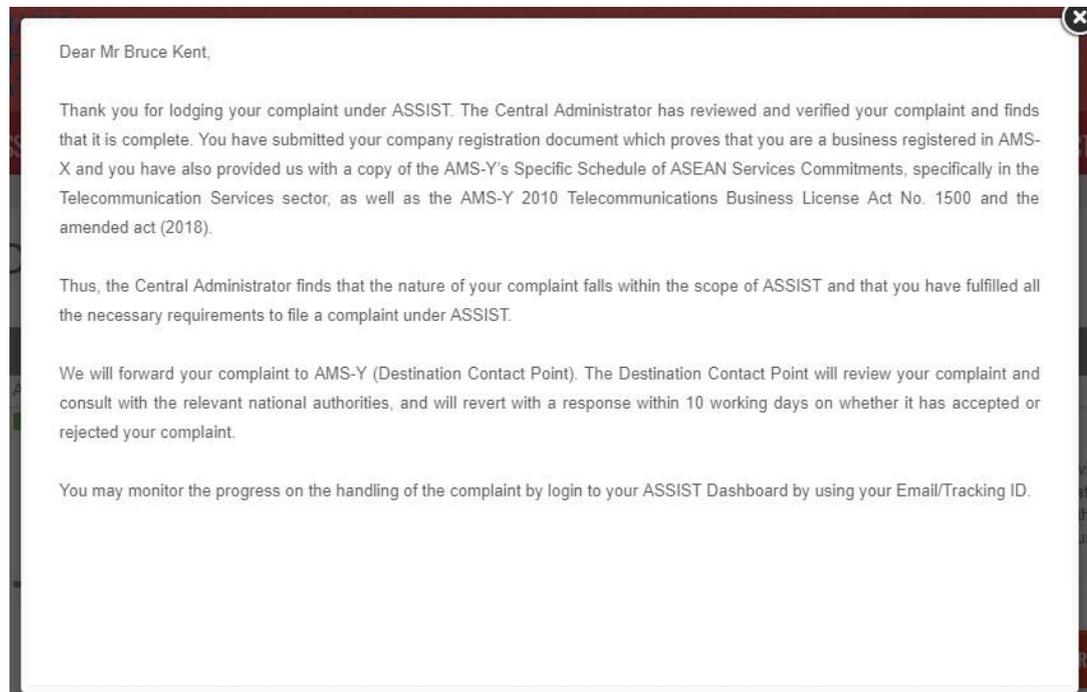
We are a duly registered telecommunications company in AMS-X, AirTel Holdings, Inc. Our subsidiary company, AirTel Holdings, Inc. is based in AMS-Y 80% of the total shares issued by AirTel Co., Ltd. is owned by AMS-X shareholders and its senior management level positions are dominated by AMS-Y nationals. 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](#)

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

Klik ikon kaca pembesar di kolom komentar. Tanggapan CA secara lengkap akan tampil, seperti terlihat di bawah:



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

10

DIBERIKAN DAN DITERIMA OLEH CA

- (a) Buka akun email Anda. Anda akan menerima email baru dari ASSIST menunjukkan tanggapan terhadap pengaduan Anda dari DCP. Dalam hal ini, pengaduan Anda telah ditolak (*Rejected*) oleh DCP (AMS-Y).



ASEAN Enterprise <aseanenterprise0@gmail.com>

[ASSIST] Response for your #17720181101 complaintNo Reply ASSIST <assist@asean.org>
Reply-To: "assist@asean.org" <assist@asean.org>

Fri, Nov 2, 2018 at 12:05 A

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-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 complainant'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 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

Prosesnya sedikit berbeda dalam kasus di mana pengaduan Anda diterima oleh DCP. Dalam 10 hari kerja setelah tanggapan dari CA bahwa pengaduan Anda diterima, Anda akan menerima email yang menginformasikan bahwa pengaduan Anda telah diterima oleh DCP di AMS-Y dan bahwa DCP akan berkoordinasi dengan otoritas nasional yang kompeten atau Otoritas Penanggung Jawab. (RA) untuk menganalisis pengaduan Anda secara rinci.

Setelah RA menyelesaikan upaya mereka, DCP harus memeriksa solusi dan memberikannya kepada CA dalam waktu 40 hari kerja sejak tanggal penerimaan oleh DCP. Dengan demikian, untuk memenuhi tenggat waktu ini, DCP harus menetapkan batas waktu agar RA dapat menemukan solusi. DCP bertanggung jawab untuk memberi tahu CA tentang segala perubahan yang berkaitan dengan jangka waktu antaranya dan otoritas nasional.

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

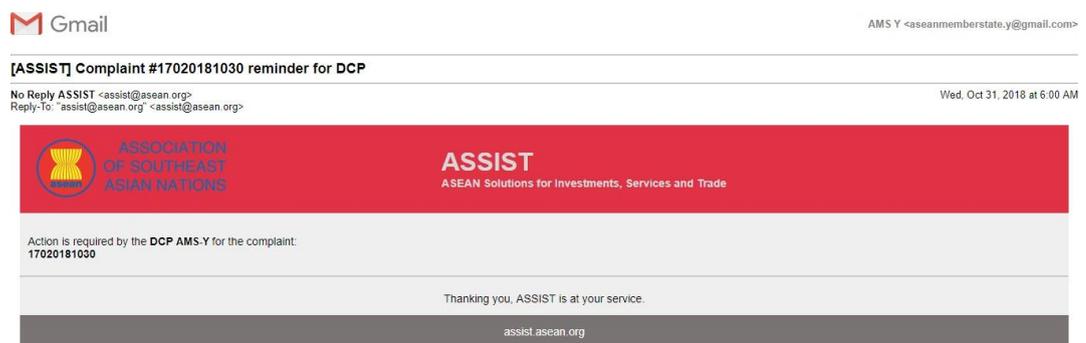
Kemudian Anda akan menerima pemberitahuan email kedua dari ASSIST bahwa solusi diajukan oleh DCP/AMS-Y dan diterima oleh CA.

Namun, dalam kasus seperti ini di mana pengaduan **"Ditolak"** oleh DCP, mungkin Anda tidak menerima email dari ASSIST dalam tenggat waktu 10 hari kerja. Penolakan dan alasan penolakan oleh DCP hanya akan dikirim ke CA melalui ASSIST dalam 10 hari kerja. CA kemudian akan memeriksanya untuk bahasa dan kecukupan informasi dalam 5 hari kerja sejak diterimanya oleh CA dari email penolakan oleh DCP.

Jika CA menerima alasan penolakan, maka tanggapan yang telah diperiksa dan disetujui oleh CA dikirim ke email Anda, seperti di atas. Jika CA merasa alasan penolakan oleh DCP yang disebutkan tersebut tidak memenuhi harapannya, maka sistem ASSIST memungkinkan CA untuk meminta DCP memperbaiki penolakan. Namun, opsi ini oleh CA tidak memiliki nilai mengikat pada DCP, dan jika tidak ada tanggapan dalam 5 hari kerja, maka sistem online akan secara otomatis mengedarkan penolakan ke AE.

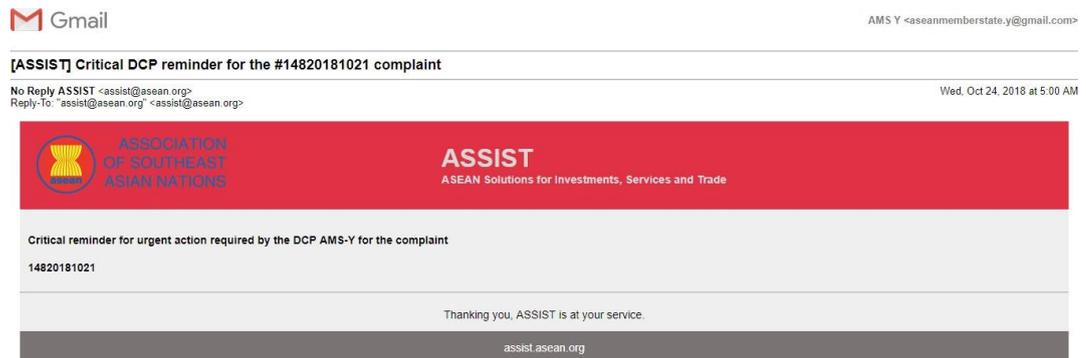
Jika untuk sementara waktu DCP tidak mengambil tindakan, maka DCP akan menerima pengingat otomatis di bawah ini melalui email dari sistem online ASSIST dalam waktu 7 hari kalender setelah pengaduan diterima oleh CA. Seperti ditunjukkan di atas, DCP harus memutuskan untuk menerima atau menolak pengaduan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

Email Pengingat 1 untuk Titik Kontak Tujuan (DCP):



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

Email Pengingat 2 untuk Titik Kontak Tujuan (DCP):



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



ASSOCIATION OF SOUTHEAST ASIAN NATIONS

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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

History			
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	Received	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_Incl1.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_Law_of_AMS-Y2.pdf		

Berikut adalah tanggapan dari DCP:

“AMS-Y menemukan dasar yang cukup bahwa AMS-Y telah memenuhi komitmen ASEAN terkait dan bahwa pengaduan tersebut kurang layak. Ia berpendapat bahwa, meskipun berdasarkan Jadwal Komitmen Spesifik AFAS, AMS-Y tidak memiliki batasan kepemilikan asing, dinyatakan dalam Komitmen Horizontalnya bahwa, sebagai batasan untuk akses pasar, Keberadaan Komersial dari penyedia jasa asing dapat dalam bentuk perusahaan patungan dan/atau kantor perwakilan, yang harus memenuhi persyaratan berikut: (i) tidak lebih dari 49% dari saham modal perusahaan dapat dimiliki oleh mitra asing; (ii) setidaknya tiga perempat dari manajemen tingkat senior perusahaan dan orang yang berwenang untuk menandatangani komitmen yang mengikat sebagai perwakilan perusahaan haruslah warga

negara AMS-Y. Dengan demikian, amandemen Undang-Undang Ijin Usaha Telekomunikasi 2018 No. 1500 tidak melanggar Komitmen Jadwal Jasa AMS-Y.

Menanggapi klaim AE bahwa pihaknya belum menerima pemberitahuan dari AMS-Y tentang amandemen baru, AMS-Y menjawab bahwa Pemerintah AMS-Y telah mengumumkan perubahan undang-undang tersebut melalui situs web resmi pemerintah dan surat kabar lokal setelah disetujui pada 1 September 2018. "

- (c) Di bagian bawah email dari ASSIST dalam 10 (a) di atas, Anda diminta untuk menunjukkan apakah Anda puas atau tidak dengan jawaban yang diberikan oleh DCP dan solusi yang disediakan di dalamnya. Anda dapat melakukannya dengan memilih 'Ya' atau 'Tidak' di pilihan yang disediakan.

Dalam hal ini, AE memilih "Ya".

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

Yes / No

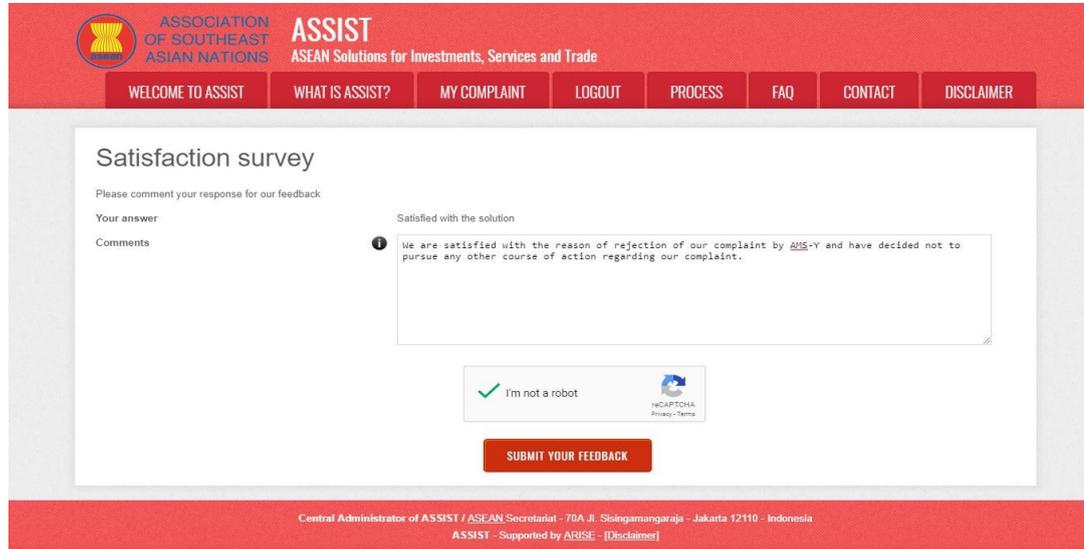
Langkah 11

MEMBERIKAN UMPAN BALIK ANDA TERHADAP USULAN SOLUSI/TANGGAPAN YANG DIBERIKAN OLEH AMS-Y DALAM SURVEI KEPUASAN DAN TERIMALAH EMAIL PERNYATAAN PENERIMAAN DARI ASSIST

Setelah Anda memilih 'Ya/Tidak' pada Langkah 10(c) di atas, Anda akan diarahkan ke halaman di bawah ini di mana Anda akan diminta untuk menjawab Survei Kepuasan dan diundang untuk memberikan komentar, terutama jika Anda tidak puas dengan tanggapan/solusi yang diajukan.

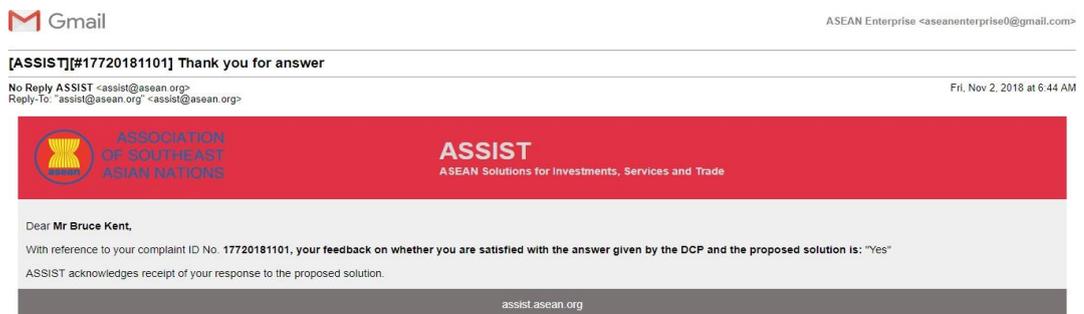
The screenshot shows the ASSIST website's satisfaction survey page. At the top, there is a red header with the ASSIST logo and navigation links: WELCOME TO ASSIST, WHAT IS ASSIST?, MY COMPLAINT, LOGOUT, PROCESS, FAQ, CONTACT, and DISCLAIMER. The main content area is titled "Satisfaction survey" and includes a text input field for "Your answer" and a larger text area for "Comments". A "Satisfied with the solution" checkbox is present, which is currently unchecked. Below the input fields, there is a "I'm not a robot" checkbox and a CAPTCHA icon. A red "SUBMIT YOUR FEEDBACK" button is located at the bottom of the form. The footer contains the text: "Central Administrator of ASSIST / ASEAN Secretariat - 70A Jl. Sisingamangaraja - Jakarta 12110 - Indonesia" and "ASSIST - Supported by ARISE - [Disclaimer]".

- (a) Isi Survei Kepuasan. Dalam hal ini, AE puas dengan solusi atau tanggapan yang diberikan oleh ASSIST dan karenanya menunjukkan sesuai dengan itu.



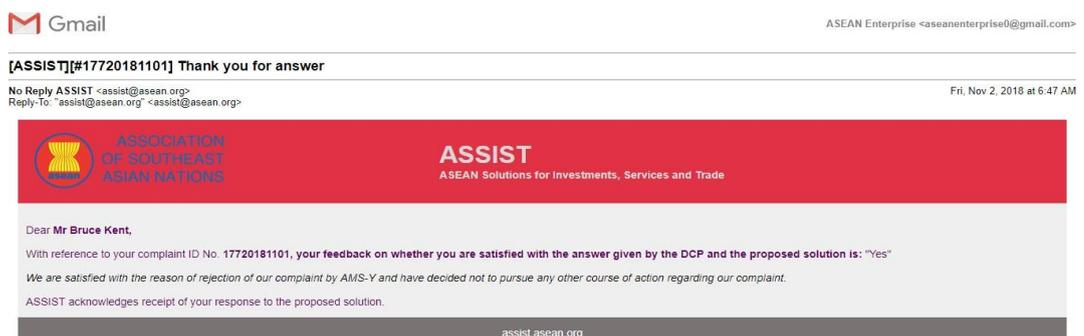
- (b) Buka akun email Anda. Anda akan menerima satu atau dua (jika Anda telah mengisi Survei Kepuasan) email-email baru dari ASSIST, yang menyatakan tanda terima atas tanggapan Anda terhadap solusi yang diajukan oleh AMS-Y. Salinan balasan Anda juga akan dikirim ke DCP dan HCP.

Email tanda terima pertama dari ASSIST



Email tanda terima kedua dari ASSIST

Jika Anda memberikan komentar pada Survei Kepuasan, Anda akan menerima email kedua di bawah ini, yang menyatakan penerimaan tanggapan Anda terhadap solusi yang diusulkan akan dikirimkan oleh ASSIST kepada Anda, DCP dan HCP.



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



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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	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 815925399	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		Destination Country	AMS-Y
Type of Business	Service provider			

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](#)

Central Administrator of ASSIST / ASEAN Secretariat - 70A Jl. Sisingamangaraja - Jakarta 12110 - Indonesia
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Dalam kasus di mana tidak ditemukan solusi melalui ASSIST atau jika DCP menemukan dasar yang cukup bahwa Negara Anggota telah memenuhi komitmen ASEAN terkait dan bahwa pengaduan tersebut tidak layak, maka temuan ini dan dasar untuk temuan tersebut segera disampaikan kepada CA, yang menginformasikan pemohon pengaduan sesuai dengan itu. Pengadu dapat, jika diinginkan dan melalui Titik Kontak Asal (HCP) dan Negara Anggota pendaftaran ASEAN, merujuk kasus tersebut ke Badan Kepatuhan ASEAN (*ASEAN Compliance Body* (ACB)), Mekanisme Penyelesaian Perselisihan yang Ditingkatkan ASEAN (*Enhanced Dispute Settlement Mechanism* (EDSM)), mengejar litigasi nasional atau mekanisme penyelesaian sengketa alternatif (yaitu mediasi, konsiliasi, atau arbitrase) di dalam yurisdiksi nasional ASEAN.

ASSIST akan menganggap prosedur ini sebagai salah satu prosedur pengaduan yang ditolak dan belum diberikan solusi.

Perhatikanlah bahwa jangka waktu untuk menyelesaikan masalah lintas batas yang dibawa berdasarkan ASSIST tidak boleh lebih dari 40 hari kerja atau 2 bulan kalender (kecuali telah diberikan perpanjangan maksimum 20 hari kerja) dari tanggal ketika pengaduan diajukan.