



ASSIST

ຄູ່ມືແນະນຳເທື່ອລະຂັ້ນຕອນຂອງ ກໍລະນີສຶກສາ 5 (ການຄ້າໃນສ່ວນການບໍລິການ)

ຄຳຮ້ອງທຸກທີ່ຍື່ນໂດຍວິສາຫະກິດອາຊຽນ (ບໍລິສັດແມ່ຂອງບໍລິສັດຍ່ອຍຂອງຕົນ), ໄດ້ຮັບການຍອມຮັບຈາກຜູ້ບໍລິຫານສູນກາງແລະປະຕິເສດໂດຍຈຸດຕິດຕໍ່ປາຍທາງ

ລາຍລະອຽດໂດຍຫຍໍ້ກ່ຽວກັບກໍລະນີ: ສະຖານະການນີ້ແມ່ນກໍລະນີທີ່ເຍາະເຍີ້ຍຫລືທ້າທາຍທີ່ຖືກສ້າງຂຶ້ນເພື່ອສະທ້ອນໃຫ້ເຫັນຮູບແບບທີ 3 (ການສ້າງຕັ້ງທຸລະກິດເພື່ອໃຫ້ການບໍລິການ) ເຊິ່ງໄດ້ກຳນົດໄວ້ໃນສັນຍາຂອບເຂດອາຊຽນກ່ຽວກັບການບໍລິການ (AFAS) ແລະສັນຍາທົ່ວໄປກ່ຽວກັບການຄ້າການບໍລິການ (GATS), ເປັນການໃຫ້ແກ່ຜູ້ໃຫ້ການບໍລິການຂອງປະເທດໜຶ່ງ, ຜ່ານການການສ້າງຕັ້ງທຸລະກິດເພື່ອໃຫ້ການບໍລິການໃນອານາເຂດຂອງປະເທດອື່ນ. ສະຖານະການນີ້ແມ່ນເລື່ອງການຮ້ອງທຸກທີ່ໄດ້ຍອມຮັບໂດຍຜູ້ດູແລລະບົບ (CA) ຂອງ ASSIST's ວ່າໄດ້ຮັບການຍື່ນຢ່າງຖືກຕ້ອງຈາກ AE, ເຊິ່ງແມ່ນບໍລິສັດແມ່ໃນປະເທດສະມາຊິກອາຊຽນອື່ນໆຂອງບໍລິສັດທີ່ເປັນສາຂາຍ່ອຍຂອງຕົນ, ທີ່ປະເທດສະມາຊິກອາຊຽນເປັນຜູ້ຮ້ອງທຸກນັ້ນໄດ້ ຖືກຍື່ນແລະຈັດເກັບໄວ້ ເຊິ່ງໃນຕົວຈິງແລ້ວແມ່ນຜູ້ທີ່ມີບັນຫາຫລືເລື່ອງຮ້ອງທຸກ, ແຕ່ກໍ່ຖືກປະຕິເສດຈາກປະເທດປາຍທາງເພາະວ່າໃນທີ່ສຸດກໍ່ພົບເຫັນວ່າຂໍ້ກ່າວຫາ

ຂອງ AE ຂາດຄຸນລັກສະນະແລະບໍ່ມີຜົນເນື່ອງຈາກປະເທດປາຍທາງກໍ່ໄດ້ປະຕິບັດຕາມຄຳພັນສັນຍາຂອງອາຊຽນທີ່ກ່ຽວຂ້ອງແລ້ວຢ່າງຖືກຕ້ອງ.

ຄຳຮ້ອງທຸກແມ່ນມີຄວາມກ່ຽວຂ້ອງກັບການຍົກເລີກໃບອະນຸຍາດຂອງ ບໍລິສັດຍ່ອຍແລະການແກ້ໄຂປັບປຸງກົດໝາຍວ່າດ້ວຍການອະນຸຍາດເພື່ອດຳເນີນທຸລະກິດດ້ານໂທລະຄົມມະນາຄົມໂດຍປະເທດປາຍທາງເຊິ່ງ AE ໄດ້ອ້າງວ່າເປັນການແບ່ງແຍກກົດກັນຕໍ່ນັກລົງທຶນຕ່າງປະເທດແລະເປັນການລະເມີດຢ່າງຈະແຈ້ງຕໍ່ຕາຕະລາງສັນຍາຂໍ້ຜູກພັນສະເພາະອາຊຽນຂອງປະເທດປາຍທາງພາຍໃຕ້ຂອບເຂດຂອງ AFAS ທີ່ປະເທດປາຍທາງໄດ້ສັນຍາວ່າຈະອະນຸຍາດໃຫ້ມີການສ້າງຕັ້ງທຸລະກິດເພື່ອໃຫ້ການບໍລິການຂອງບໍລິສັດຕ່າງປະເທດ, ຫລືເວົ້າອີກແບບໜຶ່ງແມ່ນເພື່ອໃຫ້ສິດທິທາງກົດໝາຍ ສຳລັບຜູ້ປະກອບການຕ່າງປະເທດ, ທີ່ໄດ້ລົງທະບຽນໄວ້ແລ້ວຢ່າງຖືກຕ້ອງຕາມກົດໝາຍໃນປະເທດສະມາຊິກອາຊຽນອື່ນ, ເພື່ອໃຫ້ການບໍລິການຜ່ານການສ້າງຕັ້ງສະຖານທີ່ປະກອບທຸລະກິດການຄ້າ, ໂດຍບໍ່ມີຂໍ້ຈຳກັດໃດໆເພື່ອສາມາດເຂົ້າເຖິງຕະຫຼາດແລະການປະຕິບັດໃນລະດັບຊາດ.

ລາຍຊື່ຜູ້ດຳເນີນການຫລັກແລະຕົວຫຍໍ້:

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

ຂັ້ນຕອນ

1

ໄປທີ່ເວັບໄຊທ໌ (<http://ASSIST.asean.org>)

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



ຂ້າງລຸ່ມນີ້ແມ່ນເວັບໜ້າທຳອິດຂອງ ASSIST.

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)

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).

Central Administrator of ASSIST / ASEAN Secretariat: TGA & Sisingamangaraja - Jakarta 12110 - Indonesia
ASSIST - Supported by ARISE - (Rachitme)

ຂັ້ນຕອນ

2

ໃຫ້ທ່ານເລືອກເອົາ “File A Complaint-ຍື່ນຄຳຮ້ອງທຸກ” ໃນແຖບເມນູ (ທີ່ມີຮູບໂອຄອນ ASEAN ENTERPRISE)

ຖ້າທ່ານກຳລັງຍື່ນຄຳຮ້ອງທຸກໃນນາມຂອງບໍລິສັດຂອງທ່ານເອງ(ຄຳຮ້ອງທຸກທີ່ບໍ່ລະບຸຊື່)ແລະທ່ານບໍ່ໄດ້ເປັນຕົວແທນໂດຍສະມາຄົມການຄ້າອາຊຽນ, ຫຼືໂດຍໜ່ວຍງານຕົວແທນອື່ນໆທີ່ທ່ານເລືອກ, ເຊັ່ນສະພາການຄ້າ, ສະພາທຸລະກິດ, ສະຫະພັນທຸລະກິດ, ຫຼືທະນາຍຄວາມທີ່ສຳນັກງານກົດໝາຍທີ່ລົງທະບຽນ, ໃຫ້ທ່ານຄລິກທີ່ຮູບໂອຄອນ “ASEAN Enterprise-ວິສາຫະກິດອາຊຽນ” ທີ່ຢູ່ໃນແຖບເມນູຂອງການຍື່ນຄຳຮ້ອງທຸກ (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.

Central Administrator of ASSIST / ASEAN Secretariat - TBA 2, Sekeloa Mangrove - Jakarta 12110 - Indonesia
ASSIST - Supported by ASEAN - [Disclaimer]

ເມື່ອທ່ານຄລິກທີ່ໂອກອນ 'ASEAN Enterprise - ວິສາຫະກິດອາຊຽນ', ເວັບໜ້າຕໍ່ໄປຈະປາກົດຂຶ້ນໃຫ້ເຫັນ.



Complaint to be Filed by an ASEAN Enterprise



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

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

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

ASEAN ENTERPRISE

* ASEAN Enterprise Name	
* Company Size	
* Phone	
Website	
* Address	
300 characters remaining (300 maximum)	
* City	
* Country	
ZIP Code	

CONTACT PERSON

* Gender	☐ Mr ☐ Mrs ☐ Ms
* First Name	
* Last Name	
* Phone	
* Position	
* Email	



Address

City ZIP Code

Country

COMPLAINT DESCRIPTION

* Country of Legal Registration

* Registration Number

* Company Registration Proof

* Type of Business

* Business Sector

- Services Sector Description

* Type of Problem Encountered

* Destination Country

* Description

Attachment

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

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

☐ I'm not a robot

SUBMIT YOUR COMPLAINT

Central Administrator of ASSIST / ASEAN Secretariat - JSA 3, Setiabudi - Jakarta 12110 - Indonesia
ASSIST - Supported by ASEAN - (Indonesia)

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

ມັນເປັນສິ່ງສໍາຄັນທີ່ສຸດທີ່ທ່ານຕ້ອງປ້ອນຂໍ້ມູນໃສ່ໃນຊ່ອງ 'Description'. ທາງ CA ຈະຕ້ອງ ໄດ້ທຳການກວດສອບວ່າ ຄໍາອະທິບາຍຕ່າງໆທີ່ໄດ້ກ່າວໄວ້ໃນຄໍາຮ້ອງທຸກນັ້ນແມ່ນມີຄວາມພຽງພໍທີ່ຈະກຳນົດບັນຫາໄດ້ຢ່າງຈະແຈ້ງໃນແງ່ຂອງຂໍ້ຕົກລົງກ່ຽວກັບທົດຂໍ້ສະເພາະຫລືບໍ່. ດັ່ງນັ້ນ, ກະລຸນາໃຫ້ທ່ານຈັດແຈງ ຄໍາຮ້ອງທຸກຂອງທ່ານຢ່າງລະມັດລະວັງພ້ອມດ້ວຍຂໍ້ມູນການໂຕ້ຖຽງຕ່າງໆທາງກົດໝາຍ ແລະຫຼັກຖານທີ່ເປັນຈິງເພື່ອຊ່ວຍໃຫ້ທາງ CA ໃນການຕັດສິນໃຈວ່າຈະອະນຸມັດຄໍາຮ້ອງທຸກຂອງທ່ານໄດ້ຫຼືບໍ່.

ຂັ້ນຕອນ 3

ປ້ອນຂໍ້ມູນໃສ່ແບບຟອມສໍາລັບຍື່ນຄໍາຮ້ອງທຸກ

ຂ້າງລຸ່ມນີ້ແມ່ນຕົວຢ່າງຂອງແບບຟອມທີ່ໄດ້ປ້ອນຂໍ້ມູນໄວ້ຮຽບຮ້ອຍສໍາລັບການສຶກສາກໍລະນີນີ້ໂດຍສະເພາະ.

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

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

Complaint to be Filed by an ASEAN Enterprise

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

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

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

ASEAN Enterprise



ASEAN ENTERPRISE

* ASEAN Enterprise Name

* Company Size

* Phone

* Website

* Address

200 characters remaining (200 maximum)

* City ZIP Code

* Country

CONTACT PERSON

* Gender ☒ Mr ☐ Mrs ☐ Ms

* First Name * Last Name

* Phone

* Position

* Email

* Address

200 characters remaining (200 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

200 characters remaining (200 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

☒ I'm not a robot

Central Administrator of ASSIST / ASEAN Secretariat - F&A B, Sukongmangaraja - Jakarta 12110 - Indonesia
ASSIST - Supported by ABSE - [Disclaimer]

ມີການຍົກຕົວຢ່າງຂອງການອະທິບາຍຄໍາຮ້ອງທຸກທີ່ໄດ້ຂຽນໄວ້ຈະແຈ້ງແລະຊັດເຈນ, ຂ້າງລຸ່ມນີ້ແມ່ນຄໍາອະທິບາຍ ແລະລາຍລະອຽດສໍາລັບກໍລະນີສຶກສານີ້ໂດຍສະເພາະ.

"ພວກເຮົາແມ່ນບໍລິສັດໂທລະຄົມມະນາຄົມທີ່ຈົດທະບຽນຖືກຕ້ອງ AMS-X, AirTel Holdings, Inc. ບໍລິສັດຍ່ອຍ ຂອງພວກເຮົາ, ແມ່ນບໍລິສັດ AirTel ຈຳກັດ, ຊຶ່ງຕັ້ງຢູ່ໃນ AMS-Y. 80% ຂອງຈຳນວນຮຸ້ນທັງໝົດທີ່ອອກໂດຍ ບໍລິສັດ AirTel ຈຳກັດແມ່ນເປັນເຈົ້າຂອງໂດຍຜູ້ຖືທຸນ AMS-X ແລະ ຕ່າແຫ່ງລະດັບການບໍລິຫານຂັ້ນສູງແມ່ນ ເປັນຜູ້ຕອບຄອງ ໂດຍຄົນສັນຊາດ AMS-Y. ໃບອະນຸຍາດດຳເນີນງານຂອງບໍລິສັດ AirTel ຈຳກັດໄດ້ຖືກຖອນ ຄືນໂດຍອົງການສື່ສານແຫ່ງຊາດຂອງ AMS-Y ໃນເດືອນກັນຍາ 2018 ເນື່ອງຈາກມີການໂຕ້ຖຽງວ່າໃບອະນຸຍາດ ດ້ານໂທລະຄົມມະນາຄົມທີ່ບໍລິສັດ AirTel ມີຢູ່ນັ້ນແມ່ນໃຊ້ການບໍ່ໄດ້ອີກຕໍ່ໄປໃນຄວາມເປັນຈິງແລ້ວ ໃນເດືອນ ສິງຫາ ປີ2018 AMS-Y ໄດ້ແກ້ໄຂໃບອະນຸຍາດເຮັດທຸລະກິດໂທລະຄົມມະນາຄົມ ສະບັບທີ 1500 ຊຶ່ງ ນັກທຸລະກິດຕ່າງປະເທດບໍ່ໄດ້ຮັບອະນຸຍາດໃຫ້ໃຊ້ໃບອະນຸຍາດປະເພດ B ແລະ C ອີກຕໍ່ໄປ.



ໃບອະນຸຍາດໂທລະຄົມມະນາຄົມປະເພດ B ແມ່ນສໍາລັບຜູ້ທີ່ໃຫ້ບໍລິການທີ່ມີຫລືບໍ່ມີເຄືອຂ່າຍຂອງຕົນເອງ, ແຕ່ໃຫ້ບໍລິການທີ່ແນໃສ່ພາກສ່ວນຫລືຫລາຍພາກສ່ວນຂອງຜູ້ຊົມໃຊ້ທົ່ວໄປ. ໃບອະນຸຍາດໂທລະຄົມມະນາຄົມປະເພດ C ແມ່ນສໍາລັບຜູ້ທີ່ໃຫ້ບໍລິການທີ່ມີເຄືອຂ່າຍທີ່ໃຫ້ບໍລິການແກ່ປະຊາຊົນທົ່ວໄປ, ຫລືເປັນການບໍລິການທີ່ກໍ່ໃຫ້ເກີດຜົນກະທົບທີ່ສໍາຄັນຕໍ່ການແຂ່ງຂັນທີ່ຍຸດຕິທໍາ, ຄວາມສົນໃຈຂອງປະຊາຊົນ, ຫຼືຕ້ອງການການປົກປ້ອງຜູ້ບໍລິໂພກເປັນພິເສດ. ຜູ້ທີ່ສະໝັກຂໍອະນຸຍາດປະເພດ B ແລະ Type C ຕ້ອງແມ່ນບໍລິສັດທີ່ພົນລະເມືອງ AMS-Y ຖືຮຸ້ນຢ່າງໜ້ອຍ 51% ແລະຢ່າງໜ້ອຍສາມໃນສີ່ ຂອງຜູ້ບໍລິຫານລະດັບສູງຂອງຜູ້ສະໝັກ ແລະຜູ້ທີ່ໄດ້ຮັບອະນຸຍາດໃຫ້ເຊັນສັນຍາຜູກມັດໃດໜຶ່ງ, ໃນຖານະເປັນຕົວແທນຂອງບໍລິສັດ ຜູ້ສະໝັກຕ້ອງແມ່ນຄົນທີ່ມີສັນຊາດ AMS-Y. ພວກເຮົາຮູ້ສຶກວ່າບໍລິສັດ AirTel ຈຳກັດໄດ້ຮັບການປະຕິບັດຢ່າງບໍ່ຍຸດຕິທໍາຍ້ອນວ່າມັນພຽງແຕ່ປະຕິບັດຕາມຂັ້ນຕອນຂອງລັດຖະບານໃນເວລາທີ່ໄດ້ສະໝັກຂໍອະນຸຍາດແລະມັນບໍ່ໄດ້ຮັບແຈ້ງເຕືອນຈາກ AMS-Y ກ່ຽວກັບການພັດທະນາໃໝ່ນີ້. ນອກຈາກນີ້ຍັງໄດ້ປະຕິບັດຕາມຂໍ້ກຳນົດຂອງບໍລິສັດຕ່າງປະເທດທີ່ມີຜູ້ຖືຮຸ້ນເປັນຄົນຕ່າງປະເທດເປັນສ່ວນໃຫຍ່, ເຊິ່ງກໍາລັງໄດ້ຮັບໃບອະນຸຍາດດຳເນີນທຸລະກິດຈາກກະຊວງການຄ້າ.

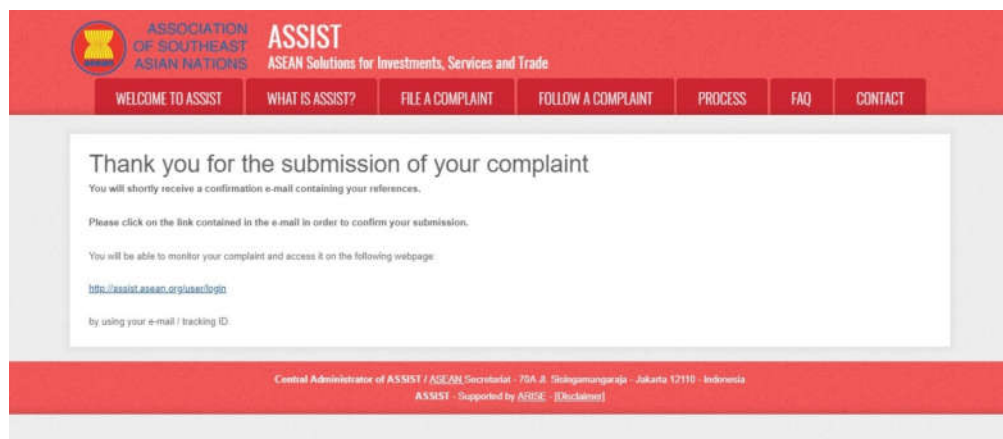
ການຖອນໃບອະນຸຍາດຂອງບໍລິສັດ AirTel Co., Ltd ແລະການປັບປຸງລະບຽບການກ່ຽວກັບໃບອະນຸຍາດດຳເນີນທຸລະກິດໄດ້ເຮັດໃຫ້ຮຸ້ນ AirTel Holdings, Inc ຫຼຸດລົງ 5,67% ໃນ AMS-X ເພາະວ່າ AMS-Y ແມ່ນຕະຫຼາດມືຖືທີ່ໃຫຍ່ ອັນດັບ 2 ຂອງໂລກ. ພວກເຮົາເຊື່ອວ່າການຖອນໃບອະນຸຍາດເປັນການແບ່ງແຍກກິດກັນຕໍ່ນັກລົງທຶນຕ່າງປະເທດ ໃນຂະແໜງການໂທລະຄົມມະນາຄົມ ແລະ ເປັນການລະເມີດຂໍ້ຜູກພັນແລະພັນທະສະເພາະຂອງ AMS-Y ພາຍໃຕ້ຂອບເຂດຂໍ້ຕົກລົງອາຊຽນ ໃນດ້ານການບໍລິການທີ່ກ່ຽວຂ້ອງ(AFAS).

ເມື່ອຄໍາຮ້ອງທຸກຖືກຍື່ນໂດຍການຄລິກໄປທີ່“ສົ່ງຄໍາຮ້ອງທຸກຂອງທ່ານ”, ໜ້າຕໍ່ໄປນີ້ໃນຂັ້ນຕອນທີ 4 ກໍ່ຈະປາກົດຂຶ້ນ.

ຂັ້ນຕອນ 4

ໄດ້ຮັບແຈ້ງການຈາກ ASSIST

ເມື່ອທ່ານຍື່ນຄໍາຮ້ອງທຸກໃນເວັບໄຊທ໌ຂອງ ASSIST ແລ້ວ, ເວັບຕໍ່ໄປນີ້ກໍ່ຈະປາກົດຂຶ້ນ, ແລະ ແຈ້ງໃຫ້ທ່ານຮູ້ວ່າອີເມລການຍັງຍືນຈະຖືກສົ່ງໄປຫາອີເມລທີ່ທ່ານໃຫ້ໄວ້ໃນພອມການຮ້ອງທຸກຂອງທ່ານ.



ແຈ້ງການຂ້າງເທິງຊີ້ໃຫ້ເຫັນວ່າທ່ານຄວນຄລິກທີ່ລິ້ງທີ່ຢູ່ໃນບັນຊີອີເມລຂອງທ່ານເພື່ອຍືນຄໍາຮ້ອງທຸກຂອງທ່ານກັບ ASSIST.



ຂັ້ນຕອນ
5

ຍືນຍັນການສົ່ງຄໍາຮ້ອງທຸກຂອງທ່ານດ້ວຍອີເມລຂອງທ່ານເອງ

- (a) ໃຫ້ທ່ານເຂົ້າໄປໃນບັນຊີອີເມລຂອງທ່ານທີ່ທ່ານໄດ້ໃຫ້ໄວ້ກັບແບບຟອມການຮ້ອງທຸກ. ທ່ານຈະໄດ້ຮັບອີເມລຈາກ ASSIST ເພື່ອໃຫ້ທ່ານທຳການຍືນຍັນ ການສົ່ງຄໍາຮ້ອງທຸກຂອງທ່ານ ໂດຍໃຫ້ໄປຄລິກທີ່ລິ້ງທີ່ໄດ້ສົ່ງມາໃຫ້ທ່ານກັບອີເມລທລືຖ້າບໍ່ຢາກຄລິກກໍພຽງແຕ່ທ່ານຄັດລອກເອົາລິ້ງນັ້ນໄປແປະໃສ່ໃນ browser ອິນເຕີເນັດ. ອັນນີ້ແມ່ນຕ້ອງໄດ້ເຮັດຕາມທີ່ ASSIST ໄດ້ຮຽກຮ້ອງມາເພື່ອເປັນການຍືນຍັນວ່າ ອີເມລທີ່ທ່ານໄດ້ໃຫ້ໄປນັ້ນຖືກຕ້ອງ. ໝາຍເລກຄໍາຮ້ອງທຸກຂອງທ່ານກໍໄດ້ສົ່ງມາໃຫ້ທ່ານດ້ວຍອີເມລນີ້ເຊັ່ນກັນ. ໃນກໍລະນີນີ້, ໝາຍເລກຄໍາຮ້ອງທຸກຂອງທ່ານແມ່ນ 17720181101.

ຂ້າງລຸ່ມນີ້ແມ່ນອີເມລທີ່ທ່ານຈະໄດ້ຮັບຈາກ 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

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.

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=1axd9eg5v43

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

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

<http://assist.asean.org/user/login> by using your e-mail / tracking ID: aseanenterprise0@gmail.com / 17720181101

Address : Jingle Avenue City U Country X
 City : City U / Zip Code : 10090
 Country : AMS-X

Contact person : Mr Bruce Kent
 Phone : +261 5159255399
 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. 60% 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 2016 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.

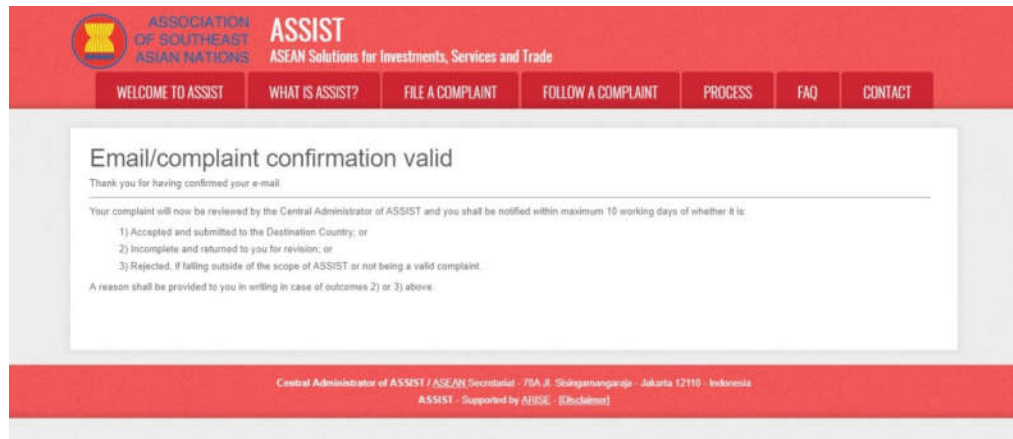
assist.asean.org

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
29K



(b) ໃຫ້ທ່ານຄລິກທີ່ລິ້ງທີ່ໄດ້ໃຫ້ມາກັບອີເມລເຊິ່ງຕ້ອງໄດ້ຄລິກ ແລະໜ້າໃໝ່ໃນອີເມລນັ້ນກໍຈະສະແດງໃຫ້ເຫັນ.



ການແຈ້ງເຕືອນທີ່ໄດ້ສະແດງໄວ້ຂ້າງເທິງນີ້ຈະແຈ້ງໃຫ້ທ່ານຊາບວ່າ ຄໍາຮ້ອງທຸກຂອງທ່ານຈະຖືກທົບທວນໂດຍ CA ແລະຫຼັງຈາກນັ້ນ ທ່ານຈະໄດ້ຮັບການແຈ້ງກັບມາຫາທ່ານທາງອີເມລພາຍໃນເວລາສູງສຸດ 10 ວັນລັດຖະການ ໂດຍທີ່ການຍື່ນຄໍາຮ້ອງທຸກຂອງທ່ານນັ້ນຈະ:

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

ໄປທີ່ບັນຊີອີເມລຂອງທ່ານ.

ຂັ້ນຕອນ

6

ໄດ້ຮັບອີເມລຈາກ ASSIST ເພື່ອໃຫ້ຮູ້ວ່າອີເມລແລະຄໍາຮ້ອງທຸກຂອງທ່ານນັ້ນໃຊ້ການໄດ້

ໃຫ້ທ່ານໄປທີ່ອີເມລຂອງທ່ານແລະທ່ານຈະເຫັນມີອີເມລໃໝ່ ຈາກ ASSIST ສົ່ງມາຫາທ່ານ. ອີເມລນີ້ຈະຊີ້ບອກໃຫ້ເຫັນວ່າ ທ່ານຮູ້ວ່າ ທ່ານໄດ້ທຳການຍື່ນຍືນຄໍາຮ້ອງທຸກຂອງທ່ານແລ້ວພ້ອມທັງທາງ CA ຈະກວດສອບຄວາມຖືກຕ້ອງຂອງຄໍາຮ້ອງທຸກ, ແລະກໍໄດ້ຖືກນຳເຂົ້າໄປເກັບໄວ້ໃນລະບົບພາຍໃນຂອງ ASSIST. ASSIST ຈະກັບມາຕິດຕໍ່ອີກເທື່ອໜຶ່ງພ້ອມດ້ວຍຄໍາຕອບທີ່ຈະບອກວ່າ ຄໍາຮ້ອງທຸກທີ່ໄດ້ສົ່ງໄປນັ້ນ ໄດ້ຮັບການຍອມຮັບແລ້ວ, ບໍ່ຄົບຖ້ວນ ຫຼື ຖືກປະຕິເສດພາຍໃນ 10 ວັນລັດຖະການ.



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, 2016 at 4:07 PM



ASSOCIATION
OF SOUTHEAST
ASIAN NATIONS

ASSIST

ASEAN Solutions for Investments, Services and Trade

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 : +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

ຕາມທີ່ໄດ້ລະບຸໄວ້ໃນອີເມລຂ້າງເທິງນັ້ນ, ໃນເວລານີ້ ທ່ານສາມາດຕິດຕາມເບິ່ງຄວາມຄືບໜ້າໄດ້ໂດຍໃຫ້ທ່ານຄລິກທີ່ລິ້ງທີ່ໄດ້ແນະນຳໄວ້ໃຫ້ ເຊິ່ງຈະພາທ່ານທີ່ແຖບ 'Follow a Complaint-ຕິດຕາມເບິ່ງຄຳຮ້ອງທຸກ' ຢູ່ແຖບເມນູໃນເວັບໄຊທ໌ ASSIST.

ຂັ້ນຕອນ
7

ຕິດຕາມຄວາມຄືບໜ້າຂອງການຮ້ອງທຸກຂອງທ່ານ

a) ໃຫ້ໄປທີ່ລິ້ງຕໍ່ໄປນີ້: <http://assist.asean.org/user/login> ຫຼືໄປທີ່ແຖບ 'Follow a Complaint-ຕິດຕາມເບິ່ງຄຳຮ້ອງທຸກ' ຢູ່ແຖບເມນູ ໃນເວັບໄຊທ໌ ASSIST. ໜ້າເວັບຕໍ່ໄປນີ້ກໍຈະປາກົດຂຶ້ນມາໃຫ້ທ່ານ.

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

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

Follow a Complaint

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

Email: Tracking ID:

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

(b) ໃຫ້ທ່ານໃສ່ອີເມລຂອງທ່ານແລະໝາຍເລກເພື່ອຕິດຕາມ (ກໍຄືໝາຍເລກຄຳຮ້ອງທຸກຂອງທ່ານ) ໃນຊ່ອງບັອນຂໍ້ມູນທີ່ມີໃຫ້ໄວ້ເພື່ອເຂົ້າສູ່ລະບົບ. ໃນກໍລະນີນີ້, ອີເມລແມ່ນ aseanenterprise0@gmail.com ແລະ ໝາຍເລກເພື່ອຕິດຕາມແມ່ນ 17720181101.



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ASIAN NATIONS

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FOLLOW A COMPLAINT

PROCESS

FAQ

CONTACT



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WELCOME TO ASSIST

WHAT IS ASSIST?

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CONTACT

Follow a Complaint

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

Email

aseanenterprise0@gmail.com

Tracking ID

LOGIN

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

ເມື່ອທ່ານໄດ້ເຂົ້າສູ່ລະບົບແລ້ວ, ທ່ານຈະເຫັນ Dashboard ຂອງ ASSIST ຂອງທ່ານເຊິ່ງ ເປັນບ່ອນທີ່ທ່ານສາມາດ ຕິດຕາມຄວາມຄືບໜ້າຂອງການຍື່ນຄໍາຮ້ອງທຸກຂອງທ່ານ.

c) ເປີດເບິ່ງລາຍລະອຽດໃນ Dashboard ຂອງ ASSIST ຂອງທ່ານເມື່ອທ່ານໄດ້ເຂົ້າສູ່ລະບົບຢ່າງສໍາເລັດຜົນ:



ASSOCIATION
OF SOUTHEAST
ASIAN NATIONS

ASSIST

ASEAN Solutions for Investments, Services and Trade

WELCOME TO ASSIST

WHAT IS ASSIST?

MY COMPLAINT

LOGOUT

PROCESS

FAQ

CONTACT

DISCLAIMER

Tracking ID #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	Services / Communication Services
Company Registration Proof	Annex 1: Simulated Company Registration of AirTel Holdings Inc1.pdf		
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 AiTel Co., Ltd.'s license and the amendment of the business license regulation has caused AiTel 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).

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 Administration of ASSIST / ASEAN Secretariat - JBA & Satepamunggar - Jakarta 12110 - Indonesia
ASSIST - Supported by ASEAN - (Bilateral)

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

ຂັ້ນຕອນ
8

ຜູ້ຜູ້ແລະລະບົບກວດເບິ່ງຄຳຮ້ອງທຸກຂອງທ່ານແລະຕອບທ່ານທາງອີເມລ (ວ່າຮັບຮອງ,ບໍ່ຄົບຖ້ວນ ຫລື ປະຕິເສດ)

ຫລັງຈາກທີ່CAໄດ້ທຳການກວດກາເບິ່ງຄຳຮ້ອງທຸກຂອງທ່ານເປັນທີ່ຮຽບຮ້ອຍແລ້ວແລະທັງໄດ້ຕັດສິນແລ້ວວ່າຄຳຮ້ອງທຸກນັ້ນ ໄດ້ຜ່ານການຮັບຮອງ, ບໍ່ຄົບຖ້ວນ ຫລື ຖືກປະຕິເສດນັ້ນ ຈະມີອີເມລສົ່ງໄປຫາທ່ານພາຍໃນ 10 ວັນລັດຖະການ ນັບຕັ້ງແຕ່ທ່ານໄດ້ສົ່ງຄຳຮ້ອງທຸກຂອງທ່ານ.

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

ອີເມລເຕືອນເທື່ອທີ 1 ສຳລັບຜູ້ຜູ້ແລະລະບົບ.

Central Administrator ASEC <caasec@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 6:00 AM

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 [Document](#)

ໃຫ້ທ່ານໝັ້ນກວດເບິ່ງອີເມລຂອງທ່ານພາຍໃນ 10 ວັນລັດຖະການຫຼັງຈາກທ່ານໄດ້ຍື່ນຄຳຮ້ອງທຸກ. ໃນທີ່ສຸດທ່ານກໍ່ຈະໄດ້ຮັບອີເມລໃໝ່ຈາກ ASSIST.

ASEAN Enterprise <aseanenterprise@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

ASSIST
ASEAN Solutions for Investments, Services and Trade

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/userlogin> 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 7252991
 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 : 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

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

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

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

ອີເມລເຕືອນເທື່ອທີ 2 ສໍາລັບຜູ້ຖືກແລະບົບ:

[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 5:09 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



ຂັ້ນຕອນ
9

ໃຫ້ທ່ານເຂົ້າສູ່ລະບົບ Dashboard ຂອງ ASSIST ຂອງທ່ານໂດຍໃຊ້ອີເມລແລະໝາຍເລກຕິດຕາມຂອງທ່ານເພື່ອເບິ່ງ
ຄໍາຕອບຕົວຈິງຈາກຜູ້ດູແລລະບົບ

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

ພາບລວມແບບທີ່ເຫັນໄດ້ເຕັມຕົວແລະຄົບຖ້ວນຂອງ dashboard ຂອງທ່ານນັ້ນສາມາດເບິ່ງໄດ້ຂ້າງລຸ່ມນີ້. ດັ່ງທີ່
ທ່ານເຫັນ, ການດໍາເນີນການຕ່າງໆລ້ວນແຕ່ໄດ້ຖືກເກັບບັນທຶກເພີ່ມເຂົ້າໄປໃນ 'History-ປະຫວັດ' ຂອງການດໍາ
ເນີນການຕ່າງໆ ເຊິ່ງສາມາດຫາເຫັນການທີ່ໄດ້ລະບຸໄວ້ວ່າ CA ນັ້ນໄດ້ “accepted-ຍອມຮັບ” ຄໍາຮ້ອງທຸກຂອງ
ທ່ານໄປແລ້ວ.

ASSOCIATION
OF SOUTHEAST
ASIAN NATIONS

ASSIST
ASEAN Solutions for Investments, Services and Trade

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

Tracking ID #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 2018 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 815925399	ZIP Code	10090
Position	President	Country	AMS-X
Email	aseanenterprise0@gmail.com (Confirmed)		

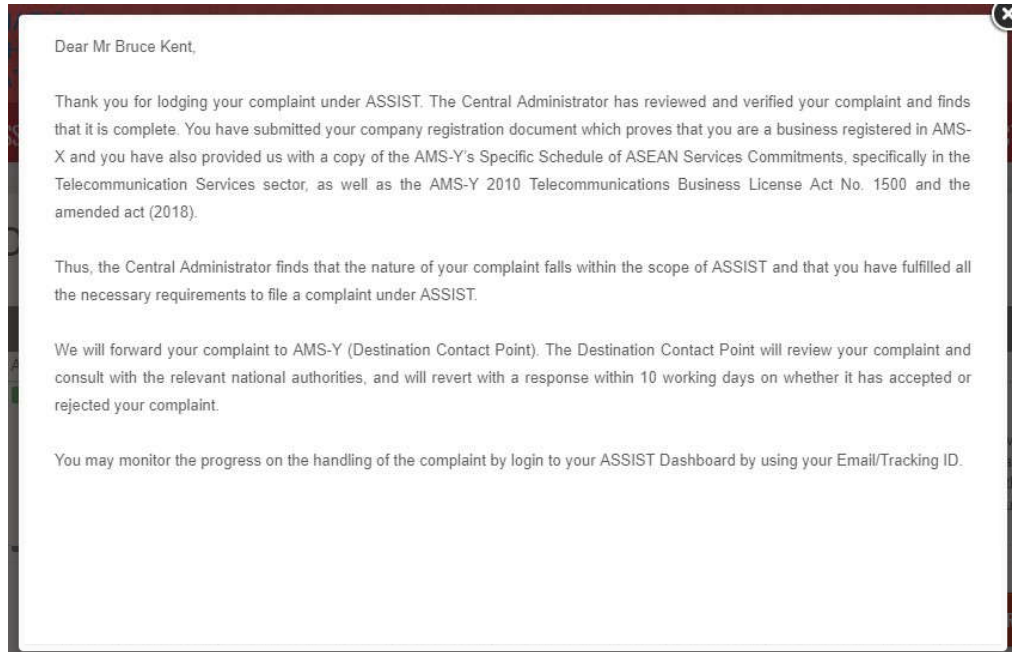
COMPLAINT DESCRIPTION

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		
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 - JICA & Sekeloa Mangrove - Jakarta 12110 - Indonesia
ASSIST - Supported by AECSE - [Disclaimer]



ໃຫ້ທ່ານຄລິກທີ່ໂອກອນທີ່ເປັນຮູບແກ້ວຂະຫຍາຍໃນບ່ອນສະແດງຄໍາເຫັນທີ່ເປັນຫ້ອງຍາວໆລົງມາ. ການຕອບຮັບອັນຄົບຖ້ວນຈາກທາງ CA ກໍ່ຈະປາກົດຂຶ້ນມາໃຫ້ເຫັນ, ດັ່ງທີ່ໄດ້ສະແດງໃນພາບຂ້າງລຸ່ມນີ້:



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

ຂັ້ນຕອນ
10

ຮັບແຈ້ງທາງອີເມລຈາກ ASSIST ວ່າຄໍາຮ້ອງທຸກຂອງທ່ານໄດ້ຮັບຄໍາຕອບແລະຖືກຍອມຮັບຜູ້ດູແລລະບົບ

(a) ໃຫ້ທ່ານເຂົ້າໄປທີ່ບັນຊີອີເມລຂອງທ່ານ ທ່ານຈະໄດ້ຮັບອີເມລໃໝ່ຈາກທາງ ASSIST ທີ່ສະແດງເຖິງການຕອບຮັບຕໍ່ຄໍາຮ້ອງທຸກຂອງທ່ານຈາກ DCP. ໃນກໍລະນີນີ້, ຄໍາຮ້ອງທຸກຂອງທ່ານໄດ້ຖືກປະຕິເສດໂດຍ DCP (AMS-Y) ເປັນທີ່ຮຽບຮ້ອຍແລ້ວ.



ASEAN Enterprise <aseanenterprise@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-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 AEAT'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. is operating its 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. is 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

ຂັ້ນຕອນຕ່າງໆຈະແຕກຕ່າງກັນເລັກນ້ອຍໃນກໍລະນີທີ່ຄໍາຮ້ອງທຸກຂອງທ່ານໄດ້ຖືກຍອມຮັບໂດຍ DCP. ພາຍໃນ 10 ວັນລັດຖະການຫຼັງຈາກໄດ້ຮັບຄໍາຕອບຈາກ CA ທີ່ຄໍາຮ້ອງທຸກຂອງທ່ານຖືກຍອມຮັບ, ທ່ານຈະໄດ້ຮັບອີເມລທີ່ແຈ້ງໃຫ້ທ່ານຊາບວ່າ ຄໍາຮ້ອງທຸກຂອງທ່ານໄດ້ຖືກຍອມຮັບໂດຍ DCP ໃນ AMS-Y ເປັນທີ່ຮຽບຮ້ອຍແລ້ວ ແລະ ທາງ DCP ຈະປະສານງານກັບເຈົ້າໜ້າທີ່ແຫ່ງຊາດຫຼືເຈົ້າໜ້າທີ່ຮັບຜິດຊອບ (RAs) ທີ່ມີຄວາມສາມາດເພື່ອວິເຄາະຄໍາຮ້ອງທຸກຂອງທ່ານໂດຍລະອຽດ.

ໃນເມື່ອ RAs ໄດ້ດໍາເນີນການຢ່າງສຸດຄວາມພະຍາຍາມຂອງພວກເຂົາເປັນທີ່ຮຽບຮ້ອຍແລ້ວ, DCP ກໍ່ຄວນຈະກວດກາວິທີແກ້ໄຂແລະສິ່ງຕໍ່ໃຫ້ແກ້ CA ພາຍໃນ 40 ວັນລັດຖະການນັບແຕ່ມື້ທີ່ DCP ໄດ້ໃຫ້ການຍອມຮັບ. ດັ່ງນັ້ນ, ເພື່ອໃຫ້ທ່ານກັບມາກໍານົດການໃນຄັ້ງນີ້, ການກໍານົດຂອບເວລາຄວນຖືກກໍານົດໂດຍ DCP ເພື່ອທີ່ຈະໃຫ້ RAs ດໍາເນີນການທາງວິທີທາງແກ້ໄຂ. ມັນແມ່ນຄວາມຮັບຜິດຊອບຂອງ DCP ເພື່ອແຈ້ງໃຫ້ກັບ CA ກ່ຽວກັບການປຸງແປງໃດໆທີ່ກ່ຽວຂ້ອງກັບການກໍານົດໄລຍະເວລາລະຫວ່າງເຂົ້າເຈົ້າແລະເຈົ້າໜ້າທີ່ແຫ່ງຊາດ.

ທາງ CA ອາດຈະຍຶດເວລາກໍານົດການເພີ່ມໄປອີກເຖິງ 20 ວັນລັດຖະການຕາມການຮ້ອງຂໍຂອງ DCP. ລະບົບຈະແຈ້ງໃຫ້ຊາບໂດຍອັດຕະໂນມັດເມື່ອເວລາກໍານົດໄດ້ຫຼົບໄກ້ເຂົ້າມາ (ເຊັ່ນ, ໂດຍປົກກະຕິ, 10 ວັນຕາມເວລາປະຕິບັດກ່ອນທີ່ຈະພົດເວລາ). ຖ້າ DCP ສົ່ງວິທີແກ້ໄຂບັນຫາໃຫ້ກັບ CA ບໍ່ທັນຕາມກໍານົດການແລ້ວ, ລະບົບ online ຈະແຈ້ງໃຫ້ທາງ CA ໄດ້ຮັບຊາບເພື່ອໃຫ້ຕິດຕາມເລື່ອງນີ້ກັບທາງ DCP.

ຈາກນັ້ນທ່ານຈະໄດ້ຮັບແຈ້ງການທາງອີເມລຄັ້ງທີສອງຈາກ ASSIST ວ່າການແກ້ໄຂບັນຫາໄດ້ຖືກສະເໜີ ໂດຍ DCP / AMS-Y ແລະກໍ່ໄດ້ຮັບການຍອມຮັບຈາກ CA.

ເຖິງຢ່າງໃດກໍ່ຕາມ, ໃນກໍລະນີທີ່ຄ້າຍກັນແບບນີ້ ເຊິ່ງຄໍາຮ້ອງທຸກໄດ້ຖືກ " **Rejected-ປະຕິເສດ**" ໂດຍ DCP, ທ່ານອາດຈະບໍ່ໄດ້ຮັບອີເມລຈາກທາງ ASSIST ພາຍໃນກໍານົດເວລາ 10 ວັນລັດຖະການ. ການປະຕິເສດແລະເຫດຜົນສໍາລັບການປະຕິເສດໂດຍ DCPນັ້ນຈະຖືກສົ່ງໄປທີ່ CA ໂດຍຜ່ານທາງ ASSIST ເທົ່ານັ້ນພາຍໃນ 10 ວັນລັດຖະການ. ຫຼັງຈາກນັ້ນ CA ຈະກວດເບິ່ງໃນເລື່ອງຂອງພາສາທີ່ໃຊ້ໃນການຊຽນວ່າຈະແຈ້ງຫລືບໍ່ແລະມີຂໍ້ມູນພຽງພໍຫລືບໍ່ ພາຍໃນ 5 ວັນເຮັດວຽກ ຫຼັງຈາກ CA ໄດ້ຮັບອີເມລທີ່ຕອບປະຕິເສດໂດຍ DCP.

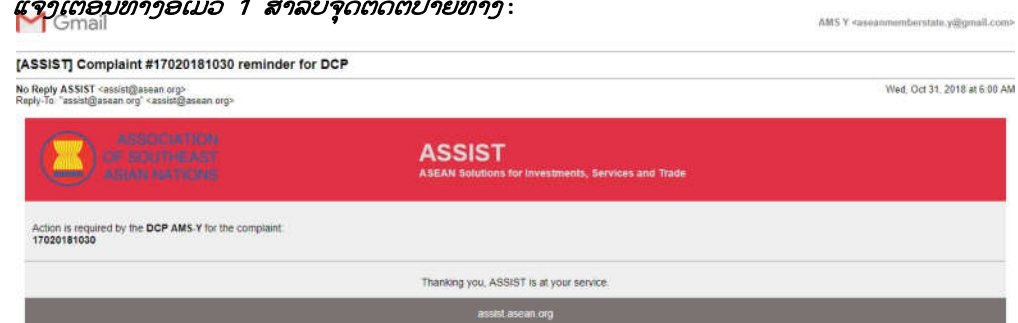
ຖ້າຫາກວ່າ CA ຍອມຮັບເຫດຜົນຂອງການປະຕິເສດ, ການຕອບຮັບທີ່ໄດ້ຖືກທົບທວນແລະອະນຸມັດຈາກ CA ນັ້ນ



ແມ່ນໄດ້ຖືກສົ່ງໄປຫາທ່ານໂດຍທາງອີເມລ, ແບບດຽວກັນກັບກໍລະນີຂ້າງເທິງ. ຖ້າຫາກວ່າ CA ບໍ່ພໍໃຈກັບເຫດຜົນທີ່ລະບຸໄວ້ໃນການປະຕິເສດໂດຍ DCP ນັ້ນ, ລະບົບ ASSIST ຈະອະນຸຍາດໃຫ້ CA ທຳການຮ້ອງຂໍໃຫ້ DCP ແກ້ໄຂການປະຕິເສດ. ເຖິງຢ່າງໃດກໍຕາມ, ທາງເລືອກແບບນີ້ທີ່ກຳນົດໂດຍ CA ນັ້ນແມ່ນບໍ່ມີຄ່າຜູກມັດໃດໆກັບ DCP, ແລະຖ້າຫາກບໍ່ມີການຕອບຮັບພາຍໃນ 5 ວັນລັດຖະການ, ລະບົບ online ຈະກະຈາຍການປະຕິເສດຕໍ່ຜູ້ຮ້ອງທຸກໂດຍອັດຕະໂນມັດໃຫ້ກັບທາງ AE.

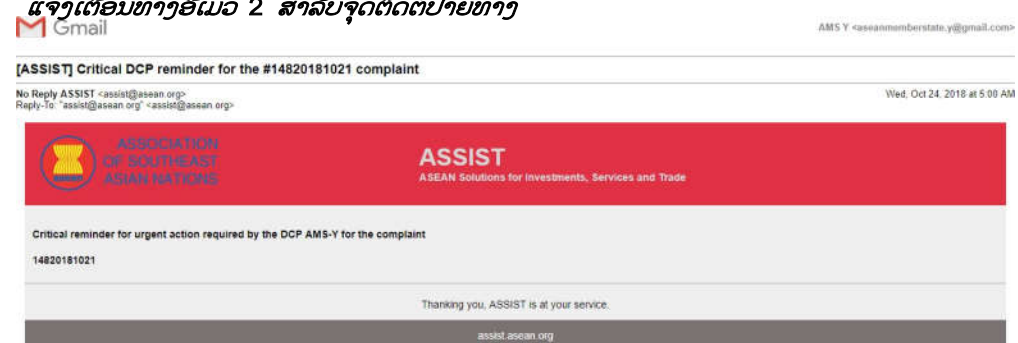
ຖ້າຫາກວ່າບໍ່ມີການດຳເນີນການໃດໆໂດຍDCPໃນລະຍະນີ້ ທາງ DCP ຈະໄດ້ຮັບຄຳເຕືອນ ແບບອັດຕະໂນມັດ ດັ່ງທີ່ສະແດງຂ້າງລຸ່ມນີ້ຜ່ານທາງອີເມລຈາກລະບົບ online ຂອງ ASSIST ພາຍໃນ 7 ວັນຕາມເວລາປະຕິບັດ ຫຼັງຈາກການຮ້ອງທຸກໄດ້ຖືກຍື່ນ. ດັ່ງນັ້ນຕາມທີ່ໄດ້ລະບຸໄວ້ຂ້າງເທິງນັ້ນ, ທາງ DCP ຈະຕ້ອງຕັດສິນໃຈພາຍໃນ 10 ວັນລັດຖະການວ່າ ຈະຮັບຮອງຍອມຮັບເອົາຫລື ປະຕິເສດຄຳຮ້ອງທຸກນັ້ນນັບຕັ້ງແຕ່ວັນທີ່ທາງ CA ໄດ້ຮັບ ເລື່ອງຮ້ອງທຸກແລ້ວ.

ແຈ້ງເຕືອນທາງອີເມວ 1 ສຳລັບຈຸດຕິດຕໍ່ປາຍທາງ:



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

ແຈ້ງເຕືອນທາງອີເມວ 2 ສຳລັບຈຸດຕິດຕໍ່ປາຍທາງ



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



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 2016 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 2016.

Attachment

History			
Date	Action	Action By	Comments
02/11/2018 00:55:11	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: (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 2016 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 2016.
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 2016 Telecommunications...
01/11/2018 16:07:27	Event Completed	ASEAN-based Enterprise	Email Confirmed
01/11/2018 16:01:35	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 019525399	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	Services / Communication Services
Company Registration Proof	Annex 1: Simulated Company Registration of AirTel Holdings, Inc.1.pdf		
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 2016, 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](#)

ຂ້າງລຸ່ມນີ້ແມ່ນການແກ້ໄຂບັນຫາທີ່ສະເໜີມາຈາກ DCP:

AMS-Y ພົບວ່າບັນຫາດັ່ງກ່າວ ມີພື້ນຖານພຽງພໍທີ່ AMS-Y ໄດ້ປະຕິບັດຕາມຄຳໝັ້ນສັນຍາຂອງອາຊຽນທີ່ກ່ຽວຂ້ອງແລະວ່າການຮ້ອງທຸກນັ້ນ ບໍ່ມີຄຸນຄ່າໃດໆ. ໄດ້ເກີດມີການໂຕ້ຖຽງວ່າ, ເຖິງແມ່ນວ່າຢູ່ພາຍໃຕ້ແຜນ ການດຳເນີນການຂອງ AFAS ໃນເລື່ອງຂອງຄຳໝັ້ນສັນຍາສະເພາະນັ້ນ, AMS-Y ບໍ່ມີຂໍ້ຈຳກັດໃນການເປັນເຈົ້າຂອງຂອງຕ່າງປະເທດ, ແຕ່ມັນໄດ້ຖືກລະບຸໄວ້ໃນຄຳໝັ້ນສັນຍາວ່າ, ຂໍ້ຈຳກັດໃນ



ການເຂົ້າເຖິງຕະຫຼາດ, ການສ້າງຕັ້ງທຸລະກິດເພື່ອໃຫ້ການບໍລິການຂອງຜູ້ໃຫ້ບໍລິການຕ່າງປະເທດ ເຊັ່ນ ວ່າອາດຈະເປັນຮູບແບບຂອງບໍລິສັດຮ່ວມທຸລະກິດແລະ/ຫຼືສໍານັກງານຜູ້ຕາງໜ້າເຊິ່ງຄວນຈະຕ້ອງເປັນໄປຕາມຂໍ້ກຳນົດດັ່ງຕໍ່ໄປນີ້: (i) ບໍ່ໃຫ້ເກີນ 49% ຂອງຮຸ້ນຂອງບໍລິສັດທີ່ອາດຈະເປັນເຈົ້າຂອງທີ່ເປັນຄູ່ຮ່ວມງານຄົນຕ່າງປະເທດ; (ii) ຢ່າງໜ້ອຍສາມໃນສີ່ຂອງຜູ້ບໍລິຫານລະດັບອາວຸໂສຂອງບໍລິສັດແລະຜູ້ທີ່ໄດ້ຮັບອະນຸຍາດໃຫ້ມີຄວາມສາມາດໃນການເຊັນສັນຍາຜູກມັດຕ່າງໆໃນຖານະທີ່ເປັນຕົວແທນຂອງບໍລິສັດຕ້ອງເປັນຄົນສັນຊາດ AMS-Y. ດັ່ງນັ້ນ, ການປັບປຸງແກ້ໄຂກົດໝາຍວ່າດ້ວຍທຸລະກິດດ້ານໂທລະຄົມມະນາຄົມສະບັບເລກທີ 1500 ປີ 2018 ຈຶ່ງບໍ່ໄດ້ເປັນການລະເມີດກົດໝາຍ ການດໍາເນີນການຂອງການໃຫ້ບໍລິການຂອງ AMS-Y.

ເພື່ອຕອບສະໜອງຄໍາຮຽກຮ້ອງຂອງ AE ທີ່ຍັງບໍ່ໄດ້ຮັບການແຈ້ງເຕືອນໃດໆຈາກ AMS-Y ກ່ຽວກັບການປັບປຸງ ໃໝ່, AMS-Y ຕອບວ່າ ລັດຖະບານຂອງ AMS-Y ໄດ້ປະກາດໃຊ້ການປັບປຸງກົດໝາຍຜ່ານທາງເວັບໄຊທ໌ຕ່າງໆຂອງລັດຖະບານແລະໜັງສືພິມທ້ອງຖິ່ນຫຼັງຈາກທີ່ໄດ້ມີໄດ້ຮັບການອະນຸມັດໃນວັນທີ 1 ກັນຍາ 2018”.

c) ຢູ່ທາງລຸ່ມຂອງອີເມລທີ່ໄດ້ສົ່ງມາຈາກ ASSIST ໃນ ຂໍ້ 10 (a) ຂ້າງເທິງນັ້ນ, ທ່ານໄດ້ຖືກຮ້ອງຂໍໃຫ້ລະບຸວ່າທ່ານພໍໃຈຫຼືບໍ່ກັບຄໍາຕອບທີ່ DCP ໄດ້ໃຫ້ມາແລະພ້ອມທັງວິທີແກ້ໄຂທີ່ມີຢູ່ໃນນັ້ນ. ທ່ານສາມາດລະບຸໄດ້ໂດຍການເລືອກ 'Yes-ແມ່ນ' ຫຼື 'No-ບໍ່ແມ່ນ' ຊ່ອງບ່ອນຂໍ້ມູນທີ່ມີໄວ້ໃຫ້ທ່ານ.

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

☒ Yes / ☐ No

ໃນກໍລະນີນີ້, ທາງ AE ເລືອກເອາ “ແມ່ນແລ້ວ”

ຂັ້ນຕອນ
11

ໃຫ້ປະກອບຄໍາຄິດເຫັນຂອງທ່ານຕໍ່ກັບການແກ້ໄຂ / ການຕອບຮັບທີ່ສະເໜີໂດຍ AMS-Y ໃນແບບຟອມການສໍາຫຼວດຄວາມເພິ່ງພໍໃຈແລະການຮັບຊາບຈາກ ASSIST ໂດຍທາງອີເມລ

ເມື່ອທາງທ່ານໄດ້ເລືອກຄໍາຕອບວ່າ 'Yes-ແມ່ນ/No-ບໍ່ແມ່ນ' ຢູ່ໃນຂັ້ນຕອນທີ 10 (c) ຂ້າງເທິງນັ້ນ, ທ່ານຈະຖືກນໍາໄປຫາໜ້າເວັບລຸ່ມນີ້ທີ່ເປັນບ່ອນທີ່ທ່ານຈະຖືກຮ້ອງຂໍໃຫ້ຕອບແບບສໍາຫຼວດຄວາມເພິ່ງພໍໃຈແລະຖືກເຊັນໃຫ້ອອກຄໍາເຫັນ, ໂດຍສະເພາະຖ້າທ່ານບໍ່ພໍໃຈກັບຂໍ້ສະເໜີຂອງການຕອບຮັບ/ການແກ້ໄຂ.

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 responses for our feedback

Your answer: ☒ Satisfied with the solution

Comments:

☐ I'm not a robot

SUBMIT YOUR FEEDBACK

Central Administrator of ASSIST / ASEAN Secretariat - JPA B, Setiabudi - Jakarta 12110 - Indonesia
ASSIST - Supported by ADBE (Bhaskara)



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

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

ອີເມລການສະແດງຄວາມຮັບຮູ້ຄັ້ງທໍາອິດຈາກ ASSIST



ASEAN Enterprise <aseanenterprise@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

ອີເມລການສະແດງຄວາມຮັບຮູ້ຄັ້ງທີສອງຈາກ ASSIST

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



ASEAN Enterprise <aseanenterprise@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"

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



(c) ໃຫ້ທ່ານເຂົ້າສູ່ລະບົບ dashboard ຂອງ ASSIST ຂອງທ່ານໂດຍໃຊ້ອີເມລແລະໝາຍເລກຕິດຕາມຂອງທ່ານຕາມທີ່ລະບຸໄວ້ໃນຂັ້ນຕອນທີ 7 (a) ແລະ (b) ຂ້າງເທິງ. ພາບລວມແບບທີ່ເຫັນໄດ້ເຕັມຕົວແລະຄົບຖ້ວນຂອງ dashboard ໃນຂັ້ນຕອນສຸດທ້າຍ ຂອງທ່ານນັ້ນສາມາດເບິ່ງໄດ້ຂ້າງລຸ່ມນີ້. ຕາມທີ່ທ່ານເຫັນ, ຂັ້ນຕອນການດຳເນີນການອື່ນໆໄດ້ຖືກເພີ່ມເຂົ້າໃນ 'History-ປະຫວັດ' ຂອງການດຳເນີນການຕ່າງໆ ຂອງທ່ານທີ່ທ່ານໄດ້ສະແດງຄວາມພໍໃຈຕໍ່ວິທີການແກ້ໄຂບັນຫາທີ່ສະເໜີໂດຍ ASSIST. ຄຳເຫັນທີ່ທ່ານໄດ້ໃຫ້ໄວ້ໃນການສຳຫຼວດຄວາມເພິ່ງພໍໃຈສາມາດເບິ່ງເຫັນໄດ້ໃນສ່ວນຂອງ 'Comments-ຄຳເຫັນ'.



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	Satisfied	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 2018 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 7262961	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 8190265399	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	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 II Consolidated Schedule1.pdf Annex 3-Simulated Law of AMS-Y1.pdf Annex 4-Simulated Amendment Law of AMS-Y1.pdf		



ໃນກໍລະນີທີ່ບໍ່ມີການແກ້ໄຂບັນຫາຜ່ານທາງ ASSIST ຫຼືຖ້າຫາກ DCP ໄດ້ພົບເຫັນວ່າມີຜົນຖານພຽງພໍທີ່ RAs ຂອງຕົນນັ້ນໄດ້ປະຕິບັດໄປຕາມຄໍາຟັ້ນສັນຍາຂອງອາຊຽນທີ່ກ່ຽວຂ້ອງແລະພົບວ່າການຮ້ອງທຸກຍັງຂາດຄຸນລັກສະນະທີ່ຄວນມີ, ການຄົ້ນພົບແລະລວມທັງຜົນຖານສໍາລັບການຄົ້ນພົບດັ່ງກ່າວນີ້ແມ່ນໄດ້ຖືກສົ່ງໄປໃຫ້ທາງ CA ໂດຍທັນທີເຊິ່ງຈະໄດ້ທໍາການແຈ້ງໃຫ້ຜູ້ຮ້ອງທຸກໄດ້ຮັບຊາບຕາມຄວາມເໝາະສົມ. ຖ້າຫາກຜູ້ຮ້ອງທຸກມີຄວາມຕ້ອງການອ້າງອີງເລື່ອງຮ້ອງທຸກໂດຍຜ່ານຈຸດຕິດຕໍ່ທີ່ປະເທດຕົ້ນທາງຂອງຜູ້ຮ້ອງທຸກແລະອົງກອນການລົງທະບຽນສະມາຊິກອາຊຽນ, ສົ່ງເລື່ອງໄປຫາອົງກອນລະດັບເຈົ້າໜ້າທີ່ອາວຸໂສອາຊຽນ (ACB), ກົນໄກການແກ້ໄຂຂັດແຍ່ງດ້ານເສດຖະກິດອາຊຽນ (EDSM), ເພື່ອດໍາເນີນຄະດີໃນລະດັບຊາດຫຼືທາກົນໄກອື່ນໆເພື່ອແກ້ໄຂຂັດແຍ່ງ (ເຊັ່ນວ່າ ການໄກ່ເກ່ຍ, ການຄືນດີຕໍ່ກັນຫຼືການລະງັບຂັດແຍ່ງ) ພາຍໃນຂອບເຂດອຳນາດລະດັບຊາດຂອງອາຊຽນ.

ASSIST ຈະພິຈາລະນາຂັ້ນຕອນນີ້ໂດຍຖືວ່າເປັນໜຶ່ງໃນຄໍາຮ້ອງທຸກທີ່ໄດ້ຖືກປະຕິເສດແລະບໍ່ໄດ້ຮັບການແກ້ໄຂ.

ກະລຸນາໃຫ້ຮັບຊາບວ່າໄລຍະເວລາ ສໍາລັບການແກ້ໄຂບັນຫາຂ້າມແດນທີ່ນໍາມາດໍາເນີນການພາຍໃຕ້ ASSIST ຈະຕ້ອງບໍ່ກາຍ 40 ວັນລັດຖະການຫຼື 2 ເດືອນຕາມເວລາປະຕິທິນ (ເວັ້ນເສຍແຕ່ຈະມີການຕໍ່ເວລາກໍານົດການສູງສຸດ 20 ວັນລັດຖະການ) ນັບແຕ່ວັນທີ່ຄໍາຮ້ອງທຸກໄດ້ຍື່ນໄປແລ້ວ.