

Lao People's Democratic Republic
Peace, Independence, Democracy, Unity, Prosperity

National Assembly

No 02/ NA
Date 10 April 2001

TELECOMMUNICATION LAW

Part I General Provision

Article 1. Function of the Telecommunications Act

The Telecommunication Act defines the principles, the regulations on the organization and the telecommunication activities, the management of the radio frequency for the radio communication, the radio broadcasting of sound and television and other radio frequencies; the administration of the numbering, the infrastructure; the management and the use of the Satellite orbital slot, the county code top level domain name of the Lao People's Democratic Republic; the management of tile Telecommunication and Internet services within the country and with foreign countries aiding at providing a universal, qualitative, accurate, clear, convenient, fast, safe and fair telecommunication services to the society which will be contributed to the national defense arid development and the international cooperation.

Article 2. Terms and Definition

1. "**telecommunication**" means the ad Of emission, transmission or reception, through the agency of electromagnetism, of any sounds, signs, writing, images or intelligence of any nature, by wire, radio, optical or other electromagnetic systems.
2. "**telecommunication resources**" means radio frequencies, numbering, satellite orbital position and the telecommunications infrastructure.
3. "**numbering**" means number, sign or other mark uses for the identification telecommunication networks and facilities in order to connect between the place of transmission amid the place of reception of telecommunication services.
4. "**telecommunication infrastructure**" means buildings, structures includes equipment and transmission facilities to support the telecommunication networks such as duct, pole, mast, tower, antenna, optic fiber, cooper wire, any kind of transmission line and so on..
5. "**telecommunication equipment**" means machines, copper cables or optical fiber, duct, manhole, pole, mast, tower or other structure or series of equipment used or to be used in connection with the electrical or electromagnetic facilities to establish telecommunications services.
6. "**terminal equipment**" means telecommunications equipment used in the offices or in the premises of the users or customers includes wire line or wireless telephone sets,

facsimile machines, computers modems and associated hardware and internal wiring to the customer's offices or premises (property on which the customer has installed the terminal equipment).

7. "telecommunication network" means a full interconnected and integrated system of telecommunications consisting of various means of wire lines and wireless system of transmission and switching, utilized to provide telecommunication services to the general public;
8. "Internet" means an interconnected system of various computer communication networks world wide through the telecommunications network to transmit/receive and exchange data and information, and is included in telecommunication.
9. "country code top level domain name" means the abbreviation letter which the international internet organization assigned to each country for the convenience of communication through the internet.
10. "radio frequencies " means frequencies or spectrum of naturally propagated electromagnetic waves in the range 3 kilohertz to 300 Gigahertz which are utilized for transmission and reception of telecommunication signals;
11. "Satellite Position and Orbit" means the position of the .fixe or mobile satellite and its orbit 6pathj in the space.
12. "**radio station**" Inea2ls the unit of radio equipment and frequencies licensed by the Ministry of Communications, Transports, Posts and Construction to install for the purpose of exclusive use by an authorized juristic person or organization;
13. "**Interconnection**" means the interconnection of the networks of the telecommunication services providers for the purpose of Providing a wide range of services to customers.
14. "**telecommunications service provider**" means a person or organization authorized to establish an enterprise to provide telecommunications services under this Act;
15. "**user** or customer" means a person or an organization who use the telecommunication services under this Act;
16. "**resale**" means the offering to users or customers for profit of telecommunication services obtained from another telecommunication service provider.

Article 3. Management of Telecommunications Resources and Equipment

The State manages the telecommunication resources and the registration of the telecommunication equipment within the country.

Article 4. Policy on the Promotion in Telecommunication

The state encourages the local and foreign investors to compete and to cooperate in the investment for the construction, the development, the expansion of the telecommunication network and services in accordance with the types prescribed by the Government,

Article 5. Fund for the development of Telecommunications r

To develop the telecommunications progressively and modernly, the Government of Lao PDR authorizes the set up of the Telecommunications Development Fund which sources from internal

support, foreign countries, international organizations funding and from a share of fees and charges for telecommunications services.

Article 6. International relation and cooperation

The State promotes the international relationship and cooperation under mutual respect for independence, sovereignty and territorial integrity, mutual benefit in the development of information and communication technology infrastructure, the interconnection of the telecommunication networks, the offer of various telecommunication services universally, the management and coordination of the radio frequency and the satellite orbital position within the country and with international in order to give tile modern telecommunication services to tile Citizen.

Part II **The Telecommunication Systems and** **The Type of Telecommunication Services in Lao PDR**

Article 7. The Telecommunications System

There are three systems of telecommunications in Lao PDR:

1. A Public Switch Telecommunications Network system;
2. A wireless telecommunications system;
3. A combination of both wire line wireless system.

The telecommunications systems are capable to use in different types of telecommunication services such as telegraphy, telephony, facsimile, mobile telephone, paging, e-mail, internet and so on.

Article 8. Type of Telecommunication Services

- Fixed telephone;-
- Long distance telephone;
- International telephone;
- Mobile telephone;
- Public telephone;
- Facsimile;
- Telex
- Telegraphy;
- Pager;
- Radio broadcasting of sound and television;
- Trunk mobile;
- Electronic mail;
- Internet;
- VOIP
- Leased line/ leased circuit and VSAT;

- telecommunication Infrastructure services;
- Others value added services.

Part III

Regulation on Telecommunications Services

Article 9. General Regulations

The offer of all the types of telecommunication services Must strictly observed the laws and regulations on telecommunications and other related laws and regulations of the Lao People's Democratic Republic.

Article 10. Fees and Tariffs for Telecommunications Services

fees and tariffs for telecommunications are revenue which soured from telecommunications activities such as the usage fees for satellite orbital position and country code Top Level Domain name, copyright, licensing fee for frequency management, the cost of setting up and telecommunications businesses operation, production, export, import, supply of telecommunications equipment, fees and tariffs of other involved telecommunications business,

Article 11. Setting of Fees and Tariffs for Telecommunications Services

The Ministry of Communication, Transport, Post and Construction in collaboration with the Ministry of Finance and other related party prepare the regulation on the, formulation of tile fees, tariffs, copyrights of the telecommunications to submit to the government for approval.

Article 12. Scope of tine Telecommunications Services

The scopes of telecommunications services in Lao PDR are as follow:

- Domestic telecommunication services
- International telecommunications services

The scope of the domestic telecommunication services is to providing of telecommunication services within the country.

The scope of the International telecommunications se-ices is to providing of telecommunication services between Lao People's Democratic Republic and foreign countries in accordance with the agreements or the international conventions that the Government has committed.

Part IV

The Business of Telecommunication Services

Article 13. Application for thew setting up of an Enterprise of Telecommunication Services

The application for setting up of an Enterprise of Telecommunication Service shall comply with the business Law and the Law on the Promotion of Local Investment and other related laws of the Lao P.D.R.

For the foreign investment it shall comply with the Business Law and the Law on the Promotion and Management of Foreign Investment in Lao PDR.

Article 14. Rights and Duties of the Telecommunications Service Provider

The Telecommunications Service Provider has the rights and duties as follows:

1. Request for an appropriate consideration and authorization from the Government, the organization the concerned individual for the use of a private or a corporate properties such as location, land, road, drain, building and other facilities in compliance with the laws and regulations.
2. Propose fees and tariff which meet the socio-economic circumstances of each period to the Ministry of Communications, Transports, Posts and Construction;
3. To temporarily or permanently suspend services of customer who violate the regulations on telecommunications services such as:
 - Irregularly clear the due bill for services after reminder;
 - Connect in parallel one's telephone for another person without authorization or violate other telecommunication regulations;
4. Develop the telecommunications network, especially the basic telephone to provide service to customers country wide as prescribed by the Ministry of Communications, Transports, Posts and Construction;
5. Assure the interconnection and numbering plans with other telecommunication network providers to route the information to the correct destination domestically and internationally;
6. To provide telecommunications services as authorized;
7. Assure universal, good quality, accurate, clear, convenient, fast, safe and fair services to customers;
8. To produce, export, import, supply and install the standardized telecommunication equipment as requested by users or customers;
9. To follow the regulations on financial accounting, statistics, reports and obligations as prescribed by the Government;
10. To be subject to monitoring by the relevant administrations;
11. Grant privilege to the state organization to provide telecommunication services;
12. To be prohibited from leasing or transferring of the licenses for the setting up of telecommunications services to a third party;
13. To be prohibited from using telecommunications to destroy the national stability, peacefulness and the development of the socio-economy or the national culture;

To be prohibited from using telecommunications to cause damage to the dignity of a person or an organization;

'To be prohibited from adjusting one's radio frequency or using one's telecommunication equipment or network to the radio frequency or telecommunication network of another service providers or users aiming to stop, interfere, attack, destroy, modify, delete, tap, listen, steal, or detect the data and information;

14. Besides the telecommunication service provider, has the rights and duties as prescribed in the laws and regulations on the telecommunication services.

Article 15. Rights and of the Consumer

The customers of telecommunications services have the rights and duties as follows:

1. To obtain a good quality, an accurate, a clear, a convenient, a fast, a safe and a fair telecommunications services;
2. To resell of telecommunications services to other users as authorized by the Ministry of Communications, Transports, Posts and Construction;
3. Propose to the service provider or to the related state administration to solve the technical failing and investigate the service charges;
4. To follow the technical instructions and rules on the usage of telecommunication equipment and other rules as prescribed by the concern authority;
5. To pay the due bill for the service offer regularly;
6. To be prohibited from using telecommunications to destroy the national stability, peacefulness, the development of the socio-economy or the national culture;
To be prohibited from using telecommunications to cause damage to the dignity of a person or an organization;
To be prohibited from adjusting one's radio frequency or using terminal equipment or network to the radio frequency or telecommunication network of another service providers or users aiming to interrupt, interfere, attack, destroy, modify, delete, tap, listen, steal, or clearer the data and information;
7. To be subject to monitoring by the relevant administration;
8. Besides the telecommunication service provider has the rights and duties as prescribed in the laws and regulations on the telecommunication services.

Part V

Management and Inspection of Telecommunications

Article 16. Objective of the Management and Inspection

The objective of the management and inspection of Telecommunications is aiming to regularize the use of the national radio frequency, the satellite Position and orbit, the administration of the numbering, the country code top level domain name and the business activity for providing various types of telecommunication services in conformity with the telecommunication law and the related laws and regulations of the Lao P.D.R.

Article 17. The Management and Inspection Organizations

The management and inspection organizations of telecommunications , comprise (of

- The Ministry of Communications, Transports, Posts and Construction;
- The provincial, municipal and special zone Departments of Communications, Transports, Posts and Construction;
- The communications, Transports, Posts and Construction Office of the districts (Muang).

Article 18. Rights and Duties of the Ministry of Communications, Transports, Posts and Construction

The Ministry of Communications, Transports, Posts and Construction has the rights and duties on telecommunications as follow:

1. Study and define the strategic plays for the development of telecommunications;
2. Formulaic the policy, the plan, the program, the projects and seeking for source of fund for the development of Telecommunications;
3. Cooperate with the Ministry of Finance and other related organizations to study and draft the regulation on the set up, the management and the use of the telecommunication development fund for further submit to the Government for approval;
4. Study, propose or decide the issuance of license for the setting up the extension, the suspension and termination of the Telecommunication business.
5. Coordinate with the related administration in reservation, management and allocation of the national radio frequency; the administration and the use of the satellite position and orbit, the administration of the country code top level domain name; the management of the service providers and the customers;
6. Coordinate with the related administrations to study and propose the regulation on the tariff, the property right and other service charges;
7. Study and define the technical standard; select the technology about the Telecommunication equipment and provide the rules and instruction for the use of those equipment within the country;
8. Regulation the management of Telecommunications national wide;
9. Coordinate and cooperate with foreign counties and international organizations to create a favorable condition for the development of telecommunications.

Article 19. Rights and Duties of the Provincial Division and .he Special Zones of Communications, Transports, Posts and Construction

The Divisions of Communications, Transports, Posts and Construction of t17c Provinces, the Municipality and the Special Zone have the rights and duties on telecommunications as follows:

1. Follow up, inspect the usage of radio equipment and frequencies including the use of the Internet within its local area;

2. To record the statistics of the users and the demand for different types of telecommunications services;
3. follow up and inspect the business activities of the local telecommunications service providers;
4. Perform the rights and duties on the telecommunications is assigned by the Ministry of Communications, Transports, Posts and Construction.

Article 20. Rights and Duties of the Office of Communication , Transports, Posts and Construction of the district (Muang)

The Offices of Communications, Transports, Posts and Construction of the Districts (Muang) have the rights and duties on the telecommunications as follows:

1. Follow up and inspect of the telecommunications as assigned by the Division of Communications, Transports, Posts and Construction of its respective Provinces, municipality or Special Zone.

Article 21. Content of the Inspection

The key issues of the telecommunications inspection are as follow:

1. Inspection of tile planning, the surveys, the designs for the construction and time installation of telecommunications facilities;
2. Inspection of the safety standard and the environment protection in the construction and installation of telecommunication facilities;
3. Inspection of the technical standard and technology of the telecommunications facilities and equipment;
4. Monitoring of the radio frequencies;
5. Inspection of the Standard of services includes the financial accounting records in the telecommunication business;
6. Inspection of the implementation of the telecommunication law, the bidding documents, the construction contracts and the installation of telecommunications facilities, the fulfillment of contracts on telecommunication activities which the government has authorized a person or an organization to enter into the agreement inside or outside the country and the contract agreement that the Government has signed with foreign countries.

Article 22. Forms of Inspections

There are three forms of telecommunications inspection as follows:

1. Inspection regular;
2. Inspection with prior notification;
3. Inspection immediate.

Inspection regular is conducted under a regular plan and within limited time.

Inspection with prior notification is conducted out of the plan when it is deemed necessary with prior notification to the inspected person.

Inspection in3mediate is directly conducted without prior notification to the inspected person.

In conducting the telecommunication inspections, tile authorities of the inspection's organization shall strictly exercise their duty in accordance with the law and regulations.

Part VI Settlement of Disputes

Article 23. Administrative Settlement of Disputes

An administrative dispute is any dispute from the fulfillment of the terns and conditions prescribed in the license on the operation of telecommunication business.

An administrative dispute shall be settled in accordance with the rules set forth by the Ministry of Communication, Transports, Posts and Construction.

Article 24. Civil Settlement of disputes

A civil dispute is any dispute arising from the construction, the installation or the service of telecommunications that create civil damage to the users or to the third party .

A civil dispute shall be firstly settled between the party concern. If the result a is unsatisfied the complainant has the right to appeal to floe court.

Part VII Reward to contributors and Measure against violators

Article 25. Reward to contributors

An investor who has efficiently, progressively, modernly and qualitatively constructed, developed and expanded of telecommunication network, manufactured of telecommunication equipment and provided the telecommunications services includes a person, a national and international organizations who has made an excellent contribution to tare development of telecommunications in Lao P.I.:R shall be admired and rewarded as deemed appropriated.

Article 26. Measure against violators

A person or an organization who has violated any provision of this act shall be educated, fined or penalized depending on the degree of contravention's including the compensation for damages one caused.

Article 27. Education measures

A person or an organization who is slightly contravened any of the provisions of this Act shall be educated such as:

- a service provider did not fix the technical failing of the installation, the reparation or other telecommunications services in time and comply with the technical standards;
- the users does not pay for their service charges regularly etc.

Article 28. Fine measures

A person or an organization who is contravened any provisions of this Act shall be fined such as:

- Providing telecommunication services without a license;
- Providing telecommunication services beyond the authorized type and area of services;
- Leasing or transferring the license to a third party;

The Ministry of Communications, Transports, Posts and Construction in collaboration with the concern administration prepare the draft regulation on the rate of fines and submit to the Government for approval.

Article 29. Penal measures

A person who is violated any of the provisions of this net shall he penalized such as:

1. Use of telecommunications to destroy the national stabilization, peacefulness, the development of the socio-economy or the national culture;
2. Use of telecommunications to cause damage to the dignity of a person or organization;
3. Adjust one's radio frequency or taping one's telecommunication equipment or network to another radio frequency or equipment or network aiming to interrupt , interfere, Invade, destroy, modify, delete, tap, listen, steal or detect the Information and data;
4. Destroy the public or the e private telecommunication facilities;
5. Import of telecommunications equipment illegally;
6. Abusing one's position, authority, offer and receive bribes, falsify of the documents, issue of the telecommunications licenses illegally;
7. Guilty of delinquencies on telecommunications.

Article 30. Additional punishments prescribed in Article 28 and 29 of this Act, the offender may be punished additional such as:

- Termination of business;
- Revoke of license;

- Seizure of equipment used to commit.

Part VIII
Final Provisions

Article 31. Implementation of the Act

The Government of the Lao PDR enforces this Act.

Article 32. Enforcement of the Act ;

This Act shall enter into force in 120 days after the President of the Lao People's Democratic Republic has issued the Presidential Decree for the implementation of the Act. The regulations and decrees previously issued if deemed to contravene to this Act shall be abolished.

Chairman of the National Assembly
Signed and Sealed

Samane VIGYAKET

president decree No. 50
on the implementation of this act issued on 25 April 2001.

Signed and Sealed
Khamtay SIPHANHDONE