

Lao People's Democratic Republic
Peace Independence Democracy Unity Prosperity

National Assembly

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TELECOMMUNICATIONS ACT

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Part I: General Provision

Article 1. **Function of the Telecommunications Act**

The Telecommunications Act defines the principles and the regulation of organizations and telecommunications activities, the management of radio frequencies for radio communication, the radio broadcasting of sound and television and other radio frequencies; the administration of numbering and infrastructure; the management and use of the satellite position and orbit and the country code top level domain name of the Lao People's Democratic Republic; the management of the telecommunications and Internet services nationally and internationally with the aim to provide universal, good quality, accurate, clear, convenient, fast, safe and fair telecommunications services to society, which will contribute to the national defense and development and international cooperation.

Article 2. **Terms and Definitions**

1. **“telecommunications”** means the act of emission, transmission or reception, through the agency of electricity or electromagnetism, of any sounds, signs, writing, images or intelligence of any nature, by wire, radio, optical or other electromagnetic systems.
2. **“telecommunications resources”** means radio frequencies, numbering, satellite position and orbit the telecommunications infrastructure.
3. **“numbering”** means number, sign or other mark used for the identification of telecommunications networks and facilities in order to connect between the place of transmission and the place of reception of telecommunications services.

4. **“telecommunications infrastructure”** means buildings and structures, including equipment and transmission facilities to support the telecommunications networks, such as: duct, pole, mast, tower, antenna, optic fiber, copper wire, any form of transmission line, etc.
5. **“telecommunications 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 electrical or electromagnetic facilities to establish telecommunications services.
6. **“terminal equipment”** means telecommunications equipment used in the offices or in the premises of users or customers and includes wire lines 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. **“telecommunications network”** means a fully interconnected and integrated system of telecommunications consisting of various means of wire-lines and wireless systems of transmission and switching, utilized to provide telecommunications services to the general public.
8. **“Internet”** means an interconnected system of various computer communications networks worldwide through the telecommunications network to transmit/receive and exchange data and information, and is included in telecommunications.
9. **“country code top level domain name”** means the abbreviation letter which the international Internet organization has 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 3000 Gigahertz which are utilized for transmission and reception of telecommunications signals.

11. **“satellite position and orbit”** means the position of the fixed or mobile satellite and its orbit (path) in space.
12. **“radio station”** means the unit of radio equipment and frequencies licensed by the Ministry of Communications, Transports, Posts and Construction installed for the purpose of exclusive use by a legally authorized person or organization.
13. **“interconnection”** means the interconnection of the networks of the telecommunications 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 uses the telecommunication services under this Act.
16. **“resale”** means the offering to users or customers for profit telecommunications services obtained from another telecommunications service provider.

Article 3. Management of Telecommunications Resources and Equipment

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

Article 4. Policy on the Promotion of Investment in Telecommunications

The State encourages local and the foreign investors to compete and to cooperate in investment in the construction, development, and

expansion of the telecommunications network and services in accordance with the systems prescribed by the Government.

Article 5. Fund for the Development of Telecommunications

To develop up-to-date telecommunications systems progressively, the Government of Lao P.D.R. authorizes the set up of the **Telecommunications Development Fund** which sources from internal support, foreign countries, international organization funding, and from a share of fees and charges for telecommunications services.

Article 6. International Relations and Cooperation

The State promotes international relationships and cooperation through mutual respect for independence, sovereignty and territorial integrity, mutual benefit in the development of information and communications technology infrastructure, the interconnection of telecommunications networks, the offer of various telecommunications services universally, the management and coordination of radio frequencies and satellite position and orbit both nationally and internationally, in order to provide modern telecommunications services to its citizens.

Part II:

Telecommunications Systems and Types of Telecommunications Services in Lao P.D.R.

Article 7. Telecommunications Systems

There are three systems of telecommunications in Lao P.D.R.:

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

These telecommunications systems are capable of use in different types of telecommunications services, such as: telegraphy, telephony, facsimile, mobile telephone, paging, e-mail, Internet etc.

Article 8. Types of Telecommunications Services

There are different types of telecommunications services in Lao P.D.R., such as:

- 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;
- Telecommunications infrastructure services;
- Other value added services.

Part III: Regulation of Telecommunications Services

Article 9. General Regulations

The offer of all types of telecommunications services must strictly observe 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 sourced from telecommunications activities such as the usage fees for satellite position and orbit and country code top level domain name, copyrights, licensing fees for frequency management, the cost of setting up and operation of telecommunications businesses, the production, export, import and supply of telecommunications equipment, and fees and tariffs of other involved telecommunications businesses.

Article 11. Setting of Fees and Tariffs for Telecommunications Services

The Ministry of Communications, Transports, Posts and Construction, in collaboration with the Ministry of Finance and other related parties, prepares the regulations on the formulation of fees, tariffs and copyrights of the telecommunications services to submit to the government for approval.

Article 12. Scope of Telecommunications Services

The scope of telecommunications services in Lao P.D.R. is as follows:

- Domestic telecommunications services
- International telecommunications services

The scope of the domestic telecommunications services is to provide telecommunications services within the country.

The scope of the international telecommunications services is to provide telecommunications services between Lao People's Democratic Republic and foreign countries, in accordance with the agreements or the

international conventions that the Government has committed to.

Part IV:

The Business of Telecommunications Services

Article 13. Application for the Setting up of an Enterprise of Telecommunications Service

The application for setting up of an Enterprise of Telecommunications 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 foreign investment it shall comply with the Business Law and the Law on the Promotion and Management of Foreign Investment in Lao P.D.R.

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, organization, or concerned individual for the use of private or corporate properties such as location, land, road, drain, building and other facilities in compliance with the laws and regulations;
2. Propose fees and tariffs which meet the socio-economic circumstances of each period to the Ministry of Communications, Transport,

Posts and Construction;

3. To temporarily or permanently suspend services of customers who violate the regulations on telecommunications services such as:

- Non-payment of due bill for service after reminder;
- Connecting in parallel one's telephone with that of another person without authorization, or violating other telecommunications regulations;

4. Develop the telecommunications network, especially the basic telephone, to provide service to customers countrywide as prescribed by the Ministry of Communications, Transport, Posts and Construction;

5. Assure the interconnection and numbering plans with other telecommunications 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 standardized telecommunications 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 telecommunications services;

12. To be prohibited from leasing or transferring 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 telecommunications equipment or network at the radio frequency or telecommunications network of other service providers or users, aiming to stop, interfere, attack, destroy, modify, delete, tap, listen, steal, or detect data and information;

14. The telecommunications services provider also has the rights and duties as prescribed in the laws and regulations on the telecommunication services.

Article 15. Rights and Duties of the Customer

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

1. To obtain good quality, accurate, clear, convenient, fast, safe and fair telecommunications services;
2. To resell 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 ways to solve technical failings and investigate the service charges;
4. To follow the technical instructions and rules on the usage of telecommunications equipment and other rules as prescribed by the concerned

authority;

5. To pay due bills for the provision of regular services;

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 one's terminal equipment or network at the radio frequency or telecommunications network of other service providers or users, aiming to interrupt, interfere, attack, destroy, modify, delete, tap, listen, steal, or detect data and information.

7. To be subject to monitoring by the relevant administration;

8. The telecommunications service provider also has the rights and duties as prescribed in the laws and regulations on the telecommunications services.

Part V: Management and Inspection of Telecommunications

Article 16. Objective of Management and Inspection

The objective of the management and inspection of telecommunications aims 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 business activities for providing various types of telecommunications 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 follows:

1. Study and define strategic plans for the development of telecommunications;
2. Formulate policies, plans, programs, projects and obtain funding for the development of telecommunications;

3. Cooperate with the Ministry of Finance and other related organizations to study and draft regulations on the set up, management and use of telecommunications development funds for further submission to the Government for approval;
4. Study, propose or decide the issuance of licenses for the setting up, extension, suspension and termination of telecommunications businesses;
5. Coordinate with the related administrations concerning 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 service providers and customers;
6. Coordinate with the related administrations to study and propose regulations on tariffs, copyrights and other service charges;
7. Study and define technical standards; select the technology for telecommunications equipment and provide the rules and instruction for the use of that equipment within the country;
8. Regulate the management of telecommunications nationwide;
9. Coordinate and cooperate with foreign countries and international organizations to create favorable conditions for the development of telecommunications.

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

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

1. Follow up and inspect the usage of radio equipment and frequencies including the use of the Internet within its local area;
2. Record user statistics and the demand for different types of telecommunications services;
3. Follow up and inspect the business activities of local telecommunications service providers;
4. Perform the rights and duties on telecommunications as assigned by the Ministry of Communications, Transports, Posts and Construction.

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

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

1. Follow up and inspect telecommunications services within its district;
2. Perform the rights and duties on telecommunications as assigned by the Division of Communications, Transports, Posts and Construction in its respective Provinces, Municipality or Special Zone.

Article 21. Content of the Inspection

The key issues of the telecommunications inspection are as follows:

1. Inspection of the planning, surveys, and designs for the construction and installation of telecommunications facilities;
2. Inspection of safety standards and environmental protection in the

- construction and installation of telecommunications facilities;
3. Inspection of technical standards and technology of the telecommunications facilities and equipment;
4. Monitoring of radio frequencies;
5. Inspection of the standard of services including the financial accounting records used in the telecommunications business;
6. Inspection of the implementation of telecommunications law, bidding documents, construction contracts and installation of telecommunications facilities, the fulfillment of contracts on telecommunications activities which the government has authorized a person or an organization to enter into an agreement within or outside the country, and contract agreements that the Government has signed with foreign countries.

Article 22. Forms of Inspection

There are three forms of telecommunications inspection as follows:

1. Regular inspection;
2. Inspection with prior notification;
3. Immediate inspection.

Regular inspection is conducted under a regular plan and within a limited time.

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

Immediate inspection is directly conducted without prior notification to the inspected person.

In conducting telecommunications inspections, the authorities of the inspection 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 arising from the fulfillment of the terms 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 Communications, Transports, Posts and Construction.

Article 24. Civil Settlement of Disputes

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

A civil dispute shall first be settled between the parties concerned. If the result is unsatisfactory, the complainant has the right to appeal to the court.

Part VII:

Reward to Contributors and Measures against Violators

Article 25. **Reward to Contributors**

An investor who has efficiently, progressively, modernly and qualitatively constructed, developed and expanded a telecommunications network, manufactured telecommunications equipment and provided telecommunications services can include a person, a national or international organization who has made an excellent contribution to the development of telecommunications in Lao P.D.R. Such a contributor shall be admired and rewarded as deemed appropriate.

Article 26. **Measures 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, including compensation for damages caused.

Article 27. **Education Measures**

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

- a service provider who did not fix the technical failing of an installation, perform reparation or other telecommunications services in time and failed to comply with the technical standards;

- users not paying for their service charges regularly, etc

Article 28. Measures for Applying Fines

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

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

The Ministry of Communications, Transports, Posts and Construction in collaboration with the concerned administration prepares draft regulations on the rate of fines and submits them to the Government for approval.

Article 29. Measures for Applying Penalties

A person who has violated any of the provisions of this Act shall be penalized for activities such as:

1. Use of telecommunications to destroy the national stabilization, peacefulness, 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. Adjustment of one's radio frequency or tapping one's telecommunications equipment or network to another radio frequency or equipment or network aiming to interrupt, interfere, invade, destroy, modify, delete, tap, listen, steal or detect information and data;

4. Destruction of public or private telecommunications facilities;
5. Import of telecommunications equipment illegally;
6. Abuse of one's position or authority, offering and receiving bribes, falsification of documents, issue of telecommunications licenses illegally;
7. Guilty of delinquencies on telecommunications.

Article 30. Additional Punishment Measures

Besides the punishments prescribed in Articles 28 and 29 of this Act, the offender may be punished additionally by such means as:

- Termination of business;
- Revocation of license;
- Seizure of equipment used to commit the offence.

Part VIII: Final Provisions

Article 31. Implementation of the Act

The Government of the Lao P.D.R. enforces this Act.

Article 32. Enforcement of the Act

This Act shall enter into force within 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 this Act shall be abolished.

Chairman of the National Assembly

Signed and Sealed

Samane VINGAKET

President Decree No. 50
on the implementation of this Act
issued on 25 April 2001.

Signed and Sealed

Khamtay SIPHANDONE