



LAO PEOPLE'S DEMOCRATIC REPUBLIC
PEACE INDEPENDENCE DEMOCRACY UNITY PROSPERITY

President's Office

No. 50/PO

DECREE
of the
PRESIDENT
of the
LAO PEOPLE'S DEMOCRATIC REPUBLIC

On the Promulgation of the Law on Telecommunications

Pursuant to Chapter 5, Article 53, point 1 of the Constitution of the Lao People's Democratic Republic which provides for the promulgation of the Constitution and of laws which are adopted by the National Assembly;

Pursuant to Resolution No. 05/NA, dated 10 April 2001, of the National Assembly of the Lao People's Democratic Republic regarding the adoption of the Law on Telecommunications; and

Pursuant to the Proposal No. 05/NASC, dated 20 April 2001, of the National Assembly Standing Committee.

**The President of the Lao People's Democratic Republic
Decrees That:**

Article 1. The Law on Telecommunications is hereby promulgated.

Article 2. This decree shall enter into force on the date it is signed.

Vientiane, 25 April 2001
The President of the Lao People's
Democratic Republic

[Seal and Signature]

Khamtai SIPHANDONE



LAO PEOPLE'S DEMOCRATIC REPUBLIC
PEACE INDEPENDENCE DEMOCRACY UNITY PROSPERITY

National Assembly

No. 02/NA
10 April 2001

LAW ON TELECOMMUNICATIONS

**Chapter 1
General Provisions**

Article 1. Function of the Law on Telecommunications

The Law on Telecommunications determines the principles and regulations governing [the following matters:] the establishment and operation of telecommunication activities[;] the management of the radio frequency spectrum, which includes communication frequencies, radio and television broadcast [frequencies], and other frequencies[;] the administration of telecommunication codes [and] infrastructure[;] the management and use of satellite positioning, [and] the highest internet code of the Lao People's Democratic Republic[; and] the management of different telecommunication services[;] including domestic and international internet services for the purpose of ensuring services to the society in terms of communication or widespread, quality, proper, accurate, convenient, rapid, safe and equitable transmission and receipt of information, which would contribute to national defence and development, including international relations and exchange of information.

Article 2. Definitions

1. Telecommunication refers to the domestic and international transmission and receipt of information, sound, pictures, numbers, letters and symbols by copper wire, mixed metal wire, fibre-optic cable, electromagnetic systems and others¹;
2. Telecommunication Resources refers to the radio frequency spectrum, telecommunication numbers,² [and] satellite positioning, including telecommunication infrastructure;

¹ The term "others" is a literal translation and is not subject to further specificity.

² In Lao, a comma is often used, without further elaboration, to mean "and". Wherever the intended meaning is clear, the translators have translated such commas in one of two ways: (i) by deleting the comma and substituting it with the word "and" in square brackets (i.e., [and]); or (ii) by retaining the comma and adding the word "and" in square brackets (i.e., , [and]). Where the meaning is more ambiguous, the translators have translated the text literally, retaining the comma alone.

3. Telecommunication Number refers to the [reference] number, letter or other symbols indicating the telecommunication network and the equipment at the point of transmission or destination in a town, province and country for telecommunication transmissions;
4. Telecommunication Infrastructure refers to buildings, [and] structures, as well as equipment and signal-transmitting wires[,] to support telecommunication network services, such as wires, wire poles, telecommunication poles, air wires³, fibre-optic cables, copper wires, telecommunication signal wires and others;
5. Telecommunication Equipment refers to different telecommunication machines such as telephone centres, telephone sets, radio transmission and receivers sets, telex machines, telegraph machines, facsimile machines, computers, generators, electricity supply and other associated equipment, including copper wires, mixed metal wires, fibre-optic cables, air wires or materials used to connect with the telecommunication network;
6. Terminal Equipment refers to telecommunication equipment used by service users, such as wired or wireless telephone sets, facsimile units, computer units, accessories and internal wires which are the property of the service users;
7. Telecommunication Network refers to the central system of the telecommunication infrastructure which includes wired and wireless systems or systems integrating both [wired and wireless components], including equipment incorporated into telecommunication services;
8. Internet refers to the connection of different computer networks worldwide through telecommunication networks for the transmission, receipt and exchange of information;
9. Country Code Top Level Domain refers to the initials provided by the International Internet Agency to each user country as the highest [internet] code for the purpose of facilitating the distinction of countries within the Internet system;
10. Radio Frequencies refers to frequencies of electromagnetic waves in the range of three kilohertz to three thousand gigahertz utilized in the communication or transmission and receipt of information;
11. Satellite Position refers to the fixed or moving position of satellite units or stations and the circuit of such satellite unit or station in the airspace;
12. Specific Radio Station refers to radio stations licensed by the Ministry of Communication, Transport, Post and Construction to install and use radio frequencies for a specific purpose of an organisation;
13. Interconnection refers to an interconnection between networks of different telecommunication service providers allowing users of different networks to communicate with each other;
14. Service Provider refers to legal entities which are licensed to establish an enterprise to conduct telecommunication services;

³ This is a literal translation. The translators understand that the term might simply refer to wires that are suspended in the air.

15. Service User refers to persons or organisations using different types of telecommunication services;
16. Sub-Servicing refers to sub-telecommunication services provided to users.

Article 3. Management of Telecommunication Resources and Equipment

The government manages [telecommunication] resources and the registration of telecommunication equipment use within the country.

Article 4. Policy on Telecommunication Investment Promotion

The government promotes competitive and joint investments by domestic and foreign investors in the construction, development, [and] extension of telecommunication networks, [and] telecommunication services in the forms, types and scopes determined by the government.

Article 5. Telecommunication Development Fund

For the purpose of developing, advancing and modernising the telecommunication sector, the government authorizes the establishment of a Telecommunication Development Fund [;] contributions to such fund are from grants from domestic and foreign sources, from international organisations and partially from telecommunication fees and telecommunication services charges.

Article 6. International Relations and Cooperation

The government promotes foreign and international relations and cooperation on the basis of respect for independence [and] sovereignty, [and on the basis of] mutual interest in telecommunication technology infrastructure and information, telecommunication interconnection, widely available telecommunication services, [and] the administration and coordination of the radio frequency spectrum, domestic and foreign satellite positioning, which would allow the population to use advanced and modern communications.

Chapter 2
Systems and Types of Telecommunication Services in
the Lao People's Democratic Republic

Article 7. Telecommunication Systems in the Lao People's Democratic Republic

The telecommunication systems under which services are provided in the Lao People's Democratic Republic include three systems as follows:

1. Wired telecommunication system;
2. Wireless telecommunication system;

3. Telecommunication system integrating wired and wireless [components]. These telecommunication systems may be used for different types of communication, such as telex, telephone, telegraph, facsimile, personal radio, electronic mail, internet and others.

Article 8. Types of Telecommunication Services in the Lao People's Democratic Republic

The types of telecommunication services in Lao People's Democratic Republic are as follows:

1. Fixed land line telephone;
2. Long-distance telephone; international telephone;
3. Mobile telephones;
4. Public telephones;
5. Facsimile;
6. Telegraph;
7. Telex;
8. Personal radio;
9. Radio and television broadcast;
10. Mobile radio for specific purposes;
11. Electronic mail;
12. Internet;
13. Telephone through the Internet [VOIP];
14. Services in relation to wire or circuit lease and small satellite dishes or V-SAT;
15. Telecommunications infrastructure services;
16. Complementary services and others.

Chapter 3
Telecommunication Services Regulations

Article 9. General Rules

All types of telecommunication services must strictly comply with the law and regulations on telecommunications, and other relevant laws and regulations of the Lao People's Democratic Republic.

Article 10. Telecommunication Charges and Service Fees

Telecommunication charges and service fees are revenues generated from various types of telecommunication operations, such as[:] fees for the right to use satellite positions, the highest national internet code, [or] intellectual property[;] charges relating to the issuance of licences to use radio frequencies, for the establishment and conduct of communication business or the transmission and receipt of information, [or for] the production, exportation, importation, [or] sale of telecommunication means and equipment [; and] other charges and service fees relating to telecommunication business.

Article 11. Determination of Telecommunication Charges and Service Fees

The Ministry of Communication, Transport, Post and Construction, in coordination with the Ministry of Finance and other relevant sectors⁴, shall prepare regulations on the determination of telecommunication charges and fees, [and] intellectual property fees in relation to telecommunications for submission to the government for consideration and approval.

Article 12. Scope of Telecommunication Services

The scope of telecommunication services in the Lao People's Democratic Republic covers:

- Domestic telecommunication services;
- International telecommunication services.

Domestic telecommunication services refer to various telecommunication services within the country.

International telecommunication services refer to telecommunication services between the Lao People's Democratic Republic and other countries, which must be in compliance with treaties or international agreements to which the Lao People's Democratic Republic is a party.

**Chapter 4
Business in Telecommunication Services**

Article 13. Application for the Establishment of Telecommunication Service Enterprises

The application for the establishment of a telecommunication service enterprise must comply with the Business Law, the Law on Promotion of Domestic Investment and other relevant laws of the Lao People's Democratic Republic.

Foreign investments must comply with the Business Law, [and] the Law on the Promotion and Management of Foreign Investment in the Lao People's Democratic Republic⁵.

Article 14. Rights and Duties of Telecommunication Service Providers

Telecommunication service providers have the following main rights and duties:

⁴ The word "sector" is often used to refer to the cluster of government ministries or agencies engaged in a particular activity.

⁵ Readers may wish to note that this law has since been amended and is now titled the Law on Promotion of Foreign Investment in the Lao People's Democratic Republic.

1. To request the government, [and] relevant organisations or persons to consider and approve[,] as appropriate[,] the use of premises, land, roads, drains, buildings, structures and others in accordance with the laws and regulations;
2. To propose charges and service fees[,] in accordance with the socio-economic conditions from time to time[,] to the Ministry of Communication, Transport, Post and Construction;
3. To suspend, on a temporary or long-term [basis], services to users who have violated telecommunication services regulations in the following circumstances:
 - Failure to pay regular service fees upon a notice;
 - Installation of telephone lines to others⁶ without authorization or in breach of other telecommunication rules;
4. To expand the telecommunication network, especially basic telephone systems, enabling the provision of services to users at the local level within the scope determined by the Ministry of Communication, Transport, Post and Construction;
5. To ensure the interconnection and allocation of signal systems [and] telecommunication numbers of networks and information centres with other telecommunication service providers for the transmission of telecommunication information to their destinations within and outside the country;
6. To provide telecommunication services according to the type [of services] for which they have been granted a license;
7. To ensure widespread, quality, proper, accurate, convenient, rapid, safe and equitable services to users;
8. To produce, export, import, sell and install telecommunication equipment which meets technical standards as required by users;
9. To apply regulations relating to accounting, statistics, reporting and other obligations set by the government;
10. To be subject to inspection by the competent authority;
11. To give priority to State organisations in supplying telecommunication services;
12. Not to permit their investment and business licenses to be used by, leased to, or transferred to others;
13. Not to use communication to defeat national stability, peace, [or the] socio-economic or cultural development of the country.
14. Not to use telecommunication systems to defame persons or organisations;
15. Not to tamper with frequency waves or to use any telecommunication equipment [or] telecommunication network of their own to connect into frequency waves or any telecommunication equipment or network operated by other service providers or users to obstruct, interrupt, encroach [on], destroy, modify, erase, tap into, intercept, steal or retrieve data [and] information;

⁶ This provision appears to be aimed at discouraging individuals from installing unauthorized telephone lines.

16. Apart from the above, telecommunication service providers also have other rights and duties as determined in the laws and regulations of the Lao People's Democratic Republic relating to telecommunication services.

Article 15. Rights and Duties of Telecommunication Service Users

Users of telecommunication services have the following main rights and duties:

1. To receive quality, proper, accurate, convenient, rapid, safe and equitable services;
2. To [resell] telecommunication services to other service users as authorised by the Ministry of Communication, Transport, Post and Construction;
3. To propose to service providers or relevant State organisations to solve technical deficiencies and to inspect⁷ fees and service charges;
4. To comply with technical regulations in the use of telecommunication equipment and [with] other regulations determined by the relevant authorities;
5. To make regular payments of charges and service fees in accordance with the regulations;
6. Not to use communication to defeat national stability, peace, socio-economic or cultural development of the country;
7. Not to use the telecommunication system to defame persons or organisations;
8. Not to tamper with frequency waves or to use any equipment terminal or telecommunication network of their own to connect into frequency waves or any telecommunication equipment or network operated by others to obstruct, interrupt, encroach [on], destroy, modify, erase, tap [into], intercept, steal or retrieve data [and] information;
9. To be subject to inspection by competent authorities;
10. Apart from the above, telecommunication service users also have other rights and duties as determined in the laws and regulations of the Lao People's Democratic Republic relating to the use of telecommunication services.

Chapter 5

Telecommunication Administration and Inspection⁸

Article 16. Objectives of Administration and Inspection

Telecommunication administration and inspection aims at ensuring the use of national frequency waves [and] satellite positions, the administration of code numbers [and the] highest national internet code, and the operation of

⁷ This appears to be a reference to the user's right to propose that the State organisation inspect the fees and service charges of service providers.

telecommunication services of different types in compliance with the laws and regulations on telecommunication, as well as other relevant laws and regulations of the Lao People's Democratic Republic and international rules.

Article 17. Telecommunication Administration and Inspection Authorities⁹

The telecommunication administration and inspection authority consists of:

- The Ministry of Communication, Transport, Post and Construction;
- The provincial, municipal and special zone¹⁰ communication, transport, post and construction divisions;
- The district communication, transport, post and construction offices.

Article 18. Rights and Duties of the Ministry of Communication, Transport, Post and Construction

The main rights and duties of the Ministry of Communication, Transport, Post and Construction relating to telecommunication work are as follows:

1. To study and determine strategic plans for telecommunication development;
2. To determine policies, programs, plans, [and] projects and to look for sources of funds for telecommunication development;
3. To coordinate with the Ministry of Finance and other relevant sectors in studying regulations on the establishment, management and use of a Telecommunication Development Fund for submission to the government for consideration and approval;

⁸ In the Lao language, the same word is used to represent all of the following related (but slightly different) concepts: “control”, “inspection”, “supervision”, “audit” and “monitoring”. As used in Chapter 5 of this law, the translators have chosen “inspection” (and its variants) as the most appropriate English equivalent but readers should note and bear in mind the other meanings that might have been intended.

⁹ In the Lao language, the word roughly meaning “the entire organisation of responsible governmental agencies” is capable of being translated as any one of the following English words: “organisation”, “agency”, or “authority”. In choosing which English word to use, the translators have adopted the following convention. Where the governmental agencies in question have in practice adopted an English term for themselves, the translators have used that term. Otherwise, as in this law, the translators have used the generic term “organisation”.

¹⁰ This law was enacted before the Law on Local Administration. Readers should therefore not assume that the hierarchical relationships and designations described in some detail in the Law on Local Administration applied when this law was enacted. Specifically, the translators are aware that the local administrative territories referred to in this law as “municipalities” may not be the same as those referred to as “municipalities” in the Law on Local Administration even though the Lao word used in both laws is the same.

4. To study, propose or decide on [the issuance of licences]¹¹ for the establishment, renewal, suspension and termination of telecommunication activities;
5. To coordinate with the relevant sectors in subscribing [for], administering and allocating national frequency waves, in administering the use of satellite positions, in administering the highest national internet code, [and] in administering telecommunication service providers and users;
6. To coordinate with the relevant sectors in studying and proposing regulations on fees, intellectual property fees and other service charges;
7. To study [and] determine technical standards, study and select technologies for telecommunication equipment and set specifications in relation to the use of such equipment within the country;
8. To macro manage¹² telecommunication activities throughout the country;
9. To enter into relations and cooperate with foreign countries and international organisations in order to create favourable conditions for the telecommunication development.

Article 19. Rights and Duties of Provincial, Municipal and Special Zone Communication, Transport, Post and Construction Divisions

The provincial, municipal and special zone communication, transport, post and construction divisions have the following main rights and duties in relation to telecommunication activities:

1. To monitor and inspect the use of equipment and communication frequency waves, including the use of the internet[,] within their respective territories;
2. To gather statistics on users and the demand for use of different types of telecommunication services;
3. To monitor and inspect the business operations of different types of telecommunication service providers within their respective territories;
4. To perform other rights and duties relating to telecommunication activities as assigned by the Ministry of Communication, Transport, Post and Construction.

¹¹ The literal translation of this term is “the authorization for”.

¹² The term “macro-manage” is used to refer to management at the central rather than the local level.

Article 20. Rights and Duties of District Communication, Transport, Post and Construction Offices

The district communication, transport, post and construction offices have the following main rights and duties in relation to telecommunication activities:

1. To monitor and inspect the provision of different types of telecommunication services within their respective districts;
2. To perform other rights and duties in relation to telecommunication activities as assigned by the [relevant] provincial, municipal and special zone communication, transport, post and construction division.

Article 21. Nature of Inspection

Telecommunication inspection consists of the following key contents:

1. Inspection of planning, surveys, [and] designs in the construction and installation of telecommunication systems;
2. Inspection of safety standards and environmental protection in the construction and installation of telecommunication systems;
3. Inspection of technical and technological standards of telecommunication means and equipment;
4. Inspection of the use of different types of communication frequency waves;
5. Inspection of systems of service, including accounting and finance systems [,] in the operation of telecommunication businesses;
6. Inspection of the implementation of the Law on Telecommunications, inspection of bidding, of contracts relating to telecommunication systems construction and installation, [and of the] performance of contracts in relation to telecommunication operations which the government has authorised individuals or organisations to sign within or outside the country and agreements signed between the government and foreign countries.

Article 22. Forms of Inspection

Telecommunication inspections may take the following three forms:

- Regular inspection;
- Inspection upon advance notification;
- Inspections without advance notification.

A regular inspection [refers to] an inspection which is performed according to plans on a regular basis and at a specified time.

An inspection upon advance notification [refers to] an inspection which is not performed according to plans, [but only] when deemed necessary and of which the entity to be inspected is notified in advance.

An inspection without advance notification [refers to] an emergency inspection of which the entity to be inspected is not notified in advance.

In performing telecommunication inspections, officers of the inspection authority shall strictly comply with the laws and regulations.

Chapter 6 Settlement of Disputes

Article 23. Settlement of Administrative Disputes

Administrative disputes [refers to] disputes arising from the implementation of the conditions stipulated in telecommunication licenses relating to different types of telecommunication operations.

Administrative disputes shall be settled according to the regulations issued by the Ministry of Communication, Transport, Post and Construction.

Article 24. Settlement of Civil Disputes

Civil disputes [refers to] disputes arising from the construction, installation or provision of different types of telecommunication services causing civil damage to telecommunication users or other persons.

Civil disputes shall first be settled by mediation. If the mediation does not lead to any result, the party who has suffered damage may file a complaint with the court.

Chapter 7 Policies¹³ towards Persons with Outstanding Performance and Measures Against Offenders

Article 25. Policies towards Persons with Outstanding Performance

Investors who have constructed, developed, expanded the system, produced telecommunication equipment and provided telecommunication services efficiently, in an advanced and modern way, and with high quality, as well as domestic and foreign persons and organisations, [and] international organisations which have outstanding performance in contributing to the development of the telecommunication system in the Lao People's Democratic Republic[,] shall be rewarded and appropriate policies shall be applied.

¹³ The term “policies” has the connotation of “privileges” or “incentives”.

Article 26. Measures Against Offenders

Persons or organisations which have violated the provisions of this law shall be re-educated, fined or subject to penal measures depending on the gravity of the violation and shall pay compensation for the damage caused.

Article 27. Re-Education

Any person or organisation which has violated any provision of this law in a minor way as described below shall be subject to re-education:

- Service providers fail to solve technical deficiencies in the installation, repair or provision of different types of telecommunication services in a timely manner and consistent with technical standards;
- Service users fail to pay fees and service charges on a regular basis and others.

Article 28. Fines

Persons or organisations which have violated any of the provisions of this law as described below shall be fined:

- Provision of telecommunication services without license;
- Provision of telecommunication services beyond the list and scope specified in the license;
- Grant of license to other persons for use, [and] lease or transfer of license to other persons.

The Ministry of Communication, Transport, Post and Construction, in coordination with the relevant sectors shall study and determine fines and their rates for submission to the government for consideration and approval.

Article 29. Penal Measures

A person who has violated the provisions of the Law on Telecommunications as described below shall be subject to penal punishment:

1. Use of communications to defeat national stability, peace, [or the] socio-economic or cultural development [of the country];
2. Use of telecommunication systems to defame persons or organisations;
3. Tampering with frequency waves, or using any telecommunication equipment, [or] telecommunication network of their own to connect into frequency waves or any telecommunication equipment or network operated by others to obstruct, interrupt, encroach [on], destroy, modify, erase, tap [into], intercept, steal or retrieve other person's data [and] information;

4. Destruction of public or individual¹⁴ telecommunication systems and equipment;
5. Illegal importation of telecommunication equipment;
6. Abuse of position, abuse of power, giving and receiving bribes, falsifying documents, improper issuance of documents relating to the establishment and provision of telecommunication service;
7. Other criminal offences related to telecommunication activities.

Article 30. Additional Measures [and] Sanctions

In addition to the sanctions described in articles 28 and 29 of this law, offenders may also be subject to additional measures [and] sanctions, such as:

- Suspension of business operations;
- Withdrawal of license;
- Seizure of equipment and means used in committing the offence.

**Chapter 8
Final Provisions**

Article 31. Implementation

The government of the Lao People's Democratic Republic shall implement this law.

Article 32. Effectiveness

This law becomes effective one hundred and twenty days from the date of the promulgating decree issued by the President of the Lao People's Democratic Republic. Any provisions which conflict with this law are null and void.

Vientiane, 10 April 2001
President of the National Assembly

[Seal and Signature]

Samane VIGNAKET

¹⁴ This term has the connotation of “private”.