

Unofficial translation



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

Ministry of Post and Telecommunications

No.: 2507/MPTC
Vientiane Capital, 22 August 2016

DECISION
on
Communication via Satellite

- Pursuant to the Law on Telecommunications (amended) No. 09/NA, dated 21 December 2011;
- Pursuant to the Decree of the Prime Minister of the Lao PDR No. 303/PM, dated 26 July 2011 on the Organization and Operation of the Ministry of Post and Telecommunications;
- Pursuant to the Government Decree on Frequency No. 60/G, dated 03 February 2014;
- Pursuant to the Decision of the Minister of Post and Telecommunications.

The Minister of Post and Telecommunications hereby issues this Decision:

CHAPTER 1
General Provisions

Article 1 Objectives

This Decision defines principles, regulations, and measures regarding the management of communications via satellite for countrywide uniformity, highest efficiency, and effectiveness in ensuring national security, safety, and maintaining social order, regional and international integration, and contributing to national protection and development.

Article 2 Communication via Satellite

Communication via satellite refers to a wireless communication technology with a frequency to receive/transmit audio and/or video signals and information between one or more earth stations and satellites.

Article 3 Definitions

Terms used in this Decision shall have the following meanings:

- 3.1 **Satellite** refers to a human invention that orbits the earth and is used for communication and other purposes;

- 3.2 **Earth station** refers to a station installed on the earth or an air station such as an airplane or balloon used for communicating with one or more satellites;
- 3.3 **Mobile earth station** refers to a ground station that can move and communicate with a satellite at the same time in every area that has a satellite signal;
- 3.4 **Satellite communication device** refers to a device which is used for receiving and/or transmitting signals, information, text, audio, or video material by using a communication frequency via satellite such as a Direct-To-Home television (DTH) or a Very Small Aperture Terminal (VSAT);
- 3.5 **Communication** refers to the receipt and/or transmission of information by using a communication frequency;
- 3.6 **Satellite communication frequency** refers to an electromagnetic wave passing through air and space with a frequency ranging from 3 GHz to 31 GHz used in telecommunications and communication.

Article 4 Scope of Application

This Decision applies to domestic and foreign individuals, legal entities, or organizations that use satellite communication in the Lao PDR.

CHAPTER 2

Communication Frequencies and Types of Satellite Service

Article 5 Allocation of Frequencies for Satellite Communication

The Ministry of Post and Telecommunications is in charge of allocating, classifying, permitting the use of, and revoking satellite communication frequencies in the Lao PDR by complying with the National Frequency Schedule, regulations of the International Telecommunications Union, contracts, and international conventions to which Laos is a party.

Article 6 Frequency Bands

Frequency bands of satellite communication used in the Lao PDR consist of:

- 6.1 Frequency band C;
- 6.2 Frequency band Ku;
- 6.3 Frequency band Ka;
- 6.4 Other frequency bands as stipulated in the promulgated National Frequency Schedule from time to time.

Article 7 Frequency Band C

The communication frequency band C consists of an uplink and a downlink frequency. The downlink frequency ranges from 3.4 – 4.2 GHz and the uplink frequency ranges from 5.85 – 6.725 GHz.

Article 8 Frequency Band Ku

The communication frequency band Ku consists of an uplink and a downlink frequency. The downlink frequency ranges from 13.75 – 14.50 GHz and the uplink frequency ranges from 10.98 – 11.20 GHz, 11.45 – 11.70 GHz, and 12.20 – 12.75 GHz.

Article 9 Frequency Band Ka

The communication frequency band Ka consists of an uplink and a downlink frequency. The downlink frequency ranges from 17.70 – 21.20 GHz and the uplink frequency ranges from 27.50 – 31.00 GHz.

Article 10 Types of Satellite Service

The satellite communication service has four main types as follows:

- 10.1 Fixed satellite service;
- 10.2 Broadcasting satellite service;
- 10.3 Mobile satellite service;
- 10.4 Radio determination service.

Article 11 Fixed Satellite Service

The fixed satellite service refers to the receipt/transmission of satellite frequencies from one or more fixed satellite earth stations.

Article 12 Broadcasting Satellite Service

The broadcasting satellite service refers to the transmission or broadcasting of radio and television via satellite so that citizens can listen to and watch programs directly.

Article 13 Mobile Satellite Service

The mobile satellite service refers to the receipt/transmission of frequencies between the earth station and one or more satellites or between satellites.

Article 14 Radio Determination Service

The radio determination service refers to use of communication frequencies to check an object and the location, speed, and characteristics of the object.

CHAPTER 3**Permission for the Use of Satellite Communication****Article 15 Application for Permission**

A domestic or foreign individual, legal entity, or organization wishing to use a satellite communication frequency, operate a satellite communication service business, import/export and/or install satellite communication devices must apply for a license to the Ministry of Post and Telecommunications in accordance with conditions specified in Article 16 of this Decision.

Article 16 Conditions for Approval

The Ministry of Post and Telecommunications will permit a local or foreign person, legal entity, or organization to use a satellite communication frequency, operate a satellite communication service business, and import/export and/or install satellite communication devices once the following conditions are satisfied:

- 16.1 Completing an application on the printed form for each type of license specified by the Ministry of Post and Telecommunications;
- 16.2 Complying with the frequency policy, the National Frequency Schedule, applicable laws and regulations of the Lao PDR, and regulations of the International Telecommunications Union;
- 16.3 Complying with the policy of centralized communication through the National Internet Center;
- 16.4 Having a clear plan for the use, development, and operation of its business;
- 16.5 Having a proper certificate of financial position;
- 16.6 Ensuring technical standards;
- 16.7 Submitting a copy of decisions or certificates issued by relevant organizations;
- 16.8 Submitting a copy of a business license, an enterprise registration certificate, and a tax registration certificate.

Article 17 Validity of License

A license for the use of a satellite frequency is valid for one year and can be renewed in accordance with the validity of a business license for each type of telecommunication.

For emergency work, disaster, social assistance, and specific work of the government, the Ministry of Post and Telecommunications shall issue a license for the use of a satellite frequency with less than one year's validity as required.

Article 18 Renewal of License

A user of satellite communications may request renewal of a license within sixty days before the expiry date of the license.

The request for renewal will be considered and approved when the user:

- 18.1 Complies with requirements stipulated in the license;
- 18.2 Performs obligations and fully pays official fees in accordance with applicable laws and regulations.

Article 19 Withdrawal of License

The user of the satellite communication shall be subject to withdrawal of license if they:

- 19.1 Do not operate their business within one year from the date of obtaining the license;
- 19.2 Misuse the license outside its purpose;
- 19.3 Operate the business in a manner not in compliance with the license;
- 19.4 Do not comply with conditions stipulated in the license;
- 19.5 Do not perform obligations and fully pay official fees in accordance with applicable laws and regulations;

19.6 Violate this Decision and applicable laws and regulations.

The Ministry of Post and Telecommunications is in charge of issuing a notice regarding withdrawal of a license and stating the reasons for such withdrawal.

CHAPTER 4

Rights and Duties of Satellite Communication Service Providers

Article 20 Rights of Satellite Communication Service Providers

A person who is licensed to provide satellite communication services shall have the following rights:

- 20.1 To receive benefits from the satellite communication service provision;
- 20.2 To import and install licensed satellite communication devices;
- 20.3 To transfer and lease out the usage rights of the licensed satellite communication business;
- 20.4 To renew or terminate the use of satellite communication;
- 20.5 To receive other rights in accordance with applicable laws and regulations.

Article 21 Duties of Satellite Communication Service Providers

A satellite communication service provider shall have the following duties:

21.1 Main Duties:

- 21.1.1 To report to or notify the Ministry of Post and Telecommunications in case of frequency interference or change of frequency and/or satellite communication devices;
- 21.1.2 To ensure that the use of satellite communication is effective, convenient, quick, and does not interfere with other satellite communications;
- 21.1.3 To be under the supervision of relevant authorities;
- 21.1.4 To comply with financial, statistical, and reporting regulations;
- 21.1.5 To pay official fees and service charges in accordance with applicable laws and regulations;
- 21.1.6 To perform other obligations in accordance with applicable laws and regulations.

21.2 Duties on coordination regarding orbital location and the use of satellite communication frequencies are as follows:

- 21.2.1 To adhere to applicable laws and regulations regarding registration and coordination of frequencies with foreign countries in accordance with this Decision and conventions to which Laos is a party;
- 21.2.2 To coordinate on satellite frequencies directly with frequency users in foreign countries as set out in clause 21.4 of this Article;
- 21.2.3 To join in the coordination of orbital locations and the use of satellite frequencies organized by the Ministry of Post and Telecommunications as per the notice of the ministry;

- 21.2.4 To pay an official fee for registration of orbital location and satellite frequency in accordance with the regulations of the International Telecommunications Union;
 - 21.2.5 To comply with the regulations of the International Telecommunications Union to resolve interference that might affect other satellite communications.
- 21.3 Duties regarding the use of earth station frequencies are as follows:
- 21.3.1 To comply with regulations regarding frequency coordination with foreign countries;
 - 21.3.2 To coordinate on the frequency of earth stations directly with frequency users in foreign countries as set out in clause 21.4 of this Article;
 - 21.3.3 To join in the coordination of earth station frequencies organized by the Ministry of Post and Telecommunications as per the notice of the ministry;
 - 21.3.4 To pay an official fee for registration of the use of earth station frequencies in accordance with the regulations of the International Telecommunications Union;
 - 21.3.5 To comply with the regulations of the International Telecommunications Union to resolve interference that might affect other satellite communications.
- 21.4 A satellite communication service provider may coordinate with other providers:
- 21.4.1 To coordinate on an orbital location and the use of satellite communication frequencies at a provider's level;
 - 21.4.2 A user of orbital location and satellite communication frequencies may coordinate with users of orbital location and satellite communication frequencies in other countries as per the permission of the Ministry of Post and Telecommunications;
 - 21.4.3 The coordination on orbital location and the use of satellite communication frequencies of other countries must ensure benefits to the Lao PDR and be in accordance with the regulations of the International Telecommunications Union;
 - 21.4.4 Results of the coordination on orbital location and the use of satellite communication frequencies shall be in effect from the date of approval by the Ministry of Post and Telecommunications.

CHAPTER 5

Prohibitions

Article 22 Prohibitions for Satellite Communication Service Providers

A satellite communication service provider is prohibited from:

- 22.1 Using the satellite communication in a manner that interferes with or causes loss to the benefits of other domestic and foreign persons, legal entities, or organizations;
- 22.2 Transferring, selling, or leasing out the use right of satellite communications (a license) without permission;

- 22.3 Importing, producing, and distributing satellite communication devices without permission;
- 22.4 Using satellite communications for purposes other than those stipulated in the license;
- 22.5 Using satellite communications beyond the permitted scope;
- 22.6 Obstructing a satellite communications inspector in the performance of their duties;
- 22.7 Installing satellite communication devices without permission;
- 22.8 Misusing satellite communications in relation to the policy of centralized communication through the National Internet Center;
- 22.9 Carrying out other acts that violate applicable laws and regulations.

Article 23 Prohibitions for other Persons, Legal Entities, and Organizations

Other persons, legal entities, or organizations using satellite communications are prohibited from:

- 23.1 Using satellite communications without permission;
- 23.2 Transferring, selling, or leasing out the use right of satellite communications (a license) without permission;
- 23.3 Importing, producing, and distributing satellite communication devices without permission;
- 23.4 Obstructing a satellite communications inspector in the performance of their duties;
- 23.5 Installing satellite communication devices without permission;
- 23.6 Misusing satellite communications in relation to the policy of centralized communication through the National Internet Center;
- 23.7 Carrying out other acts that violate applicable laws and regulations.

CHAPTER 6

Measures against Violators

Article 24 Measures against Violators

A person, legal entity, or organization that violates this Decision shall be subject to education, disciplinary measure, fines, civil compensation, or penal sanction depending on the severity of each case.

Article 25 Fines

A person, legal entity, or organization that violates this Decision shall be subject to fines in the case of:

- 25.1 Using satellite communications without permission;
- 25.2 Using satellite communications beyond the permitted scope;
- 25.3 Misusing satellite communications compared to their intended purpose;
- 25.4 Transferring, selling, or leasing out the use right of a satellite communication business without permission;
- 25.5 Importing, producing, or distributing satellite communication devices without permission;
- 25.6 Violating any article of this Decision;
- 25.7 Not paying fees for the use of satellite orbital locations or satellite communication frequencies on the due date stipulated in an annual invoice;

An individual, legal entity, or organization that violates any article of this Decision for the first time shall be warned; shall pay the fee for the use of the frequency; shall have the offence recorded; shall be educated, and/or its imported devices shall be sequestered. For subsequent violations, it shall be fined as follows:

- 25.1 For the second violation, 20% of the total value of frequency use cost and imported devices and pay a fee for the use of frequency to 1 station per time; imported devices shall be confiscated;
- 25.2 For the third violation, 50% of the total value of frequency use cost and imported devices and pay a fee for the use of frequency to 1 station per time; imported devices shall be confiscated;
- 25.3 For the fourth violation, 100% of the total value of frequency use cost and imported devices and pay a fee for the use of frequency to 1 station per time; imported devices shall be confiscated.

Fines shall be paid into the National Treasury in accordance with laws and regulations.

CHAPTER 7

Final Provisions

Article 26 Implementation

The Telecommunications Department is assigned to effectively implement this Decision.

Article 27 Effectiveness

This Decision is effective from the date of signature and fifteen days after posting on the Lao Official Gazette.

Minister of Post and Telecommunications

[Signature and seal]

Dr. Thansamay KOMMASITH