



Lao People's Democratic Republic
Peace Independence Democracy Unity Prosperity

Ministry of Post and Telecommunications

No: 221/MPT

Vientiane Capital, Dated: 02 Feb 2015

Decision
Telecommunication Business Operating License

- Pursuant to the Law on Telecommunications (revised version) No. 09/NA, dated 21 December 2011;
- Pursuant to the Law on Investment Promotion, No. 02/NA, dated 08 July 2009;
- Pursuant to the Prime Minister's Decree on the Organization and Operation of Ministry of Post and Telecommunications, No. 303/PMO, dated 26 September 2011.

The Minister of Post and Telecommunications Hereby issue a Decision:

Part 1
General Provisions

Article 1 Objectives

This decision sets out the principles, regulations and measures regarding the management, monitoring the issue of telecommunication licenses in order to maintain public order, unity and fairness to ensure the effectiveness and efficiency of telecommunication business operations of service providers in their contributions to national development.

Article 2 Telecommunication Business Operating License

A Telecommunication Business Operating License provides the right and legal certification to individuals or juridical persons who operate telecommunication businesses in accordance with the laws of Lao PDR.

Article 3 Definitions

The meanings of the terms that are used in this Decision are as follows:

1. **Network Service** refers to infrastructure such as: landline network, mobile phone network, fixed broadband internet network and mobile internet network;
2. **Transmission System** refers to data transmission system, repeaters and the source-destination devices;

3. **Value-added Telecommunication Service** means services additional to basic telecommunication services provided by the Ministry of Post and Telecommunications;
4. **Additional Internet Service** means services additional to basic internet services provided by the Ministry of Post and Telecommunications;
5. **Mobile Virtual Network Operator that lacks private network infrastructure** mean mobile service provider that rent the network system of other operator in order to conduct their own service;

Article 4 Scope

This decision applies to legal entities and organizations, both domestic and international who aim to conduct telecommunication business in Lao PDR.

Chapter 2

Types of Operating Telecommunication Business

Article 5 Types of Operating Telecommunication Business

Telecommunication Business consists of 4 types as following:

1. Telecommunication Business Type 1.
2. Telecommunication Business Type 2.
3. Telecommunication Business Type 3.
4. Telecommunication Business Type 4.

Article 6 Telecommunication Business Type 1

Telecommunication Business Type 1 refers to network infrastructure service and provide telecommunication service as follows:

1. Network service is comprised of :
 - Network services;
 - Landline and mobile telephone transmitter;
 - Transmission system
2. Telecommunication service is comprised of:
 - Ground satellite station
 - Landline and mobile phone
 - Rental service
 - International voice connection
 - Domestic voice connection
 - International internet connection
 - Domestic internet connection
 - Internet gateway.

Article 7 Telecommunication Business Type 2

Telecommunication Business Type 2 refers to the supply of telecommunication service for those lacking network infrastructure, which consists of 4 characteristics:

1. Internet: provide internet service;
2. Domain name: provide domain name registration service;
3. Internet connection: provide internet connection service;
4. Additional service: services which are not included in primary value-added service.

Article 8 Telecommunication Business Type 3

Telecommunication Business Type 3 consists of 4 characteristics:

1. Telecommunication consultation service: regulation consulting, technical consulting, network installation, management and maintenance;
2. Installation and maintenance of telecommunication equipment;
3. Importing and exporting of telecommunication equipment ;
4. Produce and sell telecommunication equipment.

Article 9 Telecommunication Business Type 4

Telecommunication Business Type 4 refers to private telecommunication service, which consists of:

- Radio System (walkie talkie);
- Trunk Radio system;
- Others.

Chapter 3 License, Fees and Service Charges

Article 10 License

Individuals, legal entities and organizations, both domestic and international, aiming to conduct a telecommunication business must provide a complete set of application documents and submit to responsible office as stipulated in the law on investment promotion and other relevant regulations.

Article 11 Registration Criteria

Registration Criteria consist of:

1. Adequate financial resources
2. Staff with the relevant knowledge, capability and experiences;
3. Buildings, vehicles and equipment for supporting telecommunications related work;
4. The full payment of related fees and service charges ;
5. Prepare full set of required documents.

Article 12 Required Documents

Individuals, legal entities and organizations, both domestic and international, that intend to conduct a telecommunication business must provide the following documents:

1. Documents required for registering Telecommunication Business Type 1, 2 and 3, as follow:
 - Agreement and any commitment (if multi-stakeholders)
 - Biography of business owner;
 - Bank statement and business owner experiences
 - Document certified foreign entity (if any)
 - Identity card (domestic individual) and passport (foreigner);
 - Feasibility study;
 - Technical plan;
 - Enterprise regulation;
 - Other documents (as further required).
2. Documents required for registering Telecommunication Business Type 4, as follow:
 - Application form, as provided;
 - Agreement and any commitment (if multi-stakeholders)
 - Technical plan;
 - Biography of business owner;
 - Document certified individual entity status
 - Identity card (domestic individual) and passport (foreigner);
 - Documents related to the approval
 - Other documents (as further required).

Article 13 Application Authorization Process

Ministry of Post and Telecommunications shall process the application for license submitted within 10 days from the day the application is accepted. Where any document is not accurate, or complete, or where technical checks is required and consequently a longer approval period, is required the applicant shall be informed of these circumstances within 5 business days.

Article 14 License Renewal

The following documents are required for a renewal of a License: Proposal letter

1. Business license
2. Copy of Enterprise certificate
3. Copy of Tax certificate
4. Copy of Identity card (domestic individual) and copy of passport (foreigner);

Where a Licensee wishes to renew its license the licensee shall submit 1 request for renewal 30 days before the expiration of its Licence. If the Licensee is unable to submit renewal request within the required time frame, a letter setting out reasons for late submission shall be submitted to the body which issued the licence whether the Ministry of Post and Telecommunications or Provincial Post or Telecommunications Office,. If no request of renewal of letter setting out reasons for late

submission is received, the relevant authority shall suspend the approval process and the business license.

Article 15 Fees and Service Charges on business license approval process

Fees and service charges on business license approval process is conducted as defined in presidential decree on fees and service charges as announced periodically.

Chapter 4 Rights and Obligations

Article 16 Rights and Obligations of Ministry of Post and Telecommunications;

Ministry of Post and Telecommunications issue, renews, suspends or terminates business license of telecommunication services as follow:

1. Provision of network and telecommunication service;
2. Provision of telecommunication service for those lacking private network infrastructure;
3. Installation of private telecommunication network
4. Domain name registration

Article 17 Rights and Obligations of Provincial Post and Telecommunications Office;

Provincial Post and Telecommunications issues, renews, suspends or terminates business license of telecommunication services as follow:

1. Provision of internet service;
2. Provision of Internet connection;
3. Provision of Additional services;
4. Provision of Telecommunication consultation services;
5. Installation and maintenance of telecommunication equipment;
6. Importation and export telecommunication equipment according to the defined types in defined in rights and scope;
7. Production and selling of telecommunication equipment.

Chapter 5 Prohibition

Article 18 Prohibitions for Service Provider

Telecommunication service providers are prohibited from:

1. Operating telecommunication business without authorization;
2. Lending, leasing or transferring the licenses to others;
3. Avoiding the payment of tax, misrepresenting of -profits when paying taxes;
4. Imputation or false advertisement to the other service providers, organizations and government staff;
5. Other prohibitions as stipulated in law.

Chapter 6

Awards for Good Performance and Violator Measure

Article 19 Awards for Good Performance

Service provider that operates business with quality and comply with this Decision will be awarded and other rewards as see appropriate.

Article 20 Violator Measure

Any individual, legal entities or organizations which violate this Decision shall be subject to punishment, charges or sentenced to criminal or civil law depending on the consequences, as well as paying all cost resulting from the violation.

Article 21 Fines

Any individual, legal entity or organization violating any provisions of this Decision shall be fined as follows:

- Operating telecommunication business without authorization shall be fined 10,000,000 kip;
- Operating telecommunication service beyond the items and scope permitted shall be fined 6,000,000 kip;
- Lending, leasing or transferring a license to others shall be fined 8,000,000 kip;
- Imputation advertisement or advertisement to the other service provider shall be fined 5,000,000 kip;
- Reporting quantity statistic which is not correct with production cost, shall be fined 3,000,000 kip;
- Late license renewal shall be fined as the total cost of issuing business license as stipulated in the Presidential Decree.

Article 7

Final Provision

Article 22 Implementation

Telecommunication Regulatory Committee, together with other relevant entities, is responsible for the implementation of this Decision strictly.

Article 23 Effectiveness

This Decision is effective from the date of signature and fifteen days after publishing in the Government Official Letter.

Minister