

Unofficial Translation



Lao People's Democratic Republic Peace Independent Democratic Unity and Prosperity

Ministry of Post and Telecommunications

No. 3201/ MPT
Vientiane Capital, Date: 16 November 2016

Decision On Import and Distribution of ICT Devices

- Pursuant the Law on Telecommunication (updated version) no. 09/NA, dated 21 December 2011.
- Pursuant the Prime Minister's Decree on the organization and responsibility of Ministry of Post and Telecommunications, no 303/PMO, dated 26 September 2011.

The Minister hereby issues the Decision:

Chapter 1 General Provision

Article 1 Objectives

This Decision defines the principles, regulations and measures for managing the import and distribution of ICT devices in order to ensure the quality and standard of ICT devices, aiming at having order, safety, fairness for users and society, contributing to the National Protection and Socio-Economy Development.

Article 2 The Import and Distribution of ICT Devices

The import of ICT devices is the process of bringing ICT devices from overseas into the country in order for personal usage or transfer to other individuals, legal entities or organizations within Lao PDR.

The distribution of ICT devices is the process of selling ICT devices, either wholesale or retail, to other individuals, legal entities or organizations within Lao PDR.

Any operation relating to the import and distribution of ICT devices must acquire permitted license from Post and Telecommunications sector.

Article 3 Definitions

The terms used in this Decision have the following meanings:

1. **ICT device** means any devices related to Information and Communication Technology (ICT) such as computers, laptops, tablets, smartphones, processor devices, data storage, network equipment, Internet connection equipment and others;
2. **ICT device import operator** means any entity approved by Ministry of Post and Telecommunications to operate business on importing ICT devices;
3. **ICT device distribution operator** means any entity approved by Ministry of Post and Telecommunications to operate business on distributing ICT devices;
4. **ICT device import certificate** means an official document that is used to certified the list, technical and safety standard of ICT devices that are brought from overseas into Lao PDR;
5. **Holding ICT device** means temporarily keeping ICT products or devices at a certain location of the authority while awaiting the result of legal trial;
6. **Seizing ICT device** means temporarily keeping ICT products or devices at a certain location of the suspect, which cannot be bought, sold, transferred or moved of the authority while awaiting the result of legal trial while awaiting the result of legal trial;
7. **Taking over ICT device** means taking ICT products or devices, which are the evidence of the trial or the prohibited for import and distribution, as the State property;
8. **Stamp** means the stamp that is used to stick on devices that have been certified on technical and safety standard;
9. **ITU (International Telecommunication Union)** means the International Telecommunication Union that are responsible for the treaties between countries on the administration and set standards for ICT;
10. **IEEE (Institute of Electrical and Electronics Engineers)** means an agency of experts, whose objective is to research and develop advanced technology standards in electrical-electronic engineering, telecommunication, computer and others.;
11. **GSMA (Groupe Speciale Mobile Association)** means the service provider association for worldwide mobile network industry, such as device manufacturers, software producers, device service providers and internet companies, as well as other relevant organizations.

Article 4 Scope of Applicability

This Decision applies to individuals, legal entities or organizations, both local and international, that import and distribute ICT devices in Lao PDR.

Chapter 2 Operating Import and Distribution Business

Article 5 Operating Import and Distribution Business

The import business operation of ICT devices is the business operation that import ICT devices from overseas into the country, in order to transfer to individuals, legal entities or organizations.

The distribution business of ICT devices is the business operation that distribute ICT devices, either wholesale or retail, to individuals, legal entities or organizations within Lao PDR.

Article 6 Licensing

Legal entities that wish to conduct import or distribution business service operation on ICT devices as defined in Article 5 of this Decision must acquire approval License from Post and Telecommunications sector.

Article 7 Requirements for Issuing License

Legal entities that wish to conduct import or distribution business service operation on ICT devices must fulfil the following requirements:

1. Have adequate investment capital as stipulated in the Law of Enterprise and related laws;
2. Have human resources with at least vocational education diploma (Middle-Level) and experience in ICT for a minimum of 1 year;
3. Have permanent location, storage, transport vehicle and tools for operating the services adequately and appropriately depending on the business size;
4. Have clear and implementable business plan;
5. Prepare a complete and accurate set of documents as defined in the Annex.

Article 8 License Issuance Process

The administration and inspection authority will consider issuing a license for operating business on import and distribution of ICT devices within fifteen working days upon the day a complete and the accurate set of documents is received.

Article 9 Scope of Business Operation

ICT devices import and distribution business operator have the rights to conduct their business in accordance with the terms specified in the approved license.

Duration of each business type if as follows:

- A license for ICT devices import business has validity of one year;
- A license for ICT devices distribution business has validity of one year.

Article 10 Renewal, Change, Suspension or Withdrawal

Renewal, Change, Suspension or Withdrawal of a license for ICT devices import and distribution business requires the approval from Post and Telecommunications sector, together with a written request and explanation of reasoning.

In the renewal process, the administration and inspection authority will consider within 10 working days, by which the applicant must meet the following requirements:

1. Shall not be in the process of asset seizure or suspension of license;
2. Shall not be in the process of asset forfeiture or withdrawal of license;
3. Shall operate import and distribution business in accordance with relevant regulations and laws;

4. Shall submit a request for renewal at least 30 working days before the expiration date;
5. Shall submit a complete set of documents as defined in the Annex.

Chapter 3 **Import of ICT Devices**

Article 11 List of ICT Devices

The list of ICT devices for import has two types as follow:

1. List of approved ICT devices: means the devices that must acquire approval from Post and Telecommunications sector before importing;
2. List of prohibited devices: means the devices that are prohibited from importing, of which those devices must be approved by the Government before importing.

The types of approved and prohibited devices is defined in specific regulations of Ministry of Post and Telecommunications and Ministry of Industry and Commerce.

Article 12 Technical and Safety Standard

Technical and safety standard means international standards applied for the inspection and certification of ICT devices imported, which is approved by the Ministry of Post and Telecommunications, such as standards of ITU, GSMA, IEEE, or the national standards, of which the details of the standards are defined in the Annex, which is approved by the administration and inspection authority from time to time.

Article 13 Import Certification

In each ICT devices import, the business operator for ICT devices import must acquire the device import certificate from Post and Telecommunications sector in order for inspection and/or certify the technical and safety standard as specified in Article 12 of this Decision.

For devices that require inspection on technical standard, sample devices or details must be sent to the administration authority for inspection and certification before importing at least 15 working days.

ICT devices that have been certified for import will have certification sticker on them, which is issued by Post and Telecommunications sector.

Article 14 Certification Requirements

Import business operators that require certificate for ICT devices import must meet the following requirements:

1. Have detail information about the devices;
2. Clearly have import plan, quotation, packing list, quantity, price, the origin of products, standard certificate from factory, destination and date;
3. In the case that devices require technical inspection, clear details of the devices and/or the actual devices must be present in order for inspect the devices as specified in Article 12 of this Decision.

4. Prepare a set of complete and accurate documents as specified in the Annex.

Article 15 Certificate Issuance

The administration and inspection authority will consider issuing certificate for ICT devices import within fifteen working days upon receiving the complete and accurate set of documents, except those ICT devices that never have been certified and have high-technical standard.

Article 16 Scope of Certificate

The import certificate may be used within the scope specified in the certificate and will be valid for ninety days after the signing date.

Chapter 4 Rights and Obligations

Article 17 Rights and Obligations of the ICT Devices Import and Distribution Business Operator

ICT Devices Import and Distribution Business Operators have the following rights and obligations:

1. Request to renew, suspend or withdraw their own business license;
2. Import ICT devices in accordance with this Decision and other relevant regulations;
3. Distribute ICT devices as approved by relevant sectors;
4. Provide information and cooperate with Post and Telecommunications sector officials and relevant authorities;
5. Warrant the ICT devices to the users, such as repair, exchange, compensation;
6. Provide good quality service and reasonable pricing;
7. Implement other rights and obligations as stipulated in regulations and laws.

Article 18 Rights and Obligations of Users

Users of ICT devices have the following rights and obligations:

1. Choose ICT devices as according to their needs;
2. Receive good quality, convenient, fast and safety service;
3. Receive warranty from the importer or distributor as agreed by both parties;
4. Request or sue the ICT device distributor when receiving unfair or inappropriate service;
5. Be accountable for the electronic trash resulting from the devices they used;
6. Implement other rights and obligations as stipulated in regulations and laws.

Chapter 5 Fees and Service Charges

Article 19 Fees and Service Charges

Fees and service charges for issuing certificate will be based on a specific regulation on fees and service charges that is promulgated from time to time.

Chapter 6 Prohibition

Article 20 General Prohibitions

Any individual, legal entity or organization is prohibited to:

1. Operate ICT devices import or distribution business without approval;
2. Import ICT devices without approval;
3. Implement any transaction that is against this Decision or other relevant regulations.

Article 21 Prohibitions for Business Operator

ICT devices import or distribution business operators are prohibited to:

1. Import ICT devices without approval;
2. Distribute ICT devices without approval;
3. Transfer, lease or lend business license to others;
4. Provide services out of the types or scope approved;
5. Implement any transaction that is against this Decision or other relevant regulations.

Article 22 Prohibitions for Administration and Inspection Staffs

Administration and inspection staffs are prohibited to:

1. Delay, impede, and forge documents of ICT devices import and distribution business;
2. Use the power under their authority to gain personal benefits with a business operator;
3. Disclose the confidential information of a business operator;
4. Behave in ways that violate the laws or regulations.

Chapter 7 Administration

Article 23 Administration Authority of ICT Devices Import and Distribution

Administration Authority of ICT Devices Import and Distribution is Post and Telecommunications sector, in cooperation with relevant sectors.

Article 24 Rights and Obligations of Post and Telecommunications Sector

Post and Telecommunications sector has the following rights and obligations:

1. Consider to grant, renew, change, suspend and withdraw license or certificate;
2. Monitor and inspect the implementation of requirements, standards and regulations according to this Decision;
3. Warn, educate or fine individuals and legal entities violating this Decision and other relevant regulations;
4. Consider to solve the complains about the quality of devices, technical, safety standards, and service charges;
5. Collect fees and service charges in issuing license and other fees as stipulated by laws;
6. Implement other rights and obligations as stipulated in regulations and laws.

Chapter 8 Measures for Violator

Article 25 Educated Measures

A government official or a business operator shall be undergoing educated measures as follow:

1. Any government official, as the administration authority, who does not provide convenience, being slow for action, unreasonably impedes the process of considering a license proposal document, acts or communicates in inappropriate manner;
2. Any ICT devices import or distribution business operator, who unreasonably impedes service or violates the prohibition in general case;

Article 26 Fining Measures

An individual or a legal entity shall be fined as follow:

1. Operating business on ICT devices import and distribution service without approval shall be fined 20,000,000 Kip, related ICT devices and related assets will be hold or seized until proper business license is lawfully approved;
2. Importing ICT devices without approval shall be fined 10,000,000 Kip, and ICT devices will be seized;
3. Distributing ICT devices without importing certification shall be fined 10,000,000 Kip;
4. Importing, owning or distributing prohibited ICT devices without approval shall be fined 30,000,000 Kip and related devices shall be seized;
5. Lending, leasing or transferring ICT devices import and distribution license to others, shall be fined 10,000,000 Kip;
6. Intentionally hiding or informing inaccurate details of importing ICT devices shall be fined 5,000,000 Kip and those violating devices shall be seized;
7. Failing to renew ICT devices import and distribution business license within ten days after the expiry date shall be fined 500,000 Kip.

Article 27 Measures on Suspension and Withdrawal of License

The administration and inspection authority will suspend an ICT devices import and distribution business license in the following cases:

1. Has intentionally hidden or informed inaccurate details of importing devices;
2. Has failed to renew the license within thirty days after expiration.

The administration and inspection authority will consider withdraw an ICT devices import and distribution business license in the following cases:

1. Has owned or distributed prohibited ICT devices without approval;
2. Has imported ICT devices without importing approval;
3. Has lent, leased or transferred the license to others;
4. Has been fined in accordance with Article 26 of this Decision for 3 times;
5. Has the license suspended but has not followed recommendations of the administration and inspection authority within sixty days.

Chapter 9 Final Provision

Article 28 Implementation

Assigned to the Department of Information Technology in cooperation with other relevant sectors strictly implement this Decision.

Article 29 Effectiveness

This Decision shall come into effect upon the date of signing and after fifteen days of publication in the Official Gazette.

[Seal and Signature]
[Thansamay KOMMASITH, PhD]
Minister

Annex

I. Document Preparation

1. ICT devices import or distribution business

1.1. New registration

- Application/request form;
- 2 color photos, size 3x4, taken within 3 months;
- Resident certified document;
- Letter of attorney (representative);
- Biography;
- Office location certified document;
- Business feasibility study document;
- Enterprise license certificate;
- Identity Card/passport;
- 1 set of IT related education certificate (if not applicable for the applicant, certificate of technical staffs may be provided);
- Financial status certificate issued by banks within Lao PDR;
- Other contracts/agreements related to the business operation (if any);
- Other related documents as seen necessary, appropriate by administration sector.

1.2. Renewal

- Request form;
- Current license (original);
- Letter of attorney (representative);
- Enterprise license certificate (if any change);
- Tax payment documents;
- Business operation report;
- Financial summary report;
- Other related documents as seen necessary, appropriate by administration sector.
- If any change, provide the updated documents.

1.3. Change, suspension or withdraw license

- Request form;
- Request letter describing reasons for change, suspension or withdraw (from company);
- Copy of business license.

2. Request for import certificate

- Device Import Request form;
- Request letter (from company);
- Copy of business license on ICT devices import;

- Details of devices or actual devices for inspection;
- Quotation and packing list;
- Import plan (if any);
- Production standards certificate from the country of origin.

II. Technical and Safety Standards

Those wishing to import ICT devices must have technical and safety standard certificate documents as following:

1. Mobile phone system device standards
 - Cordless telephone devices, refer to ITU, ETSI
 - Safety of radio frequency devices, refer to standards defined in the Decree on Radio Frequency
 - 2G, refer to GSM (900MHz & 1800 MHz) of ETSI (EN 301 511, EN 300 607-1)
 - 3G, refer to WCDMA (2.1 GHz) of 3GPP, ETSI EN 301 908, ETSI TS 215 141, ETSI TR 100 028
 - 4G, refer to FDD-LTE (1800 MHz) and TDD-LTE (2.3 GHz)
2. Wireless Internet system device standards
 - Wi-Fi, refer to IEEE 802.11x
 - WiMAX, refer to IEEE 802.16 frequency 2.5 GHz
3. Wired Internet system device standards
 - Internet on landline, refer to xDSL of ITU G.992.3 (04-2009), G.992.5 (01-2009), ETSI TS 101 388 V1.4.1
 - Internet on fiber optic cable, refer to FTTx (Gigabit Capable Passive Optical Network - GPON) of ITU-T G.984
4. Router, Switching device standards
 - Refer to ITU, IEEE, ETSI, ECMA, ANSI
5. Receiver-transmitter device of visual and sound via ground or satellite stations
 - Refer to VHS, HD, ETSI EN 301 443, ETSI EN 301 428
6. Safety standards
 - Primarily refer to ISO
 - Electrical Safety of Telecommunications Terminal Equipments, refer to IEC, ETSI, EN
7. Mobile device, tablet, wear device standards are based on international standards depending on technical type specified above.

[Seal and Signature]

Director General of Department of Information Technology

Thavisak Manodham, PhD