

## Unofficial Translation



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

Ministry of Post and Telecommunications

No. 2234/ MPT  
Vientiane Capital, Date: 10 July 2017

#### **Decision On ICT Installation and Repair Service**

- Pursuant the Law on Information and Communication Technology (ICT), No. 02/NA, dated 07 November 2016,
- Pursuant the Prime Minister's Decree on the organization and responsibility of Ministry of Post and Telecommunications, no 22/PMO, dated 16 January 2017.

**The Minister hereby issues the following Decision:**

#### **Chapter 1 General Provision**

##### **Article 1 Objectives**

This decision defines the principles, regulations and measures for the management of ICT Installation and Repair Service to promote business operation to have orders, accurate and quality service assurance. It aims to protect a service user's rights and benefits, contributing to the national construction and development.

##### **Article 2 Operating ICT Installation and Repair Service**

Providing service on ICT Installation is to install ICT devices or software at a location or in a computer for a specific purpose, such as signal base installation, server system, internet network system, computer operating system or security camera system.

Providing service for ICT repair is to maintenance, repair ICT devices or software, such as repairing computer, network system or any server system to restore its state, to be ready for operation at all time.

##### **Article 3 Definitions**

The terms used in this Decision have the following meanings:

1. **ICT Installation and Repair Service Operator (or Provider)** means an individual or legal entity who is permitted by Ministry of Post and Telecommunications to operate a business on ICT devices and software installation, repair and maintenance service such as server system, security system, and network system;
2. **ICT Installation and Repair Service License means** a license approval to provide services on installation, repair, and maintenance of ICT devices or software such as server system, security system, and network system within Lao PDR;
3. **ICT Devices** means any devices related to Information and Communication Technology such as computer, laptop, tablet, smartphone, processor devices, data storage, network equipment, Internet connection equipment and etc.

#### **Article 4 Scope of Applicability**

This Decision applies to individuals or legal entities conducting business on ICT Installation and Repair Service in Lao PDR.

### **Chapter 2 Type and Licensing**

#### **Article 5 Types of ICT Installation and Repair Service**

There are 4 types of ICT Installation and Repair Service as the followings:

1. **Small ICT Installation and Repair** is a service for installation, repair, and maintenance of computer for common usage such as desktop computer, laptop, tablet, smartphone, processing device, network equipment, Internet connection equipment and related software;
2. **Server System Installation and Repair** is a service for installation, repair, and maintenance of a server and related infrastructure to provide services, such as web servers, mail servers, file servers and others;
3. **Security System Installation and Repair** is a service for installation, repair, and maintenance of security system of computer system and ICT system that are related to security, such as firewall, anti-virus system, database protection system and others;
4. **Network System Installation and Repair** is a service for installation, repair, and maintenance of telecommunication network infrastructure or computer network, such as Local Area Network (LAN), external network using fiber optic (Fiber), copper wire, cable (Coaxial), Radio Frequency and others.

#### **Article 6 Technical Standard**

A service provider of ICT Installation and Repair Service must have tools, equipment and parts used for installation and repair that meet standards or have been certified according to regulations on importing ICT equipment and follow other technical standards according to Post and Telecommunications sector.

#### **Article 7 Human Resource Standard**

A service provider of ICT Installation and Repair Service must have ICT related human resources who have technical background and are certified from an institute or a company that is accredited by Ministry of Education or Post and Telecommunications sector.

## **Article 8 Warranty Coverage**

Warranty coverage is a way to certify the quality of a service for users in order to provide rights for users to request for repair, exchange or withdraw from the service during the guarantee period.

The Service provider must guarantee the installation and the repair as appropriate of each type of service where must have warranty contract state clearly in writing.

## **Article 9 License Issuance**

An individual or a legal entity who wishes to operate business on ICT Installation and Repair Service, after getting enterprise license, they must request business operation license from Post and Telecommunications sector according to the requirements defined in Article 10 of this Decision.

## **Article 10 Requirements for Issuing License**

The requirements for issuing a license are as follow:

1. Have application/request form, business feasibility study report, technical feasibility study report, and submit complete set of documents as specified in the attached annex and according to the management authority;
2. Have appropriate required staffs for the type of service as defined in Article 7 of this Decision;
3. Shall not be in the process of trial for bankruptcy or has been judged bankrupt according to the law of Lao PDR;
4. Must have a permanent office or a shop location.

## **Article 11 License Issuance Process**

Consideration process for issuing the license for the request to operate the ICT Installation and Repair Service must be completed within ten (10) working days after the date of receiving a complete and accurate set of application.

In the case that the submitted documents are inaccurate, incomplete or not meeting the requirements, the applicant shall be informed accordingly within five (5) working days.

## **Article 12 Renewal, Change, Suspend or Withdrawal of License**

In order to renew a business operation license on ICT Installation and Repair Service, a renewal request document must be submitted at least thirty (30) days before expiry date.

Operators of ICT Installation and Repair Service that wish to change the content of, suspend or withdraw their service operation license shall seek approval from Post and Telecommunications sector together with a request document explaining their reasons.

## **Article 13 Scope of Business Operation Service**

A Business Operation License on ICT Installation and Repair Service may be used to conduct services as defined in the service scope type of their license and it is valid for one (1) year after the approval date.

## **Article 14 Fees and Service Charges**

Fees and service charges for issuing a license to operate ICT Installation and Repair Service are according to the regulation on fees and service charges as promulgated from time to time.

## **Chapter 3 Rights and Obligations**

### **Article 15 Rights and Obligations of Service Provider**

A Service Provider of ICT Installation and Repair Service have the following rights and obligations:

1. To request renewing, changing, suspending or withdrawing their service;
2. To follow regulations of Ministry of Post and Telecommunications on managing the installation, repair and maintenance of IT devices;
3. To respect rights and to protect personal data of service users, shall not disclose users' data, except when requested by related government authorities;
4. To ensure quality of service;
5. To be under the administration and management of Post and Telecommunications sector;
6. To submit obligated fees to the State according to laws and regulations;
7. To implement other rights and obligations as specified in the laws or regulations.

### **Article 16 Rights and Obligations of Users**

Users of ICT Installation and Repair Service have the following rights and obligations:

1. Receive quality, convenient, fast and safe service;
2. To request and petition a service business operator according to jurisdiction procedures for justice;
3. To propose to the management authority and inspection authority about quality, technical standards, and service fees of the business operator;
4. To be accountable of their own ICT devices that would affect individuals, legal entities, organizations and communities which are incompliant with the laws or regulations;
5. To pay service fees according to regulations;
6. To have other rights and to implement other obligations as specified in the laws and regulations.

## **Chapter 4 Prohibition**

### **Article 15 General Prohibition**

Individuals, legal entities or organizations are prohibited to:

1. Block, obstruct the operation of ICT Installation and Repair Service;
2. Cooperate, create conditions or provide assistance to any individual, legal entity to violate prohibitions as specified in this Decision;
3. Behave in ways that violate the laws or regulations.

### **Article 18 Prohibited for Management Official Staff**

Management Official Staff overseeing ICT Installation and Repair Service are prohibited to:

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

#### **Article 19 Prohibited for Service Provider**

ICT Installation and Repair Service Providers are prohibited to:

1. Operates business without approval from Post and Telecommunications sector;
2. Lend, lease or transfer the license to others;
3. Provide services out of approved service scope specified in the license or not within the mandates;
4. Support, dominate or use power in the market unfairly to other service providers;
5. Behave in ways that violate the laws or regulations.

### **Chapter 5 Management**

#### **Article 20 Management Organization for ICT Installation and Repair Service**

Management Organization for ICT Installation and Repair Service is the Post and Telecommunications sector in the coordination with related sectors;

#### **Article 21 Rights and Responsibilities of Ministry of Post and Telecommunications**

Ministry of Post and Telecommunications has the rights and responsibilities as follow:

1. To consider to grant, renew, update, suspend or withdraw a license;
2. To monitor and inspect the implementation of requirements, standards and regulations according to this Decision;
3. To warn, educate or issue fine to an individual, a legal entity or an organization who breaches this Decision and related regulations;
4. To receive and consider to find solution for a report on service such as service quality and service fees;
5. To collect fees and service charges in issuing a license and other fees for ICT Installation and Repair Service;
6. To execute other rights and responsibilities as specified in the law and regulations.

#### **Article 22 Rights and Responsibilities of Provincial/Capital Division of Post and Telecommunications**

Provincial/Capital Divisions of Post and Telecommunications have the rights and responsibilities as follow:

1. To consider to grant, renew, update, suspend or withdraw a license as defined by Ministry of Post and Telecommunications;
2. To monitor and inspect the implementation of requirements, standards and regulations according to this Decision;
3. To warn, educate or issue fine to an individual or a legal entity who breaches this Decision;
4. To execute other rights as specified in the laws and regulations.

## **Chapter 6 Measures for Violator**

### **Article 23 Measures for Violator**

Any individual, legal entity or organization that violates this Decision shall be undergoing educated measures, warned, disciplinary measures, may be fined, depending on the severity level of each case as well as be liable for compensation for the loss incurred.

### **Article 24 Educated Measures**

Any government official or a business operator violating this Decision shall be undergoing educated measures as follow:

1. Any government official 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. ICT Installation and Repair Service provider who provides low quality service or unreasonably impedes service or violates the prohibition in general case;

### **Article 25 Disciplinary Measures**

Any civil servant or an authority who violates this Decision such as the prohibitions specified in this Decision, which is not a criminal offense, shall be subjected to disciplinary measures according to related laws.

### **Article 26 Fining Measures**

Any individual or legal entity violating this Decision shall be fined as follow:

1. Operating business on ICT Installation and Repair Service without approval shall be fined 10,000,000 Kip;
2. Lending, leasing or transferring license to others, shall be fined 5,000,000 Kip;
3. Has provided services out of scope as specified of license type, as specified in the license or not within mandates of the license, shall be fined 2,000,000 Kip;
4. Has counterfeited, supplied wrong information, hide or not cooperate with the Management Authority and Inspection Authority, shall be fined 2,000,000 Kip;
5. Has publicized, distorted, or Imputation to other service providers, shall be fined 2,000,000 Kip;
6. Has disclosed personal confidential information of a service user without approval from the Management Authority or related Authorities, shall be fined 3,000,000 Kip;
7. Monopolize and suppress new service providers, shall be fined 2,000,000 Kip;
8. Support service, dominate or abuse market power unfairly upon other service providers, shall be fined 2,000,000 Kip;
9. Has failed to renew license within 30 days after the expiry date of the license, shall be fined 500,000 Kip.

### **Article 27 Measures on Suspension and Withdrawal of License**

The Management Authority will suspend a license type of ICT Installation and Repair Service in the following cases:

1. Has provided services out of approved scope or not within mandates of the license;

2. Has counterfeited, hid or supplied wrongful information that is not aligned with the Management Authority and Inspection Authority' specification of ICT Installation and Repair Service;
3. Has not renewed license with 90 days after the expiry date;
4. Has not paid fees, service charge or taxes to the Government;

## **Chapter 7 Final Provision**

### **Article 28 Implementation**

Assigned to the Department of Information and Communication Technology and Provincial/Capital Divisions of Post and Telecommunications 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. Application Documents**

#### **1. License Registration**

- Application/request form;
- Resident certified document;
- Identity Card/passport of the applicant;
- Biography of the Managers;
- Education Certificate of the Managers and Technical Staffs;
- Business feasibility study report document;
- Technical feasibility study report document;
- Enterprise License Certificate;
- Financial Status Report/Business Transaction Statement;
- Other important documents as required by the management sector.

#### **2. License Renew**

- Renewal request form;
- The previous License (original copy);
- A nomination letter (in case of being a representative);
- Enterprise License Certificate (in case of change/update);
- Certificate of tax payment;
- Up to date Operation Report;
- Financial Report;
- Other important documents as required by the management sector;
- The update documents must be attached if there is any change;

#### **3. Request to Change, Suspend or Withdraw License**

- Request form;
- Proposal document to explain the reason for the request of change, suspend or withdraw (from the company);
- Copy of Business License Certificate.

**[Seal and Signature]**  
Director General of Department of ICT

Thavisak Manodham, PhD