



Lao People's Democratic Republic
Peace Independence Democracy Unity Prosperity

National Assembly

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Law on Business Competition

Part I
General Provisions

Article 1 Objectives

This Law determines principles, regulations and measures for managing [and] monitoring the competition in business activities in order to make such competition to be lawful,[and] fair, having transparency, flexibility and equality under by-law aiming to prevent and counter the unfair business competition and the restriction of the business competition, protect rights and interests of the State, business operators and consumers, enable to regional and international integration which contributes to the expansion and sustainability of the national socio-economic development.

Article 2 Business Competition

Business competition is an operation of the same type of businesses among business operators focusing on competing in quality, quantity, price, and others in order to achieve their business objectives.

Article 3 Definitions

The terms used in this Law shall have the following meanings:

- 1. Business operation** refers to the business of production, trade and services;
- 2. Market** refers to the scope of business activities where buyers, sellers and service providers directly or indirectly contact [and] agree to buy and sell goods and services;
- 3. Market share** refers to the threshold of value on purchasing and selling of goods and services of any enterprises in the relevant market;

4. Relevant market refers to the relevant product and service markets, and the geographical market:

- **Product and service markets** refer to the scope of purchasing and selling goods and services which may be substituted in terms of characteristics, purpose of use and price;

- **Geographical market** refers to the scope of any specific geographical area in which goods and services may be interchanged with or substituted for each other;

5. Business secret refers to the information of formula, production process, business transaction or services which is unable to disclose;

6. Merger of enterprises refers to an act whereby two or more enterprises agree to transfer all of their legitimate assets, rights, obligations and interests to become either the existing enterprises or a new enterprise;

7. Acquisition of enterprise refers to an act whereby an enterprise agrees to buy a part or all of assets of other enterprise to be under its ownership and administration;

8. Joint venture refers to partnership investment of two or more enterprises agreeing to join legitimate assets, rights, obligations and interests to form a new enterprise;

9. Business association refers to a commercial organization which is voluntarily established and regularly operated as a non-profit organization, to protect legitimate rights and interests of association and of its members;

10. Quality of goods refers to a level that defines characteristics, features, and suitability for the consumption of goods.

Article 4 State's Policy toward the Business Competition

The State recognizes and protects the rights of all economic sectors in business competition for operating their activities under competitive conditions equally and fairly as stipulated in the laws and regulations.

The State facilitates the free business competition under by-law without creating obstacles or impeding business competition from any State's authority.

The State promotes business competition and encourages all sectors in the society to contribute to create and raise awareness of fair business competition culture in order to prevent and counter the unfair business competition and the restraint of the business competition.

The State creates conditions and enhances the capacity of small and medium enterprises [SMEs] to participate in the fair business competition.

Article 5 Principles of the Business Competition Activities

The business competition activities shall be complied with the fundamental principles as follows:

1. Ensuring the compliance with policies, laws and regulations;
2. Ensuring the rights and interests of the State, business operators and consumers;
3. Ensuring the equality, transparency and justice in the business competition;
4. Ensuring the production, distribution of goods and services to meet quality, standards and fair price;
5. Respecting and abiding the international conventions and treaties to which the Lao PDR is a party.

Article 6 Scope of Application

This Law shall be applied to individuals, legal entities as well as domestic and foreign organizations that operate businesses in the Lao PDR.

Article 7 International Cooperation

The State liberalizes and promotes foreign, regional and international cooperation in the business competition activities by exchanging lessons, information, scientific techniques, technologies, trainings and improving technical capacities in order to perform those activities effectively and abide by the international conventions and treaties to which the Lao PDR is a party.

Part II

Unfair Business Competition

Article 8 Unfair Business Competition

Unfair business competition is a business operation of one or two or a group[s] of enterprises involving any practice as stipulated in article 9 of this law.

Article 9 Unfair Business Competition Practices

Unfair business competition consists of the practices as follows:

1. Misleading conduct;
2. Violation of business secrets;
3. Coercion in business operation;

4. Discrediting other business operators;
5. Imposing obstacles to business operation;
6. False advertising;
7. Unfair sales promotion;
8. Discrimination by business association;
9. Other practices as stipulated in the relevant laws and regulations.

Article 10 Misleading Conduct

Misleading conduct is an act that causes a confusion and misunderstanding for consumers regarding a trademark, brand, source, packaging, label and other elements of goods or services that are reliable, standardized or registered.

Article 11 Violation of Business Secrets

Violation of business secrets is any practice as stipulated in this article in order to take advantages of other business operators.

Violation of business secrets consists of the practices as follows:

1. Accessing and taking business secrets without permission;
2. Disclosing and using business information without permission;
3. Breaching a confidentiality contract;
4. Exploiting the confidence of person who holds the business secrets in order to access and collect those business secrets.

Article 12 Coercion in Business Operation

Coercion in business operation is an act of a business that applies directly or indirectly a deception, order or threat to other business operators to comply or do not comply, which against their will.

Article 13 Discrediting other Business Operator

Discrediting other business operators is an act that slanders other business operators by directly or indirectly disclosing or providing false information which negatively impacts business operation.

Article 14 Imposing Obstacles to Business Operation

Imposing obstacles to business operation is an act that creates direct or indirect difficulties to other business operators for operating such as the access to finance, raw materials, [and] information technology.

Article 15 False Advertising

False advertising is an act that discloses the information regarding production, characteristics, quality of goods and services which are incorrect, distorted and overstated and these have a negative effect on interests of other business operators and consumers.

Article 16 Unfair Sales Promotion

Unfair sales promotion is an advertisement or any kind of acts that deceive the consumers to buy more its goods and services. For instance, to provide the prize as an announcement but not, offering free goods or services to customers for trial use but requiring customers to buy or pay instead.

Article 17 Discrimination by Business Association

Discrimination by business association is an act that unfairly refuses the membership accession or withdraws any business operator from the business association for obtaining the benefits from business competition, including unfair treatment to its members.

Part III Restraint of the Business Competition

Article 18 Restraint of the Business Competition

Restraint of the business competition is the operation of one or two or a group[s] of enterprises which aims to reduce, distort and/or prevent competition in business activities as any type stipulated in article 19 of this Law.

Article 19 Types of Restraint of the Business Competition

Restraint of the business competition consists of the types as follows:

1. Agreement to restrain the business competition;
2. Abuse of dominant market position and market monopoly;

3. Business combination to restrain the business competition.

Each type of restraint of the business competition shall be granted the exemption as regulated in Section 4 of this Part.

Section 1

Agreement to Restrain the Business Competition

Article 20 Agreement to Restrain the Business Competition

Agreement to restrain the business competition is any commitment of business operators to reduce, distort and/or impede the business competition.

Article 21 Practices of Agreement to Restrain the Business Competition

Practices of agreement to restrain the business competition are follows:

1. Fixing the price of goods and services;
2. Fixing the market share and sharing market;
3. Fixing the production quantity;
4. Restraining the development of technology, quality of goods and services;
5. Imposing the terms on purchasing and selling of goods and services;
6. Impeding other business operators to access to the market;
7. Driving other business operators out of the market;
8. Bid Rigging;
9. Other practices as stipulated in the relevant laws and regulations.

Article 22 Fixing the Price of Goods and Services

Fixing the price of goods and services is an agreement among business operators to increase or decrease prices of goods and services and other types in order to monopolize the market.

Article 23 Fixing the Market Share and Sharing Market

Fixing the market share and sharing market are an agreement among business operators to allocate a market share and a supply market, sources of the supply of goods and services which drives other business operators out of markets or restrain, and impede other business operators for supplying goods and providing services in the

relevant market.

Article 24 Fixing the Production Quantity

Fixing the production quantity is an agreement among business operators to produce a certain quantity of production as an agreement in order to hoard the products for increasing a selling price of products or unfairly dominating the market.

Article 25 Restraining the Development of Technology, Quality of Goods and Services

Restraining the development of technology, quality of goods and services is an agreement among business operators to prevent any business operator to develop the technology, production, [and] quality of goods and services which increase the costs of the production or the provision of services.

Article 26 Imposing the Terms on Purchasing and Selling of Goods and Services

Imposing the terms on purchasing and selling of goods and services is an agreement among business operators to set terms for other business operators to unfairly sign the sale-purchase contract of goods and services by determining quality of goods and services, terms of payment, imposing the differentiation of prices on purchasing and selling of the same kind of goods or services to customers, to purchase and sell with a tied condition and to force any contracted party to accept the irrelevant obligations of such contract.

Article 27 Impeding other Business Operators to Access to the Market

Impeding other business operators to access to the market is an agreement among business operators to directly or indirectly restrict, impede, prevent other business operators accessing to the market in order to facilitate its group members to dominate the market.

Article 28 Driving other Business Operators out of the Market

Driving other business operators out of the market is an agreement among business operators to directly or indirectly force other business operators out of the market.

Article 29 Bid Rigging

Bid rigging is an agreement among business operators or business operators and relevant officials in order to win a bid which brings benefits to them.

Section 2

Abuse of Dominant Market Position and Market Monopoly

Article 30 Dominant Market Position and Market Monopoly

Dominant market position is the business operation of one or two or a group[s] of enterprises which has the market share over the threshold as defined periodically by the Business Competition Commission.

Market monopoly is the business operation of one or a group[s] of enterprises which sells goods or provides services in the relevant market by only enterprise;

Article 31 Practices of Abuse of Dominant Market Position and Market Monopoly

Practices of abuse of dominant market position and market monopoly are as follows:

1. Fixing the prices of selling and purchasing of goods and services unfairly;
2. Selling goods and services below costs and selling poor quality of goods;
3. Refusing to sell goods and services to customers;
4. Imposing the terms of tied selling-buying of goods and services;
5. Imposing the differentiation of prices or terms of purchasing and selling of the same kind of goods and services;
6. Other practices as stipulated in the relevant laws and regulations.

Article 32 Fixing the Prices of Purchasing and Selling of Goods and Services Unfairly

Fixing the prices of purchasing and selling of goods and services unfairly is an act to forcibly fix the price of purchasing and selling of goods and services or maintaining the retail prices which deems to take the advantage of consumers.

Article 33 Selling Goods and Services below Costs and Selling Poor Quality of Goods

Selling goods and services below costs and selling poor quality of goods are the acts of one or two or a group[s] of enterprises to fix the selling price of goods and services below costs and selling a poor quality of goods, thereby causing other competitors unable to compete in order to dominate and monopolize the market.

Article 34 Refusing to Sell Goods and Services to Customers

Refusing to sell goods and services to customers is an act of one or two or a group[s] of enterprises to refuse or discriminate the customers, consumers and other business operators which against the laws and regulations.

Article 35 Imposing the Terms for Tied Selling-Buying of Goods and Services

Imposing terms of tied selling-buying of goods and services is an act of one or two or a group[s] of enterprises to impose the conditions for other business operators to sign a sale-purchase contract of goods and services or to force other business operators to perform other obligations that are not stipulated in the contract.

Article 36 Imposing the Different Prices or Terms of Purchasing and Selling of the Same Kind of Goods and Services

Imposing the different prices or terms of purchasing and selling of the same kind of goods and services is an act of one or two or a group[s] of enterprises to impose the different terms on purchasing and selling of the same kind of goods and services in the same market which aims to create the inequality in business competition.

Section 3

Combination to Restrain the Business Competition

Article 37 Business Combination

The business combination is an agreement among business operators to merge, acquire or transfer the enterprise and a joint venture.

Article 38 Combination to Restrain the Business Competition

The combination to restrain the business competition is the combination which causes any impact as follows:

1. Holding the market share in the relevant market over the threshold as defined by the Business Competition Commission;
2. Causing any impact on the access to the market and the restraint of technological development;

3. Causing any impact on consumers, other business operators and the national socio-economic development.

Article 39 Notification of the Business Combination

The business combination of large enterprises shall prepare and submit the documents to the Business Competition Commission for consideration, the business combination of small and medium enterprises shall be exempted, but after the combination they shall notify the Business Competition Commission..

Article 40 Documents for the Permission of the Business Combination

Documents for the permission of the business combination are as follows:

1. The application form of the Business Competition Commission;
2. The copy of Enterprise Registration Certificate of each enterprise involved in the combination;
3. The financial statement of the last two consecutive years of each enterprise involved in the combination which shall be certified by an auditing organization;
4. The contract or agreement of the business combination.

Article 41 Review of Documents for the Business Combination

The Business Competition Commission shall review the documents of the combination within seven days after receiving such documents. In case of the incomplete or incorrect documents, the enterprises involving in the combination shall be notified in written form in order to provide the additional documents or improve the content to be complete and correct.

Article 42 Consideration of the Business Combination

After receiving the complete and correct documents, the Business Competition Commission shall review and consider in order to issue a permission of the business combination within thirty days. In case of the disapproval, the enterprises involving in the business combination shall be notified in written form with the explanation of the reasons. In case of necessity, the defined time for considering the permission of the business combination can be extended up to thirty days in accordance with the approval of the Minister of Industry and Commerce.

After receiving the permission of the business combination, the granted enterprises shall notify the enterprise registration officials in order to comply with the Law on Enterprise.

Article 43 Providing the Additional Documents Relating to the Business Combination

If the information or documents for the business combination are unclear or inaccurate, the Business Competition Commission shall be able to coordinate with relevant sectors which have the obligations to provide the additional information or documents.

Article 44 Withdrawal of the Application Form of the Business Combination

After submitting the application and compiling the documents for the business combination, if the business operators intend to withdraw the application form of the combination, they shall notify the Business Competition Commission upon the decision between the enterprises involving in the business combination

Section 4

Exemption for the Restraint of Business Competition

Article 45 Exemption for the Agreement to Restrain the Business Competition

The agreement to restrain the business competition as stipulated in clauses 1, 2, 3, 4, 5 and 6 of article 21 of this Law can be considered for exemption if such agreement promotes the technological and technical progress, improve the quality of goods and services, [and] strengthen the competitiveness of SMEs. The Business Competition Commission shall consider the exemption on case by case basis.

Article 46 Exemption for the Abuse of Dominant Market Position and Market Monopoly

Exemption for the abuse of dominant market position and market monopoly as stipulated in article 31 of this Law which contributes to the national socio-economic development or the national strategy and security, the Government can consider the exemption on case by case basis. The exempted enterprise shall comply with Government's administration and regulations as follows:

1. Managing the prices of goods and services;
2. Managing the quantity, scope of good or service market;
3. Managing the plans of production and distribution of goods or services.

Article 47 Exemption for the Combination to Restrain the Business Competition

The combination to restrain the business competition which may cause the effect as stipulated in clause 1 in article 38 of this Law shall be granted the exemption as follows:

1. One or two or more enterprises involving in the combination to restrain the business competition is under the circumstance of bankruptcy;
2. The business combination shall promote the growth of exports or foster the technological and technical progress.

Part IV Business Competition Commission

Article 48 Business Competition Commission

The Business Competition Commission shall be the non-standing commission, which shall operate in accordance with the laws and regulations, act as advisor to the Government, be independent in terms of technical aspects. It is responsible for monitoring, inspecting and performing the business competition activities in conjunction with relevant sectors and local administrations.

Business Competition Commission shall be abbreviated as “BCC”.

Article 49 Personnel Structure of the BCC

Personnel structure of the BCC consists of:

1. A Vice Minister of Industry and Commerce, Chairman and Standing Commissioner;
2. A representative of the Ministry of Finance, Vice Chairman;
3. A representative of the Ministry of Planning and Investment, Vice Chairman;
4. A representative of the Ministry of Agriculture and Forestry, Member;
5. A representative of the Ministry of Justice, Member;
6. A representative of the Ministry of Posts and Telecommunications, Member;
7. A representative of the National Economic Research Institute, Member;
8. A representative of the Institute of Finance and Banking, Member;
9. A representative of the Lao National Chamber of Commerce and Industry, Member;
10. A representative of the Lao Bar Association, Member;
11. Head of the Secretariat of the BCC, Member.

The BCC shall be appointed by the Prime Minister based on a recommendation of the Minister of Industry and Commerce.

The BCC shall have the Secretariat as its advisor located in the Ministry of Industry and Commerce.

The BCC shall be established in provinces where necessary.

Article 50 Rights and Duties of the BCC

The BCC shall have the rights and duties as follows:

1. To consider and adopt plans, action plans and projects concerning the business competition based on the proposal of its Secretariat;
2. To research, propose legislations concerning business competition as well as advocate and disseminate such legislations;
3. To consider the business combination;
4. To apply administrative measures against individuals, legal entities breaching this Law and the relevant regulations;
5. To issue orders, inspection decisions, apply measures against violators based on the decision of relevant agencies as stipulated in the Law on Criminal Procedure;
6. To submit criminal referral to the Office of the Public Prosecutor for prosecution in accordance with justice processes;
7. To collaborate and cooperate with foreign countries, regional and international organizations concerning the business competition activities;
8. To conclude and report its activities to the Minister of Industry and Commerce;
9. To perform other rights and duties in accordance with other the relevant laws and regulations.

Article 51 The Secretariat of the BCC

The Secretariat of the BCC is an authority equivalent to the department level under the Ministry of Industry and Commerce, and acts as advisor to the BCC in relation to carrying out its business competition activities.

Organizational structure and activities of the Secretariat of the BCC shall be stipulated in the specific regulations.

Article 52 Business Competition Inspectors

Business competition inspectors are the investigation officials under supervision of the Secretariat of the BCC and shall be appointed and demoted by the Minister of Industry and Commerce based on the recommendation of the Chairman of the BCC.

Requirements for business competition inspectors shall be stipulated in the specific regulations.

Article 53 Rights and Duties of Business Competition Inspectors

Business competition inspectors shall have the rights and duties as follows:

1. To receive and record reports, complaints and confessions on a violation of the business competition;
2. To carry out investigations and gather preliminary information on a violation of the business competition;
3. To seize and maintain exhibits related to a violation of the business competition;
4. To inspect premises relating to a violation of the business competition;
5. To produce summary reports on findings of inspection and preliminary information gathering and then submit to the Secretariat of the BCC;
6. To perform other rights and duties in accordance with the relevant laws and regulations.

Article 54 Uniform, Logo, Identity Card and Budget of the BCC

Business competition inspectors shall have a uniform, logo and identity card to perform their rights and duties.

In order to ensure effective and efficient activities of the BCC, the BCC shall have a budget under the budget plan of the Ministry of Industry and Commerce.

Part V Prohibitions

Article 55 General Prohibitions

Individual, legal entity or organization is prohibited:

1. To use violence, to threaten or to impede business competition inspectors from performing their duties;

2. To assist or protect any person who breaches laws and regulations relating to business competition;
3. To act as a broker, to offer or receive a bribe for gaining benefit from the business competition;
4. To conduct any practice violating laws and regulations.

Article 56 Prohibitions for Business Operators

Business operators are prohibited:

1. To practise any unfair business competition as stipulated in article 9 of this Law;
2. To practise any restraint of the business competition as stipulated in articles 21 and 31 of this Law;
3. To deceive business competition inspectors;
4. To practice any conduct violating laws and regulations.

Article 57 Prohibitions for the BCC

The BCC is prohibited:

1. To disclose confidential information of individuals, legal entities and organizations for which it is responsible regarding business competition without permission;
2. To hold a position or act as an advisor to individuals, legal entities and/or organizations doing business relating to business competition;
3. To hold back and delay a process of documents, to exercise excessive power for personal, group, family and relative advantages;
4. To provide the false information leading to the faulty consideration on business competition which is unfair to the disputing business operators;
5. To use the received information on the consideration of business competition in an unfair manner;
6. To conduct any practice violating the relevant laws and regulations.

Article 58 Prohibitions for Business Competition Inspectors and Relevant Government Officials

Business competition inspectors and relevant government officials are prohibited:

1. To unfairly and illegally perform the duties which against laws and regulations;
2. To exercise excessive power, rights and duties for personal, group, family and relative advantages;
3. To forge or use forged documents, disclose confidential information, delay or destroy documents relating to business competition;
4. To conduct any practice violating laws and regulations.

Part VI

Settlement of the Business Competition Violation

Section 1

Inspection of the Business Competition Violation

Article 59 Inspection of the Business Competition Violation

Inspection of the business competition violation is an activity that aims to inspect the concerned business operators in order to prevent and counter the business competition violation as stipulated in this Law and other relevant regulations.

Article 60 Causes Leading to Inspection

The causes that lead to the inspection of the business competition violation shall be as follows:

1. Receiving the report on violation or complaint from any individual, legal entity, or organization relating to the business competition violation;
2. Receiving the confession from violator[s];
3. Finding out a clue of the violation such as data and evidence relating to the unfair business competition and the restraint of the business competition.

Article 61 Report on Violation or Complaint

Individuals, legal entities or organizations that found or knew about the business competition violation shall report or complain on the violation in verbal or written forms to the Secretariat of the BCC in order to conduct the inspection as regulated in article 64 of this Law.

Article 62 Confession of Violator[s]

The confession of violator[s] is the act of any person to voluntarily report about business competition violation to the Secretariat of the BCC.

Officials who receive the confession shall record the confession and report to the BCC.

The confessor[s] shall be granted the lenient treatment in accordance with the relevant laws and regulations.

Article 63 Finding out a Clue of the Business Competition Violation

When business competition inspectors have found any clue or evidence which demonstrates the elements of the business competition violation, they shall gather preliminary information and record the situation and report to the BCC for considering to issue an inspection order.

Article 64 Inspection Procedure

Any inspection occurred due to any cause as stipulated in article 60 of this Law shall be proceeded as follows:

1. Gathering preliminary information;
2. Issuing an inspection order;
3. Interrogating;
4. Searching, seizing or sequestering materials or documents;
5. Applying preventative measures;
6. Reporting on findings of the inspection.

Article 65 Gathering Preliminary Information

Any cause occurred as stipulated in article 60 of this Law, business competition inspectors shall gather preliminary information about the business competition violation in order to report to the BCC for considering to issue an inspection order.

In case of the preliminary information gathered indicates a criminal offence, business competition inspectors shall report to the BCC in order to lodge information and evidence to any agency in criminal prosecution.

In the case of the preliminary information gathered indicates that there is no evidence concerning business competition, the business competition inspectors shall report to the BCC for considering to issue an order to stop the inspection.

Article 66 Issuing Inspection Order

After receiving a report containing information and evidence on the business competition violation, the BCC shall consider to issue an inspection order.

In case of unclear or insufficient information and evidence, the BCC shall issue an order to business competition inspectors to gather additional information.

Article 67 Interrogation

Once the BCC issued the inspection order, business competition inspectors shall have the rights to summon violator[s], suspect[s] or other related persons for interrogation about the business competition violation.

Every interrogation shall be recorded as stipulated in the Law on Criminal Procedure.

Article 68 Searching, Seizing or Sequestering Materials or Documents

Once the President of the Office of the Public Prosecutor issued the written search order in accordance with a request of the BCC, except for a confrontation or urgent circumstance, business competition inspectors shall report to the Office of the Public Prosecutor within twenty-four hours after completing the search.

In case of finding materials or documents relating to the business competition violation, business competition inspectors shall have the rights to seize or sequester such materials or documents and report to the BCC and the Office of the Public Prosecutor within twenty-four hours after seizing and sequestering.

Seizing or sequestering materials or documents shall be clearly recorded with the indication of date, time, inspected site [and] names and surnames [and] positions of business competition inspectors who conducted the inspection, details of materials or documents seized or sequestered. After completing the record[s], the record[s] must be signed or fingerprinted by all participants.

Article 69 Applying Preventative Measures

In the inspection of the business competition violation, if necessary, during the period of the pending decision by the BCC or court, the BCC shall have the rights to propose to the Office of the Public Prosecutor or the People's Court for consideration of applying the preventative measures.

Article 70 Report on Findings of the Inspection

After completing the inspection, business competition inspectors shall report on the findings of the inspection as well as submit all gathered information and evidence to the BCC in order to consider and rectify on case by case basis.

The report shall be clearly indicated the practices of the business competition violation and details of the violation and offer means of settlement.

Article 71 Time Period of Inspection

The time period of inspection of the business competition violation shall be set as follows:

1. Inspection of the unfair business competition shall be completed within ninety days after the date of issuing the inspection order. In case of the inspection is incomplete, business competition inspectors shall be able to propose to the BCC to extend the inspection period up to sixty days.

2. Inspection of the restraint of the business competition shall be completed within one hundred and fifty days after the date of issuing the inspection order. In case of the inspection is incomplete, business competition inspectors shall be able to propose to the BCC to extend the inspection period up to ninety days.

Section 2

Settlement of the Business Competition Violation

Article 72 Settlement of the Business Competition Violation

After receiving the findings of the inspection regarding the business competition violation, the BCC shall apply appropriate action[s] as follows:

1. To issue an order to apply the administrative measure;
2. To issue an order to conduct additional inspection;
3. To compile criminal referral;
4. To issue decision to cease the settlement.

Article 73 Applying the Administrative Measure

In case of the business competition violation deeming as administrative violation, the BCC shall issue an order to apply the administrative measure against violators on

case by case basis such as education, warning, disciplinary measures and fine within fifteen days.

Article 74 Conducting Additional Inspection

In case of insufficient information and evidence gathered, the BCC shall issue an order for business competition inspectors to conduct an additional inspection within ten days.

After receiving the order to conduct an additional inspection, business competition inspectors shall complete the inspection of the unfair business competition within thirty days and of restraint of the business competition within sixty days.

Article 75 Compiling Criminal Referral

In case of the business competition violation where there is strong evidence of the criminal offence, the BCC shall compile criminal referral including all information and evidence and submit to the Office of the Public Prosecutor in order to prosecute as stipulated in the Law on Criminal Procedure.

Article 76 Issuing Decision to Cease the Settlement

The BCC shall have the rights to issue a decision to cease the settlement of the business competition violation within ten days from the date of issuing the decision if one of the following cases occurs:

1. No evidence indicating the business competition violation;
2. If the disputing parties reached a mutual-satisfactory agreement. The violator[s] agreed to compensate for damages or the complainant[s] agree to end the case;
3. Violator[s] accepted and agreed to pay the compensation according to the decision of the BCC.

After issuing decision to cease the settlement of the business competition violation due to any above-mentioned cases, the BCC shall submit such decision to the inspected person, complainant, reporter, damaged person and other relevant parties.

Article 77 Claiming for Civil Damages

The damaged persons due to the business competition violation shall have the rights to complain to a court in order to claim for civil damage compensation as stipulated in the relevant laws and regulations.

Part VII

Administration and Inspection of the Business Competition Activities

Section 1

Administration of the Business Competition Activities

Article 78 Business Competition Administration Agency

The Government shall centrally and uniformly administer the business competition activities throughout the country, by delegating to the industry and commerce sector to take responsibility directly and lead in collaboration with the finance, planning and investment, agriculture and forestry, justice, posts and telecommunications sectors, other sectors and the relevant local administrations.

Business Competition Administration Agency consists of:

1. Ministry of Industry and Commerce;
2. Departments of Industry and Commerce of provinces and Vientiane Capital;
3. Offices of Industry and Commerce of districts and municipalities.

Article 79 Rights and Duties of the Ministry of Industry and Commerce

In administration of the business competition activities, the Ministry of Industry and Commerce shall have the rights and duties in accordance with its responsibilities as follows:

1. To identify policies, strategic plans and laws relating to business competition activities in order to propose to the Government for consideration;
2. To execute policies, strategic plans and laws relating to the business competition activities into implementing plans, action plans and projects, as well as to direct, monitor, support the effective implementation;
3. To advocate, disseminate policies, laws, strategic plans and action plans relating to the business competition activities to society;
4. To issue decisions, orders and instructions relating to business competition activities;

5. To enhance, train, educate and improve knowledge of technical officials relating to the business competition issues;
6. To cooperate with foreign countries, regional, international organizations relating to the business competition activities;
7. To conclude and report relating to the business competition activities to the Government regularly;
8. To perform rights and other duties in accordance with the laws and regulations.

Article 80 Rights and Duties of Vientiane Capital and Provincial Departments of Industry and Commerce

In administration of business competition activities, Vientiane Capital and provincial Departments of Industry and Commerce shall have the rights and duties in accordance with their responsibilities as follows:

1. To execute and implement policies, strategic plans, laws, regulations, action plans relating to the business competition activities;
2. To advocate and disseminate policies, laws, strategic plans, and action plans relating to the business competition activities to the society;
3. To facilitate and cooperate with business competition inspectors in implementing the business competition activities;
4. To receive recommendations and reports relating to the business competition activities from the public and other relevant sectors in order to report to supervisory levels for consideration and rectification;
5. To cooperate with foreign countries, regional, international organizations relating to business competition;
6. To conclude and report the results of implementation of the business competition activities to supervisory levels regularly;
7. To perform rights and other duties in accordance with laws and regulations or as assigned.

Article 81 Rights and Duties of Offices of Industry and Commerce of Districts and Municipalities

In administration of business competition activities, Offices of Industry and Commerce of districts and municipalities shall have the rights and duties in accordance with their responsibilities as follows:

1. To implement plans, decisions, orders, instructions relating to the business competition activities of supervisory levels;

2. To disseminate the laws and regulations relating to business competition activities, organize training for and raise awareness of all sectors in the society to understand the business competition activities in their districts and municipalities;
3. To direct, monitor, encourage implementation of the business competition activities in their districts and municipalities effectively;
4. To receive recommendations and reports relating to the business competition activities from the public and other relevant sectors in order to report to supervisory levels for consideration and rectification;
5. To conclude and report the results of business competition implementation to supervisory levels regularly;
6. To perform rights and other duties in accordance with laws and regulations or as assigned.

Article 82 Rights and Duties of other Sectors and Local Administrations

The finance, public works and transport, public health, education and sports, agriculture and forestry, posts and telecommunications, science and technology, energy and mines sectors, Bank of Lao PDR, other sectors, relevant organizations and local administrations shall have the rights and duties to administer the business competition activities, cooperate and coordinate with the industry and commerce sector in accordance with their roles and responsibilities.

Section 2

Inspection of the Business Competition Activities

Article 83 Business Competition Inspection Agency

Business Competition Inspection Agency shall include as follows:

1. Internal inspection agency is Business Competition Administration Agency as stipulated in article 78 of this Law;
2. External inspection agencies are the National Assembly, the State Inspection Authority, the State Audit Organization, the Lao Front for National Construction, Mass Organizations and Media to inspect the implementation of the business competition activities in accordance with their mandates, rights and duties.

Article 84 Contents of Business Competition Inspection

The contents of business competition inspections shall include as follows:

1. Inspection of implementation of policies, strategic plans and laws and regulations relating to the business competition activities;
2. Inspection of implementation and activities of the Business Competition Commission and the Business Competition Administration Agency;
3. Inspection of responsibilities, practices and performance of officials and business competition inspectors.

Article 85 Types of Inspection of Business Competition Activities

Types of Inspection of business competition activities shall include as follows:

1. Regular inspection refers to an inspection performed according to plans and with specific times;
2. Inspection by advanced notice refers to an ad hoc inspection deemed as necessary and shall notify the suspects at least twenty-four hours in advance;
3. Dawn raids inspection refers to an ad hoc inspection deemed as urgent and shall not be notify the suspects in advance.

During the inspection of business competition activities, documents and premises shall be inspected in accordance with the relevant laws and regulations strictly.

Part VIII

Policies towards Persons with Outstanding Achievement and Measures against Violators

Article 86 Policy towards Persons with Outstanding Achievement

Individuals, legal entities or organizations with outstanding achievement in the enforcement of this Law such as providing information, reporting on the business competition violation shall be praised or granted benefits according to laws and regulations.

Article 87 Measures against Violators

Individuals, legal entities or organizations violating the Law on Business Competition shall be educated, warned, disciplined, fined, subject to compensate for the damages or punished depending on the seriousness of violation.

Article 88 Education Measures

Individuals, legal entities or organizations violating the laws and regulations relating to business competition, particularly the prohibitions as stipulated in this

Law, deemed as a minor violation and first-time violation which is the non-criminal offence shall be educated and warned.

Article 89 Disciplinary Measures

Business competition inspectors and relevant government officials who violated this Law such as non-criminal prohibition, causing minor damages and dishonestly reporting and avoiding their offences shall be punished with the disciplinary measures as follows:

1. Shall be criticized, warned about the violation in accordance with regulations and record such offence in their biographic records;
2. Shall be prevented from promotion, salary advancement, and praise;
3. Shall be demoted or shuffled to a lower-level position;
4. Shall be dismissed from civil service without receiving any benefits

The disciplined person must return all properties acquired illegally to the relevant organization[s].

Article 90 Fines

Individuals, legal entities or organizations violating this Law, non-criminal prohibitions, shall be fined.

Fine rate shall be stipulated in specific regulations.

Article 91 Civil Measures

Individuals, legal entities or organizations violating the prohibitions of this Law causing damages to other persons shall compensate for the caused damages.

Article 92 Criminal Measures

Individuals violating this Law which constituted as the criminal offence shall be punished in accordance with the Penal Law or other laws that provide criminal liability.

Article 93 Additional Penalty Measures

In addition to measures against violators as stipulated in article 92 of this Law, the violator shall be subject to additional penalty measures such as suspension or withdrawal of an Enterprise Registration Certificate.

Part IX Final Provisions

Article 94 Implementation

The Government of the Lao People's Democratic Republic shall implement this Law.

Article 95 Effectiveness

This Law enters into force from the date of the promulgating decree signed by the President of the Lao People's Democratic Republic and after fifteen days of the notification of this Law in the Official Gazette.

Provisions [and] rules that conflict with this Law shall be abrogated.

President of the National Assembly

[Seal and signature]

Pany YATHOTOU