

INDEPENDENT COMMUNICATIONS AUTHORITY OF
SOUTH AFRICA NOTICE 3355 OF 2025



**PLEASE SEE THE
FOLLOWING SPECIFIC
COMMENTS PROVIDED BY
DCDT ON 11 AUGUST 2025
TOGETHER WITH THE
GENERAL COMMENTS
PROVIDED IN THE
COVERING SUBMISSION**

THE INDEPENDENT COMMUNICATIONS AUTHORITY OF SOUTH AFRICA

DRAFT DIGITAL TERRESTRIAL TELEVISION REGULATIONS, 2025

1. The Independent Communications Authority of South Africa ("the Authority") hereby publishes the draft Digital Terrestrial Television ("DTT") Regulations ("draft DTT Regulations") in terms of sections 4(1) (a), (b) and (d), read with section 30-(2)(c) of the Electronic Communications Act, 2005 (Act No. 36 of 2005).
2. A copy of the draft DTT Regulations will also be made available on the Authority's website at <http://www.icasa.org.za> or can be sent via email upon request by interested persons.
3. The Authority hereby invites interested persons to make written representations on the draft DTT Regulations within thirty (30) working days from the date of publication, by e-mail to PCokie@icasa.org.za (in Microsoft Word or PDF) or hand delivery and marked specifically for attention:

Ms. Pumela Cokie
Independent Communications Authority of South Africa
350 Witch-Hazel Road, Eco- Park
Centurion
0157

4. Enquiries should be directed to Ms. Honey Makola at 012 568 3665 or HMakola@icasa.org.za between 10h00 and 16h00, Monday to Friday.

5. Stakeholders may request confidentiality in terms of section 4D of the Independent Communications Authority of South Africa Act, 2000 (Act No. 13 of 2000) ("ICASA Act"), on any information submitted to the Authority. Such a request for confidentiality must be accompanied by a confidential and non-confidential version of the stakeholder's submission. The Authority hereby refers stakeholders to the Guidelines for Confidentiality Requests published in Government Gazette No. 41839 (Notice No. 849) of 17 August 2018, in order to assist them when applying for confidentiality.
6. Non-confidential versions of the written representations received by the Authority pursuant to this notice will be made available on the Authority's website and for inspection at the Authority's library.
7. Persons submitting written representations are further invited to indicate, as part of their submissions, whether they require an opportunity to make oral representations on the draft Regulations, should the Authority elect to hold public hearings.



Mothibi G. Ramusi
ICASA Chairperson
Date: 01/07/2025

The Independent Communications Authority of South Africa has, under sections 4(1) (a), (b) and (d), read with section 30-(2)(c) of the Electronic Communications Act, 2005 (Act No. 36 of 2005), made the regulations in the Schedule.

SCHEDULE

1. DEFINITIONS

In these Regulations, any word or expression to which a meaning has been assigned in the Electronic Communications Act, 2005 (Act No. 36 of 2005) and Broadcasting Act, 1999 (Act No. 4 of 1999) has the meaning so assigned, unless the context specifies otherwise.

"Act" means the Electronic Communications Act, 2005 (Act No. 36 of 2005) as amended.

"digital broadcasting" means terrestrial broadcasting where the broadcast signal is in a digital format, and **"digital broadcast"** shall be construed accordingly.

"Digital Terrestrial Television" or ("DTT)" means digital television broadcasting services in a digital format of television broadcasting services transmitted over a terrestrial electronic communications network which employs radio frequency spectrum, in the transmission of the broadcast signal and but does not include television broadcasting services transmitted over a cable electronic communication network.

"e.tv" means e.tv Proprietary Limited.

"FTA" means free-to-air or free-to-view, allowing viewers of television broadcasting services to access those services without paying a subscription or other fee.

"fourth generation Moving Picture Experts Group" or ("MPEG-4)" means a compression standard adopted by the ITU.

"high-definition television" or ("HDTV)" format" means DTT transmissions a digital television broadcasting standard which for purposes of this regulation, has with a resolution of at least 1280x720 pixels, progressive format.

"Kwesé" means Kwesé Proprietary Limited.

Commented [A1]: As broadcasting can take place over satellite, if this regulation is intended to deal only with terrestrial broadcasting then shouldn't it be specific about the network that is to be used and does it need to refer to "digital broadcasting"?

Commented [A2]: This phrase is defined in the ECA therefore it does not need to be defined again. This definition can be considerably simplified.

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Commented [A3]: This term is used as an acronym in the document without a definition. This is a suggested draft for consideration.

Commented [A4]: There is no apparent reason for including an inoperative licensee and endowing them (by name) with permanent rights in this regulation. This should be addressed in full in the explanatory memorandum as we understand that inoperative licensees generally lose their licences.

"Second-Generation Digital Video Broadcast Transmission" or ~~"DVB-T2"~~ standard means the DVB European-based Consortium standard adopted by the ITU ~~and its radio Regulations.~~

"Multiplex" means a ~~network~~set of frequencies that allows multiple channels to be carried for the provision of ~~D~~igital ~~T~~errestrial ~~T~~elevision.

Commented [A5]: "Network" has a different meaning.

"Multiplex 1" means the frequencies designated as "DTT SFN MUX1" in the Radio Frequency Spectrum Assignment Plan for the Frequency Band 470 to 694MHz.

"Multiplex 2" means the frequencies designated as "DTT SFN MUX 2" in the Radio Frequency Spectrum Assignment Plan for the Frequency Band 470 to 694MHz.

"Multiplex 3" means the frequencies designated as "DTT SFN MUX 3" in the Radio Frequency Spectrum Assignment Plan for the Frequency Band 470 to 694MHz.

"Multiplex 4" means the frequencies designated as "DTT SFN MUX4" in the Radio Frequency Spectrum Assignment Plan for the Frequency Band 470 to 694MHz.

"Multiplex 5" means the frequencies designated as "DTT SFN MUX5" in the Radio Frequency Spectrum Assignment Plan for the Frequency Band 470 to 694MHz.

"Multiplex 6" means the frequencies designated as "DTT SFN MUX6" in the Radio Frequency Spectrum Assignment Plan for the Frequency Band 470 to 694MHz.

"Multiplex 7" means the frequencies designated as "DTT SFN MUX7" in the Radio Frequency Spectrum Assignment Plan for the Frequency Band 470 to 694MHz.

"Multiplex Operator" means ~~an individual electronic communications network service licensee-network operator for digital terrestrial broadcasting that provides the technical infrastructure for the carries out terrestrial dissemination and bundling~~broadcasting signal distribution of digital television programmes using a Multiplex.

Commented [A6]: Use definitions from the ECA.

"PAL-I" means a ~~T~~elevision colour encoding system for the standard-definition ~~digital~~ video mode of analogue television ~~system adopted by South Africa.~~

Commented [A7]: This term is used in the attached table under the column heading "Pre-analogue switchover" therefore it cannot be intended to mean 'digital' mode.

“public broadcasting service” means a public television broadcasting service as defined in the Electronic Communications No. 36 of 2005 and **“public broadcaster”** shall have the same meaning.

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“Radio Frequency Spectrum Regulations” means the regulations published in Notice No. 279 (Government Gazette No. 38641) of 30 March 2025~~2015~~, as amended.

“standard definition television” or “SDTV” means digital transmissions with a resolution of at most 720 x 576 pixels, ~~either whether as~~ interlaced or /interfaced or progressive scanned formats.

LIST OF ACRONYMS

ASO	Analogue Switch Off
CBS	Commercial Broadcasting Service
DTT	Digital Terrestrial Television
DVB-T2	Digital Video Broadcasting – Second Generation Terrestrial
EC	Eastern Cape Province
EC (1)	<u>Part of the</u> Eastern Cape Province (Part thereof)
ECA	Electronic Communications Act, 2005 (Act No. 36 of 2005)
ECNS	Electronic Communications Network Service
FS	Free State Province
FTA	Free to Air
HD	High Definition
GP	Gauteng Province
KZ	KwaZulu-Natal Province
KZ 1,2,3	<u>Part of the</u> KwaZulu-Natal Province (Parts thereof)
LP	Limpopo Province
LP (1,2)	<u>Part of the</u> Limpopo Province (Parts thereof)
MHz	Mega- h Hertz
Mux	Multiplex
MP	Mpumalanga Province
MP (1)	<u>Part of the</u> Mpumalanga Province (Parts thereof)
MPEG-4	Moving Picture Expert Group- 4 <u>coding and transmission of Video</u>
NC	Northern Cape Province
NC (1,2)	<u>Part of the</u> Northern Cape Province (Parts thereof)

Commented [A8]: It is not correct to draft with the primary acronym being the same as the derivative acronym.

Commented [A9]: This is a basic term in the industry and is one word.

Commented [A10]: It would be correct to use the term as defined in ordinary use or to create a proper new definition. In this case, the list is not a list of definitions but a list of acronyms, therefore use the correct acronym.

NW	North West Province
NW (1,2)	<u>Part of the</u> North West Province (Parts thereof)
SD	Standard Definition
SFN	Single Frequency Network
WC	Western Cape Province

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2. PURPOSE OF THE REGULATIONS

The purpose of these Regulations is to: -

- (a) allocate ~~capacity-frequencies~~ in the National Radio Frequency Spectrum ~~Assignment Plan for the Frequency Band 470 to 694MHz comprising of in the form of s~~Seven (7) Multiplexes for the provision of Digital Terrestrial Television in South Africa;
- (b) prescribe the conditions applicable to the allocation of capacity and frequencies in a multiplex;
- (c) prescribe the procedure for the submission of applications for digital television channels ~~authorisation~~authorization to the Authority-on multiplexes; and
- (d) prescribe the procedure for the licensing of ~~the one or more~~ Multiplex Operators s to provide broadcasting signal distribution for the Digital Terrestrial television bBroadcasting services, by the Authority-broadcast for the seven (7) multiplexes.

Commented [A11]: Use the correct definition from the ECA.

3. FRAMEWORK FOR DIGITAL TERRESTRIAL TELEVISION

- (1) Digital Terrestrial Television must use the DVB-T2 standard and the MPEG-4 compression standard or any other compatible advanced compression standard.

Commented [A12]: 1. Without the proposed amendment, this provision is unlikely to be technically accurate, as the chosen compression standard must be compatible with the transmission standard, set-top boxes and televisions or quality.

- (2) The ~~digital broadcast~~broadcasting signal distribution of ~~terrestrial~~ television broadcasting services may be in SDTV mode or HDTV mode, or any other compatible advanced version of these standards.

2. However, should this clause not refer to –
(i) the broadcasters which are obliged to deliver the compressed signal, or
(ii) the BSD that are obliged to transmit the signal?

At present it is unclear who bears the obligation.

- (3) ~~Where any capacity in Muxes is allocated under these Regulations to a television broadcasting service licensee, and the~~If a television broadcasting service licensee does not fully utilise ~~that capacity allocated to it on a mux capacity for content provision~~ within thirty-six (36) months of ~~capacity authorisation~~the commencement date of the authorisation, the unutilised portion of the allocated capacity shall be forfeited and may be reallocated by the Authority as it deems appropriate, and the radio frequency spectrum licence may be amended in accordance with section 31 (9) of the ECA.

Commented [A13]: This is not a defined term.

Commented [A14]: Please see the General Comments.

- ~~(4) The Authority will amend the radio frequency spectrum licence where capacity has been forfeited in terms of sub-regulation (3).~~

Commented [A15]: This clause appears to confuse the allocation of capacity with the grant of an RFS licence in relation to the frequencies used on a mux.

- ~~(5)~~(4) A ~~t~~television broadcasting service licensee that is allocated capacity on Multiplex 1-5 in terms of these Regulations may use its capacity for the ~~digital-broadcasting of any digital~~ television channels, ~~which the t~~television

broadcasting service licensee is authorised to provide, in accordance with the procedures prescribed by these Regulations.

4. MULTIPLEX ALLOCATION

MULTIPLEX 1 & 5

- (1) The Public Broadcaster may use ~~up to~~ one hundred percent (100%) of the available capacity in Multiplex 1 and 5 for ~~the digital broadcasting of:~~
- (a) the Public Broadcaster's channels; and
 - (b) any other ~~digital~~ television channels, which the Public Broadcaster is authorised to provide, in accordance with the procedures prescribed by these Regulations.

Commented [A16]: These words are unnecessary.

MULTIPLEX 2

- (2) e.tv must not exceed eighty-five percent (85%) of the available capacity in Multiplex 2 for ~~the digital broadcasting of:~~
- (a) e.tv television channels; and
 - (b) any other ~~digital~~ television channels, which e.tv is authorised to provide, in accordance with the procedures prescribed by these Regulations.

- (3) ~~Terrestrial television broadcasting service licensees that provide e~~Community television broadcasting service ~~licensees~~ must collectively not exceed fifteen percent (15%) of the available capacity in Multiplex 2 ~~to broadcast their existing television channels.~~

Commented [A17]: Use the correct definition.

MULTIPLEX 3

- (4) Kwesé must not exceed fifty-five per cent (55%) of the available capacity of Multiplex 3 ~~to broadcast their television channels.~~
- (5) Any ~~other~~ FTA television broadcasting service licensees must not exceed forty-five per cent (45%) of the available capacity on Multiplex 3 ~~in the provision of their services.~~

Commented [A18]: Is this clause intended to restrict the number of FTA licensees to one? Or are all other (however many are licensed) FTA licensees permitted to attempt to use the 45%? This approach may result in dispute.

~~A television broadcasting service licensee that is assigned capacity on Multiplex 3 in terms of sub-regulation (1) may use its capacity on Multiplex 3 for the digital broadcasting of any digital television channels, which the television broadcasting service licensee is authorised to provide, in accordance with the procedures set out in regulation 5.~~

Commented [A19]: There is no purpose to be served by this paragraph which merely replicates sub-regulation (5).

MULTIPLEX 4

- (6) Pursuant to the publication by the Authority of an Invitation to Apply for a radio frequency spectrum licence under regulation 7 of the Radio Frequency Spectrum Regulations and the successful award of one or more radio frequency spectrum and commercial subscription television broadcasting service licences, that or those licensees may use ~~One~~ one hundred percent (100%) of the available capacity on Multiplex ~~4 is allocated to commercial subscription broadcasting television service licensee(s) subject to the publication of the Invitations to Apply for a Radio Frequency Spectrum Licence to be issued in terms of regulation 7 of the Radio Frequency Spectrum Regulations.~~

Commented [A20]: How is this to be divided depending on how many of these licences are awarded? On a proportionate basis? If so, shouldn't this clause say that?

MULTIPLEX 6 and -7

- (7) One hundred percent (100%) of ~~the~~ capacity on ~~each of~~ Multiplexes 6 and -7 is reserved for future innovation, ~~wherein to allow~~ trials, experiments and demonstration ~~can to~~ be undertaken in terms of regulation 40 of the Radio Frequency Spectrum Regulations.
- (8) An application in terms of regulation 40 (2) of the Radio Frequency Spectrum Regulations for a special temporary authorisation to conduct services on a test or trial basis using the available capacity on ~~either~~ Multiplex 6 ~~or -7~~, provided that no test or trial services shall be conducted on a date as may be set by the Authority by notice in the Gazette.
- (9) Sub regulation (98) is subject to the percentage capacity allocation agreed to at the sole discretion of the Authority having considered the number of trials already being conducted, the duration thereof and the capacity requested by the applicant.

Commented [A21]: Please be clear in the use of these references – there are 7 muxes therefore shouldn't this text refer to mux 6 and mux 7, separately?

Commented [A22]: This appears to be a cut and paste from regulation 5(3) of the Promotion of Diversity and Competition Regulations, 2014, which is then irrelevant because these regulations are stated to apply only after ASO.

5. CHANNEL AUTHORISATION PROCEDURE

- (1) A television broadcasting service licensee which has been assigned capacity other than a community television broadcasting service licensee ~~which provides a community broadcasting service~~, must make an application in writing to the Authority for authorisation to broadcast a specific ~~digital~~ television channel on any of the multiplexes.
- (2) In the interest of procedural fairness, the Authority may invite public comments and conduct a public hearing in relation to an application to authorise a ~~digital~~ television channel in terms of sub-regulation (1).

Commented [A23]: See the General Comments on research and choice of approach.

Commented [A24]: There is no basis for this comment since the Authority should always act in a procedurally fair manner. Why is a hearing required? ICASA has discretion to hold hearings on matters and often chooses not to do so.

(3) Subject to sub-regulation (5), a television broadcasting service licensee must not commence broadcasting a ~~digital~~ television channel except where the Authority has given its written authorisation for the ~~digital~~ television channel.

(4) Within sixty (60) days of receipt of an application made in terms of sub-regulation (1), the Authority shall issue a certificate ~~authorising~~authorizing the channel or ~~refusing to authorise~~rejecting the channelapplication, unless if the Authority has ~~elected to hold a public hearing in terms of sub-regulation (2).~~

(5) An application in terms of sub-regulation (1) by an ~~FTA~~ television broadcasting service licensee, ~~which provides a free-to-air broadcasting service,~~ must include

- (a) the name of the proposed channel;
- (b) the primary language(s) of the channel;
- (c) a programming plan, including local content, where applicable;
- (d) the country where the channel was packaged;
- (e) the full name of the channel supplier; and
- (f) any other related information as may be required by the Authority.

(6) An application in terms of sub-regulation (1) by a ~~subscription~~ television broadcasting service licensee ~~which provides a subscription broadcasting service~~ must include the information stipulated in the Subscription Broadcasting Regulations for channel ~~approval~~ applications.

(7) An application in terms of sub-regulation (1) that does not contain the information that is required in terms of sub-regulations (5) and (6) ~~shall be considered as incomplete and~~ will not be considered by the Authority.

6. ~~BROADCASTING~~ SIGNAL DISTRIBUTION OF ~~THE~~ DIGITAL TERRESTRIAL TELEVISION SERVICES

(1) The coverage requirements for DTT in Multiplexes will be based on the ~~terrestrial~~ television broadcasting service licensee's licen~~cse~~ conditions.

(2) ~~S~~Broadcasting signal distribution services must be provided to each of the broadcasting service licensees ~~for digital broadcasting,~~ by an ECNS licensee or licensees appointed in terms of this regulation 6.

Commented [A25]: There is no need for a hearing, but if there is to be a hearing, there is no need to extend the 60-day period. More efficiency is needed.

Commented [A26]: Date to be inserted as these are not defined.

Commented [A27]: How will the applicant know that ICASA is not going to consider its application?

(3) A television broadcasting service licensee⁷ that cannot self-provide in terms of 63 of the ECA, must seek to conclude a commercial agreement with an ECNS licensee to provide broadcasting signal distribution services.

(4) The agreement in terms of sub-regulation (3) must be submitted to the Authority six (6) months after the commencement of these ~~regulations~~Regulations, and must include:

- (a) a roll-out plan in line with the coverage targets;
- (b) a technical plan consistent with the broadcast frequency plan; and
- (c) tariff structure for signal distribution.

~~(5) Where a terrestrial television broadcasting service licensee fails to comply with sub-regulation (4) or where the Authority is not satisfied that the ECNS licensee selected by an broadcasting service licensee will achieve the roll out targets specified in its licence or the broadcasting signal distribution objectives specified in section 62 of the Act, the Authority may publish an Invitation to Apply to ECNS licensees, to apply for the provision of signal distribution services to the terrestrial television broadcasting service licensee.~~

~~(6)~~(5) A response to an Invitation to Apply in terms of sub-regulation (5) must include:-

- ~~(a) the tariff framework to be applied;~~
- ~~(b) a roll out plan in line with the individual licensee's coverage targets;~~
a technical plan consistent with the broadcast frequency plan; ~~and the electronic communications network service licensee's compliance with section 62 of the Act.~~

~~(7)~~(6) After considering applications received in response to an Invitation to Apply published in terms of sub-regulation (5), and in the interest of procedural fairness, the Authority may, prior to making a decision about an application, elect to take any one or more~~or all~~ of the following steps: –

- (a) invite interested persons to submit written representations in relation to application(s) received from electronic communications network service licensees to provide signal distribution services to a terrestrial television broadcasting service licensee within the period specified in the notice;
- (b) allow the applicant(s) an opportunity to submit written responses to representations received in relation to the application within the period specified by the Authority; and/or

Commented [A28]: 1. Was this obligation enforced under the previous regulations?
2. Given that digital migration is taking place with its own set of coverage obligations, what is the purpose of including coverage and rollout obligations?
3. What is the purpose of including tariff structures since the common carrier is no longer the only ECNS licensee that can carry out signal distribution and ICASA has not investigated its tariffs in more than 10 years, and without a competition inquiry, an ordinary ECNS licensee has no obligation to submit tariffs to ICASA without regulatory justification?

If ICASA believes that Sentech is likely to be the only BSD for some time to come, then this clause (particularly as regards tariffs) should be specific to Sentech. Otherwise it does not appear to be necessary.

Commented [A29]: This clause is unnecessary given that this is now a commercial arrangement, no longer limited to Sentech. Why would ICASA need to determine which ECNS licensee a broadcaster can use to carry out BSD if this is a commercial arrangement?

If ICASA believes that – having conducted an inquiry – it is not likely that any ECNS except Sentech is going to be providing BSD, then should there not be two sets of provisions in the regulations – one set that applies to Sentech (taking into account its dominant status) and a separate set that applies to all other ECNS licensees that might choose to enter the market for BSD?

Commented [A30]: It would be appropriate to set out what the ITA will contain as is the case in other regulations.

Commented [A31]: What 'broadcast frequency plan'? What does this mean?

Commented [A32]: This is in national law – it does not need to be restated in a regulation.

Commented [A33]: The Promotion of Administrative Justice Act was passed in 2000. There is no need, as a result, to include this wording in any regulations. It is ICASA's job to act in a procedurally fair manner at all times, as it is an administrator.

Commented [A34]: Why only 'may'? This is standard procedure.

(c) conduct a public hearing in relation to the application.

~~(8) The Authority may, after considering the application(s) submitted in response to an Invitation to Apply published in terms of sub-regulation (5), and any other relevant information submitted, appoint an ECNS licensee to provide signal distribution services to the terrestrial television broadcasting service licensee in question subject to the applicable terms and conditions contained in the issued licence.~~

~~(7) A decision about an application shall be made within a period of ninety (90) days from date of submission, provided that this period may be extended by thirty (30) days if the number of applications warrants further time.~~

~~(9)(8)~~ Where an ECNS licensee, appointed in terms of sub-regulation (8) receives any government subsidy intended to subsidise the signal distribution costs incurred by any terrestrial television broadcasting service licensee, the appointed ECNS licensee must reduce the tariffs charged to the terrestrial television broadcasting service licensee or licensees by the amount of the subsidy.

~~(10)(9)~~ The tariffs charged by an ECNS licensee appointed in terms of this regulation to provide signal distribution services are subject to regulation by the Authority.

7. MULTIPLEX OPERATOR FOR ~~THE~~ DIGITAL TERRESTRIAL TELEVISION.

~~(1) A Multiplex Operator must provide the technical infrastructure for the terrestrial dissemination and bundling of digital programs and additional services contained in a digital data stream contributed by a Television and or Sound Broadcaster.~~

~~(2) A Multiplex Operator must provide Digital Terrestrial Broadcasting, in particular DVB-T2, as well as mobile television.~~

~~(3) An electronic communications service network license is required to operate a Multiplex Platform.~~

~~(4) A spectrum license is required to operate a National DTT Multiplexer and/or a Provincial DTT Multiplexer (or part thereof).~~

~~(5)(1)~~ A Multiplex Operator must apply, in accordance with the Radio Frequency Spectrum Regulations, for the assignment of the frequencies making up the DTT

Commented [A35]: Is this still the case? If not, remove this clause.

Commented [A36]: This seems likely to apply ONLY if its Sentech. Otherwise it is unclear what the justification for this provision is.

Commented [A37]: 1.This regulation deals with television and this is the first mention of sound. Why is it necessary to deal with sound which could be a channel like any other?
2.The sole purpose of a mux operator is to provide these services so it is probably unnecessary to include this obligation in the regulation.

Commented [A38]: 1.It is unclear where the terms 'mobile television' comes from. It is not previously referred to.
2.See query on regulation 3(1) and simplify – it may assist to put one obligation in one clause for clarity.

Commented [A39]: This regulation only applies to ECNS licensees that operate a mux. As phrased, it is an obligation on every ECNS licensee to comply which is probably not what was intended.

Commented [A40]: This is what the ECA says – no person may use frequency without a licence. There is therefore no need to repeat it as it is national law.

Multiplex in accordance with the terrestrial television broadcasting multiplex structure summarised in **Schedule 2**.

~~(6) Where an ECNS licensee is providing services referred to in sub-regulation 5 during the Broadcasting Migration Dual Illumination period, the licensee may apply for an amendment of their license in accordance with the Radio Frequency Spectrum Regulations.~~

Commented [A41]: This regulation does not deal with dual illumination as it is only intended to come into force after ASO. It should be removed.

~~(7) An application in terms of sub-regulation (5) must be made in accordance with regulation 6 of the Radio Frequency Spectrum Regulations, that is, "Extended Application Procedure".~~

~~(9)(2)~~ The Authority may determine, on good cause shown, that the frequency assignments making up the DTT Multiplex may be carried out through the "Standard Application Procedure" process in accordance with regulation 5 of the Radio Frequency Spectrum Regulations.

Commented [A42]: What does this mean? It suggests that any person may make an application for frequencies comprising a mux but this does not make sense when read with the requirement to be authorized to use "capacity".

~~(9)(3) The duration of the radio frequency spectrum licence for the Multiplex Operator shall run concurrently with the duration of the ECNS service licence of the television broadcasting service licensee to whom it operates the multiplex.~~

Commented [A43]: The regulations contain their own definitions which should be used consistently.

8. GENERAL OBLIGATIONS

Commented [A44]: If it is an obligation then it is not appropriate to use "may" as is the case in (2) and (3).

(1) A ~~terrestrial~~ television broadcasting service licensee must ensure that an Electronic Programme Guide (a schedule of forthcoming available programmes broadcast by the licensee at defined intervals), and an Electronic Programme Information (information concerning the nature and content of programming) are made available to consumers for the programming broadcast on a particular channel.

Commented [A45]: These terms should preferably be included in the definitions section.

~~(2) A terrestrial television broadcasting service licensee may provide data services and subject to agreement with the relevant channel provider, radio channels using the capacity allocated to it as per regulation (4), as the case may be, for the purpose of enhancing service to end-users.~~

~~(3)(2) Licensed sound broadcasting licensees may be accommodated on the various any multiplexes, subject to a commercial agreement with the terrestrial television broadcasters licensee regarding the percentage of their capacity that may be used.~~

~~(4) Terrestrial television broadcasting service licensees, upon analogues switch-off, are authorised to provide a multi channel broadcasting service as provided for in these Regulations.~~

Commented [A46]: This is not prohibited in the ECA and as the obligations regarding compression are intended to enable multichannel carriage, so it is unclear what the purpose of this clause is.

9. PENALTIES

(1) A television broadcasting service licensee that contravenes regulations 4(2) to (5) and (9); 5 (3); 7 (1) to (9); and 8(1) to (3) is liable for a fine not exceeding five hundred thousand rand (R500 000) for each day that it is in contravention of such provision.

Commented [A47]: What is the supporting precedent for these penalties? They are the same as the penalties applying in the 2012 and 2014 regulations, but this is 2025.

The cross-references will need to be revised once the other clauses are amended.

(2) An ECNS licensee that contravenes regulations 6(9), (10) is liable to a fine not exceeding five hundred thousand rand (R500 000) for each day that an ECNS licensee is in contravention of such provision.

10. REPEAL OF REGULATIONS

(1) The Digital Migration Regulations, 2012, and the Promotion of Diversity and Competition on Digital Terrestrial Television Regulations, 2014, are hereby repealed.

Commented [A48]: 1.This clause does not refer to the Mobile Television Regulations.

2.There is a clear disconnect now between these regulations, streaming, and so-called mobile tv.

3.Is anyone using frequencies under the Mobile TV Regulations?

4.Has an impact study been conducted to assess the utility of retaining these licences in the face of the need for spectrum for other purposes, and the ability of MNOs to provide streaming at any time of their choosing, without a mobile tv licence?

11. SHORT TITLE AND COMMENCEMENT

(1) The Regulations are be called the Digital Terrestrial Television Regulations, 2025 and will come into effect upon the date on which analogue switch-off takes place pursuant to the proclamation under the Digital Migration Policy.

SCHEDULE 2

SUMMARY REFERENCE TECHNICAL STRUCTURE OF THE TERRESTRIAL BROADCASTING PLAN IN SOUTH AFRICA.

ANALOGUE TERRESTRIAL TELEVISION										
TERRESTRIAL TELEVISION BROADCASTING MULTIPLEXES IN SOUTH AFRICA.										
Frequency assignments	Mux name			ECNS Operator	Broadcast mode		Bitrate		Remarks	Non-exhaustive list of channels
Analogue Television	DTT Dual Illumination Network Plan	Post DTT Dual Illumination Network Plan	Post-Switchover SFN operating names	Signal Distributor / DTT Multiplex Operator	Pre-Analogue switchover	Post-Switchover	Pre-Switchover	Post-Switchover	Description	Non-exhaustive list of channels.
Annexes E, F - Government Gazette 36321 (Notice 298 of 2013)	Annexure G Amendment: - DTT Frequency Assignments During Analogue to Digital Migration DTT1 as contained in Government Gazette 38005 (Notice 801 of 2014). PS: Single Frequency Network (SFN) Post Coordination	Annexure J - Post ASO: Digital Terrestrial Television SFN Network Post 2015 Government Gazette 38005 (Notice 801 of 2014) PS: Single Frequency Network (SFN) Post Coordination in accordance with the GE06 Agreement.	1. CA1 2. EC1 3. GT1 4. KZ1 5. MP1 6. NC1 7. NC1A 8. NP1 9. NP1A 10. NW1	Sentech (Regulation 6 of the Radio Frequency Migration Regulations and Plan 2013, Government Gazette 36334 (Notice 352 of 2013) applies.	PAL I	DVB T2	Analogue (No bitrate Option)	30.01 Mb/s OR 33.27 Mb/s	(HD programme channel uses 5 Mb/s/CH) (SD programme channel uses 1.5 Mb/s/CH) See information in sections 6.1 and 6.3 of GG 43341 Notice 284 Of 2020	6 HD channels OR Up to 22 SD channels OR Combination of SD and HD channels not exceeding stipulated Bitrate

	in accordance with the GE06 Agreement.									
Annexes E, F - Government Gazette 36321 (Notice 298 of 2013)	Annexure G Amendment: - DTT Frequency Assignments During Analogue to Digital Migration DTT2 as contained in Government Gazette 38005 (Notice 801 of 2014) PS: Single Frequency Network (SFN) Post Coordination in accordance with the GE06 Agreement.	Digital Terrestrial Television Frequency Networks 2013 (DTT1) Contained in Annexure G – Government Gazette 38005 (Notice 801 of 2014) PS: Single Frequency Network (SFN) Post Coordination in accordance with the GE06 Agreement.	1. CA2 2. EC2 3. GT2 4. KZ2 5. MP2 6. NC2 7. NC2A 8. NP2 9. NP2A 10. NW2	Sentech (Regulation 6 of the Radio Frequency Migration Regulations and Plan 2013, Government Gazette 36334 (Notice 352 of 2013) applies.	PAL I	DVB T2	Analog (No bitrate Option)	30.01 Mb/s OR 33.27 Mb/s	(HD programme channel uses 5 Mb/s/CH) (SD programme channel-uses 1.5 Mb/s/CH) See information in sections 6.1 and 6.3 of GG43341 Notice 284 of 2020	6 HD channels OR Up to 22 SD channels OR Combination of SD and HD channels not exceeding stipulated Bitrate
Annexes E, F - Government Gazette 36321 (Notice 298 of 2013)	Annexure G Amendment: - DTT Frequency Assignments During Analogue to Digital	Digital Terrestrial Television Frequency Networks 2013 (DTT1) Contained in Annexure G –	1. CA3 2. EC3 3. GT3 4. KZ3	TBD (Regulation 6 of the Radio Frequency Migration Regulations and Plan	PAL I	DVB T2	Analog (No bitrate Option)	30.01 Mb/s OR 33.27 Mb/s	(HD programme channel uses 5 Mb/s/CH) (SD programme channel-	6 HD channels OR Up to 22 SD channels OR Combination of SD and

	Migration DTT3 as contained in Government Gazette 38005 (Notice 801 of 2014). PS: Single Frequency Network (SFN) Post Coordination in accordance with the GE06 Agreement.	Government Gazette 38005 (Notice 801 of 2014). PS: Single Frequency Network (SFN) Post Coordination in accordance with the GE06 Agreement.	5. MP3 6. NC3 7. NC3A 8. NP3 9. NP3A 10. NW3	2013, Government Gazette 36334 (Notice 352 of 2013) read with. the Promotion of Diversity and Competition on Digital Terrestrial Television Regulations, Government Gazette 37929 (Notice 682 of 2014) to be considered.					uses 1.5 Mb/s/CH) See information in sections 6.1 and 6.3 of GG43341 Notice 284 Of 2020	HD channels not exceeding stipulated Bitrate
Post Analogue Switch-Off.	PS ; Single Frequency Network (SFN) Post Coordination in accordance with the GE06 Agreement.	Annexure J - Post ASO: Digital Terrestrial Television SFN Network Post 2015 Government Gazette 38005 (Notice 801 of 2014). PS : Single Frequency	1. CA4 2. EC4 3. GT4 4. KZ4 5. MP4 6. NC4 7. NC4A 8. NP4	TBD	PAL I	DVB T2	Analog (No bitrate Option)	30.01 Mb/s OR 33.27 Mb/s	(HD programme channel uses 5 Mb/s/CH) (SD programme channel-uses 1.5 Mb/s/CH) See information in sections 6.1 and 6.3	6 HD channels OR Up to 22 SD channels OR Combination of SD and HD channels not exceeding stipulated Bitrate

		Network (SFN) Post Coordination in accordance with the GE06 Agreement.	9. NP4A 10. NW4						of GG43341 Notice 284 Of 2020	
Post Analogue Switch-Off.	PS: Single Frequency Network (SFN) Post Coordination in accordance with the GE06 Agreement.	Annexure J - Post ASO: Digital Terrestrial Television SFN Network Post 2015 Government Gazette 38005 (Notice 801 of 2014). PS: Single Frequency Network (SFN) Post Coordination in accordance with the GE06 Agreement.	1. CA5 2. EC5 3. GT5 4. KZ5 5. MP5 6. NC5 7. NC5A 8. NP5 9. NP5A 10. NW5	TBD	PAL I	DVB T2	Analog (No bitrate Option)	30.01 Mb/s OR 33.27 Mb/s	(HD programme channel uses 5 Mb/s/CH) (SD programme channel-uses 1.5 Mb/s/CH) See information in sections 6.1 and 6.3 of GG43341 Notice 284 Of 2020	6 HD channels OR Up to 22 SD channels OR Combination of SD and HD channels not exceeding stipulated Bitrate
Post Analogue Switch-Off.	PS: Single Frequency Network (SFN) Post Coordination in accordance with the	Annexure J - Post ASO: Digital Terrestrial Television SFN Network Post 2015	1. CA6 2. EC6 3. GT6 4. KZ6		PAL I	DVB T2	Analog (No bitrate Option)	30.01 Mb/s OR 33.27 Mb/s	(HD programme channel uses 5 Mb/s/CH) (SD programme	6 HD channels OR Up to 22 SD channels OR

	GE06 Agreement.	Government Gazette 38005 (Notice 801 of 2014). PS: Single Frequency Network (SFN) Post Coordination in accordance with the GE06 Agreement.	5. MP6 6. NC6 7. NC6A 8. NP6 9. NP6A 10. NW6						channel-uses 1.5 Mb/s/CH) See information in sections 6.1 and 6.3 of GG43341 Notice 284 Of 2020	Combination of SD and HD channels not exceeding stipulated Bitrate
Post Analogue Switch-Off.	PS: Single Frequency Network (SFN) Post Coordination in accordance with the GE06 Agreement.	Annexure J - Post ASO: Digital Terrestrial Television SFN Network Post 2015 Government Gazette 38005 (Notice 801 of 2014). PS: Single Frequency Network (SFN) Post Coordination in accordance with the GE06 Agreement.	1. CA7 2. EC7 3. GT7 4. KZ7 5. MP7 6. NC7 7. NC7A 8. NP7 9. NP7A 10. NW7		PAL I	DVB T2	Analog (No bitrate Option)	30.01 Mb/s OR 33.27 Mb/s	(HD programme channel uses 5 Mb/s/CH) (SD programme channel-uses 1.5 Mb/s/CH) See information in sections 6.1 and 6.3 of GG43341 Notice 284 Of 2020	6 HD channels OR Up to 22 SD channels OR Combination of SD and HD channels not exceeding stipulated Bitrate



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**EXPLANATORY MEMORANDUM ON THE DRAFT DIGITAL TERRESTRIAL
TELEVISION REGULATIONS, 2025**

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LIST OF ACRONYMS

ASO	Analogue Switch Off
DTT	Digital Terrestrial Television
ECA	Electronic Communications Act, 2005 (Act No. 36 of 2005)
FTA	Free to Air
HD	High Definition
ICASA	Independent Communications Authority of South Africa
ICT	Information Communication and Technology
Mux	Multiplex
SFN	Single Frequency Network

1. INTRODUCTION AND BACKGROUND

- 1.1. On 22 March 2024, the Independent Communications Authority of South Africa ("the Authority") commenced an inquiry through the publication of a Discussion Document¹, aimed at reviewing the Digital Migration Regulations, 2012² ("Digital Migration Regulations"). The primary purpose was to solicit stakeholder input concerning the regulatory framework necessary to effectively manage the broadcasting environment following the Analogue Switch-Off ("ASO").
- 1.2. The Discussion Document considered key regulatory aspects, including technological advancements, spectrum allocation, licensing frameworks and consumer access to broadcasting services. Stakeholders were initially invited to submit written comments by 29 May 2024; however, this deadline was subsequently extended to 13 June 2024 in response to stakeholder requests. To further engage stakeholders and clarify their submissions, the Authority also held oral hearings on 28 June 2024.
- 1.3. Following this consultative process, the Authority published a Findings Document³ summarising stakeholder submissions and discussions, highlighting significant regulatory opportunities, challenges and priorities identified during the Inquiry.
- 1.4. The above Findings have directly informed the formulation of the Draft Digital Terrestrial Television (DTT) Regulations, 2025, which are now presented for consultation.
- 1.5. This Explanatory Memorandum accompanies the Draft Digital Terrestrial Television Regulations, 2025, and outlines the rationale, objectives, and intended effects of the proposed regulations.

¹ Notice 238 Government Gazette No. 50329, 22 March 2024.

² Notice 1070 *Government Gazette* No.3600, 14 December 2012.

³ Notice 3090 *Government Gazette* No. 52392, 27 March 2023.

Commented [A49]: This is a very basic error.

- 1.6. Stakeholders are invited to submit further representations to ensure the final regulations adopted are robust, inclusive and aligned with South Africa's broader economic, social and technological imperatives.
- 1.7. The Draft DTT Regulations are intended to give effect to the objectives set out in section 2 of the Electronic Communications Act, 2005 (Act No. 36 of 2005) ("the ECA"), which include the efficient use and management of the radio frequency spectrum, the facilitation of universal and equitable access to broadcasting services, the encouragement of technological innovation and the promotion of a competitive and diverse broadcasting sector within the broader ICT landscape.
- 1.8. The Authority acknowledges and values the ongoing participation and constructive input from stakeholders, which are essential to achieving a balanced regulatory environment conducive to the sustainable growth and development of South Africa's digital broadcasting landscape.

2. LEGISLATIVE AND POLICY FRAMEWORK

- 2.1. In terms of section 4 of the ECA, the Authority may make regulations with regard to any matter in terms of the ECA or related legislation which must or may be prescribed, governed or determined by regulation. Section 4(1)(a) of the Act empowers the Authority to make regulations regarding any technical matter necessary or expedient for the regulation of ~~all licensed~~ the services as identified in Chapter 3 of the ECA. Section 4(1)(b) of the Act provides that the Authority may make regulations on any matter of procedure or form which may be necessary or expedient to prescribe for the purposes of this Act or the related legislation. In terms of section 4(1)(d), the Authority may make regulations regarding the control of the radio frequency spectrum, radio activities and the use of radio apparatus.
- 2.2. Section 30(2)(d) requires the Authority to "plan for the conversion of analogue uses of the radio frequency spectrum to digital, including the migration to

digital broadcasting in the Authority's preparation and modification of the radio frequency spectrum plan".

3. REGULATION 2- PURPOSE OF THE REGULATIONS

- 3.1. The objectives of these regulations ~~are-is~~ to provide a regulatory framework for the provision of digital terrestrial television ~~post-after the date of~~ analogue switch-off. With the analogue switch-off process ongoing, the regulatory focus shifts from enabling the migration process to the regulatory management of a fully digital~~ly~~ broadcasting environment.

4. REGULATION ANALYSIS

4.1. Multiplex Allocation Overview

- 4.1.1. The Authority, having considered submissions received during the consultation process, notes that stakeholders in general do not support the concept of multiplex~~-~~sharing. The prevailing view is that each broadcaster should be allocated its own dedicated multiplex, as sharing impacts the geographical reach of services and imposes cost burdens due to divergent coverage requirements.
- 4.1.2. Stakeholders expressed support for a flexible and adaptable licensing framework that is responsive to the dynamic nature of the digital broadcasting environment. Such a framework must account for the adoption of new technologies, shifting consumer viewing behaviours, and the growing competitive pressures presented by on-demand content ~~providers~~.
- 4.1.3. While these Draft DTT Regulations are forward-looking and the Authority supports, in principle, the idea of assigning separate multiplexes to individual broadcasters, ~~this allocation takes into consideration the currently available infrastructure in the event that the analogue switch-off occurs sooner than anticipated.~~

Commented [A50]: It is not clear then, why ICASA is ignoring these submissions?

Commented [A51]: When is it anticipated and on what basis might it take place sooner, and is there no other way to accommodate an early switch-off than to oblige sharing? This is not a satisfactory explanation.

4.1.4. The Draft DTT Regulations propose an increase in the percentage allocation of the number of multiplexes~~es capacity~~ to afford broadcasters the ability to increase channels and/or the quality of broadcasting without compromising the viability of their services as ~~follows~~set out in paragraph 2.

4.2. Multiplex 1 and 5

4.2.1. The regulation proposes that Mux 1 and 5 be allocated entirely (100%) to the public broadcaster (the SABC) in order to fulfil its public broadcasting mandate⁴ and enable HD broadcasting expansion.

Commented [A52]: A draft regulation does not propose as it is a draft of the actual wording that will be used, which in this case is "provide".

Commented [A53]: This provision is impossible to understand. The explanation needs to be more precise and it would be appropriate to use the correct terminology.

~~4.2.2. This allocation addresses the current capacity allocation under Mux 1, which poses significant constraints for the public broadcaster's ability to transition to high definition (HD) broadcasting.~~

Commented [A54]: ICASA has always proposed 100%?

~~4.2.3. 4.2.2. Support was noted for the reallocation of capacity on Mux 1 to allow for greater flexibility, efficiency and scalability in the provision of digital broadcasting services. There was also support for increased allocation for the public broadcaster.~~

4.3. Multiplex 2

~~4.3.1. The regulation proposes that up to eighty five percent (85%) of Mux 2 be allocated to the incumbent commercial FTA broadcasters (e.tv) and fifteen percent (15%) to community broadcasters.~~

~~4.3.2. 4.3.1.~~ This allocation increases from the previously assigned capacity of 50% with an additional 35% capacity for the incumbent commercial FTA television broadcasting service licensees and supports stakeholders' suggestions that FTA broadcasters who serve public interest obligations should be prioritised in Mux allocation.

Commented [A55]: Which are these broadcasters? We are not aware of any.

Commented [A56]: We do not see this in the in the regulation. In any event, how will they be prioritized as the regulation does not provide for prioritization?

~~4.3.3. The model supports fair and efficient use of spectrum while promoting diversity through limited, but meaningful, community access.~~

Commented [A57]: There is no support for this statement.

⁴ As defined in the Broadcasting Act No. 4 of 1999

~~4.3.4.4.3.2.~~ The regulation reserves 15% of the capacity for community broadcasters ~~with the awareness that the community broadcasters areas they are~~ not in a position to utilise ~~the whole capacity if allocated capacity on~~ a Mux ~~of their own made available to them alone~~. In this case, sharing a Mux maintains the Authority's objective of efficient use of spectrum.

~~4.3.5.~~ ~~Whilst the Authority acknowledges that there might be benefits of coverage spillage for a larger audience reach and possible advertising opportunities, it also recognises that those benefits might not outweigh the costs of coverage spillage for a community broadcaster. Furthermore, the draft regulations are to consult stakeholders on the introduction of the multiplex operator, which separates the functions of signal distribution and multiplexing.~~

Commented [A58]: This makes no sense.

4.4. Multiplex 3

4.4.1. ~~The regulation proposes maintaining f~~Fifty-five percent (55%) of Mux 3 capacity will be reserved to the incumbent commercial FTA television broadcastingers licensees. This allocation supports the submissions ~~for the need for requesting~~ separate multiplex allocations between FTA and subscription television broadcasting licensee~~s~~broadcasters, given their differing operational models and market demands.

4.4.2. The remaining forty-five percent (45%) will be made available to one or more commercial FTA broadcasters. This allocation is in support of enabling market entry for new players in order to foster innovation, promote diversity and enhance sector competitiveness.

Commented [A59]: It is difficult to discern how one might divide the remaining capacity if there is more than 1 broadcaster. The regulation makes no provision for a proportionate division or the possibility that more broadcasters will be licensed in future and will then have to be accommodated on a mux that is already in use by other broadcasters.

~~4.4.3.~~ ~~Furthermore, this allocation allows for the incumbent commercial FTA broadcaster to use this allocation should the need for increased capacity arise.~~

Commented [A60]: Unfortunately the allocation will not have this effect if the parties are in dispute over who gets capacity.

4.5. Multiplexes 4, 6 and 7

Commented [A61]: This is the point being made above – what if there is nothing left for new entrants?

4.5.1. ~~The regulation proposes allocating~~ One hundred percent (100%) of the available capacity on Multiplex 4 is to be allocated to one or more commercial subscription television broadcasting ~~television~~ service licensee(s) through a competitive licensing process. The Authority is open to the possibility of licensing future commercial subscription television broadcasters.

Commented [A62]: See comments above and in the body of the regulation. More details about timing and process would be helpful.

4.5.2. ~~Regulation 4.5 proposes that~~ Multiplexes 6 and 7 are to be reserved for future innovation and shall be utilised for trials, demonstrations and experimental purposes, in accordance with regulation 40 of the Radio Frequency Spectrum Regulations, 2015.

4.5.3. This allocation supports the submissions highlighting the importance of preserving spectrum for the advancement of broadcasting, particularly for HD services and future technological innovations.

Commented [A63]: Please explain the regulation wording regarding ICASA's right to stipulate dates on which testing may not take place.

5. Regulation 5- Channel Authorisation

5.1. ~~Proposes a~~ standardised channel authorisation process will apply for television broadcasting service licensees, excluding community television broadcasting licensees, which require ~~for~~ additional channels ~~for~~ authorisation.

5.2. The standardised process is aimed at improving efficiency and fairness, creating a level playing field. ~~Notwithstanding, the Authority retains the discretion to require public hearings where circumstances so warrant for all television broadcasting services.~~

Commented [A64]: There is – on the face of it – no reason to have public hearings and this explanatory note does not explain why this would be necessary or how it would advance “efficiency and fairness”. It fails to meet the requirements of PAJA.

It is necessary to explain why this is required. See other comments on the draft.

6. Regulation 6- Signal Distribution

6.1. ~~Maintains the provision for the regulation of signal distribution and requires the~~ Television broadcasting service licensees ~~must~~ to notify the Authority of its their preferred signal distributor within a period of six (6) months.

Commented [A65]: When does this period start and how long does it last?

6.2. ~~This regulation has taken into consideration that broadcasters are not allocated frequency spectrum; however, they appoint ECNS licensees as signal distributors in this regard. Therefore, the extended period for notification to~~

Commented [A66]: The ECA read with the ICASA regulations specify that frequencies are only allocated to broadcast service licensees – this statement is not legally correct.

This regulation does not make it clear to whom the mux frequencies will be licensed.

If the mux itself is being licensed, then it would make sense for the mux operator to be licensed. However, the regulation is not drafted in this way.

~~the Authority will provide reasonable time for the arrangement pending the announcement to switch off.~~

Commented [A67]: This does not correctly represent the law or practice.

~~6.3.6.2. The Authority found, pursuant to a market inquiry into Sentech's position in the market and the effect of that position on price, that high signal transmission costs and the lack of competition in the signal distribution sector market continue to burden has a prejudicial effect on -broadcasting licensees, especially community broadcasters. During the inquiry, stakeholders emphasized the need for regulatory intervention to address market dominance and promote fair pricing.~~

Commented [A68]: Where is this finding published? This provision needs to be stated more clearly so that it is relevant to the regulation or Sentech and possibly other third parties may challenge the statement.

Commented [A69]: The date and additional facts are needed to support this approach – ICASA is effectively using the finding in a different process to buttress this regulation. If ICASA did not specifically provide for this regulation as a remedy under the market inquiry, then this regulation could be challenged.

~~6.4.6.3. The signal distribution inquiry has been completed, and the Authority has published draft signal distribution services Regulations⁵ with pro-competitive remedies to address pricing transparency.~~

Commented [A70]: This is not what is said in the Findings Document on Sentech.

Commented [A71]: There is no link to the previous paragraph and see comment above regarding the need to link the findings in that inquiry specifically to the intention to include price-related provisions in this regulation.

7. Regulation 7 - Multiplex Operator

~~7.1. The Authority has included provisions in the Draft DTT Regulations to initiate consultation on the establishment of a regulatory framework for a Multiplex Operator. Regulation 7 introduces the concept of a digital terrestrial Multiplex Operator, intended to manage and facilitate access to multiplex capacity. This proposal supports the potential introduction of a regime comprising small provincial Single Frequency Networks (SFNs) and Multi-Frequency Networks (MFNs), aimed at enhancing spectrum use efficiency.~~

Commented [A72]: The regulation does not say this about mux 7.

~~7.2. Furthermore, regulation 2(d) sets out, as one of the purposes of the regulations, the prescription of a process for licensing a Multiplex Operator to provide signal distribution services for the digital terrestrial broadcasting services carried on the seven (7) multiplexes. The definition of the Multiplex Operator recognises the operator as a network service provider responsible for the technical infrastructure required for the terrestrial dissemination and bundling of digital broadcasting services. While the current migration process relies on radio frequency assignments under the existing plan, it is anticipated that these frequencies will require reassignment following Analogue Switch Off.~~

Commented [A73]: See comments on the regulation – this is intended to take effect only after ASO. Therefore this 7.2 is neither relevant nor necessary.

⁵ Government Gazette No. 52622 of 8 May 2025

~~(ASO), thereby reinforcing the need for a dedicated operator under a clearly defined regulatory framework.~~

8. CONCLUSION

The Authority expresses its appreciation to all stakeholders who participated in the Inquiry. Their input helped shape the draft Regulations. The Authority remains committed to a transparent, inclusive and evidence-based regulatory process, and looks forward to further engagement as it finalises the DTT Regulations, 2025.

ADDITIONAL COMMENTS:

The Swaziland regulatory authority includes technical standards as an annex – see below. This is a clear and simple way of referencing relevant information. We suggest ICASA considers this format.

Annex 1: DTT Transmission standards

Transmission system	DVB – T2
Video Compression Standard	MPEG-4
DVB-T2 Network Topology	SFN, MFN, or Hybrid
Fast Fourier Transform (FFT) length, which specifies the number of carriers	1k, 2k, 4k, 8k, 16k and 32k
Carrier modulation	QPSK; 16-QAM; 32-QAM, 64-QAM, 128-QAM 256 QAM
Code rate of inner error protection	1/2, 2/3, 3/4, 5/6, 7/8
Data rate	1k, 2k, 4k, 8k, 16k and 32k
Channel bandwidth	8MHz
Signal Transmission techniques	OFDM and COFDM

Commented [A74]: This explanatory memo does not contain any evidence. Relying on submissions from stakeholders is inadequate to constitute an 'evidence-based' process.