



Independent Communications Authority of South Africa

350 Witch-Hazel Avenue,
Eco-Point Office Park
Centurion

COUNCIL DECISIONS– 18 MAY 2021

ITEM NO.	AGENDA ITEM	DECISION
1.	<p>AGA Council Committee Closeout Report FY 2020/2021</p> <p>The purpose of the submission was to provide Council with an update on the activities as well as the developments around the Karoo Central Advantage Areas (KCAAA) for the 2020/2021 financial year.</p> <p>1.1. ICASA has a key mandate which amongst others, include routine spectrum monitoring, Radio Interference investigations and enforcement to ensure efficient spectrum utilisation and effective spectrum management.</p> <p>1.2. ICASA requires the necessary spectrum monitoring infrastructure within the Northern Cape Province, to detect emissions and to mitigate any Radio Frequency Interference (RFI) to the Square Kilometre Array (SKA) radio telescopes.</p> <p>1.3. ICASA signed a Memorandum of Agreement (MoA) with the Department of Science and Innovation (DSI) and the South African Radio Astronomy Observatory (SARAO) on 24 April 2018.</p>	<p>The report was noted.</p>

	<p>1.4. The MoA provides a framework and mechanisms for cooperation between the parties and for the preservation, and protection of the declared KCAAA, in terms of the provisions of the Astronomy Geographic Advantage Act, 2007 (the AGA Act).</p> <p>1.5. The AGA Council Committee was established to provide amongst others, an oversight on all activities in the KCAAA in line with ICASA's mandate, and further advice and appraise Council on developments relating to the KCAAA.</p> <p>1.6. During the 2020/2021 Financial Year, the AGA Committee monitored an APP project from Engineering and Technology and activities from Licensing, to oversee the commissioning of a monitoring fixed site, and a licensing verification process respectively.</p> <p>1.7. The activities and projects completed are part of a process that falls within the Authority's purview, in ensuring that the SKA is protected and all operators within the declared areas are compliant with the prerequisite regulations, and continues to provide support to the Ministry of Science and Innovation on its endeavours to carry out the SKA project in South Africa.</p> <p>1.8. There was a request by MTN to the Authority and AMA, to consider the amendment of the previously published exemption list in the KCAA. The Minister of Science and Innovation (SI) wrote to the</p>	
--	---	--

	<p>Authority requesting its concurrence on the revised exempted spectrum in the Karoo, which Council considered and approved in December 2020.</p> <p>1.9. The Minister (SI) published a revised exempted spectrum list to the public, for interested parties to make representations. The Committee is still awaiting the representations.</p> <p>The report was noted by Council.</p>	
2.	<p>Notice of Intention to Review the Pro-Competitive conditions imposed on relevant licensees in terms of the Call Termination Regulations, 2014</p> <p>The purpose of the submission was to request Council to approve:</p> <p>2.1. The publication of a Notice of Intention to review the pro-competitive conditions imposed on relevant licensees, in terms of the Call Termination Regulations of 2014 (the Regulations) in the Government Gazette; and</p> <p>2.2. The publication of a questionnaire or request for information from stakeholders, and market participants for publication on the Authority's website.</p> <p>2.3. Regulation 8 of the Regulations states that "The Authority will review the markets for wholesale voice call termination services... not earlier than three (3) years from the date of the publication of these Regulations".</p> <p>2.4. The first phase of the review process will entail the review of market</p>	<p>The recommendation was approved by Council.</p>

	<p>determinations made in 2014, which will include the following phases: -</p> <p>2.4.1 Phase 1: Commencement of the Review, Request for Information and Stakeholder workshop;</p> <p>2.4.2 The publication of the questionnaire requesting information from licensees, in order to start the process to undertake the market review the market determinations made in 2014.</p> <p>2.5. Following the publication of the questionnaire, a workshop will be held with stakeholders to discuss the review process, and questions of clarity on the questionnaire or request for information.</p> <p>2.6. Stakeholders will, still be given an opportunity to raise questions in writing and the Authority will respond in writing to those questions.</p> <p>2.7. Phase 2 will be the Publication of the Discussion Document, and Phase 3: will include the holding of Public hearings on the Discussion Document, while Phase 4: will be the Publication of Findings Document.</p> <p>2.8. Depending on the outcome of the review of market determinations, the second leg might include cost modelling of new termination rates, as well as an amendment of the 2014 Call Termination Regulations.</p> <p>2.9. In order to start the review process, the Committee developed a Notice of Intention to Commence the legal</p>	
--	---	--

	<p>process of review of the pro-competitive conditions imposed on licensees in 2014, as well as the questionnaire or request for information.</p> <p>The submission was approved by Council.</p>	
3	<p>Re-opening of submissions for written comments on the Draft Equipment Authorisation Regulations</p> <p>The purpose of the submission was to request Council to approve the opening up of another round of submissions of written comments, on the Draft Equipment Authorisation Regulations (Draft Regulations), for publication in the Government Gazette.</p> <p>4.1. On 31 March 2021, the Technical Equipment and Standards Council Committee (the Committee), published the Draft Regulations in the Government Gazette.</p> <p>4.2. The Draft Regulations have been developed to support the Conformity Assessment Framework for Equipment Authorisation, which provides the regulatory framework.</p> <p>4.3. On 10 May 2021, the Committee received a request from stakeholders to extend the deadline for submissions by two (2) weeks.</p> <p>4.4. On 13 May 2021, the Committee met to deliberate on the merits of request for extension, and subsequently recommended that the submission date be extended to 31 May 2021, as the extension will not have an impact on the current project plan.</p> <p>The submission was approved by Council.</p>	<p>The recommendation was approved by Council.</p>

4	<p>Comments by the Independent Communications Authority of South Africa on the draft National Policy on Data and Cloud, 2021</p> <p>The purpose of the submission was to advise Council of the Draft National Policy on Data and Cloud, 2021 (the Proposed Policy) published in Government Gazette 44398 on 1 April 2021 and to recommend comments to be made by ICASA on same.</p> <p>5.1. Subsequent to the publication of the Proposed Policy direction in the Government Gazette, a Task Team was assembled with representatives from the Legal, Engineering and Policy and Research Divisions within the Authority.</p> <p>5.2. The Authority notes that the purpose of the Proposed Policy is to enable South Africans to realise the socio-economic value of data through the alignment of existing policies, legislation and regulations. Further, the Proposed Policy endeavours to establish conducive and enabling environment for the data ecosystem to thrive.</p> <p>5.3. This is in light of the use of data and its storage being pivotal to the digital economy and vital for promoting the adoption of Fourth Industrial Revolution (“4IR”) in South Africa, to grow the economy. The Proposed Policy recognises a need for South Africa to invest in broadband and data centre infrastructure, which includes ensuring that there is cloud computing capacity to ensure that South Africa can participate in the digital economy and e-commerce.</p> <p>5.4. The Proposed Policy appears to be geared towards inclusivity by</p>	<p>The recommendation was approved by Council.</p>
---	--	---

	<p>creating an open-source framework that ensures optimal and wide participation in a digital economy rather than closed and exclusive systems.</p> <p>5.5. Furthermore, it is noted that the Proposed Policy recognises the shortcomings of existing policies and legislation aimed at facilitating a data driven economy, and to provide guidance or apposition on data storage, ownership, use and analytics. Thus, the Proposed Policy will assist in filling this gap by advancing one of the national agendas identified in the National Development Plan 2030, which is to foster economic growth and increase investment.</p> <p>The submission was approved by Council.</p>	
--	---	--

ISSUED BY: Secretariat Office
on behalf of Council