



SABC SUBMISSION TO THE INDEPENDENT COMMUNICATIONS AUTHORITY OF SOUTH AFRICA

DRAFT DIGITAL MIGRATION REGULATIONS 2025

14 AUGUST 2025

South African Broadcasting Corporation SOC Limited: Registration Number: 2003/023915/30

Non-Executive Directors: Mr K M Ramukumba (Chairperson); Ms N A Batyi (Deputy Chairperson); Dr R K C Horne; Ms P Kadi; Ms P P Magopeni; Mr D M Maimela; Ms A C Dzebu; Mr D K Mohuba; Ms M Moonsamy; Ms R M S Motaung; Adv T S Thipanyane; Mr M Tsedu

Executive Directors: Ms N L Chabeli (Group Chief Executive Officer); Mr L Binza (Chief Operations Officer); Mr T Matore (Acting Chief Financial Officer); **Company Secretary:** Adv T Moshakga

1. Introduction

- 1.1. On the 1st July 2025, the Independent Communications Authority of South Africa (ICASA), published the Draft Digital Migration Regulations 2025, in terms of section 4 (1) (a), (b) and (d) read with section 30 (2) (c) of the Electronic Communications Act (Act No. 36 of 2005) “The Draft Regulations”.
- 1.2. The SABC would like to thank the Independent Communications Authority of South Africa (“the Authority”) for the opportunity to make submissions on The Draft Digital Migration Regulations. The SABC welcomes and appreciates ICASA’s invitation to contribute to this initiative.
- 1.3. As the only public broadcaster within the Republic of South Africa charged with a specific mandate set out in Chapter IV of the Broadcasting Act No. 4 of 1999 to provide not only radio and television programming that informs, educates and entertains; but further states that these are to be made available throughout The Republic.
- 1.4. This presents an opportunity to the SABC to provide these services to all corners of South Africa, through various means that include Digital Terrestrial Services in broadcasting television and radio services to the masses, in fulfilling this mandate.
- 1.5. The SABC views the Draft Regulations as being poised to allow for a flexible and adaptable licensing framework that can respond to the dynamic nature of digital broadcasting, including new technologies.

2. General Comments and Concerns

- 2.1 As the Public Broadcaster, our mandate is to render TV and Radio services to all South Africans in all corners of the country. South African audiences should be able to access SABC content regardless of where they reside in the country, and through whichever technology and platform is available to them to access this content.
- 2.2 Most of the SABC's responses/proposals to ICASA's questions and Discussion Documents on the review of the DTT Regulations have been considered and incorporated into the Draft Regulations.
- 2.3 The SABC has always advocated for technology neutrality and welcomes the initiative to do away with the prescriptive 84% DTT and 16% DTH (gap filler) split previously prescribed. The removal of the DTT/DTH split not only promotes a technology neutral environment, but promotes the achievement of a 100% population coverage with convenience and comfort through multiple technologies such as OTT and DVB-T2 Lite. This is a welcomed change to the Draft Regulations.
- 2.4 The 100% allocation of MUX 1 to the SABC and allocation of an additional MUX is also welcomed.
- 2.5 We would like to caution the Regulator to exercise leniency in the punitive measures towards the underutilisation of allocated spectrum. The 36 months prescribed for the "use it or lose it" principle is not in line with the future expansion prospects of a Public Broadcaster. A special dispensation should rather be extended towards The Public Broadcaster to be able to provide services relevant to the public as and when the need arises within the allocated spectrum at any given time. We further suggest that licensees be rather granted condonation in cases where they cannot fully use the allocated MUX capacity due to external factors or financial challenges or any good cause.

- 2.6 The Draft Regulations provides that ICASA may hold public hearings as part of the Channel Authorisation Procedure. Holding public hearings will lengthen the channel authorisation process for broadcasters except for Community Broadcasters which are excluded from this provision. Whilst it is appreciated that the Authority has not initiated public hearings during the implementation period; it is equally important to remove the said regulation with the view to level the playing fields and foster certainty, as this will allow broadcasters to be agile and responsive to audience needs. Public hearings may perhaps be held in exceptional circumstances where some clarification is needed.
- 2.7 The proposal for the Regulator to invite other ECNS licensees to apply for the provision of services to broadcaster due to the failure to comply with signal distribution stipulations is viewed as interference to the operations of broadcasters and an illegal act. The SABC has reservations about this proposed action being followed in its entirety. Broadcasters should be independent to run their operations without interference from The Regulator.
- 2.8 We propose a tariffs structure for the signal distribution market instead of individual broadcasters.
- 2.9 The penalties proposed for contravening the regulations are viewed as being too steep. A proportionate fining mechanism should rather be employed to specific contraventions instead of a blanket fine being imposed. The nature of the offence should be proportionate to the penalty, e.g. a R500 000 penalty for not applying for channel authorisation might be deemed unreasonable; similarly, a R500 000 penalty for non-provision of an EPG may be deemed too excessive and unreasonable. Thus, it submitted that a minor offense should not receive a severe penalty.

3. Conclusion

There are households who still don't have access to television services due to the unavailability of DTT Set Top Boxes in the retail market. These are the missing middle who do not qualify for the Government subsidised STBs and cannot afford subscription television. Failure to adequately address this will leave millions of households without TV post ASO and render the Digital Migration process fruitless.

High signal costs and the lack of competition in the signal distribution market continue to suffocate the SABC. ICASA's intervention in regulating the signal distribution costs through the Signal Distribution Inquiry and Signal Distribution Services Regulations is welcomed.