



**Vodacom Submission on
Draft Regulations on Rapid Deployment of Electronic Communications Networks and
Facilities, 2026 (for Public Comment)**



1. INTRODUCTION

Vodacom (Pty) Ltd (“Vodacom”) wishes to thank the Independent Communications Authority of South Africa (“ICASA” or “the Authority”) for the opportunity to make a submission on the Authority’s Draft Regulations on Rapid Deployment of Electronic Communications Networks and Facilities, 2026, as published in Government Gazette No. 54484 on 10 April 2026.

Vodacom acknowledges the Authority’s efforts to give effect to section 21(2) of the Electronic Communications Act, 2005 (“ECA”), as well as the National Policy and Policy Direction on Rapid Deployment of Electronic Communications Networks and Facilities issued on 31 March 2023.

Vodacom supports the overarching objective of the Draft Regulations, namely, to establish a uniform, predictable, and efficient framework to facilitate the rapid rollout of broadband infrastructure across South Africa, while balancing the rights and interests of landowners and affected parties.

Notwithstanding this support, Vodacom has identified several provisions which, if implemented without refinement, may inadvertently delay deployment, increase compliance risk, and impose operational burdens that are inconsistent with the objective of rapid deployment. It is Vodacom’s view that, the Authority should focus the Regulations on introducing practical, enforceable mechanisms to incentivise and accelerate infrastructure deployment.

2. GENERAL COMMENTS

Vodacom welcomes the Authority’s recognition that broadband infrastructure constitutes essential socio-economic infrastructure, and that inconsistent, unpredictable, and delayed approvals by municipal and other public authorities materially delay network deployment.

Vodacom further notes that, in its stated purposes and accompanying Explanatory Memorandum, the Authority expressly identifies local and public authority approval processes as the primary barriers to rapid deployment, including:

- Inconsistent and unpredictable municipal wayleave processes.
- Long approval timelines across state entities; and
- Difficulties accessing state-owned servitudes and infrastructure.

Vodacom supports the Authority’s acknowledgement of these challenges and its stated intention to address them through the Draft Regulations. However, when assessed against the Authority’s own stated



purposes, Vodacom is concerned that the Draft Regulations do not yet provide substantive procedural or governance mechanisms to resolve these challenges in practice.

Vodacom notes that the Draft Regulations:

- Do not introduce standardised, binding timelines for public authority approvals.
- Do not provide effective escalation or intervention mechanisms where public authorities delay or refuse approvals; and
- Do not materially enhance the rights of licensees in relation to public authorities under fair, transparent, and non-discriminatory principles.

Instead, the Draft Regulations place increased procedural, reporting, and compliance obligations on licensees, while the core challenges associated with public authority approvals remain largely unaddressed.

Vodacom respectfully submits that, for the Regulations to achieve their intended purpose of Rapid Deployment, they must go beyond informal or open-ended procedural requirements and instead introduce clear, standardised, and time-bound procedures that actively enable licensees to overcome the current public authority approval bottlenecks.

3. SPECIFIC COMMENTS

3.1. Regulation 3 – Responsibilities of Licensees

Vodacom supports the imposition of a general duty of care on licensees, including obligations to prevent and mitigate damage, repair affected property, and avoid interference with public utilities. However, such obligations should not be unduly onerous, with the effect of shifting responsibility for delays, public authority approvals, or third-party coordination failures onto licensees, in a manner that is beyond their control, or which increases the infrastructure deployment costs for licensees.

3.2. Regulation 4 – Process and Procedure for Entry onto Land or Property

Vodacom supports the principle of consultation with landowners and affected parties prior to deployment. However, Vodacom is concerned that the mandatory consultation process, the requirement to conclude access agreements, the prescribed **30-day notice period** for deployment, and the mandatory **14-day notice period** for maintenance activities may materially delay network upgrades, densification,



co-location, optimisation, including urgent or operationally necessary maintenance, particularly where such activities do not materially change/modify the physical footprint of existing infrastructure.

Vodacom notes that the Authority's Explanatory Memorandum refers to international benchmarking as informing the Draft Regulations. In this regard, Vodacom draws the Authority's attention to recent international best practice, including Regulation (EU) 2024/1309¹, which establishes binding principles to facilitate rapid deployment of very high-capacity networks.

That framework expressly recognises that inconsistent, discretionary and prolonged permit-granting procedures constitute unjustified barriers to investment and accordingly requires that permit and rights-of-way processes be streamlined, standardised at national level, and subject to enforceable decision-making timelines. In particular, competent authorities are required to process permit applications within defined timeframes, expedite approval of multiple applications, justify refusals only on objective and proportionate grounds, and avoid imposing administrative burdens that delay deployment without clear public-interest justification.

By way of example, Regulation (EU) 2024/1309 of the European Parliament, in particular Articles 7, 8 and 9 of the EU framework requires:¹

- Permit decisions to be issued within four months,
- Mandates early completeness checks,
- Allows parallel authorisation processes,
- Exempts low-impact works and maintenance from prior permitting, and
- Provides for deemed approval or alternative remedies where authorities fail to act within prescribed timeframes.

3.3. Regulation 5 – Removal of Electronic Communications Networks and Facilities

Vodacom supports the principle of lifecycle management and the removal of obsolete infrastructure. However, the requirement to remove decommissioned infrastructure within 60 days may be impractical where removal is dependent on:

- Municipal coordination.
- Third-party access.

¹ <http://data.europa.eu/eli/reg/2024/1309/oj>



- Environmental or heritage approvals; or
- Safety considerations.

Vodacom recommends that the Regulations recognise that the removal of decommissioned infrastructure may be dependent on municipal scheduling, third-party access, or statutory approvals, as well as financial feasibility, and should therefore allow for operationally feasible timelines.

3.4. Regulation 6 – Compensation

Vodacom supports fair compensation for direct and demonstrable loss arising from deployment activities. However, Vodacom is concerned that, without clear boundaries, the compensation framework may be interpreted as extending beyond actual loss and give rise to ongoing compensation expectations, which would be inconsistent with the statutory right of entry under section 22 of the ECA and the objective of facilitating rapid deployment.

Vodacom notes that compensation should be proportionate, objectively justified, and linked to actual impact, and should not operate as a recurring charge for the presence of network infrastructure where no demonstrable loss has been suffered.

Therefore, Vodacom recommends that the Regulations should clarify that compensation:

- Is limited to only where deployment activities cause actual damage.
- Excludes recurring, access-based, or rental-type payments in circumstances where no actual loss or damage has occurred, thereby ensuring that compensation is limited to genuine and demonstrable impacts.
- Must be determined through good-faith negotiations between the parties.
- Any compensation claims or negotiations must not in any way inhibit the process of communication infrastructure planning or deployment and/or ongoing communication service delivery.

3.5. Regulation 7 – Rapid Deployment GIS Database

Vodacom notes that Regulation 7(1) of the Draft Regulations provides that:

“A Licensee must submit accurate and complete geographical information system (GIS) data to the Authority on a bi-annual basis, or as requested by the Authority, in accordance with the technical specifications in Appendix A.”



Vodacom further notes that Regulation 7 introduces extensive GIS reporting obligations, including detailed infrastructure locations, address-level service availability, and planned future network investment and rollout areas. However, Vodacom submits that such benefits do not address the immediate and binding constraint faced by licensees, namely delays and inconsistency in municipal and other public authority approval processes

In this regard, the Draft Regulations appear to prioritise additional reporting obligations on licensees without first resolving the current public Authority approval bottlenecks that the Authority itself has identified as one of the principal barriers to deployment.

Therefore, Vodacom recommends that the Authority:

- Prioritise regulatory measures that directly address the urgent and most critical challenge of municipal and public authority approval delays, prior to considering burdensome information provision obligations, such as the proposed GIS reporting obligations.
- When those challenges are resolved, and if the Authority considers it still important to pursue a GIS reporting obligations, then it is recommended that such a GIS database includes at a minimum robust safeguard against security risks, unauthorised access, and anti-competitive outcomes, given the sensitivity of network infrastructure data.
- In particular, the Authority is advised to take specific note of the risks to national communication infrastructure if it pursues wide reaching data gathering regulations.

3.6. Regulation 8 – Dispute Resolution

Vodacom supports the introduction of structured dispute-resolution mechanisms and agrees that early resolution of disputes is preferable to litigation.

However, Vodacom notes that Regulation 8, as currently drafted, does not explicitly address disputes between licensees and public utilities or other public authorities, which currently represent the most significant and impactful source of deployment delays.

Vodacom is further concerned that the proposed dispute-resolution mechanisms rely heavily on voluntary mediation and agreement between parties, which is unlikely to be effective where a public authority or utility is resistant or uncooperative.



In the absence of binding escalation or directive intervention mechanisms, the proposed dispute-resolution framework is unlikely to materially assist licensees in overcoming deployment blockages and may instead increase procedural burden without delivering practical relief.

Vodacom therefore recommends that:

- The Authority should develop more effective, enforceable dispute-resolution mechanisms, particularly in relation to disputes with public utilities and other public authorities.
- Such mechanisms should support timely resolution and enable deployment to proceed in a manner consistent with the objective of rapid deployment.

3.7. Regulation 9 – Contravention and Penalties

Vodacom is concerned that penalties may be imposed for procedural non-compliance even where no material harm has occurred.

Vodacom recommends a graduated enforcement approach, prioritising corrective measures and compliance engagement before the imposition of financial penalties.

4. RECOMMENDATIONS

In order for the Draft Regulations to meaningfully achieve the Authority's stated objective of Rapid Deployment, Vodacom respectfully recommends that the Authority:

1. Strengthen the regulatory framework to ensure that licensees are afforded fair, transparent, non-discriminatory, and time-bound treatment by municipal and other public authorities when exercising rights under section 22 of the ECA.
2. Introduce standardised, time-bound, and enforceable procedures applicable to municipal and other public authorities, including escalation mechanisms where approvals are delayed, include unreasonable demands, or are unreasonably withheld.
3. Allow parallel processing of approvals and avoid requiring licensees to obtain one form of authorisation before applying for others.
4. Introduce flexible and proportionate consultation and notice requirements.
5. Establish effective and enforceable dispute-resolution mechanisms for disputes involving public utilities and other public authorities, beyond voluntary mediation, to enable deployment to proceed where resistance persists.



6. Apply notice and consultation requirements proportionately, with flexibility for minor works, upgrades, co-location, and urgent operational maintenance that do not materially alter the physical footprint of infrastructure. Importantly approvals need to be cognisant after vital imperative to maintain adequate ongoing communication service availability.
7. Only pursue other regulations, such as a GIS database, once the principal challenge of public authority approvals has been resolved.
8. Vodacom submits that the above recommendations are necessary to ensure the Draft Regulations meaningfully achieve the most important objectives of Rapid Deployment currently.

5. CONCLUSION

Vodacom acknowledges the Authority's consultative and forward-looking approach in developing the Draft Rapid Deployment Regulations.

Vodacom wishes to reiterate that the effectiveness of the Regulations will depend on addressing structural constraints outside of licensee control, while ensuring that any obligations imposed remain practical, proportionate, and supportive of accelerated deployment.

As the Authority considers the written comments it has received on the Draft Regulations, Vodacom urges the Authority to engage with interested and affected stakeholders further, in order to better understand the most urgent priorities facing the industry, which will then assist the Authority in refocusing its regulations to be more beneficial to stakeholders.