

## ENSafrica telecoms and media in brief

Below, please find issue 24 of the **ENSafrica** telecoms and media in brief, a snapshot of the latest tax developments in South Africa.

### Telecommunications

- **GG44618: Draft Notice to Amend the Ordering System Specification for Number Portability**
  - On 27 May 2021, the Independent Communications Authority of South Africa (“**ICASA**”) published a notice of its intention to amend the Ordering System Specification for Geographic and Non-Geographic and Mobile Number Portability (“**Draft Regulations**”).
  - As at the date of writing, the Draft Regulations were not yet available on ICASA’s website, however, the Draft Regulations can be accessed [here](#).
  - Written representations on the Draft Regulations must be submitted to ICASA within fourteen working days from the date of publication being, 17 June 2021.
  - Written representations can be submitted by post, hand delivery or email for the attention of Mr Lordwill Zwane. Where possible, written representations should also be emailed to [lzwane@icasa.org.za](mailto:lzwane@icasa.org.za).
  - Enquiries should be directed to Mr Lordwill Zwane at 012 568 3668 on business days.
- **GG44636: Notice of intention to review the pro-competitive conditions imposed on relevant licensees in terms of the Call Termination Regulations, 2014 (as amended) published in the *Government Gazette* No 38042**
  - On 28 May 2021, ICASA published a notice of its intention to review the pro-competitive conditions imposed on relevant licensees and the markets for wholesale voice call termination.
  - The review process will consist of the following phases:
    - Phase 1 – Commencement of the Review and Request for Information: ICASA will publish on its website a questionnaire or request for information from market participants and stakeholders. At the time of writing, the questionnaire has not yet been published.
    - Phase 2 – Discussion Document: the discussion document will be published in the *Government Gazette* and will be informed by the information provided by stakeholders in phase 1.
    - Phase 3 – Public Hearings on the Discussion Document: ICASA may, if it deems it necessary, hold public hearings on the discussion document.

- Phase 4 – Findings Document: ICASA will then publish a summary of its findings in the *Government Gazette*.
- **GG444631: Amendment of Information and Communications Technology COVID-19 National Disaster Regulations**
  - On 28 May 2021, ICASA published a notice of the Amendment of Information and Communications Technology COVID-19 National Disaster Regulations.
  - The amendments commenced on 1 June 2021.
  - The amendments stem from ICASA’s completed review of the Regulations and ICASA’s consideration of all submissions received.
  - ICASA has resolved to, amongst other things, extend the temporary radio frequency spectrum assignments issued to licensees for a further three months (from 1 June 2021 to 31 August 2021). In this regard, Chairperson of ICASA, Dr Keabetswe Modimoeng, had the following to say: “The three-month extension affords an opportunity for all stakeholders to find a resolution to the spectrum litigation impasse. Unfortunately, at some stage we will not be able to continually extend these temporary spectrum assignments when a more permanent licensing route is struck through litigation. We need to come to the negotiations with well-meaning intentions, as soon as possible to resolve this ongoing legal stand-off. We cannot perpetuate a pandemic-specific temporary arrangement to a point where it amounts to a backdoor spectrum licensing regime. High-demand Spectrum ought to be licensed in a transparent and competitive manner; hence any other way is unjustifiable in the long run.”

## Broadcasting

- **GG4569: Sports Broadcasting Services Amendment Regulations, 2021**
  - On 13 May 2021, ICASA published the Sports Broadcasting Services Amendment Regulations, 2021 as well as the Second Sports Broadcasting Services Amendment Regulations, 2021.
  - The Sports Broadcasting Services Amendment Regulations, 2021 came into force on the date of publication.
  - We previously discussed the amendments [here](#).
  - A copy of the Sports Broadcasting Services Amendment Regulations, 2021 is accessible [here](#).

For more information please contact:

**Wilmari Strachan**

Technology, Media and Telecommunications | Executive  
wstrachan@ENSafrica.com  
+27 82 926 8751

This email contains confidential information. It may also be legally privileged. Interception of this email is prohibited. The information contained in this email is only for the use of the intended recipient. If you are not the intended recipient, any disclosure, copying and/or distribution of the content of this email, or the taking of any action in reliance thereon, or pursuant thereto, is strictly prohibited. Should you have received this email in error, please notify us immediately by return email. ENSafrica (ENS and its affiliates) shall not be liable if any variation is effected to any document or correspondence emailed unless that variation has been approved in writing by the attorney dealing with the matter.

**ENS africa** | Africa's largest law firm

[info@ENSafrica.com](mailto:info@ENSafrica.com) | [ENSafrica.com](http://ENSafrica.com)

[privacy statement](#) | [unsubscribe](#)

