

ENSafrica telecoms and media in brief

Below, please find issue 19 of ENSafrica's tax in brief, a snapshot of the latest tax developments in South Africa.

telecommunications

- **GG43919 NN667: Notice of the Public Workshops to be held in respect of the Invitation to Apply for an Individual Electronic Communications Network Service Licence and Radio Frequency Spectrum Licence for the Wireless Open Access Network**
 - On 20 November 2020, the Independent Communications Authority of South Africa ("ICASA") published a notice to convene the above public workshops on the Invitation to Apply ("ITA") published on 2 October 2020 in Government Gazette No: 43767 for an Individual Electronic Communications Network Service Licence and Radio Frequency Spectrum Licence for the Wireless Open Access Network ("WOAN"). See our last [Telecoms and media in brief](#) for more details about the ITA.
 - The public workshops will be held as follows:
 - Date: 9-11 December 2020
 - Venue: Virtual Workshops
 - Time: 09h00 (SAST)
 - Enquiries should be directed to: Mr. Paseka Maleka on +27 12 568 3455 orpmaleka@icasa.org.za
- **Responses to Stakeholder Enquiries in respect of the IMT and WOAN ITA**
 - ICASA has published a notice of its Responses to Stakeholder Enquiries in respect of the IMT and WOAN ITA. In this notice, ICASA also advises stakeholders to refer to its Reasons Document, which should be made available in due course.

broadcasting

- **GG43877 NN635: Draft Sports Broadcasting Services Amendment Regulations, 2020**
 - On 5 November 2020, ICASA published a notice to declare its intention to amend the Sport Broadcasting Services Regulations, 2010 and invites all interested parties to make written representations on the [Draft Sports Broadcasting Amendment Regulations, 2020](#) ("Draft Regulations").

-
- The Explanatory Memorandum to the Draft Regulations explains that, while the research has shown an overall television penetration in South Africa of 88.2%, only 12.6% is for subscription television services. Accordingly, the programmes aired on free-to-air broadcasts are generally much more widely available. Furthermore, ICASA in its inquiry leading up to the Draft Regulations found that despite the Sport Broadcasting Services Regulations, 2010 there is a trend whereby national sporting events are mostly broadcast live on subscription television, leaving the majority without access to viewing these events live. To this end, ICASA specifically mentions the 2019 Rugby World Cup, where the rights were bought by a subscription licensee. The final match was eventually broadcast after public outcry. That said, ICASA also recognises that the sports industry relies on the sale of broadcasting rights as the biggest source of their revenue.
 - ICASA states that the Draft Regulations seek “...to give effect to the provisions of section 60 of the Electronic Communications Act whilst considering the competing concerns of the financial sustainability of broadcasters and ensuring increased access to national sporting events is provided to most of the South African population.”
 - Written representations must be submitted to the Authority by no later than 16h00 on 15 December 2020 by post, hand delivery or electronically and marked specifically for the attention of: Ms. Violet Molete:
 - **Delivery address:** Block B, 350 Witch-Hazel Avenue, Eco Point Office Park, Centurion
 - **Email:** vmolete@icasa.org.za and pcokie@icasa.org.za
 - **Facsimile:** +27 12 568 3716
 - Telephonic enquiries should be directed to +27 12 568 3715 between 10h00 and 16h00, from Monday to Friday.
 - **GG43872 NN625: Notice of Public Hearings: Inquiry into Subscription Television Broadcasting Services**
 - On 6 November 2020, ICASA published the Notice of Public Hearings: Inquiry into Subscription Television Broadcasting Services.
 - ICASA published a draft Findings Document on the Inquiry into Subscription Television Broadcasting Services on 12 April 2019. ICASA will hear all stakeholders that have submitted written representations in relation to the draft Findings Document and indicated their interest in participating at hearings.
 - The hearings will be held in a hybrid model by means of face-to-face and virtually as follows:
 - **Venue:** ICASA BLOCK C AUDITORIUM, 350 Witch-Hazel Avenue, Eco Point Office Park Eco Park, Centurion
 - The virtual link will be forwarded to all parties closer to the day of the hearings. Interested members of the public may request the link to the hearings from CNkosi@icasa.org.za
 - **GG43872 GOV NN1174: Amended Films and Publications Tariff's Regulations, 2020**
 - On 6 November 2020, the Minister of Communications and Digital Technologies, Ms Stella Ndabeni-Abrahams, published the Amended Films
-

and Publications Tariff's Regulations, 2020 which amend all section of the previous Tariff's Regulations (published under Government Gazette 39379 on 6 November 2015).

- Section 1 of the Amended Films and Publications Tariff's Regulations, 2020, which deals with Physical Content and Distributor Size will be effective from 1 February 2021 and section 2 of the Amended Films and Publications Tariff's Regulations, 2020, which deals with Online Distribution is effective from 1 December 2020.
- **GG43900 GEN NN639: Draft Digital Sound Broadcasting Services Regulations, 2020**
 - On 13 November 2020, ICASA published the **Draft Digital Sound Broadcasting Services Regulations, 2020**.
 - The Draft Digital Sound Broadcasting Regulations follow the outcome of an inquiry into the use of Digital Sound Broadcasting services in South Africa which commenced in March 2018 and concluded in March 2020. The inquiry revealed that there is a need for DSB services in South Africa, and these findings inform the content of the Draft Digital Sound Broadcasting Regulations.
 - ICASA has invited interested parties to make written representations.
 - Written representations must be submitted to ICASA by no later than 16h00 on 29 December 2020 electronically and marked specifically for attention the attention of Mr. Ndumiso Dana (Project Manager) by:
 - **Email:** ndana@icasa.org.za; and/or
 - **Facsimile:** +27 12 568 3818.
 - Telephone enquiries should be directed to +27 12 568 3817 between 10h00 and 16h00, from Monday to Friday

in the news

- **ICASA offices are open for regular business operations**
 - On 23 November 2020, ICASA announces that its head office and all its regional offices are open for regular business operations.
 - ICASA also clarified that all applications for type-approval certifications will continue to be accepted via their **online service**.

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 | ENSafrica.com

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

