

ENSAfrica TMT ENSight

Welcome to the tenth issue of **ENSAfrica's TMT ENSight**, focusing on topics, news and analysis of novel and interesting developments in the technology, media and telecommunications space. In this edition:

- Our **featured articles** look at single-cloud and multi-cloud computing strategies as well as the Films and Publications Amendment Regulations.
- **Telecommunications**, a roundup of recent developments in the telecoms sector.
- **In the news**, a curation of topical events in the technology and telecommunications industry.

featured articles

- **Single-cloud strategy or multi-cloud strategy? It's all in the risk**
 - Isaivan Naidoo and Kayla Dodo discuss the pros and cons of single-cloud and multi-cloud models.
 - Read the article [here](#).
- **Films and Publications Amendment Regulations, 2022**
 - Ridwaan Boda and Naledi Ramoabi discuss the new amendments to the Films and Publications Amendment Regulations.
 - Read the article [here](#).

telecommunications

- **GG46873: Invitation to provide written submissions on the proposed Next Generation Radio Frequency Spectrum Policy for Economic Development**
 - On 8 September 2022, the Minister of Communications and Digital Technologies published the Next Generation Radio Frequency Spectrum Policy for Economic Development ("**Spectrum Policy**").
 - The purpose of the Spectrum Policy is to address policy gaps that were identified in the 2016 Integrated ICT White Paper and to create a stable and predictable regulatory environment on spectrum licences and assignments.
 - The Spectrum Policy clarifies the roles and responsibilities of the Minister and the Independent Communications Authority of South Africa ("**ICASA**").
 - The minister is the custodian of the spectrum on behalf of the people of South Africa, and is responsible for developing national policies, policy directions and goals for spectrum resource use, as well as the National Radio Frequency Plan ("**NRFP**").

- The Minister is also expected to represent the country at international policy functions dealing with spectrum, including signing international treaties, multinational and bilateral agreements.
- ICASA's responsibilities include:
 - assigning radio spectrum and issuing licences based on the NRFP;
 - implementing the spectrum policy and policy directions;
 - making radio regulations and regulatory frameworks in line with the NRFP;
 - national frequency coordination, planning, administration, management, and licensing for use of the spectrum;
 - spectrum monitoring, evaluation, and interference control within South Africa;
 - maintaining a high quality and appropriately accessible database of frequency spectrum assignments; and
 - advising the minister on areas for future spectrum research and development and planning.
- The Spectrum Policy includes a retirement roadmap which proposes the plans to discontinue older next generation networks such as 2G and 3G.
- The following dates are the preliminary dates for the retirement of 2G networks:
 - end date for licensing of 2G devices: 30 June 2023
 - end date for making new connections or activation of 2G devices on networks: 31 December 2023
 - shutdown of 2G services: 31 March 2024
 - shutdown of 2G network: 30 June 2024
- The following dates are the preliminary dates for the retirement of 3G networks:
 - end date for licensing of 3G devices: 31 March 2024
 - end date for making new connections or activation of 3G networks: 30 September 2024
 - shutdown of 3G services: 31 December 2024
 - shutdown of 3G network: 30 March 2025
- The spectrum that is currently used for the older generation networks will be returned to ICASA, and ICASA will decide the new licensing terms and conditions for the spectrum.
- Licensing of the spectrum will include auctions and the assignment processes that ICASA has previously deployed.
- A spectrum licence will be valid up to a period of 20 years and ICASA may deviate from this period to align with national spectrum policies only if it has followed a public consultation process.
- 12 months prior to expiry of a spectrum licence, ICASA must inform affected spectrum holders of any plans it has regarding the spectrum.
- Holding a spectrum licence will not guarantee automatic negotiation, reassignment or re-award of the same spectrum assignment during the new allocation process.
- ICASA is required to set the rules and regulations for holders of licensed spectrum which will enable the principle of "use-it or sharing-it".
- All unlicensed or licence-exempt spectrum bands are still regulated by ICASA and are not protected from interference.

- The use of the unlicensed or licence-exempt spectrum bands will be for short-range devices which have low power and low capability to cause interference to other radio equipment.
- All spectrum will be licensed on a “technology neutral basis”.
- Licensed spectrum that is unused for a period of more than 24 months will be subject to the use it or lose it principle.
- In order to promote economic development, licensees may apply to ICASA for spectrum trading, spectrum sharing, dynamic spectrum access use, and spectrum “subletting”.
- Re-farming of spectrum that will be used by a different technology is allowed. The re-farmed spectrum will be treated in terms of its new use, and the respective spectrum fees and obligations will be imposed accordingly.
- The Spectrum Policy has identified that the current licensing framework for community networks has not been able to achieve the purposes it was published for.
- To remedy this, ICASA will develop a licensing framework that will promote participation of new entrants in community networks and support commercial viability of the networks.
- Within 12 months of gazetting of the Spectrum Policy, ICASA is obligated to review or develop a Universal Service Obligations (USOs) regulatory framework which will ensure the intended positive outcomes from USOs given to Mobile Network Operators are fully realised.
- Annexure B is a roadmap towards new round of spectrum licensing and establishes the following milestones:
 - 4G and 5G Roll-Out or Deployment Roadmap to be concluded by 31 December 2022;
 - Licensing of Community Networks and remainder of IMT spectrum designated for SMMEs to be concluded by 31 July 2023; and
 - Licensing of the millimeter wave spectrum to be concluded by 31 December 2023.
- Interested persons are invited to provide written comments on the proposed Spectrum Policy by 20 October 2022 by post or hand delivery to The Director-General, Department of Communications and Digital Technologies, First Floor, Block A2, iParioli Office Park, 1166 Park Street, Hatfield, Pretoria or electronically to spectrumpolicy@dcdt.gov.za. Comments should be marked for the attention of Mr. T Ngobeni, Deputy Director-General, Infrastructure Support.
- **GG46990: Notice to prohibit usage and sale of Baofeng Radio, Model: UV-5R**
 - On 28 September 2022, ICASA published a notice that prohibits the use and sale of Baofeng, model number: UV-5R (“the **Radio**”) with Type Approval Certificate Number: TA-2018/870 in South Africa until ICASA makes a determination on the compliance status of the radio.
 - ICASA received a complaint regarding the radio and its continuous tuning capabilities that were causing radio frequency interference.
 - ICASA conducted preliminary investigations and confirmed that the radio has continuous tuning capabilities.
 - Continuous tuning enables a radio device to scan and tune into all the channels of a given frequency band, including bands that the device is not

licensed to occupy, which is in contravention of regulation 35 of the Radio Frequency Spectrum Regulations, 2015.

- All type approval certificate holders, licensees or radio dealers are instructed to seal and/or remove the radio with immediate effect and notify ICASA by 18 October 2022.
- All written notifications, responses and other correspondence in terms of this notice must be submitted by mail to Private Bag X10, Highveld Park, 0169 or hand delivered to Block B, 350 Witch Hazel Avenue, Eco Point Office Park Eco Park, Centurion or electronically to BNkgadime@icasa.org.za. Correspondence should be marked for the attention of Mr Bethuel Nkgadime, Licensing Division.

in the news

- **Vodacom to turn Midrand campus into solar plant**
 - On 6 October 2022, Vodacom South Africa announced that its Midrand campus will be embarking on a project for the generation of solar electricity on the campus.
 - The campus is going to have solar photovoltaic panels installed on rooftops and carports.
 - This will result in the generation of about 10.8 gigawatt-hours of clean energy that Vodacom can use every year.
 - The amount of power generated through the project will help Vodacom reduce its greenhouse gas emissions by approximately 11 448 metric tons of carbon dioxide equivalent per year.
 - The project will be rolled out in three phases, with the first phase consisting of setting up the solar panels on the campus, and it is expected to be completed by March 2023.
 - This initiative is part of Vodacom's strategy around sustainability and energy management.
 - More about the project can be read [here](#).
- **Nigerian government sues Meta for violation of advertising regulations**
 - On 4 October 2022, the Advertising Regulatory Council of Nigeria ("ARCON") announced that it has filed a legal suit against Meta Platforms Inc.
 - ARCON claims that Meta advertised unapproved materials on its social media platforms in Nigeria without obtaining approval from the body.
 - ARCON is claiming up to N30-billion in damages for the infringement.
 - ARCON is seeking a declaration from the Federal High Court, Abuja Judicial Division that Meta's continued publication and exposure of various advertisements targeted at the Nigerian market on Facebook and Instagram without first ensuring that they were vetted and approved is illegal, unlawful, and a violation of the country's current advertising laws.

- More about the case can be read [here](#).
- **Bank of Namibia says virtual assets can be accepted as payment**
 - On 23 September 2022, the Bank of Namibia hosted a thought leadership event on central bank digital currencies and virtual assets.
 - During the event, the bank discussed its position on the adoption of central banking digital currencies.
 - The bank confirmed that virtual assets do not have a legal tender status in Namibia.
 - However, merchants and buyers who wish to enter into transactions where the payment will be in the form of a virtual asset are permitted to do so at their own discretion.
 - The bank also announced that it has now included virtual assets and virtual assets service providers under its Fintech Innovations Regulatory Framework, through its innovation hub.
 - The bank intends to engage with virtual assets service providers under its Regulatory Sandbox, which is a platform that will allow the Bank to consider the amendment of applicable laws and regulations relating to cryptocurrency and virtual assets.
 - More about the Bank of Namibia's stance on central bank digital currencies and virtual assets can be read [here](#).

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