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DIGITAL MEDIA & ELECTRONIC COMMUNICATIONS

Telecommunications Media and Technology Africa Quarterly e Bulletin

31 October 2022 *20 min read*

This e-bulletin highlights key legislative and regulatory developments in the technology, media and telecommunications sectors in sub-Saharan Africa.

This issue covers the period 16 July 2022 to 15 October 2022 and includes developments from Eswatini, Ghana, Kenya, Malawi, Mauritius, Mozambique, Namibia, Nigeria, Rwanda, Sierra-Leone, South Africa, Seychelles, Tanzania, Uganda, Zambia and Zimbabwe.

The May 2022 bulletin can be found here.

ESWATINI

Notice 15/2022: Proposed Communications (Consumer Protection) Guidelines, 2022.
On 11 August 2022, the Eswatini Communications Commission (ESCCOM) published its Proposed Communications (Consumer Protection) Guidelines, 2022 for public comment.

The Proposed Guidelines are aimed at, among others, ensuring the protection of communications consumers, ensuring ethical conduct by providers of communications products and services, and ensuring the availability of effective redress for consumers.

The deadline for comment was 12 September 2022.

Notice 16/2022: Draft National Emergency Communications Plan
On 18 August 2022, ESCCOM published its Draft National Emergency Communication Plan for public comment. The Draft Plan is aimed at enabling and ensuring communications availability during disasters. The deadline for comments was 16 September 2022.

Notice 17/2022: Guidelines for the Establishment and Maintenance of Communication Towers, 2022
On 18 August 2022, ESCCOM published its Guidelines for the Establishment and Maintenance of Communication Towers, 2022. The Guidelines provide guidance on the authorisation process to be followed when establishing communications towers as well as the requirement for maintenance of tower infrastructure.

The effective date of the Guidelines shall be 1 January 2023 and shall be applicable until such time that the Commission indicates.

Notice 18/2022: Regulation of Radio Communications Equipment (Operating without an Electronic Communications Equipment Dealers' Licence)
On 2 September 2022, ESCCOM published a Notice on the Regulation of Radio Communications Equipment (Operating without an Electronic Communications Equipment Dealers' Licence).

In terms of the Notice, ESCCOM has observed that there are businesses involved in the importation, distribution and selling of electronic communications equipment without a dealer's licence.

ESCCOM gave those businesses until 30 September to rectify their current breach by applying for a dealer's licence.

Notice 19/2022: Proposed Content Classification Guidelines, 2022
On 29 September 2022, ESCCOM published its Proposed Content Classification Guidelines, 2022 for public comment.

The Proposed Guidelines are aimed at providing regulatory guidance on content classification, providing consumer advice to enable individuals to make informed viewing choices and protecting children from exposure to inappropriate and harmful content and from premature exposure to adult content. The deadline for comment is 31 October 2022.

Annual Report, 2022

On 16 September 2022, ESCCOM published its 2022 Annual Report.

GHANA

Quarterly Statistical Bulletin on Communications – Q1 of 2022

On 1 September 2022, the National Communications Authority of Ghana (NCA) published its Quarterly Statistical Bulletin on Communications for Q1 of 2022 (January to March).

This Bulletin is a reference document that sets out segregated data, industry trends and analysis of the Ghana's communications sector.

It is prepared from the monthly and quarterly data received from various licensees and also includes data on internet service providers and broadcasting entities and services providers that was gathered in-house.

Communications Industry Report, 2021.

On 13 October 2022, the NCA published its Communications Industry Report, 2021. The Report highlights key developments in the communications industry of Ghana for the year 2021 and further gives information on a five-year trend analysis from 2017 to 2021.

KENYA

National Cybersecurity Strategy, 2022

On 6 October 2022, the Kenya Government published the National Cybersecurity Strategy, 2022, which was developed to build a secure and resilient cyberspace through a coordinated approach while maximizing on the benefits of a digital economy.

MALAWI

Request for Expression of Interest for the Provision of Consultancy Services for the Review of the Converged Licensing Framework

On 19 September 2022, the Malawi Communications Regulatory Authority (MACRA) published its Request for Expression of Interest for the Provision of Consultancy Services for the Review of the Converged Licensing Framework. The deadline for submissions was 11 October 2022.

Market Definition and Competition Assessment Report for the Wholesale and Retail Communications Services Markets

On 19 September 2022, MACRA published the public version of the Report by Incyte Consulting on the Market Definition and Competition Assessment for the Wholesale and Retail Communications Services Markets in Malawi dated 22 July 2022.

MAURITIUS

Information and Communication Technologies (Licensing and Fees) (Amendment) Regulations, 2022 and Information and Communication Technologies (Licensing and Fees) (Amendment No. 2) Regulations, 2022

On 14 July 2022, the Information and Communication Technologies (Licensing and Fees) (Amendment) Regulations, 2022 was gazetted. On 9 August 2022, the Information and Communication Technologies (Licensing and Fees) (Amendment No. 2) Regulations, 2022 was gazetted.

These regulations amend the Information and Communications Technologies (Licensing and Fees) Regulations 2003.

Information and Communication Technologies (Amendment of Schedule) Regulations, 2022

On 14 July 2022, the Information and Communication Technologies (Amendment of Schedule) Regulations, 2022 was gazetted. It amends the First Schedule of the Act and came into effect on 15 July 2022.

Independent Broadcasting Authority (Administrative Penalties) Regulations, 2022

On 5 August 2022, the Independent Broadcasting Authority (Administrative Penalties) Regulations, 2022 were promulgated and came into force on 8 August 2022.

These Regulations were enacted to provide a framework for determining the amount of administrative penalty that the Independent Broadcasting Authority (IBA) can impose on a licensee, including for violation of primary law, regulations, codes, or license terms.

Clearance to Import ICT Equipment Guidelines

On 1 August 2022, the Information and Communication Technologies Authority of Mauritius (ICTA) published its Clearance to Import ICT Equipment Guidelines, which will govern the importation of ICT equipment in Mauritius.

Decision for Allocation of Additional Spectrum in the Frequency Range 5945 6425 MHz for Broadband Wireless Access Services in Mauritius

On 4 August 2022, ICTA published its Decision for Allocation of Additional Spectrum in the Frequency Range 5945 6425 MHz for Broadband Wireless Access Services in Mauritius. The Consultation Paper was published on 29 June 2022, and the deadline for comment was 11 July 2022.

MOZAMBIQUE

Proposal for Revision of Quality Indicators and Targets for Public Telecommunications Services

On 15 July 2022, the Mozambique Communications Regulatory Authority (INCM) published a Proposal for the Revision of the Indicators and Goals of Quality of Public Telecommunications Service for public consultation.

It proposes to review the parameters, indicators and targets to be observed by public telecommunications service providers taking into account technological developments, international and regional standards and the need to ensure a better-quality user experience.

The deadline for comment was 22 July 2022.

NAMIBIA

Public Hearings and Notice of Intention to make Regulations Prescribing Universal Service Levy

On 25 July 2022, the Communications Regulatory Authority of Namibia (CRAN) gazetted a Notice of Intention to make Regulations Prescribing Universal Service Levy.

The deadline for comments was 24 August 2022. In this Gazette, CRAN also informed the public that they would be holding public hearings on the Draft Regulations on 8 August 2022.

Notice of Intention to Amend the Regulations Prescribing the National Numbering Plan for Use in the Provision of Telecommunications Services in the Republic of Namibia, Numbering Licence Fees and Procedures for Number Licences

On 22 September 2022, CRAN gazetted a Notice of Intention to amend the Regulations Prescribing the National Numbering Plan for Use in the Provision of Telecommunications Services in the Republic of Namibia, Numbering Licence Fees and Procedures for Number Licences.

The deadline for submissions is 22 October 2022.

Notice of withdrawal of Regulations Setting out Broadcasting and Telecommunications Service Licence Categories

On 12 October 2022, CRAN gazetted its Notice of Withdrawal of Regulations Setting out Broadcasting and Telecommunications Service Licence Categories

Radio Frequency Spectrum Auction

On 1 August 2022, CRAN published a Stakeholder Notice and a Request to Bid Documents of the Upcoming Spectrum Auction in the 790-862 MHz and 1920-1980 MHz paired with 2110-2170 MHz Spectrum Bands.

CRAN invited persons interested in participating in the spectrum auction to submit their written comments on the Request to Bid documents by 15 August 2022.

Spectrum Assignment Strategy 2022 to 2024

On 10 August 2022, CRAN gazetted its Spectrum Assignment Strategy for 2022 to 2024, which sets out CRAN's objectives for spectrum management and provides clarity in respect of CRAN's approach to the control, planning, administration and licensing of radio frequency spectrum.

IMT-2020 5G Strategy for Namibia for the period 2022 – 2027

On 28 September 2022, CRAN published its Strategy in respect of the Implementation of **IMT-2020 (5G)** in the Republic of Namibia 2022 – 2027, which advises all stakeholders that the Final Strategy document and all comments received has been submitted to the Ministry of Information and Communication Technology for final consideration and subsequent submission to Cabinet.

The Draft Strategy was published for public consultation on 1 July 2022. The deadline for comment was 31 July 2022 and CRAN held a public hearing on 5 August 2022.

Stakeholder Engagement Invitation: Reaching Universal Access to Telecommunications Services through the allocation of 700MHz and 800MHz Spectrum Bands and Draft Study on Prescribing Limits on Voice and Data Tariffs

On 13 October 2022, CRAN published a Stakeholder Invitation in which it invited stakeholders to an engagement event on 18 November 2022, regarding the mechanisms to utilise spectrum as an enabler for universal access to broadband connectivity, increase private investment, local participation, safeguard competition and the draft study on prescribing limits on voice and data tariffs.

CRAN will share all discussion documents on 31 October 2022.

NIGERIA

Draft Data Protection Bill, 2022

On 4 October 2022, the National Information Technology Development Agency (NITDA) published the Draft Data Protection Bill, 2022, which, among others, outlines the principles and lawful bases for the processing of personal information and sets out the rights of data subjects.

NITDA did not indicate a deadline by when interested parties must submit their comments on the Bill.

Code of Practice for Interactive Computer Service Platforms/ Internet Intermediaries

On 14 October 2022, NITDA published its approved Code of Code of Practice for Interactive Computer Service Platforms/Internet Intermediaries. The objective of this Code is

(i) to set out best practices required of Interactive Computer Service Platforms/Internet Intermediaries;

(ii) set out best practice that will make the digital ecosystem safer for Nigerians and non-Nigerians in Nigeria;

(iii) set out measures to combat online harms such as disinformation and misinformation; and

(iv) adopt and apply a co-regulatory approach towards implementation and compliance.

NCC Reports on Public Inquiries

On 14 September 2022, the Nigerian Communications Commission (NCC) published the following reports:

- Report on the Public Inquiry on the Draft Amended Consumer Code of Practice Regulations.
- Report on the Public Inquiry on the Type Approval Regulations and Business Rules.
- Report on the Public Inquiry on the Draft Guidelines on Advertisements and Promotions (as Amended).
- Report on the Public Inquiry on the Guidelines on Short Code Operation in Nigeria.
- Report on the Public Inquiry on the Guidelines on Technical Specifications for the Deployment of Infrastructure in the Communications Sector in Nigeria.

Spectrum Assignments

On 9 August 2022, the NCC published the lists of entities to whom spectrum was assigned to in the 1800MHz, 900MHz, 800MHz, 700MHz, 10.5GHz, 5.4GHz, 3.5GHz, 2.6GHz, 2.3GHz and 2.1GHz bands.

Determination of Mobile International Termination Rate for Voice Services, 2022 (as amended)

On 29 August 2022, the NCC published its Determination of Mobile International Termination Rate for Voice Services, 2022 (as amended).

Determination of Mobile (Voice) Termination Rate for Special Numbering Services

On 13 October 2022, the NCC published its Determination of Mobile (Voice) Termination Rate for Special Numbering Services dated 24th September 2022.

RWANDA

Regulations Governing Trade of Used Electrical and Electronic Equipment

On 11 July 2022, the Director General of Rwanda Inspectorate, Competition and Consumer Protection Authority (RICA) published the Regulations Governing Trade of Used Electrical and Electronic Equipment.

The purpose of these Regulations is to establish a framework for trade of used electrical and electronic equipment.

Statistics Report for Telecom, Media and Broadcasting Sector for the Second Quarter of 2022

On 14 September 2022, the Rwanda Utilities Regulatory Authority (RURA) published its Statistics Report for Telecom, Media and Broadcasting Sector for the Second Quarter of 2022.

This Report compiles the information from telecom operators, 4G wholesalers, Internet Service Providers (ISPs), Media and Broadcasting operators as per their license obligations for the period 1 April to 30 June 2022.

Annual Report 2021/2022

On 3 October 2022, RURA published its Annual Report for 2021/2022.

SIERRA LEONE

National Communications Authority Act, 2022

On 27 September 2022, the *National Telecommunications Commission published the National Communications Authority Act, 2022. The Act will establish the National Communications Authority and provide for the licensing and regulation of electronic communications operators and other related matters.*

SOUTH AFRICA

Public Hearings on Discussion Document on the Optimization of the Frequency Modulation Sound Broadcasting

On 25 July 2022, the Independent Communications Authority of South Africa (ICASA) gazetted a Notice on the Public Hearings on the Discussion Document on the Optimization of the Frequency Modulation Sound Broadcasting, which would be held on 28 July 2022.

ICASA's Notice of Intention to Conduct an Inquiry on the Optimization of the Frequency Modulation Sound Broadcasting was gazetted on 31 March 2022, and the deadline for comment was 8 June 2022.

Public Hearings in respect of the Discussion Document on the Market Inquiry into Signal Distribution Services

On 3 August 2022, ICASA published a Media Release indicating that it would be holding virtual public hearings on 19 August 2022 in respect of the Discussion Document on Signal Distribution Services.

The virtual public hearings were held on 26 and 29 August 2022. ICASA's Discussion Document on the Market Inquiry into Signal Distribution Services was gazetted on 22 April 2022, and the deadline for comments was 29 June 2022.

Public hearings on Draft Amendment Regulations regarding Standard Terms and Conditions for Individual Licences

On 23 August 20222, ICASA gazetted a Notice of the Oral Public Hearings to be held on the Draft Regulations regarding Standard Terms and Conditions for Individual Licences on 25 August 2022. ICASA's Daft Regulations were gazetted on 16 March 2022, and the deadline for comments was 5 May 2022.

Public hearings on Draft Amendment Regulations on the Processes and Procedures in respect of Applications, Amendments, Renewals, Surrender and Transfer of Individual Licences

On 12 September 2022, ICASA gazetted a Notice of Public Hearings to be held on the Draft Amendment Regulations on the Processes and Procedures in respect of Applications, Amendments, Renewals, Surrender and Transfer of Individual Licences on 14 September 2022.

ICASA's Draft Regulations were gazetted on 24 March 2022, and the deadline for comments was 15 May 2022.

Public hearings on Draft End-User and Subscriber Service Charter Amendment Regulations, 2022

On 26 September 2022, ICASA gazetted a Notice of Virtual Public Hearings to be held on the Draft End-User and Subscriber Service Charter Amendment Regulations, 2022 on 6 and 7 October 2022.

ICASA's Draft Amendment Regulations was gazetted on 31 March 2022, and the initial deadline for comments was 18 May 2022, but subsequently extended to 17 June 2022.

Draft Radio Frequency Spectrum Assignment Plans for IMT

On 17 August 2022, ICASA gazetted its Notice regarding the Information Memorandum intending to initiate the second phase of the licensing process with respect to radio frequency spectrum to prospective licensees to provide wireless mobile broadband access services in the low and mid-International Mobile Telecommunications (IMT) frequency bands, within the designated frequency ranges outlined in the Designated Frequency Ranges.

The deadline for comment was 19 September 2022. On 14 September 2022, ICASA extended the deadline to 30 September 2022. ICASA gazetted the Draft Radio Frequency Spectrum Assignment Plans for the Designated Frequency Ranged for public consultation on 31 March 2022, and the deadline for comment was 20 May 2022.

Draft Next Generation Radio Frequency Spectrum Policy

On 8 September 2022, the Department of Communications and Digital Technologies (DCDT) published the Draft Next General Radio Frequency Spectrum Policy for public comment. The deadline for comments is 20 October 2022.

ICASA's Invitation to Pre-Register for Community Television Broadcasting Service and Radio Frequency Spectrum Licences for Multiplex 1 Frequencies

On 7 October 2022, ICASA published a Media Release indicating that they would be hosting provincial workshops in October 2022 to explain the licensing process for community television broadcasting service and related radio frequency spectrum licences on Digital Terrestrial Television (DTT) Multiplex 1 (MUX 1) frequencies.

This follows the publication of an Invitation to Pre-Register (ITP-R) for Community Television Broadcasting Service ("CTBS") and Radio Frequency Spectrum ("RFS") Licences for Multiplex 1 frequencies on 30 June 2022.

The closing date for the submission of pre-registration notices is 16:30, South African time, on 12 January 2023.

SEYCHELLES

Communications Bill, No. 16 of 2022

On 22 July 2022, the Communications Bill, No. 16 of 2022 was gazetted. The object of the Bill is to repeal and replace the Broadcasting and Telecommunications Act and provide comprehensive legislation to regulate and manage competition in the Information and Communication Technology industry.

TANZANIA

Notice of Intention to Release Spectrum in IMT Bands through an Auction Process

On 15 August 2022, the Tanzania Communications Regulatory Authority (TCRA) published its Draft Information Memorandum for the Award of Spectrum in the IMT Bands. The deadline for comments was 29 August 2022, which was published further to the TCRA's notice of intention to release the spectrum through an auction process published on 14 July 2022.

On 2 September 2022, the TCRA published its Responses to the Draft Information Memorandum consultation comments.

On 5 September 2022, the TCRA published its Information Memorandum, which is also the date for the start of the application window. The deadline for applications is 28 September 2022.

Following the auction held on 11 October 2022, TCRA announced the successful conclusion of the competitive award process for IMT multi-band frequency spectrum.

A total of five bidders participated in the auction and four bidders won blocks in different bands. The TCRA congratulated Vodacom (T) PLC, Airtel (T) PLC, MIC (T) PLC and Viettel (T) PLC for acquiring the spectrum blocks in 700 MHz, 2300 MHz, 2600 MHz and 3500 MHz bands.

Communications Statistics Report for Quarter 4 of 2021/2022, June 2022

On 29 August 2022, the TCRA published its Communications Statistics Report for Quarter 4 of 2021/2022, ending June 2022.

UGANDA

Computer Misuse (Amendment) Bill, 2022

On 15 September 2022, the Ugandan Parliament passed the Computer Misuse (Amendment) Bill, 2022 which prescribes tougher penalties for those perpetrating cybercrime.

The Bill amends the Computer Misuse Act, 2011, and aims to strengthen the growing technology sector. On 13 October 2022, the President signed the Bill into law.

Type Approval Framework for Communications Equipment

On 26 July 2022, the Uganda Communications Commission (UCC) published its Type Approval Framework for Communications Equipment dated 15 March 2022. The objective of this Framework is to

(i) outline the guiding principles, requirements, processes and procedures through which the type approval of communication devices will be conducted;

(ii) help industry players, government agencies and other stakeholders to understand the UCC's type approval system and thus facilitate compliance with the law; and

(iii) specify the applicable equipment standards to protect users and mitigate the occurrence of interference with communications systems and networks.

Consultation on the Proposed Framework for Monitoring of Coverage Obligations of Mobile Network Operators in Uganda

On 22 August 2022, the UCC invited comments on the Proposed Framework for Monitoring of Coverage Obligations of Mobile Network Operators in Uganda, which is aimed at guiding data collection, reporting and verification of implementation of coverage obligations of mobile network operators.

The deadline for comment was 14 September 2022.

Consultation on the Uganda Communications Framework for Community Broadcasting Services

On 12 October 2022, the UCC invited comments on the Uganda Communications Framework for Community Broadcasting Services. The consultation notice did not include a deadline for submissions.

Consumer Bi-Annual Report (Jan to June 2022)

On 8 September 2022, the UCC published its Consumer Bi-Annual Report for the period January to June 2022. The Report presents consumer highlights and trends in the communications sector from January to June 2022, under the two pillars of advocacy (call centre, education and outreach programs) and complaints management.

The National Survey on Conformity of Telecommunications Base Stations in Uganda to ICNIRP Guidelines and ITU Standards

On 14 September 2022, the UCC published its Report on the National Survey it conducted on the conformity of telecommunications base stations in Uganda to ICNIRP guidelines and ITU standards. The survey was conducted from April 2021 to March 2022.

The aim of this survey was to conduct electromagnetic fields (EMF) exposure measurements, assessments and interviews to determine the magnitude of uncertainty among the public.

Standard for Operation of Private Land Mobile Radio Communication

On 30 September 2022, the UCC published the Standard for Operation of Private Land Mobile Radio Communication in Uganda (dated February 2022), which seeks to harmonize the regulatory and technical operational requirements for the analogue and digital PLMR/PMR operations in Uganda and facilitate the communication needs of government agencies as well as private businesses in executing day-to-day activities.

Communications Sector Cyber Security Posture for the period January to December 2021

On 30 September 2022, the UCC published its Report on the Communications Sector Cyber Security Posture for the period January to December 2021.

ZAMBIA

Draft Quality of Service Guidelines, 2022

On 26 September 2022, the Zambia Information and Communications Technology Authority (ZICTA) published a document which sets out the highlights of the additions and amendments contained in the draft Quality of Service Guidelines, as well as the Draft Quality of Service Guidelines, 2022. ZICTA did not indicate the deadline by when interested parties must make submissions.

Call for Comments on the Review of the Cyber Security and Cyber Crimes Act No. 2 of 2021

On 16 September 2022, the Ministry of Technology and Science published a Call for Comments on the Review of the Cyber Security and Cyber Crimes Act No. 2 of 2021. Cabinet at the 16th Cabinet meeting held on 11 August 2022 approved, in principle, the amendment of the Act to strengthen enforcement mechanisms and redefine concepts to align them to the Constitution.

The deadline for comment was 23 September 2022.

Mid-Year ICT Sector Performance Report, 2022

On 9 September 2022, ZICTA published its Mid-Year ICT Sector Performance Report, 2022. The Report highlights global and national developments in the ICT sector over the first half of 2022.

ZIMBABWE

Broadcasting Services (Complaints Handling) Regulations, 2022

On 19 August 2022, the Minister of Information, Publicity and Broadcasting Services gazetted the Broadcasting Services (Complaints Handling) Regulations, 2022 which prescribe the form and manner in which complaints must be dealt with, ensures that complaints are dealt with completely and efficiently and that corrective measures are taken timeously.

Postal and Telecommunications Sector Performance Report: 2nd Quarter of 2022

On 3 October 2022, the Postal and Telecommunications Regulatory Authority of Zimbabwe (POTRAZ) published its Postal and Telecommunications Sector Performance Report for the 2nd Quarter of 2022.

Disclaimer

This e-bulletin provides only general information on legislative and regulatory developments, which we consider key. It is not our intention to list all developments in the sector across Sub-Saharan Africa. For further information, please contact Wendy Rosenberg, Tebogo Sibidla or Samantha Sinden



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