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INDEPENDENT COMMUNICATIONS AUTHORITY OF SOUTH AFRICA

NOTICE 3731 OF 2026

350 Witch-Hazel Avenue,
Eco Point Office Park
Eco Park, Centurion
Private Bag X10,
Highveld Park 0169
Tel number: (012) 568 3000/1

DRAFT SIGNAL DISTRIBUTION SERVICES REGULATIONS, 2026

1. The Independent Communications Authority of South Africa (the "Authority") hereby publishes the Draft Signal Distribution Services Regulations, 2026 ("the draft Regulations"), in terms of section 4 read with section 67(4) of the Electronic Communications Act, 2005 (Act No. 36 of 2005).

2. A copy of the draft Regulations will be made available on the Authority's website at http://www.icasa.org.za, or can be sent via email upon request by interested persons.

3. The Authority hereby invites interested persons to make written representations on the draft Regulations within thirty (30) working days from the date of publication, by e-mail to signaldistribution@icasa.org.za (in Microsoft Word or PDF), and marked specifically for the attention of:

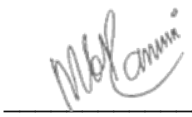
   Chairperson: Signal Distribution Council Committee
   Independent Communications Authority of South Africa
   350 Witch- Hazel Avenue
   Centurion
   0157

4. Non-confidential versions of written representations received by the Authority pursuant to this notice will be made available on the Authority's website and by inspection at the Authority's library at the following address:

   Independent Communications Authority of South Africa
   Block C, 350 Witch-Hazel Avenue
   Centurion
   0157

5. Stakeholders may request confidentiality, in terms of section 4D of the Independent Communications Authority of South Africa Act, 2000 (Act No. 13 of 2000), on any information submitted to the Authority. Such request for confidentiality must be accompanied by a confidential and non-confidential version of the stakeholder's submission. The Authority hereby refers stakeholders to the Guidelines for Confidentiality Request, published on 17 August 2018 in Gazette No. 41839, in order to assist stakeholders when applying for confidentiality.

6. Persons submitting written representations are further invited to indicate, as part of their submissions, whether they require an opportunity to make oral representations on the draft Regulations, should the Authority elect to hold public hearings.



Mothibi G. Ramusi

Chairperson

Date: 15 December 2025

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SCHEDULE

1. DEFINITIONS

In these Regulations, unless the context indicates otherwise, a word or expression to which a meaning has been assigned in the Act has the meaning so assigned, and the following words and expressions shall have the meaning set out below:

"Act" means the Electronic Communications Act, 2005 (Act No. 36 of 2005), as amended;

"Reference Offer" or **"RO"** means a document setting out the standard terms and conditions for terrestrial signal distribution broadcasting services agreements;

"Sentech" means Sentech SOC Limited, a State-Owned Enterprise responsible for providing broadcasting signal distribution services as a common carrier to broadcasting service licensees;

"Significant Market Power" or "SMP" means significant market power as defined in section 67(5) of the Act;

"Terrestrial signal distribution AM sound broadcasting services" means a wholesale terrestrial signal distribution AM sound broadcasting service provided by Sentech to a broadcasting service licensee in the Republic;

"Terrestrial signal distribution FM sound broadcasting services" means a wholesale terrestrial signal distribution FM sound broadcasting service provided by Sentech to a broadcasting service licensee in the Republic;

"Terrestrial signal distribution television broadcasting services" means a wholesale terrestrial signal distribution audio-visual service provided by Sentech to a broadcasting service licensee in the Republic;

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2. PURPOSE OF THE REGULATIONS

The purpose of these Regulations is to:

(a) define the relevant wholesale markets for the provision of terrestrial signal distribution services;
(b) determine whether there is effective competition in the defined markets;
(c) determine which, if any, licensees have significant market power in those markets where there is ineffective competition;
(d) determine whether there is any market failure;
(e) impose appropriate pro-competitive licence conditions on licensees with significant market power to remedy the market failure;
(f) set out a schedule in terms of which the Authority will undertake periodic review of the markets, taking into account regulation (8) and the determination in respect of the effectiveness of competition and application of pro-competitive measures in those markets; and
(g) provide for monitoring and investigation of anti-competitive behaviour in the defined markets.

3. MARKET DEFINITION

Markets are categorised according to the type of service provided and are defined as follows:

(a) Terrestrial signal distribution for television broadcasting services market – the market for the provision of wholesale terrestrial signal distribution television broadcasting services within the Republic.
(b) Terrestrial signal distribution for FM sound broadcasting services market – the market for the provision of wholesale terrestrial signal distribution FM sound broadcasting services within the Republic.
(c) Terrestrial signal distribution for AM sound broadcasting services market – the market for the provision of wholesale terrestrial signal distribution AM sound broadcasting services within the Republic.

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4. METHODOLOGY

In determining the effectiveness of competition in the markets defined in regulation 3 above, the Authority applied the following methodology:

(a) the identification of relevant markets and their definition according to the principles of the Hypothetical Monopolist Test, taking into account the non-transitory (structural, legal, or regulatory) entry barriers to the relevant markets and the dynamic character and functioning of the relevant markets;
(b) the assessment of licensees' market shares in the relevant markets; and
(c) the assessment on a forward-looking basis of the level of competition and market power in the relevant markets.

5. EFFECTIVENESS OF COMPETITION

Pursuant to regulation 4, the Authority has determined that competition in the terrestrial signal distribution for television broadcasting services market, the terrestrial signal distribution for the FM sound broadcasting services market and the terrestrial signal distribution for the AM sound broadcasting services market, as defined in regulation 3, is ineffectively competitive.

6. SIGNIFICANT MARKET POWER

The Authority has determined that Sentech has significant market power, due to its dominance in the following markets:

(a) Terrestrial signal distribution for the television broadcasting services market.
(b) Terrestrial signal distribution for the FM sound broadcasting services market.
(c) Terrestrial signal distribution for the AM sound broadcasting services market.

7. MARKET FAILURE

The Authority has determined that the following market failures exist:

(a) Natural Monopoly: Barriers to entry (such as high sunk costs of infrastructure) limit potential entry and therefore, competition on price and quality of service. With a near-monopoly provider, prices and quality of service are unlikely to be maintained at a competitive level without regulatory intervention.
(b) Lack of transparency: Broadcasting service licensees are unable to obtain sufficient information on whether the prices and the quality provided bear relation to a competitive environment.

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8. PRO-COMPETITIVE TERMS AND CONDITIONS

To address the market failures identified in regulation 7 above, Sentech must comply with the following pro-competitive terms and conditions:

(a) Ensure that all tariffs for terrestrial signal distribution services are reasonably derived from the costs of provision, allowing for recovery of efficiently incurred costs and return commensurate with risk.

(b) Submission of Reference Offers ("RO"):
   (i) Sentech must submit ROs in respect of each of the defined wholesale markets for approval by the Authority within forty-five (45) days after effective date of these Regulations.
   (ii) The ROs to be submitted by Sentech must comply with the minimum requirements outlined in Appendix A, which is attached to these Regulations.
   (iii) Where the Authority determines that an RO submitted by Sentech is not consistent with these Regulations, the Authority will direct Sentech to amend it within a period determined by the Authority.

(c) Publication of ROs:
   (i) The Authority may publish the ROs for public comment.
   (ii) The ROs will become effective upon approval by the Authority.
   (iii) Sentech must publish the approved ROs on its website within fourteen (14) days after approval by the Authority.

(d) Dispute Resolution:
   (i) Where a broadcaster and Sentech have been unable to conclude a RO, either party may refer the dispute to the Authority for resolution.
   (ii) A dispute referral made in terms of regulation 8(d)(i) of these Regulations, must be in writing and must set out the details of the alleged dispute.
   (iii) Where the Authority determines that the dispute warrants further investigation, then the Authority shall provide the other party to the dispute with a copy of the referring party's notice of referral, afford the other party fourteen (14) days within which to respond and afford the referring party fourteen (14) days to reply to the other party's response.
   (iv) The Authority may call for further written and or oral representations thereafter or may determine the matter on the basis of the information submitted to it by the parties.
   (v) The Authority's determination on the dispute shall be final and binding.

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9. MONITORING AND INVESTIGATION

Upon request by the Authority, Sentech must submit a detailed breakdown of the information and assumptions used to support its terrestrial signal distribution tariffs.

10. SCHEDULE FOR REVIEW OF MARKETS

The Authority will review the markets, to which these Regulations apply, when the Authority deems it necessary or after five (5) years from the date of implementation of these Regulations.

11. CONTRAVENTIONS AND PENALTIES

The contravention of regulations 8 of these Regulations is subject to a fine not exceeding five million Rand (R5 000 000.00).

12. SHORT TITLE AND COMMENCEMENT

These Regulations are called the "Signal Distribution Services Regulations, 2026" and will come into force upon publication in the Government Gazette.

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APPENDIX A

Minimum Requirements of a Reference Offer

The RO that must be submitted to the Authority by Sentech must include, at a minimum, the following:

1. Application of this RO

1.1. This RO is limited to the following service(s):

(a) Terrestrial signal distribution for the television broadcasting services market,

(b) Terrestrial signal distribution for the FM sound broadcasting services market, or

(c) Terrestrial signal distribution for the AM sound broadcasting services market.

2. Definitions of Terms and Abbreviations

2.1. The ROs should define terms and abbreviations used in the agreements to provide clarity and a clear understanding.

3. Term of the Agreement

3.1. The effective date on which the agreement shall begin.

3.2. The period over which the agreement will last.

3.3. The extension of the term, which the parties will agree on.

4. Services to be provided

4.1. Specification of terrestrial signal distribution services in respect of television, AM and or FM sound services.

4.2. Conditions governing access to services.

5. Technical characteristics

5.1. The quality, availability, security, etc. of the services provided.

6. Schedule of Charges for Signal Distribution Services

6.1. General financial matters.

6.2. Billing procedures, payment terms and conditions.

6.3. Wholesale rates or charges, including surcharges (if applicable), and any escalation.

6.4. Mechanisms for the review of charges.

7. Dispute resolution

Disputes arising from the agreement between a broadcaster and Sentech that are not capable of being amicably resolved may be referred for resolution to ICASA or to arbitration or to the High Court of South Africa.

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EXPLANATORY MEMORANDUM ON THE DRAFT SIGNAL DISTRIBUTION REGULATIONS, 2026

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1.1. On 17 September 2021, the Authority published a Notice indicating its intention to conduct an Inquiry ("the Inquiry") into signal distribution services in terms of section 4B(1)(a) of the Independent Communications Authority South Africa Act, 2000 (Act No. 13 of 2000) read with section 67(4) of the Electronic Communications Act, 2005 (Act No. 36 of 2005).

1.2. The Inquiry was conducted in four phases namely, Phase I – Commencement of the Market Inquiry, Phase II – Publication of the Discussion Document, Phase III – Public Hearings on the Discussion Document, and Phase IV – Publication of the Findings Document.

1.3. Following the conclusion of the Inquiry (i.e., Publication of the Findings Document), the Authority published the draft Signal Distribution Services Regulations, 2025 in the Government *Gazette*[1] ("**the first draft Regulations**") for public comment.

1.4. In the first draft Regulations, the Authority identified and defined the following relevant markets:

1.4.1. Terrestrial signal distribution for the television broadcasting services market.
1.4.2. Terrestrial signal distribution for the FM sound broadcasting services market.
1.4.3. Terrestrial signal distribution for AM sound broadcasting services market.

1.5. The Authority determined the market failures exist in relation to natural monopoly and a lack of tariff transparency.

1.6. The Authority declared that Sentech has significant market power in all the relevant markets.

1.7. After due consideration of Sentech's role as a common carrier and its universal service obligations, the Authority proposed that the following pro-competitive terms and conditions:

1.7.1. Tariffs for terrestrial signal distribution services should be reasonably derived from costs of provision.
1.7.2. Sentech to submit a Reference Offer for approval by the Authority before publication on its website within fourteen (14) days after approval.

1.8. In addition, the Authority proposed that Sentech must, upon request by the Authority, submit detailed information regarding its tariffs for monitoring and investigation purposes.

[1] Government *Gazette* No. 52622 (Notice No. 3185).

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1.9. Following a review of all written submissions[2] and oral representations from stakeholders during the public hearings,[3] the Authority made significant changes to the draft Regulations and determined that further public consultation was necessary prior to the publication of the final Regulations.

1.10. The abovementioned Authority's decision was informed by significant changes made to the following provisions:

1.10.1. Regulation 8(a) (cost based tariffs)

The Authority revised regulation 8(a), removing sub-regulations (i) to (iv), as those provisions will be addressed in the cost modelling phase, which occurs after the publication of the final Regulations.

1.10.2. Regulation 8(b) (submission of ROs)

The Authority made two key changes: first, it included specific processes and timelines for the submission of the ROs by Sentech; and second, the Authority replaced sub-regulations (i) to (viii) with a list of minimum required information for the ROs, which is detailed in Annexure A, attached to the second draft Regulations.

1.10.3. Regulation 8(c) (publication of the approved ROs)

The Authority included a provision for public consultation in relation to the review of the draft ROs to be submitted by Sentech to the Authority for approval. This measure is expected to ensure a transparent and efficient review process.

1.10.4. Regulation 8(d) (dispute resolution)

Regulation 8 (d) seeks to promote a transparent and efficient process for resolving disputes, that might otherwise hinder negotiations between Sentech and broadcasters.

1.10.5. Regulation 9 (monitoring and investigation)

The Authority revised regulation 9 by removing sub-regulations (a) to (e), as those provisions will be addressed in the cost modelling phase after the publication of the final Regulations.

[2] The Authority received written representations from Primedia, Radio Pulpit, eMedia, Sentech and the SABC.
[3] On 19 August 2025, the Authority held hybrid (online and in-person) public hearings on the written submissions on the draft Regulations.

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1.10.6. Regulation 10 (schedule for market review)

The Authority revised regulation 10 by extending the review period from three (3) to five (5) years given that signal distribution services markets do not change rapidly. However, this does not prevent the Authority from conducting a review of the Regulations earlier than 5 years should significant market developments occur.

1.11. The Authority is publishing the second draft Regulations to afford stakeholders an opportunity to make written representations on the revised provisions. This feedback will help to inform the final Regulations.

1.12. Stakeholders are welcome to comment on the entire Regulations. However, stakeholders are advised that all inputs submitted on the first draft of the regulations remain part of the Authority's record and therefore need not be resubmitted. It is highly recommended that stakeholders focus their input on the revised provisions under regulation 8, 9 and 10.

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