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**GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS**

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**INDEPENDENT COMMUNICATIONS AUTHORITY OF SOUTH AFRICA**

NO. 1958

31 March 2022

**DRAFT END-USER AND SUBSCRIBER SERVICE CHARTER AMENDMENT REGULATIONS, 2022**

The Independent Communications Authority of South Africa (the "Authority") hereby declares its intention to amend the End-user and Subscriber Service Charter Regulations, 2016, published in Government Gazette No. 39898 (Notice No 189) on 1 April 2016, as amended, to the extent reflected in the Schedule, and therefore invites interested persons to make written representations on the Draft End-user Subscriber Service Charter Regulations ("Draft Regulations").

A copy of the Draft Regulations will be made available on the Authority's website at <http://www.icasa.org.za> and in the Authority's library at Eco Point Office Park, 350 Witch-Hazel Avenue, Centurion between 09h00 and 16h00, Monday to Friday.

Written representations must be submitted to the Authority within thirty (30) working days from the date of the publication of this Notice in the Gazette, by no later than 16h00. Such submissions can be made electronically to [eussc@icasa.org.za](mailto:eussc@icasa.org.za) (in Microsoft Word or PDF), by post or hand delivery, and must be marked specifically for the attention of:

**Chairperson: End User Subscriber Service Committee**

Block C, Eco-Park Estate  
350 Witch-Hazel Avenue  
Highveld  
Centurion  
2146

Enquiries may be directed to Mr. Sandile Mthombeni, telephonically on 012-568-3670, or via email to [eussc@icasa.org.za](mailto:eussc@icasa.org.za).

When a person makes submissions to the Authority, such person may request that specific information be treated as confidential in terms of section 4D of the Independent Communications Authority of South Africa Act, 2000 (Act No. 13 of 2000) ("ICASA Act"). The request for confidentiality must be accompanied by a written statement explaining why the specific information should be treated as confidential in terms of section 4D of the ICASA Act. Persons requesting confidentiality are thus urged to acquaint themselves with the ICASA Guidelines for Confidentiality Request published in Government Gazette No. 41839 on 17 August 2019.

Where a request for confidentiality is refused, the person who made the request will be granted an opportunity to withdraw such information and provide the Authority with a redacted version of their submission.

Persons submitting written representations are further invited to indicate, as part of their submissions, whether they require an opportunity to make oral representations.

Written representation(s) received by the Authority pursuant to this notice, will be made available for inspection by interested persons at the Authority's library.



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**DR. KEABETWE MODIMOENG**

**CHAIRPERSON**

**DATE: 30/03/2022**

**GOVERNMENT NOTICE**  
**INDEPENDENT COMMUNICATIONS AUTHORITY OF SOUTH AFRICA**

**No. R. 2022**

**ELECTRONIC COMMUNICATIONS ACT, 2005 (ACT NO. 36 OF 2005)**  
**REGULATIONS**

The Independent Communications Authority of South Africa has, under section 4 read with section 69 (3) of the Electronic Communications Act, 2005 (Act No. 36 of 2005), made the regulations in the Schedule.

**SCHEDULE**

**1. Definitions**

In these regulations, "the Regulations" means the regulations published in Government Gazette No 39898 of 1 April 2016, as amended by Government Gazette Nos 41613 of 7 May 2018 and 42266 of 28 February 2019.

**2. Amendment of Regulation 1 of the Regulations**

2.1 The following definitions are hereby inserted in the Regulations before the definition of "Act":

"**3G'** means 3rd generation radio and network technology;"

"**3G-preferred mode'** means when the user equipment (UE) is set to select UMTS as the preferred technology over GSM. The mobile device will revert to GSM in the absence of UMTS;"

“**4G**” means 4th generation radio and network technology;”

“**4G-preferred mode**” 4G preferred means when the user equipment (UE) is set to select LTE as the serving technology, where available, and to cascade down to UMTS in the absence of LTE, and finally to select GSM in the absence of both the LTE and UMTS;”.

- 2.2 The following definition is hereby inserted in the Regulations after the definition of “Alternative Dispute Resolution”:

“**Application Throughput**” means the average data transfer rate, after a data link has been successfully established, measured throughout the entire connection time to the service;”.

- 2.3 The following definitions are hereby inserted in the Regulations after the definition of “Fault Clearance”:

“**File Transfer Protocol (FTP) Average Download Throughput**” means the average of the data transmission speed achieved for a given number of samples, when downloading a file, using file transfer protocol;”

“**File Transfer Protocol Average Upload Throughput**” means the average of the data transmission speed achieved for a given number of samples, when uploading a file, using file transfer protocol;”

- 2.4 The following definitions are hereby inserted in the Regulations after the definition of “Fixed Services”:

“**Hypertext Transfer Protocol (HTTP) Average Download Throughput**” means the average of the data transmission speed achieved for a given number of samples, when downloading a file using hypertext transfer protocol;”

“**Hypertext Transfer Protocol Average Upload Throughput**” means the average of the data transmission speed achieved for a given number of samples, when uploading a file, using hypertext transfer protocol;”.

“**Hypertext Transfer Protocol (HTTP) Service Non-accessibility**’ means the probability that a subscriber cannot establish a Packet Data Protocol (PDP) Context within a given time and access the service successfully;”.

2.5 The following definitions are hereby inserted in the Regulations after the definition of “Installation”:

“**Latency**’ means the delay, or round-trip time required for a packet to travel from the source to the destination and back;”

“**LTE** means ‘Long-Term Evolution’ a mobile technology access standard defined by the 3rd Generation Partnership Project (3GPP) and characterised by high throughput speeds and low latency;”.

2.6 The following definitions are hereby inserted in the Regulations after the definition of “Mobile Services”:

“**Mean opinion score (MOS)**’ provides a numerical measure of the human-judged overall quality of voice or video sessions, judged on a scale from 1 (bad) to 5 (excellent);”

“**Packet Data Protocol (PDP)**’ means a packet data connection over which the User Equipment (UE) and the network can exchange IP packets;”.

2.7 The following definition is hereby inserted in the Regulations after the definition of “Reporting Period”:

“**Received Signal Code Power (RSCP) (3G)**’ means the average Universal Mobile Telecommunications System (UMTS) signal level for best measured UMTS carrier;”

“**Reference Signal Received Power (RSRP) (LTE)**’ means the average LTE signal level for best measured LTE carrier;”

“**Round Trip Time (RTT)**’ means the time required for a packet to travel from a source to its destination and back and is used to measure the delay on a network at a given time;”.

2.8 The following definition is hereby inserted in the Regulations after the definition of "Service Installation":

**"SMS End-to-End Delivery Success Rate'** means the ratio of 'received to sent' test SMSs, from one mobile device to another mobile device, excluding duplicate received and corrupted test SMSs;"

**"SMS End-to-End Delivery Time'** means the time between sending an SMS to an SMS Centre and receiving the very same SMS on another mobile equipment;"

**"Subscriber Identification Module (SIM)'** means an independent, electronically-activated device, designed for use in conjunction with a cellular phone, to enable the user of the cellular phone to transmit and receive indirect communication by providing access to telecommunication systems, and by enabling such telecommunication systems to identify the particular Subscriber Identification Module and its installed information;"

2.9 The following definitions are hereby inserted in the Regulations after the definition of "Speech Quality" of the following definitions:

**"Video Streaming Completion Success Rate'** means the proportion of times that the video is reproduced until the end, out of the number of times that reproduction is started, expressed as a percentage. The prerequisite for this parameter is that the streaming reproduction has started successfully;"

**"Video Streaming Service Access Time'** means the time between requesting a video stream from a portal and receiving the first stream data packet at the terminal. The first data packet refers to Transmission Control Protocol (TCP);"

**"Video Streaming Reproduction Cut-off Ratio'** means the probability that a successfully-started video stream reproduction is ended by a cause other than the intentional termination by the user;"

“**Video Streaming Set-up Success Rate**’ means the ratio of successful video stream reproduction starts to user requests for the stream. The prerequisite for this parameter is that the PDP Context is activated;”

“**Web Page Access Success Rate**’ means the number of times that the subscriber can successfully access a web browsing service out of the total number of attempts, expressed as a percentage;”

“**Web Page Completion Success Rate**’ means proportion of times that a web page is successfully retrieved, once the download has already started, out of the total number of times that the service is accessible, expressed as a percentage;”

“**Web Page Download Time**’ means the time needed to retrieve the content of a web page successfully.”

### 3. Amendment of regulation 8A of the Regulations

Regulation 8A of the Regulations is hereby amended by the insertion after sub-regulation (3) of the following sub-regulations:

- “(4) Unused voice and SMS services obtained through either prepaid or post-paid channels shall not expire before expiry of a period of 6 months, except for promotional packages.
- (5) A Licensee shall in the first instance apply Voice and SMS usage against the oldest of any unused Voice and SMS services, until such Voice and SMS services are depleted, and thereafter against the newly allocated Voice and SMS services.
- (6) A Licensee, in instances where the end user is unable to utilise specific promotional voice/SMS products (such as promotional packages) due to a fault on the part of the Licensee (such as network outages or service breakdowns), must compensate the end user appropriately (such as by giving a rebate or by extending the validity period of the product concerned).

#### 4. Amendment of regulation 8B of the Regulations

4.1 Regulation 8B of the Regulations is hereby amended by the substitution for sub-regulation (3) of the following sub-regulation:

“(3) Unused data and data services obtained through either prepaid or post-paid channels shall not expire before expiry of a period of 6 months, except for promotional packages.

4.2 Regulation 8B of the Regulations is hereby amended by the insertion after sub-regulation (3) of the following sub-regulation:

“(3A) A Licensee shall in the first instance apply data usage against the oldest of any unused data, until that data is depleted, and thereafter against the newly allocated data.

4.3 Regulation 8B of the Regulations is hereby amended by the insertion after sub-regulation (4) of the following sub-regulations:

(5) The transfer of data in terms of sub-regulation (4) must not be limited to specific products and/or payment types, with the exception of uncapped or free promotional bundled products, and applies to any SIM card or device on the same network, including SIM cards or devices owned by the same end-user, and exists without limit on the number of times that the end-user may transfer such data;

(7) A Licensee, in instances where the end user is unable to utilise specific promotional data packages or bundles due to a fault on the part of the Licensee (such as network outages or service breakdowns), must compensate the end user appropriately (such as by giving a rebate or by extending the validity period of the product concerned).



## **1. Amendment of Regulation 8C**

1.1 Regulation 8C of the Regulations is hereby amended by the addition of the following paragraph of sub-regulation (1) of the regulations:

“(d) Educating end-users on cybersecurity and on the protection of personal information.”

1.2 Regulation 8C of the Regulations is hereby amended by the addition of the following sub-regulations:

“(3) The Authority may, from time to time, in writing, order or direct Licensees to issue consumer alerts on specific issues which the Authority may deem relevant and necessary for the protection of end-users. Such directives may include, but are not limited to: fraudulent SIM swaps, fraudulent number porting, billing, public health warnings and public safety notifications, State of Disaster / State of Emergency notifications, or any other issues which affect consumers, and which require immediate dissemination.”

## **2. Substitution of regulation 9 of the Regulations**

2.1 Regulation 9 (12) and (13) of the Regulations are hereby amended by the substitution for sub-regulation (12) and (13) of the following sub-regulations:

“(12) The parameters set out in sub-regulation 9 (13) are applicable to fixed, fixed wireless and mobile services.

(13) The applicable measurement parameters are as follows:

Parameter	Threshold
<b>3G VOICE SERVICE</b>	
Average Call Setup Success Ratio	≥ 98 %
Average Call Setup Time	≤ 9 seconds
Average Dropped Call Ratio	≤ 2%
Average Speech Quality Mean Opinion Score (MOS)	≥ 3
Average SMS End-to-End Delivery Success Rate	≥ 98%
Average SMS End-to-End Delivery Time	≤ 10s
<b>3G PS DATA SERVICES (3G Preferred mode)</b>	
Application Throughput	Average value of Download ≥ 5 Mbit/s
File Transfer Protocol (FTP) Average Download Throughput	Average value of Download ≥ 5 Mbit/s
File Transfer Protocol (FTP) Average Upload Throughput	Average value of Upload ≥ 1,5 Mbit/s
Hypertext Transfer Protocol (HTTP) Average Download Throughput	Average value of Download ≥ 5 Mbit/s
Hypertext Transfer Protocol Average Upload Throughput	Average value of Upload ≥ 1,5 Mbit/s
Round Trip Time RTT (Latency)	Average value ≤ 100ms
Average Speech Quality Mean Opinion Score (MOS)	≥ 3
3G Signal Strength RSCP	≥ -105 dBm
<b>4G PS DATA SERVICES (4G Preferred mode)</b>	
Application Throughput	Average value of Download ≥ 10 Mbit/s
File Transfer Protocol (FTP) Average Download Throughput	Average value of Download ≥ 10 Mbit/s
File Transfer Protocol (FTP) Average Upload Throughput	Average value of Upload ≥ 2,5 Mbit/s

Hypertext Transfer Protocol (HTTP) Average Download Throughput	Average value of Download $\geq$ 10 Mbit/s
Hypertext Transfer Protocol Average Upload Throughput	Average value of Upload $\geq$ 2,5 Mbit/s
Round Trip Time RTT (Latency)	Average value $\leq$ 50ms
Average Speech Quality Mean Opinion Score (MOS) (VoLTE)	$\geq$ 4
4G Signal Strength RSRP	$\geq$ -115 dBm
<b>END USER TEST CASES</b>	
Web Page Access Success Rate	$\geq$ 98 %
Web Page Completion Success Rate	$\geq$ 98 %
Web Page Download time	$\leq$ 5 sec
Video Streaming Set-up Success Rate	$\geq$ 98 %
Video Streaming Completion Success Rate	$\geq$ 98 %
Video Streaming Reproduction Cut-off Ratio	$\geq$ 98 %

"

## 7. Substitution of regulation 10 of the Regulations:

The following regulation is hereby substituted for regulation 10 of the Regulations:

### "10. ELECTRONIC COMMUNICATIONS NETWORK MONITORING

- (1) An ECNS Licensee must monitor its electronic communications network twenty-four (24) hours a day, seven (7) days a week.
- (2) The Authority will monitor Quality of Service performance provided by Licensees, at any given time, or on an ad-hoc basis by means of drive tests, walk tests, probes and/or counters, crowdsourcing, data acquired from the Network Performance Monitoring System (NPMS)

and submitted by Mobile Network Operators, and other methods that the Authority finds relevant to audit Licensees on.

- (3) The frequency of the Quality of Service audits referred to in Regulation 10 (2), as well as the applicable Licensee(s), the services, parameters, reporting areas and reporting periods that require audits, are at the sole discretion of the Authority, and will not be advertised in advance.
- (5) A Licensee shall provide raw network performance data post hoc to the Authority upon request.
- (6) A Licensee shall grant the Authority access to collect raw network performance data from the Licensee's platform(s) by an appropriate means of monitoring, including but not limited to software and / or hardware application."

#### **8. Substitution of regulation 11 of the Regulations:**

The following regulation is hereby substituted for regulation 11 of the Regulations:

#### **"11. Service Upgrades and Network Outages**

- "(1) A Licensee must notify affected end-users via SMS, Social Media platforms, and its own website, seven (7) days before, and a day before, of any planned service interruptions due to service or system upgrades.
- (2) A Licensee must notify the Authority and its customers, via Social Media platforms, SMS and its website, of any major network outage that results in poor quality of service as soon as it occurs. "

## **9. Short title and Commencement**

These Regulations are called the End-User and Subscriber Service Charter Fourth Amendment Regulations 2021 and will come into force upon publication in the Government Gazette.