DEPARTMENT OF TRADE, INDUSTRY AND COMPETITION

NO. 7860 **28 August 2026**

NOTICE IN TERMS OF SECTION 10(6) OF THE COMPETITION ACT NO. 89 OF 1998 (AS AMENDED)

THE COMPETITION COMMISSION OF SOUTH AFRICA

THE ASSOCIATION OF COMMS AND TECHNOLOGY AND THE VARIOUS MOBILE NETWORK OPERATORS: CASE NUMBER (2026JUL0051)

NOTICE OF APPLICATION FOR AN EXEMPTION

1. Notice is hereby given in terms of section 10(6)(a) of the Competition Act, No. 89 of 1998, as amended ("**the Act**"), that the Association of Comms and Technology (hereinafter collectively referred to as ("**the Applicant**"), acting on behalf of its members, being the various Mobile Network Operators ("**MNOs**"), has applied to the Competition Commission ("**the Commission**") in terms of section 10(1) of the Act for an exemption from certain provisions of Chapter 2 of the Act. The exemption is sought to enable the Applicant and its members to engage in conduct that may otherwise contravene Chapter 2 of the Act.

2. The Applicant is a not-for-profit company and public benefit organisation registered with the Companies and Intellectual Property Commission on 28 October 2021. It was established as an industry body representing six major telecommunications operators.

3. The Applicant and its members intend to coordinate and share limited planning information among its members for the deployment of passive telecommunications infrastructure[1] in rural, remote and under-served areas (**also referred to as Qualifying Areas**). The Applicant proposes that this coordination be managed through an Independent Third Party ("**ITP**"), which would receive, aggregate and anonymise the relevant planning information. The ITP would also identify infrastructure gaps and potential opportunities for coordinated investment. According to the Applicant, this arrangement is intended to improve the viability of infrastructure rollout, avoid unnecessary duplication and accelerate deployment in areas where connectivity is most urgently required. The proposed coordination is limited to passive infrastructure deployment in Qualifying Areas and does not extend to active network elements, retail pricing, customer allocation, market allocation, product strategy,

[1] For purposes of this notice, "**passive telecommunications infrastructure**" refers to towers, ducts, masts, shelters and power supply, together with active network equipment required to transmit communications signals, backhaul-related civil infrastructure and associated facilities.

network quality parameters or any other competitively sensitive commercial conduct through which MNOs ordinarily compete.

4. The Applicant submits that broadband and mobile connectivity are central to South Africa's economic development, digital inclusion and the effective delivery of public and private services. It further submits that broadband is a foundational component of South Africa's digital transformation and supports the effective discharge of government mandates. In this regard, South Africa's 2013 Broadband Policy gives effect to the National Development Plan's vision of seamless information infrastructure by 2030 by recognising broadband as integral to economic enterprise, active citizenship, social engagement and innovation. The 2023 National Policy on Rapid Deployment similarly identifies broadband networks as key infrastructure for achieving national socio-economic development objectives.

5. However, several impediments continue to constrain coordinated infrastructure deployment, particularly in rural, remote and under-served areas. Although broadband coverage has expanded in urban and commercially viable areas, material coverage gaps persist in deep rural, low-density and under-serviced communities. The Applicant submits that broadband rollout in these areas remains constrained by a combination of structural and economic factors, including the following:

   5.1. ***Low population density***: Rural and remote areas generally have lower population densities and lower demand for telecommunications services. This may make it difficult for operators to justify the high fixed costs of deploying network infrastructure in those areas, particularly where projected local revenue is insufficient to recover the investment. As a result, independent rollout is often commercially unattractive, contributing to persistent coverage gaps.

   5.2. ***High infrastructure costs***: The most capital-intensive components of network deployment include site preparation and civil works, power infrastructure and backup energy systems, transmission and backhaul connectivity, security and maintenance. These costs are significantly higher in rural areas than in urban areas.

   5.3. ***Lack of supporting infrastructure***: Many rural areas lack reliable roads, a stable electricity supply, and existing telecommunications infrastructure. As a result, operators must build supporting infrastructure before network deployment can even begin. Non-existent road networks and lack of proximity to the national electrical power grid may result in exorbitant upfront capital for greenfield access road construction.

5.4. ***Geographic and terrain challenges***: Mountainous terrain and remote locations increase engineering requirements. This forces operators to accept sub-optimal locations or to build taller and more expensive towers to achieve adequate coverage, while long distances increase transmission and fibre backhaul costs.

5.5. ***Information and Planning Constraints***: Operators lack visibility of aggregate demand and competitors' infrastructure plans. Without a lawful mechanism to exchange limited planning information, opportunities for coordinated deployment are missed.

5.6. ***Regulatory limitations***: The current facilities-leasing framework mainly applies after infrastructure has been deployed, as it permits sharing only once infrastructure has already been built. It therefore does not provide a practical mechanism for operators to coordinate during the early stages of deployment, including planning, site selection, rollout sequencing and network design. In addition, competition law concerns restrict operators from exchanging forward-looking planning information among themselves.

5.7. ***Poor infrastructure mapping and geographic information system*** (“***GIS data”)***: The rationale document identifies incomplete and outdated infrastructure mapping, limited transparency regarding existing infrastructure and coverage gaps, and weak coordination between regulators and operators.

5.8. **Redundant unilateral deployments.** Operators currently tend to deploy infrastructure independently. This can result in unnecessary duplication of costs, particularly for foundational network requirements such as backup power.

6. For these reasons, independent MNO deployment in some Qualifying Areas may be commercially unattractive, resulting in persistent connectivity gaps and slower progress toward universal access. The Applicant submits that recent regulatory developments promote infrastructure sharing and coordinated network rollout. The Draft Policy on Electronic Communications Network Deployment, published on 12 March 2026, seeks to reduce infrastructure duplication, while ICASA’s Draft Regulations of 10 April 2026 encourage collaboration among licensees in deployment efforts. These instruments

include GIS-related requirements intended to improve planning and reduce conflicts by requiring the collection of data on existing infrastructure and planned investments.

7. Despite these regulatory developments, the Applicant submits that the current framework remains largely procedural and does not provide a practical mechanism for the type of coordination required to address existing deployment challenges. In particular, it does not establish a clear system for lawful information sharing, joint planning, site selection or decision-making among mobile network operators. Although the framework promotes cooperation and infrastructure sharing, the Applicant argues that it does not sufficiently address the competition law risks that may arise from coordination under the Competition Act. As a result, the Applicant submits that operators remain constrained in their ability to coordinate without risking contravention of the law.

8. The Applicant argues that the absence of a lawful mechanism for sharing detailed, forward-looking coordination information may result in inefficient infrastructure deployment. This includes infrastructure being built without adequate planning for future sharing, unnecessary duplication of construction efforts and delayed rollout in areas where independent deployment is not financially viable. According to the Applicant, these inefficiencies undermine the broader objective of expanding connectivity to under-served communities in an efficient and coordinated manner.

9. For the reasons outlined above, Applicant seeks an exemption in respect of the following potentially anti-competitive practices and agreements:

   9.1. Coordination at infrastructure planning stage, including: the identification of priority under-served areas;
   9.2. Collaboration in Qualifying Areas where such sharing will yield the greatest developmental benefits.
   9.3. Alignment on site location and rollout sequencing; and the consideration of shared or co-located passive infrastructure design; and
   9.4. Consideration of shared or co-located passive infrastructure design, consistent with open, fair and non-discriminatory access principles.

10. The Applicant submits that the practices and agreements contemplated in its application:

10.1. will promote effective entry into participation or expansion within a market by small and medium businesses or firms controlled or owned by historically disadvantaged persons in terms of section 10(3)(b)(ii);

10.2. change in productive capacity necessary to stop decline in an industry in terms of section10(3)(b)(iii); and

10.3. will increase competitiveness and efficiency gains that promote employment or industrial expansion in terms of section 10(3)(b)(v).

11. The Applicant is requesting the Commission to grant the exemption from certain provisions of Chapter 2 of the Act for a period of 5 years from the date the exemption is granted and/or conditionally granted.

12. Notice is hereby given in terms of section 10(6)(b) of the Act to allow interested parties twenty (20) business days from the date of the publication of this notice to make written representations to the Commission as to why the exemption should, or should not, be granted.

13. All representations and submissions must be directed to:

Ms Mamontshi Keleme
Competition Commission South Africa
Market Conduct Division
Email: Mamontshik@compcom.co.za

Mr Tlabo Mabye
Competition Commission South Africa
Market Conduct Division
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14. Kindly use the following case number when sending correspondence in relation to this notice: **2026JUL0051**.