



INDIVIDUAL LICENCE NUMBER: BIECN/PR/____/NO. ____/ YEAR____/

ISSUED TO

(NAME OF LICENSEE)

FOR THE PROVISION OF

PUBLIC RADIO BROADCASTING SERVICES

**IN ACCORDANCE WITH SECTION 9 AS READ WITH SECTION 11 OF THE
ELECTRONIC COMMUNICATIONS ACT, 9 OF 2013, AS MAY BE AMENDED**

("the Licence")

AT MBABANE ON THIS _____ DAY OF _____

**CHIEF EXECUTIVE
MVILAWEMPHI DLAMINI
ESWATINI COMMUNICATIONS COMMISSION**

1. DEFINITIONS

1.1. In this Licence, all words and expressions shall, unless the context indicates otherwise, have the same meanings as in the Electronic Communications Act 9 of 2013, as may be amended, read with the Eswatini Communications Commission Act 10 of 2013, as may be amended. The following definitions apply:

1.1.1. "Broadcasting" means the provision of vision, sound, multimedia and data service, principally intended for delivery of information, entertainment and education to the general public;

1.1.2. "Broadcasting service" means a service that delivers vision, sound, multimedia and data programmes (content) to persons having equipment appropriate for receiving that service, whether the delivery uses the radio frequency spectrum, cable, optical fibre, satellite, internet or any other means or a combination of those means;

1.1.3. "Code of Conduct" means the Code of Conduct developed by the Commission and set out in clause 10 of the Broadcasting Guidelines, 2017;

1.1.4. "Commission" means the Eswatini Communications Commission established under section 3 of the Eswatini Communications Commission Act, 2013;

1.1.5. "Dead-Air" is defined as:

- a) a period of silence in a radio broadcast,
- b) where program material comes to an unexpected halt, either through operator error or technical fault;

1.1.6. "ICAO" means International Civil Aviation Organization;

1.1.7. "Information" includes signs, signals, writing, pictures, sounds or other information of any nature which constitutes the content transmitted by electronic communication;

1.1.8. "Licence" has the meaning assigned to it under section 2 of the Eswatini Communications Commission Act, 2013;

1.1.9. "Licensee" has the meaning assigned to it under section 2 of the Eswatini Communications Commission Act, 2013;

1.1.10. "Licensed service" means a service that is authorised to be

undertaken under this licence;

1.1.11. "Public broadcasting service" means -

- a) a broadcasting service provided by any other statutory body; or
- b) a broadcasting service provided by a person who receives funding from the State;

1.1.12. "Warranted" means that there is enough justification of the infringement of privacy. If the reason is that it is in the public interest, then the broadcaster should be able to demonstrate that the public interest outweighs the right to privacy; and

1.1.13. "Watershed Period" means the period from 2300hrs to 0330hrs that is observed by Licensees to broadcast material unsuitable for children.

2. SCOPE OF THE LICENCE

- 2.1. The Licensee is authorised to operate in the Kingdom of Eswatini and to provide Public Radio Broadcasting Services in accordance with the Electronic Communications Act 9 of 2013 and any other applicable statutory framework for the regulation of broadcasting services, as may be amended.
- 2.2. The Licensee shall be entitled to do the following Public Radio Broadcasting Services in terms of this licence:
 - 2.2.1. Provide free-to-air radio broadcasting services to the whole of Eswatini;
 - 2.2.2. Establish and operate a radio broadcasting network for the transmission of radio content over the entire country; or
 - 2.2.3. May use an authorized signal distributor for distribution of radio broadcasting content over the entire country; or
 - 2.2.4. Use any other technology for signal distribution;
 - 2.2.5. Provide a diverse range of programming addressing the whole of Eswatini population.
- 2.3. The Licensee shall ensure that its broadcasting services contribute towards the advancement of the knowledge, sense of resourcefulness, duties and responsibilities of the population of

Eswatini.

- 2.4. The Licensee shall strive to offer a broad range of services to the general population and in particular aimed at children, women, the youth and people with disabilities.
- 2.5. This licence is issued in accordance with the Electronic Communications Act, 9 of 2013, the Broadcasting Guidelines, 2017, and read together with the Eswatini Communications Commission Act, 10 of 2013, as may be amended.
- 2.6. The Licensee is subject to the statutes as well as the regulations, decisions, guidelines, directives, determinations and authorizations that may be issued under the statutes.
- 2.7. The Licensee must, at all times, ensure compliance with the totality of its obligations in terms of this licence and under all regulatory instruments mentioned in this licence.
- 2.8. Failure to comply with these obligations will be dealt with as a contravention of the terms of this licence and the Commission shall be entitled to take any corrective measures contained in the statutes, regulations, decisions, guidelines, determinations and/or authorisations.
- 2.9. The Licensee shall be required by the Commission to broadcast, at no charge, information and/or advertisements informing audiences of their rights to complain against a breach of broadcasting codes, guidelines or licence conditions by the Licensee to the Commission.

3. CONTACT DETAILS

- 3.1. The primary contact person for the Licensee shall be:
 - 3.1.1. **Name:**
 - 3.1.2. **Tel:**
 - 3.1.3. **Cell:**
 - 3.1.4. **Email:**

4. NOTICES AND ADDRESSES

The Licensee chooses the following addresses as its principal addresses;

- 4.1. Postal Address:
- 4.2. Physical Address:

5. OWNERSHIP AND CONTROL

- 5.1. The Licensee is an entity that is 100% owned by the Government of the Kingdom of Eswatini.
- 5.2. The Licensee shall not transfer, cede, pledge, assign or otherwise dispose of, or encumber this licence, without the prior written approval of the Commission.
- 5.3. The Licensee' shareholding structure is contained in **Annex C**.

6. NOTIFICATION OF LICENSEE DETAILS AND INFORMATION CHANGE

- 6.1. The Licensee shall submit a written notice to the Commission within thirty (30) days of the occurrence of any of the following changes in its licence:
 - 6.1.1. the contact person;
 - 6.1.2. contact details;
 - 6.1.3. physical address of the main office of the Licensee; or
 - 6.1.4. financial year end;
 - 6.1.5. any change affecting the characteristics of the body or structure.
- 6.2. Where the Licensee fails to notify the Commission of any of the changes above, the Commission shall be entitled to invoke Sections 42 and 43 of the Eswatini Communications Act, 2013.

7. DURATION, COMMENCEMENT AND RENEWAL

- 7.1. This licence is granted for a period of 10 years from the date of issue.
- 7.2. The licence shall be effective from _____ to _____.
- 7.3. The Licensee shall be required to continue operating the necessary broadcasting infrastructure / studio and processes and shall continue broadcasting in terms of this licence from date of signature by the Commission.
- 7.4. The Licensee may apply for renewal of this licence within the licence terms. The application to renew the licence shall be submitted to the Commission no less than twelve (12) months prior to the expiration of

the licence, and the Commission shall make a decision relating to such renewal application by not later than three (3) months before the expiry date of the licence.

- 7.5. The Commission may renew the licence in accordance with prevailing legislation, regulations, directives and guidelines, provided that the Licensee has not been in material breach of the licence conditions. The licence terminates on the last day of the licence period if it is not renewed or where an application for renewal has been declined. Notwithstanding, the Commission may extend the licence for a period which the Commission may determine, pending finalisation of the renewal process.

8. AMENDMENT OF THE LICENCE

- 8.1. Save as set out in this licence, any amendment of the terms and conditions of this licence together with its appendices may only be made in writing by the Commission, in accordance with clause 6.5 of the Broadcasting Guidelines, 2017, as may be applicable from time to time.

9. NATURE AND STRUCTURE OF PROGRAMMING

All programmes broadcasted by the Licensee under this licence shall:

- 9.1. Provide a diverse range of programming addressing the entire population of Eswatini.
- 9.2. Provide programming in the official languages of Eswatini (Siswati and English).
- 9.3. Provide news and public affairs programming which meet the highest standards of journalism, that is fair and unbiased.
- 9.4. Broadcast news updates on an hourly basis.
- 9.5. Include significant amounts of educational programming, both curriculum-based and informal, including educative topics from a wide range of social, political and economic issues such as human rights, health, early childhood development, agriculture, culture, justice and commerce.
- 9.6. Provide programming in compliance with copyright laws.
- 9.7. Provide programs which enrich the cultural heritage of Eswatini by

- providing support for traditional and contemporary artistic expression.
- 9.8. Include programmes commissioned from local independent producers.
 - 9.9. Include programmes featuring national sports as well as developmental and minority sports.
 - 9.10. Promote programmes with local content in line with the local content quota as provided in clause 8 of the guidelines.
 - 9.11. Ensure that its broadcasting programmes: -
 - 9.11.1. maintain a high general standard both in respect of content and quality;
 - 9.11.2. covers a wide range of subject matter;
 - 9.11.3. appeal to the aspirations, needs and tastes of its audience.
 - 9.12. Ensure that its broadcasting programmes, including advertisements: -
 - 9.12.1. do not offend against decency, good taste or public morality;
 - 9.12.2. are not likely to encourage or incite crime, disorder or violence.
 - 9.13. Provide adequate coverage in its broadcasting programmes to news items, both local and foreign and ensure to the best of its ability that the news bulletins broadcast is accurate and presented in an impartial manner.
 - 9.14. Strike a fair balance in the allocation of broadcasting hours among various educational, cultural, political and religious standpoints.
 - 9.15. Refrain from expressing its own opinion and observe neutrality and impartiality on: -
 - 9.15.1. current affairs;
 - 9.15.2. matters of public policy; or
 - 9.15.3. matters of controversy relating to culture, politics, religion or any other subject, other than broadcasting.

10. GENERAL CONDITIONS

- 10.1. In the provision of the broadcasting services under this licence, the Licensee shall comply with the Broadcasting Guidelines, 2017, as amended and as may be applicable, including the following:
 - 10.1.1. Programming, scheduling and advertising shall be in accordance with clause 7 of the Broadcasting Guidelines, 2017;
 - 10.1.2. Local content quota is as outlined in clause 8 of the Broadcasting

Guidelines, 2017.

- 10.2. The Licensee shall be required to have an independent editorial policy, approved by the Commission in accordance with clause 9 of the Broadcasting Guidelines, 2017.
- 10.3. The Licensee shall provide broadcasting services in a fair, reasonable and non-discriminatory manner ('FRND' obligation). Under this obligation the Licensee shall inter alia:
 - 10.3.1. not engage in any practice or enter into any arrangement or give effect to any arrangement (whenever made) which is prejudicial to fair and effective competition in the provision of the broadcasting services.
- 10.4. The Licensee shall carry out its activities under this licence in compliance with the Code of Conduct as provided in Clause 10 of the Broadcasting Guidelines, 2017.

11. MAINTENANCE OF TOWERS AND CONTROL EQUIPMENT

The Licensee shall:

- 11.1. paint and illuminate the tower in accordance with **ICAO Annex 14 Obstacle Light Requirements**.
- 11.2. perform routine inspections and maintenance of the tower and on any other associated control equipment, required to ensure that it is properly marked and illuminated.
- 11.3. comply with directions given by the Commission in consultation with the government agency responsible for civil aviation, in matters relating to antenna towers.
- 11.4. ensure that the siting of antennas and towers complies with all applicable laws to which they are subject.
- 11.5. ensure that the siting and installation of transmitters, antennas and towers comply with the laws and guidelines relating to radiation limits that may be in force from time to time.

12. SEVERABILITY

- 12.1 Where a Court of competent jurisdiction finds any provision of this licence unlawful, that provision shall be severed from this licence and

the remainder of the licence conditions shall continue to apply as if such clause had not been part of the licence.

13. FEES

13.1. The fees payable by the Licensee under this licence, as defined in the Broadcasting Guidelines, 2017, are as follows:

13.1.1. Initial Licence Fee: **E10 000.00 (Ten Thousand Emalangeni)**;

13.1.2. Annual Licence Fee: **2% of its Net Operational Income**;

13.1.3. Universal Access Fund Contribution: **0.5% of its Net Operational Income**;

13.1.4. The licence fee payments shall be due annually within three (3) months of the end of the financial year of the Licensee and shall be accompanied by the audited annual financial statements of the Licensee.

14. ACCESS TO FREQUENCY SPECTRUM

14.1. The Licensee may apply for the grant of Radio Frequency Spectrum.

14.2. Where a Licensee requires access to Radio Frequency Spectrum, the Licensee shall submit an application to the Commission for the assignment of such Radio Frequency Spectrum in accordance with the Electronic Communications (Radio Frequency Spectrum) Regulations, 2016.

14.3. The Licensee's assigned Radio Frequency Spectrum and the terms and conditions for the use of such assignment shall be set out in its Frequency Spectrum Licence.

14.4. The Licensee may not use any other portion of Radio Frequency Spectrum not specifically authorised in its Radio Frequency Spectrum Licence unless such portion of Radio Frequency Spectrum is designated as licence exempt.

15. INFRASTRUCTURE SHARING

15.1. The Licensee may, as far as practicable, utilise the existing Digital

Terrestrial Television (DTT) infrastructure as duly controlled by the Signal Distributor.

- 15.2. Notwithstanding the above, the Licensee may, upon approval by the Commission, establish its own infrastructure where the circumstances are appropriate and necessary.
- 15.3. Where the Licensee owns/operates an infrastructure, it shall cause that infrastructure to be shared in accordance with the Electronic Communications (Facilities Sharing) Regulations, 2016.

16. TECHNICAL REQUIREMENTS

- 16.1. The Licensee shall ensure that all AM/FM Radio broadcast transmission is according to the AM/FM radio broadcasting technical standards in Annex A of this licence according to ITU Recommendation ITU-R BS.450-3 or any other applicable standards set from time to time.
- 16.2. The Licensee shall ensure that its broadcast studio is equipped with a Master Control which shall be used for monitoring the quality and the accuracy of the on-air product, ensuring that the transmission meets the requirements set out in the Broadcasting Guidelines, 2017.
- 16.3. The Licensee shall ensure that its broadcast studio is equipped with a Master Control which shall have the capability, among other things to:
 - 16.3.1. Monitor and gather information on instances of dead-air in the transmission;
 - 16.3.2. Monitor and gather information on instances of over-modulation in their transmission;
 - 16.3.3. Monitor and control transmission during live or phone-in programs using professional profanity delay equipment.

17. QUALITY OF SERVICE REQUIREMENTS

- 17.1. The Licensee shall ensure that the network carrying the licensed service attain high standards of technical quality and reliability. The standards set shall apply throughout Eswatini.
- 17.2. The Licensee shall take the necessary steps or actions to ensure that the relevant provisions of the Broadcasting Guidelines, 2017 are observed in all operations under the Licensee's direct control and by any third

parties involved in the provision of other services in the broadcasting services or in the provision and operation of a system for the distribution and transmission of the broadcasting services.

- 17.3. The Licensee shall provide the Licensed Services at minimum Quality of Service (“QoS”) targets as outlined in **Annex B**.
- 17.4. The Licensee shall select and include among its general service terms miscellaneous target values on the quality of the broadcasting service, not listed in this point, so that the consumers can compare the data with the data of other service providers extending similar services.
- 17.5. The Licensee shall take immediate measures to restore quality, if the service fails to comply with any requirement for QoS. The requirement for QoS defaulted shall be inspected again after measures had been taken. The Licensee shall make public at its customer service desk and on its homepage the results of such inspections within [20] days after the inspection.

18. REPORTING AND CONTROL

18.1. Annual Reporting

The Licensee shall submit a detailed written report annually on the Licenced Service, within three (3) months of the end of its financial year, containing data as follows:

- 18.1.1. changes in individual services in respect of coverage and availability to the viewers;
- 18.1.2. accounts on revenues realised by the Licensee in relation to the licenced service per income type, and in monthly breakdown;
- 18.1.3. data on the implemented technical standards, continuity of operation, number and duration of operation faults;
- 18.1.4. Quality of service reports.

18.2. Quarterly Reporting

The Licensee shall submit a detailed written quarterly report in a format specified by the Commission, within thirty (30) days of the end of each quarter, which report shall include, but not limited to the following information on the Licenced Service, containing the following:

- 18.2.1. List of programmes to be broadcast;
 - 18.2.2. Percentage of population served;
 - 18.2.3. Hours of operation;
 - 18.2.4. Percentage of local content broadcast;
 - 18.2.5. Type of local content broadcast;
 - 18.2.6. Percentage of advertisements broadcast per hour;
 - 18.2.7. Number of sponsorships;
 - 18.2.8. Value of sponsorships;
 - 18.2.9. Number and nature complaints received.
- 18.3. The Licensee shall submit a monthly report on the programs broadcasted during each period.
- 18.4. The Licensee shall submit quarterly routine tower inspection and maintenance reports detailing the state of aviation lights, replaced aviation lights and out of order aviation lights and any other information that is deemed necessary in accordance with the Electronic Communications (Radio Communications and Frequency Spectrum) Regulations, 2016, section 19.
- 18.5. The Commission may request from the Licensee, at any time under the validity of the licence, information about the performance of the Licensee, and any other information or data as deemed necessary by the Commission. Such information shall be furnished in writing, in a format prescribed by the Commission, within seven (7) days of the request.

19. CONTRAVENTIONS, PENALTIES, SUSPENSION AND REVOCATION OF THE LICENCE

- 19.1. Failure to comply with any applicable statute, licence conditions contained herein, regulations, guidelines, authorizations or decisions issued by the Commission shall be deemed a contravention of the licence.
- 19.2. Where the Commission finds the Licensee guilty of a contravention in accordance with Section 21 of the Electronic Communications Act, 2013 read with Section 36 – 42 of the Eswatini Communication Commission Act, it may impose an appropriate penalty.

20. FORCE MAJEURE

20.1. Where the Licensee cannot provide any service due to circumstances beyond its control, for a continuous period of fifteen (15) minutes or longer, it shall notify the Commission in writing of such circumstances within twenty-four (24) hours of the occurrence thereof and shall endeavour to restore the services as soon as reasonably possible.

21. TRANSITIONAL MEASURES

21.1. The Licensee shall notify the Commission of any challenges which may have been brought about by the issuance of this licence, and the parties shall discuss and consider avenues to address and remedy those challenges on terms and conditions to be agreed upon by the parties, to ensure compliance with licence terms and conditions.

ANNEX A.

Technical Parameters for FM Broadcasting Services

1 Monophonic transmissions

1.1 Radio-frequency (RF) signal

The RF signal consists of a carrier frequency-modulated by the sound signal to be transmitted, after pre-emphasis, with a maximum frequency deviation equal to ± 75 kHz.

1.2 Pre-emphasis of the sound signal

The pre-emphasis characteristic of the sound signal is identical to the admittance-frequency curve of a parallel resistance-capacitance circuit having a time constant of 50 μ s.

2 Stereophonic transmissions

2.1 Pilot-tone system

2.1.1 RF signal

The RF signal consists of a carrier frequency-modulated by a baseband signal, known in this case as the "stereophonic multiplex signal", with a maximum frequency deviation equal to ± 75 kHz.

2.1.2 Stereophonic multiplex signal

This signal is produced as follows:

2.1.2.1 A signal M is formed equal to one half of the sum of the left-hand signal, A , and the right-hand signal, B , corresponding to the two stereophonic channels. This signal, M , is pre-emphasized in the same way as monophonic signals.

2.1.2.2 A signal S is produced equal to one half of the difference between signals A and B mentioned above. This signal, S , is pre-emphasized in the same way as signal M . The pre-emphasized signal, S , is used for the suppressed-carrier amplitude modulation of a sub-carrier at 38 kHz ± 4 Hz.

2.1.2.3 The stereophonic multiplex signal is the sum of:

- the pre-emphasized signal, M ;
- the sidebands of the suppressed sub-carrier amplitude modulated by the pre-emphasized signal, S ;
- a "pilot signal" with a frequency of 19 kHz exactly one-half the sub-carrier frequency.

2.1.2.4 The amplitudes of the various components of the stereophonic multiplex signals referred to the maximum amplitude of that signal (which corresponds to the maximum frequency deviation) are:

- signal M : maximum value 90% (A and B being equal and in phase);
- signal S : maximum value of the sum of the amplitudes of the two sidebands: 90% (which corresponds to A and B being equal and of opposite phase);
- pilot signal: 8 to 10%;
- sub-carrier at 38 kHz suppressed: maximum residual amplitude 1%.

2.1.2.5 The relative phase of the pilot signal and the sub-carrier is such that, when the transmitter is modulated by a multiplex signal for which A is positive and $B = -A$, this signal crosses the time axis with a positive slope each time the pilot signal has an instantaneous value of zero. The phase tolerance of the pilot signal should not exceed $\pm 3^\circ$ from the above state. Moreover, a positive value of the multiplex signal corresponds to a positive frequency deviation of the main carrier.

2.1.3 Baseband signal in the case of a supplementary signal transmission

If, in addition to the monophonic or stereophonic programme, a supplementary monophonic programme and/or supplementary information signals are transmitted and the maximum frequency deviation is ± 75 kHz, the following additional conditions must be met:

2.1.3.1 The insertion of the supplementary programme or signals in the baseband signal must permit compatibility with existing receivers, i.e. these additional signals must not affect the reception quality of the main monophonic or stereophonic programmes.

2.1.3.2 The baseband signal consists of the monophonic signal or stereophonic multiplex signal described above and having an amplitude of not less than 90% of that of the maximum permitted baseband signal value, and of the supplementary signals having a maximum amplitude of 10% of that value.

2.1.3.3 For a supplementary monophonic programme, the sub-carrier and its frequency deviation must be such that the corresponding instantaneous frequency of the signal remains between 53 and 76 kHz.

2.1.3.4 For supplementary information signals, the frequency of any additional sub-carrier must be between 15 and 23 kHz or between 53 and 76 kHz.

2.1.3.5 Under no circumstances may the maximum deviation of the main carrier by the total base signal exceed ± 75 kHz.

3 System parameters for FM Radio Broadcasting

3.1 The system parameters used in Eswatini are as follows:

International Agreement:	GE84
Frequency Band Used:	87.5 – 108MHz
Modulation Characteristics	
Stereophonic and Pilot-tone Systems	
Channel Spacing:	100kHz
Pre-Emphasis and De-Emphasis:	50 μ s
Maximum Frequency Deviation:	± 75 kHz
Polarization:	Vertical

3.2 Receiving Characteristics:

Recommended IF:	10.7MHz
Oscillator:	High and Low
Electromagnetic Immunity:	None
Compressor or Compandor:	Opti mod
Additional Information:	RDS, SST

4 System Parameters for AM (MW) Radio Broadcasting

4.1 The system parameters used in Eswatini are as follows:

- (a) International agreement: GE75 (Annex 2)
- (b) Frequency bands used: 148 – 200kHz and 535 – 1 606.5kHz

Annex B. Quality of Service Standards

1. Network related QoS Standards

Parameter	Computation	Target	Test method / Data to be used to evaluate fulfilment of target	Reporting Areas
Service Availability	$\frac{\text{Service Uptime}}{24 \text{ hrs}} \times 100$	>99% availability	Quarterly reports on daily systems measurements of service availability submitted by the licensee	Areas that are within the service area of each broadcast transmitter/satellite / cable network

2. Customer Service related QoS Parameters

Parameter	Computation	Target	Test method / Data to be used to evaluate fulfilment of target	Reporting Areas
Customer support performance in complaints handling	$\frac{\text{No. of complaints on non – reception of services resolved within 24hrs}}{\text{No. of complaints on non – reception of services received within a month}} \times 100$	>99% of the complaints are redressed within 24hrs 100% within 36 hrs.	Quarterly reports on customer support performance submitted by the licensee	Customer care Service
	$\frac{\text{No. of other Complaints resolved within 24hrs}}{\text{No. of other Complaints received within a month}} \times 100$	>95% of the Other complaints are redressed within 24 hours 99% within 36 hrs.		
Notification time on service maintenance	Time of providing notice to the public – Time of the preventive maintenance work on the licensee’s network	Notice should be at least 3 days in advance	Formal communication received from the licensee informing ESCCOM about the notification	Customer care Service

ANNEX C.

Ownership and Control

Shareholding

Name	Natural/ Juristic person	Nationality/ country of origin	Share percentage	Voting rights