

GENERAL NOTICE NO. 06 / 2024

PROPOSED DECISION IN TERMS OF SECTION 32 OF THE ESWATINI COMMUNICATIONS COMMISSION ACT, 2013, TO TEMPORARILY SUSPEND THE GRANT OF GENERAL LICENSES (FOR THE PROVISION OF ELECTRONIC COMMUNICATIONS SERVICES) WHICH DO NOT REQUIRE THE USE OF NUMBERING RESOURCES

1. THE COMMISSION

The Eswatini Communications Commission is a regulatory body established in terms of the Eswatini Communications Commission (ESCCOM) Act, 2013 to regulate the electronic communications sector including electronic communications networks and services, broadcasting services, postal services, the use and allocation of radio frequency spectrum, data protection and e-commerce.

2. POWER TO ISSUE LICENSES

The Commission is mandated by Sections 7(g) and 38(a) of the Eswatini Communications Commissions Act, 2013, to 'grant any authorization for the carrying out of any operation or activity relating to any matter within the remit of the Commission'. Further, in terms of Section 9(1) of the Electronic Communications Act (ECA), 2013, the Commission may issue electronic communications licences under the categories of General Licences and Individual Licences.

Regulation 4 (4) of the Electronic (Licensing) Regulations, 2016 entitles the Commission to determine the number of licences that may be issued under the General Licences category.

3. LICENSES ISSUED TO DATE

The Commission has, from 2016, issued twenty (23) General Licences for the provision of electronic communications services which do not require the use of numbering resources. All the licenses are technology-neutral and are valid for a period of five (5) years renewable upon submitting an intention to renew. The Commission has to date renewed ten (10) licences and granted thirteen (13) new licences.

4. PROPOSED DECISION

The Commission, in the exercise of its regulatory functions, has conducted an assessment on the operationalization of the issued licenses, which has revealed that half of the issued licenses are not operational, to date. Consequently, the size of the market dictates that the Commission undertakes a comprehensive study to evaluate the appropriate number of licenses in the market to derive socio-economic benefits for participants and ensure quality of service. It is against this backdrop that the Commission is issuing a moratorium in the grant of General Licences of electronic communications services that do not require the use of numbering resources, pending completion of the study to evaluate the market.

5. PUBLIC CONSULTATION AND REQUEST FOR WRITTEN SUBMISSIONS

As part of the public consultation process contemplated by Section 32 of the ESCCOM Act, the Commission hereby invites written comments from interested stakeholders and the general public on the proposed Decision to suspend the grant of General Electronic Communications licences until further notice. The deadline for submission of comments is **17h00 on the 24th of May, 2024**. The submissions should be addressed to:

The Chief Executive
Eswatini Communications Commission
P.O. Box 7811
Mbabane
Email: legal@esccom.org.sz

**CHIEF EXECUTIVE
ESWATINI COMMUNICATIONS COMMISSION**