

INDEPENDENT COMMUNICATIONS AUTHORITY OF SOUTH AFRICA**NOTICE 4129 OF 2026**

**NOTICE OF INTENTION TO CONDUCT MARKET INQUIRY
INTO THE IMPACT OF OVER-THE-COUNTER ("OTT") SERVICES ON LICENSEES
AND REGULATORY FRAMEWORK IN SOUTH AFRICA**

The Independent Communications Authority of South Africa ("the Authority") hereby publishes a notice of intention to conduct an inquiry into the Impact of OTT Services on Licensees and Regulatory Framework in terms of section 4B of the Independent Communications Authority of South Africa Act, 2000 (Act No.13 of 2000), to the extent reflected in the Schedule.

Mothibi G Ramusi**Chairperson**



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INTO THE IMPACT OF OTT SERVICES ON LICENSEES AND REGULATORY
FRAMEWORK IN SOUTH AFRICA**

1. INTRODUCTION

- 1.1. The Independent Communications Authority of South Africa ("the Authority") hereby gives notice of its intention to conduct an inquiry into the Impact of OTT Services on Licensees and Regulatory Framework in terms of section 4B of the Independent Communications Authority of South Africa Act, 2000 (Act No.13 of 2000) ("the ICASA Act").

2. LEGAL BASIS FOR THE INQUIRY

- 2.1 The legal basis of the inquiry is in terms of section 4B of the ICASA Act, which states the following:

"The Authority must conduct an inquiry into any matter with regard to:

- (a) the achievement of the objects of this Act or underlying statutes;*
- (b) regulations and guidelines made in terms of this Act or the underlying statutes;*
- (c) compliance by applicable person with this Act and the underlying statutes;*

- (d) compliance with the terms and conditions of any licence by the holder of such licence issued pursuant to the underlying statutes; and*
- (e) the exercise and performance of its powers, functions and duties in terms of this Act or the underlying statutes.”*

3. THE PURPOSE OF THE INQUIRY

- 3.1. The purpose of this Inquiry is to establish the impact of OTTs on licensees in the telecommuting, broadcasting, and postal sector in terms of section 4B of the ICASA Act.

4. THE INQUIRY PROCESS

- 4.1. The Authority will commence and conduct the review in a series of phases as follows:
- 4.2. Phase 1 (commencement of the market inquiry)
- 4.2.1. The Authority publishes
- (a) notice of intention to conduct an inquiry into OTT services, in the *Gazette*; and
 - (b) a questionnaire on OTT services market inquiry, on its website.
- 4.2.2. Stakeholders will be given ten (10) working days, from the date of publication of this Notice and the questionnaire, to send any questions of clarity.
- 4.2.3. The Authority will respond to all questions of clarity by publishing a briefing note on its website within ten (10) working days of the final date for submission of clarification questions.
- 4.2.4. Stakeholders are invited to submit written responses to the questionnaire within forty-five (45) working days from the date of publication of the above-mentioned briefing note.

The Authority may request one-on-one meetings in relation to information submitted by a stakeholder, where necessary to clarify information that is submitted.

4.3. Phase 2 (Discussion Document)

4.3.1. The Discussion Document will be published for public comment for a period of forty-five (45) working days.

4.3.2. Stakeholders may submit written representations on the Discussion Document by the set deadline and must indicate whether they require an opportunity to make oral representations, should the Authority hold public hearings.

4.3.3. Written representations on the Discussion Document will be made available for public scrutiny on the Authority's website.

4.4. Phase 3 (Public Hearings on the Discussion Document)

4.4.1. The Authority may hold public hearings and confirm details of the hearings in a notice to be published on the Authority's website.

4.4.2. The notice to be published in terms of clause 4.4.1 above will contain the date (s) and the order to which interested persons will be expected to make the oral representations to the Authority.

4.4.3. At the hearings, affected stakeholders may be requested to provide supplementary information, within seven working days.

4.5. Phase 4 (Findings Document)

Within 90 days from the date of conclusion of the Inquiry, the Authority will publish a summary of its findings in the Government Gazette and on the Authority's website.

5. Confidentiality

- 5.1. Stakeholders may request confidentiality, in terms of section 4D of the ICASA Act, on information submitted to the Authority during this review process.
- 5.2. Such request for confidentiality must be accompanied by a confidential and non-confidential version of the stakeholder's submission.
- 5.3. The Authority hereby refers stakeholders to the Guidelines for Confidentiality, published on 17 August 2018 in Gazette No 41839, to assist stakeholders when requesting confidentiality.

All communication relating to this process must be directed to the Chairperson (OTT Market Inquiry) at ottmarket@icasa.org.za.