



## **GENERAL NOTICE NO. 3/2022**

### **PROPOSED DECISION IN TERMS OF SECTION 32 OF THE ESWATINI COMMUNICATIONS COMMISSION ACT, 2013: ESWATINI COMMUNICATIONS COMMISSION BROADCASTING (DIGITAL TERRESTRIAL TELEVISION) GUIDELINES, 2022 FOR CONSULTATION**

#### **INVITATION FOR WRITTEN REPRESENTATIONS**

The Eswatini Communications Commission, hereinafter referred to as the Commission, has developed the Eswatini Communication Broadcasting (Digital Terrestrial Television) Guidelines, 2022 in accordance with Section 7(e) of the Eswatini Communications Commission Act, 2013. Section 7(c) enjoins the Commission to issue guidelines.

The Eswatini Communication Commission Broadcasting (Digital Terrestrial Television) Guidelines provide a licensing and regulatory framework for Digital Terrestrial Television services in Eswatini.

A copy of the proposed Decision document is available on the Commission's website at [www.esccom.org.sz](http://www.esccom.org.sz) and at the Commission's offices at Mbabane Office Park 4th floor, North Wing, Mhlambanyatsi Road.

The provisions of Section 32 of the ESCCOM Act, 2013, allow for stakeholders and interested persons to make comments on proposed decisions of the Commission. The public is hereby invited to submit their written representations on the proposed Decision to publish the Eswatini Communication Broadcasting (Digital Terrestrial Television) Guidelines herewith by the Commission.

Written representations with regard to the proposed Decision must be submitted to the Commission no later than 17h00 on 9 April 2022 by post to Eswatini Communications Commission, P.O. Box 7811 Mbabane, hand delivered or electronically to [legal@esccom.org.sz](mailto:legal@esccom.org.sz).

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Ozzie Thakatha  
**Acting Chief Executive**



## **Broadcasting (Digital Terrestrial Television) Guidelines 2022**

### **CHAPTER ONE**

#### **GENERAL PROVISIONS**

##### **1. Power to issue guidelines**

The Guidelines are issued in accordance with Section 38 of the Eswatini Communications Commission Act, 2013

##### **2. Purpose**

The purpose of these Guidelines is to provide a licensing and regulatory framework for Digital Terrestrial Television services in Eswatini.

##### **3. Citation and commencement**

(1) These Guidelines may be cited as The Broadcasting (Digital Terrestrial Television) Guidelines, 2022.

(2) These Guidelines shall come into force on the date of publication on the Commission's website

#### **4. Interpretation**

In these Guidelines, the following terms are defined as follows:

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

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

*"Commercial Broadcaster"* means a broadcasting service operated for profit;

*"Commission"* means the Eswatini Communications Commission established under the Eswatini Communications Commission Act, 2013;

*"Community Broadcaster"* means a broadcasting service as defined in the Broadcasting guidelines, 2017

*"Content Services"* means services offered for sound, data, text or images whether still or moving except those transmitted on private communication.

*"Content Service Provider"* means a service provider on a digital or analogue broadcasting platform who develops and/ or aggregates content offering whether it is in the form of an audio or video or data service and delivers it to a signal distributor for broadcasting.

*"Digital broadcasting"* means broadcasting where the broadcast signal is in a digital format;

*"Digital Terrestrial Television" or "DTT"* means digital broadcasting of television broadcasting services over a terrestrial electronic communications network which employs radio frequency spectrum in the transmission of the broadcast signal, and does not include television broadcasting services transmitted over a cable electronic communications network;

*"Head-end"* means equipment where the various program feeds are collected from broadcast studios or from satellite feeds, assembled, encoded and multiplexed onto one or more transport streams;

"*Multimedia services*" refer to media services such as data or text, visual image, audio, audio-visual offered to the end users through an electronic device including but not limited to, Internet radio services, Internet TV services, Audio and Video on Demand (VoD), Internet Protocol Television (IPTV) or Mobile TV;

"*Multiplexer*" means the equipment that simultaneously transmits two (2) or more messages on a single transmission path;

"*Multiplex Services*" means making available network facilities, and includes the operation of content multiplexing, bundling and distribution;

"*National Signal Distribution Licensee*" means a licensed operator providing terrestrial broadcasting network, multiplexing and encryption services covering the whole country whether state owned or private;

"*Public service broadcaster*" means a radio or television broadcaster intended for public benefit rather than to serve purely commercial interests.

"*Signal Distribution Service*" means making available network facilities, and includes the operation of content distribution to the customer premise;

"*Value Added Services (VAS)*" means extra electronic services provided by the licensee other than basic signal distribution services;

## **5. Scope of application**

These Guidelines applies to any person carrying out the activity relating to the:

- a) Installation, maintenance and operation of digital terrestrial television multiplex; and
- b) Provision of signal distribution services as a common carrier of content from licenced broadcasters or content service providers.

## **CHAPTER 2**

### **PRINCIPLES GOVERNING PROVISION OF SIGNAL DISTRIBUTION**

#### **6. Operating a Signal Distribution Network**

A Signal Distribution Licensee shall build and or operate the Digital Terrestrial Television Broadcasting Platform and the multiplexing networks including encryption systems and backhauling equipment, where appropriate, for the distribution of Broadcasting Services and other Value Added Services (VAS) including but not limited to:

- a) sending short messages to subscribers;
- b) streaming services;
- c) providing video on demand services.
- d) The provision of VAS subject to the approval of the Commission.

#### **7. Technical standards of signal distribution network**

The licensee of the signal distribution services must comply with the DTT transmission standards and Technical specifications for Set-Top Box (STB) as prescribed in annex (1) of these Guidelines. The Commission may update the transmission standards and technical specifications from time to time.

#### **8. Number of Signal Distributors**

- (1) There shall be one National Signal Distributor.
- (2) Notwithstanding (1) above, the Commission reserves the right to issue one or more national signal distributor licences where it deems necessary.

#### **9. Responsibilities of the Signal Distributor**

Under these Guidelines, the Signal Distributor has the following responsibilities:

- a) Establish, operate and maintain a Digital Terrestrial Television broadcasting infrastructure;
- b) Receive content from licenced content service providers or broadcasters for multiplexing on the head-end
- c) Provide and manage the delivery of multimedia services

- to the consumers
- d) Comply with any other regulatory requirements.

**10. Spectrum usage rights and restrictions**

- a) The Commission shall grant access to use radio frequency spectrum for the provision of Digital Terrestrial Television Broadcasting services including multiplex operations to Signal Distribution Licensees.
- b) Broadcasting service providers and Content Service providers shall apply to the commission for authorization to use all or part of the multiplex capacity available in the country.
- c) The Commission shall allocate and assign capacity of the multiplex directly to the broadcasting service providers and the Multiplex operator shall act only as a content distributor through establishment of a Digital transmission network.

**11. Multiplex Allocation**

The allocations specified below shall be applicable as long as there is still one multiplexer.

- a) A public television broadcaster may use up to thirty percent (30%) of the available capacity in the Multiplex
- b) A commercial television broadcaster may use up to eighty percent (80%) of the available capacity in the Multiplex as long as there is one multiplexer.
- c) A public radio broadcaster may have up to four fifty percent (50%) radio channels on the Multiplex.
- d) National Community broadcaster may have up to twenty five percent (25%) radio channels on the Multiplex.
- e) Any additional capacity on the multiplex may be made available to new licensees as may be determined by the Commission.

## **12. Non-Disclosure Obligation**

The licensed Signal Distributor shall not disclose any contractual information related to Content Service Providers or Broadcasting service provider which has applied for connectivity to the multiplexers, unless such information is required:

- a) for the purpose of debt collection by Signal distributor;
- b) by the Commission for the purpose of performing its functions;
- c) for conducting statistical or research work to develop the sector subject to the Commission's written approval;
- d) by an order of the Court or in compliance with any statutory obligation.

## **CHAPTER 3**

### **LICENSING REGIME FOR SIGNAL DISTRIBUTION**

## **13. Technical and operational requirements**

A Signal Distributor licensee shall, among other things, comply with the following:

- a) To provide signal distribution services as a common carrier of licensed Content Service Providers or Broadcasting services providers at a fee or rates approved by the Commission;
- b) To ensure that any broadcasting signal or content carried through the network of the Signal Distributor is sourced from a licensed Broadcasting Services Providers or Content Service Provider;
- c) To ensure that Broadcasting signal or content carried through the network of a Signal Distributor shall be of the specified and required quality and standard as may be prescribed by the Commission;
- d) To provide Signal Distribution Services in an equitable, reasonable and non-discriminatory manner,
- e) To ensure that all Free to Air Channels are accessible without constraints to its specific Set Top-Box (STB) and Integrated Digital Television (iDTV),

the STBs should reflect the technical specifications published by the Commission;

- f) To ensure that all conditional access television channels are accessible through a single Set-Top-Box and integrated digital television using mechanisms such as, smart cards, passwords or keys or any other mechanisms compatible with the single receiver system;
- g) To provide enough and accurate information to customers with regard to the types of STB's to be bought by the customer;
- h) To provide capability to interface with any Broadcasting Services Provider or Content Service Provider to make available, provisioning of content aggregation and Program bouquet handling system that shall support data paths embedded in the DVB stream based on open source (non-proprietary) multimedia system to support Electronic Program Guide (EPG);
- i) To submit to the Commission updated coverage and roll-out plans on the provision of its services and that, such updated roll-out shall be subject to inspection and approval by the Commission;
- j) To notify the Commission prior any disconnection of the Broadcasting Services Provider or Content Service Provider;
- k) The Signal Distributor shall not broadcast/scroll any advertising message on any carried content without an official authorization from the Broadcasting Services Provider or Content Service Provider;
- l) To comply with any other conditions as may be prescribed by the Commission.

#### **14. Availability of set top boxes in the market**

Broadcasters, content services providers and industry shall ensure that set top boxes are available in the market, taking into consideration the STB' technical specifications prescribed by the Commission in annex 2.



## **15. License Validity**

- a) The validity of a Signal Distribution license shall be ten (10) years.

## **16. Licence fee**

- (1) The Signal Distribution licensee shall pay an annual licence fee as prescribed in the fees schedule under annex 3.
- (2) The Commission may review the schedule of fees from time to time.

## **17. Renewal of Licence**

- (1) An application for a renewal of a licence shall be submitted at least twelve (12) months prior to the expiration of the licence, and the Commission shall make a decision relating to such renewal application by no later than three (3) months before the expiry date of the licence.
- (2) The Commission shall, before renewing a licence issued under these guidelines, have regard to whether —
  - a) the licensee performed in accordance with the obligations of its licence;
  - b) the licensee continues to meet the eligibility requirements under the Act;
  - c) the licensee continues to be financially and technically capable of meeting its obligations under the Act and any other related laws; and
  - d) The licensee has not, during the validity period of its licence, contravened the provisions of the Act, the conditions of the licence, the rules issued by the Commission or any other relevant laws and regulations.
- (3) The Commission shall renew a license issued under these Guidelines subject to payment of applicable renewal fees as stipulated in the fees schedule under annex 3.
- (4) The Commission may renew a licence on such terms and conditions as the Commission deems fit.

## **18. Grounds for Refusing to Grant Licence**

An applicant may be refused a licence by the Commission on the following grounds:

- a) in order to protect the national integrity and/or national security;

- b) for reasons of limitations on the frequency spectrum resources;
- c) if the Commission reasonably believes that competition in the signal distribution sector can be adversely affected;
- d) if the applicant has failed to meet the qualification criteria as may be specified by the Commission.

## **19. Amendment to Licence**

- (1) The Commission may amend the Signal Distribution licence where it determines that an amendment is necessary in order to respond to:
- a) Significant changes in new laws or regulations, or significant court decisions that directly affect the license provisions;
  - b) The requirement of any regulatory changes that are intended to ensure equal opportunities and effective competition in Digital Terrestrial Television markets in both rural and urban areas;
  - c) Adjusting to the changes necessitated by existing market conditions.
  - d) The requirements of any technological developments or changes;
- (2) The Licensee may apply to the Commission for amendment of any term of its licence.

## **20. Licence Revocation**

The Commission may revoke the licence of a signal distributor where:

- a) the licensee is in substantial or continuing breach of its licence; or
- b) the licensee is declared insolvent; or
- c) the licensee agrees in writing to revoke the licence;
- d) the original purpose for which the licence was issued no longer exists.

## **21. Licence Transfer**

The licensee shall not transfer the licence to any person without the prior written consent of the Commission.

## **22. Suspension of licence**

The Commission may suspend a Signal Distributor licence when it determines that suspension is needed in order to respond to:

- a) Failure to comply with licence terms and conditions;

- b) Failure of the licensee to provide the Commission with the data required or failure to cooperate with the Commission's inspections and audits;
- c) Failure to pay regulatory fees.

## **CHAPTER IV**

### **MONITORING AND ENFORCEMENT**

#### **23. Safety Measures**

The licensee shall in respect of services operated, maintained or offered under its Licence take proper and adequate safety measures to safeguard life or property, including exposure to any electrical emissions or radiations emanating from equipment or installation from such operations.

#### **24. Performance Monitoring**

The Commission shall monitor the performance of each licensee for full compliance with all terms and conditions of the licence;

#### **25. Reporting**

The licensee shall be required to submit performance reports to the Commission from time to time.

#### **26. Amendments of Guidelines**

These guidelines may be amended by the Commission from time to time where the circumstances so require.

Annex 1: DTT Transmission standards

Transmission system	DVB – T2
Video Compression Standard	MPEG-4
DVB-T2 Network Topology	SFN, MFN, or Hybrid
Fast Fourier Transform (FFT) length, which specifies the number of carriers	1k, 2k, 4k, 8k, 16k and 32k
Carrier modulation	QPSK; 16-QAM; 32-QAM, 64-QAM, 128-QAM 256 QAM
Code rate of inner error protection	1/2, 2/3, 3/4, 5/6, 7/8
Data rate	1k, 2k, 4k, 8k, 16k and 32k
Channel bandwidth	8MHz
Signal Transmission techniques	OFDM and COFDM

Annex 2: Technical Specifications for Set-Top-Boxes

In accordance with

**PRD/SZNS 56:2015: Obtainable from Eswatini Standards Authority**

### Annex 3 Digital Terrestrial Fees

<b>Licence Category</b>	<b>Licence Period (years)</b>	<b>Application Fee (E)</b>	<b>Initial License Fee (E)</b>	<b>Licences Renewal fees (E)</b>	<b>Annual License Fee (E)</b>
Signal Distribution	10	75 000.00	150 000.00	35 000	2% annual turnover or 200 000.00 whichever is higher
Digital Terrestrial Free-to-Air Television Programme Channel (Nationwide Coverage)	10	50 000.00	E 75 000.00	E 25 000.00	2% annual turnover or 150 000.00 whichever is higher
Digital Terrestrial Radio Service on TV Multiplex	10	5 000.00	10 000.00	2 500.00	15 000.00
Subscription Broadcasting Service	10	200 000.00	300 000.00	100 000.00	2% annual turnover or E350 000.00 whichever is higher
Temporary Television Broadcast (Satellite Uplink)	To be specified in the decision	7 000.00	20 000.00 per day	n/a	n/a