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**GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS**

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**INDEPENDENT COMMUNICATIONS AUTHORITY OF SOUTH AFRICA**

NO. 3207

28 March 2023

**END-USER AND SUBSCRIBER SERVICE CHARTER AMENDMENT  
REGULATIONS, 2023**

I, Dr Charles Lewis, Acting Chairperson of the Independent Communications Authority of South Africa ("the Authority"), hereby publish the End-user and Subscriber Service Charter Amendment Regulations, 2023.

A handwritten signature in black ink, appearing to read 'Charles Lewis', written over a horizontal line.

**DR CHARLES LEWIS**  
**ACTING CHAIRPERSON**  
**DATE: 2023/03/**26

**GOVERNMENT NOTICE**  
**INDEPENDENT COMMUNICATIONS AUTHORITY OF SOUTH AFRICA**

**No. R.**

**2023**

**ELECTRONIC COMMUNICATIONS ACT, 2005 (ACT NO. 36 OF 2005)**  
**REGULATIONS**

The Independent Communications Authority of South Africa has, under section 4, read with section 69 (3) of the Electronic Communications Act, 2005 (Act No 36 of 2005), made the regulations in the Schedule.

**SCHEDULE**

**1. Definitions**

In these regulations, "the Regulations" means the regulations published in Government Gazette No 39898 of 1 April 2016, as amended by Government Gazette Nos 41613 of 7 May 2018 and 42266 of 28 February 2019.

**2. Amendment of Regulation 1 of the Regulations**

2.1 The following definition is hereby inserted in the Regulations after the definition of "Alternative Dispute Resolution":

**"Application Throughput"** means the average data transfer rate, after a data link has been successfully established, measured throughout the entire connection time to the service;"

2.2 The following definitions are hereby inserted in the Regulations after the definition of "Fault Clearance":

“**File Transfer Protocol (FTP) Average Download Throughput**’ means the average of the data transmission speed achieved for a given number of samples, when downloading a file, using file transfer protocol;”

“**File Transfer Protocol Average Upload Throughput**’ means the average of the data transmission speed achieved for a given number of samples, when uploading a file, using file transfer protocol;”

2.3 The following definitions are hereby inserted in the Regulations after the definition of “Fixed Services”:

“**Hypertext Transfer Protocol (HTTP) Average Download Throughput**” means the average of the data transmission speed achieved for a given number of samples, when downloading a file using hypertext transfer protocol;”

“**Hypertext Transfer Protocol Average Upload Throughput**’ means the average of the data transmission speed achieved for a given number of samples, when uploading a file, using hypertext transfer protocol;”.

“**Hypertext Transfer Protocol (HTTP) Service Non-accessibility**’ means the probability that a subscriber cannot establish a Packet Data Protocol (PDP) Context within a given time, and access the service successfully;”.

2.4 The following definitions are hereby inserted in the Regulations after the definition of “Installation”:

“**Latency**’ means the delay, or round-trip time required for a packet to travel from the source to the destination and back;”

2.5 The following definitions are hereby inserted in the Regulations after the definition of “Installation”:

“**Major network outage**’ means an outage that affects one or more entire district municipalities and last four hours or more and disrupts emergency call processing for any period.

“**Major service outage**’ means any network condition that causes 1,000 or more customers to be out of service for 30 or more minutes; causes an unplanned outage of, or completely isolates a central office for 30 or more minutes; or disrupts 911 emergency call processing for any period.”

“**Mean opinion score (MOS)**’ provides a numerical measure of the human-judged overall quality of voice or video sessions, judged on a scale from 1 (bad) to 5 (excellent);”

“**Packet Data Protocol (PDP)**’ means a packet data connection over which the User Equipment (UE) and the network can exchange IP packets;”

2.6 The following definition is hereby inserted in the Regulations after the definition of “Reporting Period”:

“**Round Trip Time (RTT)**’ means the time required for a packet to travel from a source to its destination and back, and is used to measure the delay on a network at a given time;”

2.7 The following definitions are hereby inserted in the Regulations after the definition of “Service Installation”:

“**SMS End-to-End Delivery Success Rate**’ means the ratio of ‘received to sent’ test SMSs, from one mobile device to another mobile device, excluding duplicate received and corrupted test SMSs;”

“**SMS End-to-End Delivery Time**’ means the time between sending an SMS to an SMS Centre and receiving the very same SMS on another mobile device;”

2.8 The following definitions are hereby inserted in the Regulations after the definition of “Speech Quality” of the following definitions:

“**Video Streaming Completion Success Rate**’ means the proportion of times that the video is reproduced until the end, out of the number of times that reproduction is started, expressed as a percentage. The prerequisite for this parameter is that the streaming reproduction has started successfully;”

“**Video Streaming Service Access Time** means the time between requesting a video stream from a portal and receiving the first stream data packet at the terminal. The first data packet refers to Transmission Control Protocol (TCP);”

“**Video Streaming Reproduction Cut-off Ratio** means the probability that a successfully started video stream reproduction is ended by a cause other than the intentional termination by the user;”

“**Video Streaming Set-up Success Rate** means the ratio of successful video stream reproduction starts to user requests for the stream. The prerequisite for this parameter is that the PDP Context is activated;”

“**Web Page Access Success Rate** means the number of times that the subscriber can successfully access a web browsing service out of the total number of attempts, expressed as a percentage;”

“**Web Page Completion Success Rate** means proportion of times that a web page is successfully retrieved, once the download has already started, out of the total number of times that the service is accessible, expressed as a percentage;”

“**Web Page Download Time** means the time needed to retrieve the content of a web page successfully.”

### 3. Amendment of Regulation 8C of the Regulations

3.1 Regulation 8C of the Regulations is hereby amended by the addition of the following paragraph to sub-regulation (1) of the regulations:

“(d) Educating end-users on cybersecurity and on the protection of personal information.”

3.2 Regulation 8C of the Regulations is hereby amended by the addition of the following sub-regulation:

“(3) The Authority may, from time to time, in writing, order or direct Licensees to issue consumer advisories on specific issues which the Authority may deem relevant and necessary for the protection of end-users. Such directives may include, but are not limited to: fraudulent SIM swaps, fraudulent number porting, billing, or any other issues which affect consumers, and which require immediate dissemination.”

#### 4. Amendment of regulation 9 of the Regulations

Regulation 9 (12) and (13) of the Regulations are hereby amended by the substitution for sub-regulation (12) and (13) of the following sub-regulations:

“(12) The parameters set out in sub-regulation 9 (13) are applicable to fixed, fixed wireless and mobile services.

(13) The applicable measurement parameters are as follows:

Parameter	Threshold
<b>VOICE SERVICE</b>	
Average Call Setup Success Ratio	$\geq 98\%$
Average Call Setup Time	$\leq 9$ seconds
Average Dropped Call Ratio	$\leq 3\%$
Average Speech Quality Mean Opinion Score (MOS)	$\geq 3$
Average SMS End-to-End Delivery Success Rate	$\geq 98\%$
Average SMS End-to-End Delivery Time	$\leq 10s$

<b>DATA SERVICES</b>	
Application Throughput	Average value of Download $\geq 5$ Mbit/s
File Transfer Protocol (FTP) Average Download Throughput	Average value of Download $\geq 5$ Mbit/s
File Transfer Protocol (FTP) Average Upload Throughput	Average value of Upload $\geq 1,5$ Mbit/s
Hypertext Transfer Protocol (HTTP) Average Download Throughput	Average value of Download $\geq 5$ Mbit/s
Hypertext Transfer Protocol Average Upload Throughput	Average value of Upload $\geq 1,5$ Mbit/s
Round Trip Time RTT (Latency)	Average value $\leq 100$ ms
Average Speech Quality Mean Opinion Score (MOS)	$\geq 3.5$
Minimum Signal Strength	$\geq -105$ dBm
<b>END USER TEST CASES</b>	
Web Page Access Success Rate	$\geq 95$ %
Web Page Completion Success Rate	$\geq 95$ %
Web Page Download time	$\leq 5$ sec
Video Streaming Set-up Success Rate	$\geq 95$ %
Video Streaming Completion Success Rate	$\geq 95$ %
Video Streaming Reproduction Cut-off Ratio	$\geq 95$ %

**5. Substitution of regulation 10 of the Regulations:**

The following regulation is hereby substituted for regulation 10 of the Regulations:

**“10. ELECTRONIC COMMUNICATIONS NETWORK MONITORING**

- (1) An ECNS Licensee must monitor its electronic communications network twenty-four (24) hours a day, seven (7) days a week.
- (2) The Authority will monitor Quality of Service performance provided by Licensees, at any given time, or on an ad-hoc basis by means of drive tests, walk tests, probes and/or counters. A Network Performance Monitoring System (NPMS) will be used for the purpose of analysing raw network performance data provided by the Licensees in compliance with applicable statute laws including but not limited to RICA and POPIA.
- (3) The frequency of the Quality of Service audits referred to in Regulation 10(2), as well as the applicable Licensee(s), the services, parameters, reporting areas and reporting periods that require audits, are at the sole discretion of the Authority, and will not be advertised in advance.
- (5) A Licensee shall provide raw network performance data post hoc to the Authority upon request.

**6. Substitution of regulation 11 of the Regulations:**

The following regulation is hereby substituted for regulation 11 of the Regulations:

**“11. Service Upgrades and Network Outages**

- (1) A Licensee must notify affected end-users via SMS, and on Social Media platforms, or its own website, seven (7) days before, of any planned service interruptions due to service or system upgrades. The default must be that the end-users are opted in, but provided

with the option to opt out (or to opt back in again if they have previously opted out).

- (2) A Licensee must notify the Authority and its customers, via Social Media platforms, SMS and its website, of any major network outage that results in poor quality of service as soon as it occurs. "

## **7. Short title and Commencement**

These Regulations are called the End-User and Subscriber Service Charter Fourth Amendment Regulations 2023 and will come into force upon publication in the Government Gazette.

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