

**CRAN HOSTS PUBLIC HEARINGS PERTAINING TO THE PROPOSED
1. REGULATIONS PRESCRIBING LICENCE FEES AND REGULATORY LEVIES;
AND**

**2. REGULATIONS PRESCRIBING FUNCTIONS FOR CARRIERS IN RESPECT OF INSTALLATION AND
MAINTENANCE OF TELECOMMUNICATIONS FACILITIES**

**FOR IMMEDIATE RELEASE
13 NOVEMBER 2020**

The Communications Regulatory Authority of Namibia (CRAN) hosted public consultative meetings pertaining to the proposed **Regulations prescribing Licence Fees and Regulatory Levies**; and **Regulations prescribing Functions for Carriers in respect of Installation and Maintenance of Telecommunications Facilities** respectively on Thursday, 12 November 2020, at Avani Hotel.

In accordance with Section 129 (1) of the Communications Act (No. 8 of 2009), CRAN is mandated to issue or grant, renew, transfer and amend fees for various licence type in the country. Additionally, Section 23 of the Communications Act (No. 8 of 2009) empower CRAN to impose **Regulatory Levy** upon providers of communications services in order to defray its expenses. Further hereto and subsequent to following a rule-making procedure, the Authority in terms of Section 23(2)(a) drafted Regulations regarding Administrative and Licence Fees for Service Licensees as published in the Government Gazette of 5037, Notice No. 311 date 13 September 2012.

Speaking at the public consultative meetings, Mr. Jochen Traut, the Acting Chief Executive Officer, CRAN said, "In the appeal case between CRAN and Telecom Namibia and others, the Supreme Court declared Section 23(2)(a) unconstitutional on the basis that the section constitutes the outsourcing of plenary legislative power to CRAN, given the absence of guidelines and limits for its exercise. Consequently, the regulations made in terms of the section were found unconstitutional."

As a result of the Supreme Court Judgement, CRAN can no longer raise regulatory levies in terms of the regulations as the Legislature was required to amend Section 23 in line with the Supreme Court decision.

Subsequently, the Minister of Information and Communication Technology (MICT) proposed amendment to Section 23 of the Communications Act. The purpose of the amendment was to ensure that the Section is constitutional and valid as per directions of the Supreme Court and

thereby enabling the Authority to impose a new valid regulatory levy on the communications industry.

“The amended Section 23 aims to provide sufficient requirements and guidelines to the Authority on the size or amount of the Regulatory Levy and built in checks-and-balances to avoid future constitutional or *ultra vires* challenges of the Regulatory Levy”, added Traut.

The Communications Amendment Act was endorsed by Cabinet and the Cabinet Committee on Legislation. The Amendment Act was approved and published for the proposed levies to fund CRAN to fulfil its mandate in terms of the Communications Act.

In accordance with the provisions of Section 68(2) of the Communications Act (No. 8 of 2009), the objectives of the **Regulations pertaining to Functions for Carriers in respect of Installation and Maintenance of Telecommunications Facilities** shall enable CRAN to prescribe the manner, form and period of notice to be given by a carrier to a land owner in connection with installation and/or maintenance of telecommunications facilities, as well as the procedure to be followed and consultations to be held between a carrier and the land owner.

“As we pride ourselves as a dynamic regulator, we will continue to independently and transparently regulate the ICT industry by creating a competitive and levelled playing field in order to increase access to telecommunications, and advanced information services to all regions of Namibia in order to promote just, reasonable and affordable prices,” concluded Traut.

“Ends”

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