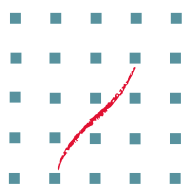


ANNUAL REPORT
2015



BIPT

BELGIAN INSTITUTE FOR POSTAL SERVICES AND TELECOMMUNICATIONS

INNOVATION
COMPETITION AND INVESTMENTS
RELIABILITY
INFORMATION
INVOLVEMENT
DIALOGUE
GOOD PERFORMANCE



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MESSAGE OF THE COUNCIL

For BIPT 2015 marked the launch and realisation of a number of important projects, such as the opening up of the cable networks, the "Easy Switch" project, the "Atlas" project, a radio spectrum valuation study, an evaluation of the liberalisation of the postal market, the granting of a service concession for the delivery of acknowledged newspapers and acknowledged periodicals, the renewed numbering plan, the automation of the social tariffs and the Surf Mobile project.

For instance the project regarding the opening up of the cable networks with a new decision on the wholesale tariffs for cable access constituted the starting shot for a genuine offer of an alternative provider. Spurred on by BIPT, the first decision of 2013 on the wholesale tariffs was adapted, which resulted in a new "retail minus" decision.

In doing so, the developments of Value Added Services such as Wi-Fi homespots and hotspots, second-screen TV, webmail and premium content, which are a standard part of operators' retail offers, were taken into account. Together with the value of modems and decoders, these extra services were deducted from the retail price before application of the "minus" in the new 2015 decision. In addition specific measures were drawn up relating to the special offers and a 2-year transition period was provided for. During that period the incumbent cable providers have to offer more advantageous access prices to the alternative operators if they are new on the broadcasting market.

Still regarding economic regulation, BIPT published draft decisions on fixed and mobile termination. The first regards the NGN/NGA model for the fixed termination and the setting of the cost-oriented termination tariffs. The second regards the new mobile call termination market analysis.

Final decisions were published regarding the Ethernet/Multicast pricing, the WACC (Weighted Average Cost of Capital), or the implementation of the leased lines market analysis.

As it is more complicated to switch fixed operators providing access to the telephony, Internet and/or television services than to switch mobile operators, BIPT introduced the "Easy Switch" project, aiming at making the process of switching fixed operators as easy as possible.

A proposal to make the operator switching process easier was submitted to the Minister in charge.

In order to familiarise the consumer with the fast evolving world of electronic communications, priority was given to different projects benefiting transparency.

The launch of the Atlas project and the quality barometer gave a better insight into the current quality of the networks and services. The Atlas project provides for coverage maps allowing to compare the different coverages/speeds of the different operators via BIPT's website.

In 2015, mobile coverage maps were introduced. The "quality barometer" project, launched in 2015, will enable the consumer to compare operators' quality of service at different levels. In 2015, as well, national and international price studies were published and a survey was held on the perception of the market functioning.

In the field of radio spectrum, a study was conducted in 2015 to benchmark the value of the spectrum for public mobile radio networks.

As regards the private licences, solutions were analysed to have a better invoicing system regarding the actual spectrum use. A bilateral agreement was concluded with the Luxembourg telecoms regulator (ILR) allowing to connect a Belgian mobile number to a Luxembourg network, thus eliminating roaming costs for calls, text messages and surfing between both countries.

At the end of 2015 a consultation was launched to map the issue of indoor coverage and the possible solutions.



In 2015, as for the postal market, following the study examining the market three years after its opening up, BIPT submitted a thorough revision and update of the postal regulation to the Minister in charge. The Institute also steered the project resulting in the granting of a service concession for the delivery of acknowledged newspapers and acknowledged periodicals. By means of the postal observatory BIPT wishes to further map the market evolution.



In the field of numbering, a project was launched that should lead to the adaptation of the numbering plan to the long-term developments on the electronic communications market. The automation process of the social telephone tariff requests was implemented and ensures that the beneficiaries nearly always automatically know upon their request whether they are eligible for a discount or not.

To increase the confidence in the use of mobile Internet, the Institute launched the "Surf Mobile" project in collaboration with the FPS Economy.

Different stakeholders were invited to the "Beyond" event, organised by BIPT and bringing the future of the postal and telecommunications sectors to light.

In cooperation with the police, the Customs and other market authorities, BIPT also carried out the necessary inspections of telecommunications equipment available or soon to be available on the Belgian market in 2015. The Monitoring Department also ensured the monitoring of the frequency spectrum in order to detect and avoid interferences and an unlawful spectrum use.

Of course these projects could only be carried out and realised thanks to the important horizontal departments of the Institute: the Translation Department, the Legal Department, ICT, Personnel and Training Departments, the Accounting Department and the Purchasing and Logistics Department.

To all our BIPT colleagues who helped to realise these projects: our heartfelt thanks.



Charles Cuvelliez

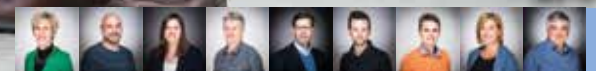
Jack Hamande

Axel Desmedt

Luc Vanfleteren



From left to right: Charles Cuvelliez, Jack Hamande, Axel Desmedt, Luc Vanfleteren.



BIPT



1 IN A FEW WORDS

The Belgian Institute for Postal services and Telecommunications (BIPT) is the federal institution which takes on the following roles:

- **It is the regulator of the electronic communications market.**

BIPT has among other things the task of promoting competition, contributing to the development of the internal market and protecting the users' interests.

- **It is the regulator of the postal market.**

Among other things BIPT monitors the rates and the quality of the services provided by the universal postal service provider; it also closely follows the activities of the other postal service providers. BIPT grants licences to operators entering the postal market to provide certain services included in the universal postal service.

- **It manages the electromagnetic spectrum of radio frequencies.**

BIPT is in charge of allocating scarce resources such as radio frequencies and numbers in order to use these as efficiently as possible. It also "polices the radio waves" to put an end to any form of harmful interference. It monitors the electromagnetic spectrum, operators and equipment.

- **It is the media regulator in the Brussels-Capital Region**

and ensures that the operators in the bilingual Brussels-Capital Region comply with the specific regulation on radio and television broadcasting, provided that the activities of the broad-

casting company cannot be specifically related to the French Community or the Flemish Community.

- **As a Belgian federal administration, it fulfils various missions of public interest.**

Environment

BIPT is in constant contact with numerous Belgian, European and foreign institutions.

- **At the Belgian level,** BIPT is regularly in contact with the **Chamber of Representatives** and the federal minister responsible for the postal and telecommunications sectors. Likewise, BIPT cooperates with the **Belgian Competition Authority (BCA)**: Article 55 of the ECA¹ states that BIPT asks the BCA's opinion² on the draft decisions regarding market analyses. BIPT, the **FPS Economy, SMEs, Self-employed and Energy** and the two **mediation bodies**³ are natural partners in the field of the promotion of users' interests. Together with the media regulators of the Flemish (VRM), French (CSA) and German-speaking (Medienrat) Communities, BIPT forms the **CRC**: the Conference of regulators in the electronic communications sector. BIPT also provides the secretariat for two **consultative committees** (the Consultative Committee on Postal Services and the Consultative Committee on Telecommunications).

- **At the European level,** BIPT fully cooperates with numerous bodies. Among these, the **European Commission**⁴, the **European Committee for Postal Regulation (CERP)**, the **European Regulators Group for Postal services (ERGP)**, the



COMPE
TITION AND
INVEST
MENTS

¹ Act of 13 June 2005 on electronic communications.

² The BCA is composed of an investigation service (the Investigation and Prosecution Service) and a decision-making body (the Competition College). In 2015, BIPT did not submit any draft decision to the BCA.

³ The Office of the Ombudsman for Telecommunications and the Office of the Ombudsman for the Postal Sector.

⁴ Among the groups set up by the Commission, we quote in particular the CoCoM (Communications Committee), the RSPG (Radio Spectrum Policy Programme) and the RSC (Radio Spectrum Committee).



European Conference of Postal and Telecommunications Administrations (CEPT) and the **Body of European Regulators of Electronic Communications** (BEREC).

- **At the international level**, BIPT actively participates in or closely follows the activities carried out at the **Universal Postal Union** (UPU) and the **International Telecommunication Union** (ITU).

More information on these European and international activities can be found on pages 66 and following.

Democratic control

BIPT is an independent body; the legislator has seen to this⁵. However, it goes without saying that it conducts its activities in full transparency and in accordance with democratic control mechanisms.

- Every three years, the BIPT Council draws up a Strategic Plan, the final version of which is submitted to the Chamber of Representatives. On the basis thereof, the Council then prepares its annual operational plans. After each year, an annual report on the activities and the development of the postal services and telecommunications markets is transmitted to the government and presented by the Council to the Chamber.
- The Budget and Finance ministers also monitor the draft budget drawn up by BIPT and the Court of Auditors monitors the annual accounts. Since its creation in 1993, BIPT has been financed by resources coming from the regulated sectors, without public subsidies.

- BIPT decisions may be challenged before the Brussels Court of Appeal. The Court of Appeal may suspend BIPT decisions and annul them with retroactive effect. As such, an appeal against a decision has no suspensive effect.



⁵ In October 2014, the Commission lodged an appeal with the Court of Justice of the European Union against Belgium because it considered that the regulator's independence was not enough guaranteed by the Belgian legislation. In the spring of 2015, the Status Act of 17 January 2003 was modified in order to take account of the objections raised by the Commission: the Government's right of suspension was withdrawn and the approval of BIPT's Strategic Plan by the Council of Ministers was cancelled. On 16 June 2015, the Commission abandoned the infringement procedure.

2 MISSIONS, VISION, VALUES AND STRATEGIC AXES

These concepts were defined in the 2014-2016 Strategic Plan, the draft of which was submitted for consultation in January 2014. The Council of Ministers approved it on 28 March 2014, in accordance with (former) Article 34 of the Status Act of 17 January 2003 and it was published on BIPT's website on 25 April 2014⁶.

Current missions

An organisation's missions define its raison d'être through the goals it seeks to achieve. These missions provide a framework for the strategy as well as for the operational functioning. They allow to verify that a specific action or an evolution of the organisation in one way or the other follows the right direction.

Electronic communications, postal services and media in the Brussels-Capital Region are BIPT's main fields of activity. In each field, its regulatory action is guided by the following principles:

1. understanding the end-users, anticipating uses and their developments and safeguarding the interests of users;
2. effectively organising healthy competition and maintaining market access;
3. using postal services and electronic communications to promote social integration and cohesion for all;
4. managing scarce resources;
5. guaranteeing network security, without which the first three principles would be in vain because of the mistrust created by unreliable networks.

Vision of the future

The vision enables an organisation to project itself in what it seeks to be or how it wants to shape the world that surrounds it within the context of its mission and objectives. BIPT expresses its vision of its role and impact in the field of telecommunications, media and postal services as follows:

"We, BIPT, will contribute to the developments of the regulatory environment, which, on the one hand, allow consumers and companies to access high-quality services at competitive prices and, on the other hand, to boost innovation and investments by setting up an ongoing dialogue with all stakeholders."

Values

An organisation's values are essential for everyone to recognise themselves in the action it undertakes to accomplish its missions and to realise its vision. They enable everyone, its staff, its customers, its providers, to make sure that any action taken fits the missions and the vision.

Those values are: professionalism, agility, independence and transparency.

→ The **professionalism** promoted by BIPT is meant to be multi-disciplinary by combining technical, economic and legal expertise in the field of electronic communications, postal services and media. The technical expertise regarding the regulated matters allows to make the distinction between possible and impossible, reality and utopia, usefulness and uselessness.



⁶ In accordance with the modification of the Status Act already mentioned, the 2017-2019 Strategic Plan shall be presented to the Chamber by the Council members.



- BIPT seeks to react quickly, with **agility**, to the situations that arise and to the often very fast technical and economic evolutions on the market; employees' flexibility and internal and external collaboration are dear to BIPT. BIPT adapts its structures and its way of functioning whenever necessary.
- The regulator's **independence** ensures its credibility towards the market players it regulates as well as all stakeholders. This independence enables the stakeholders to benefit from a regulator the action of which is stable and predictable over time, without losing the need to adapt to the market needs.
- The **transparency** ensures democratic control over the action of BIPT. It is built upon open-mindedness, dialogue, honesty and coherence. All acts and decisions are appropriately motivated.

Strategic axes

The 2014-2016 Strategic Plan, which serves as a programming tool, has defined seven strategic axes intended to guide the work of BIPT and its employees:

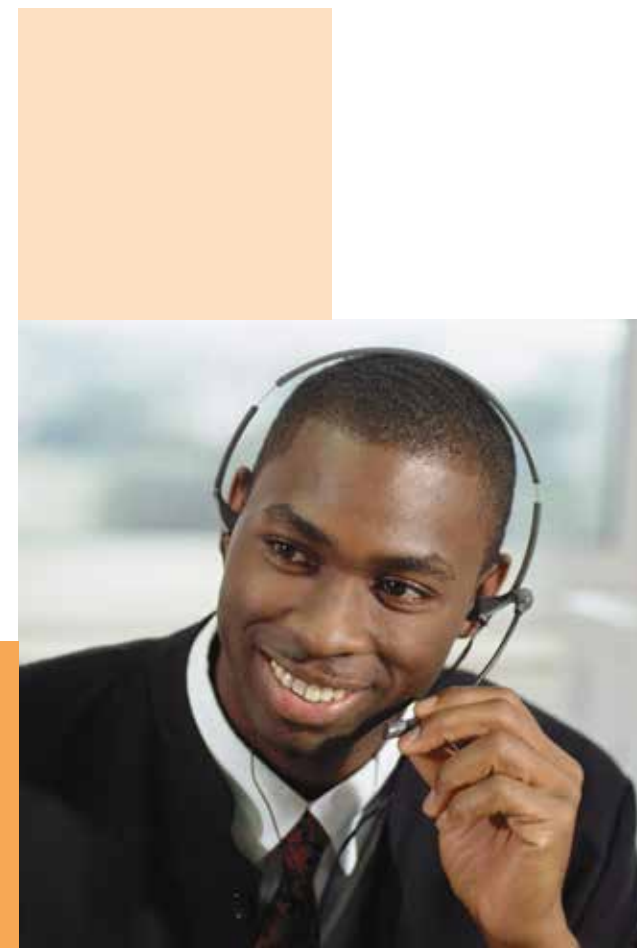
1. Innovation: supporting the arrival of increasingly innovative services for consumers;
2. Competition and investments: promoting a sustainable framework for competition and investments;
3. Reliability: ensuring a reliable and high-quality digital environment;
4. Information: contributing to a better provision of information to consumers;
5. Involvement: promoting involvement and social inclusion;
6. Dialogue: having a continuous dialogue;
7. Good performance: being an attractive employer and a well performing regulator.

For more details on the subject, the reader is referred to the strategic plan⁷ as well as to the annual operational plans⁸ of BIPT.

Complaints handling regarding the functioning of BIPT

BIPT attaches great importance to the quality of its services and provided itself with a complaints coordinator. Eight complaints were received and handled in 2015: the majority of which concerned the procedure regarding social telephone tariffs. The increased automation⁹ of the process should positively influence the file processing, which is expected to lead to a reduction of the number of complaints.

In the spring of 2015, a cooperation protocol was signed with the federal Ombudsman, which officialised the distribution of the tasks between front-line authorities and second-line authorities.



⁷ <http://www.bipt.be/fr/operateurs/ibpt/publications/plan-strategique-2014-2016-version-finale>

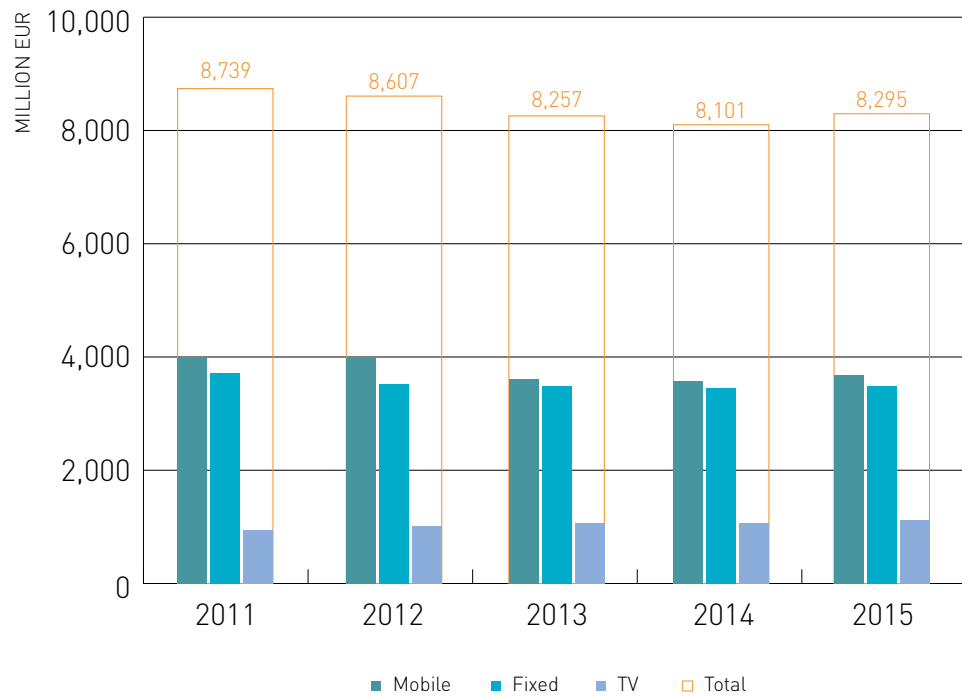
⁸ <http://www.bipt.be/fr/operateurs/dossiers/16-plans-operationnels>

⁹ See below, p. 45.

3 KEY FIGURES

1) Electronic communications sector

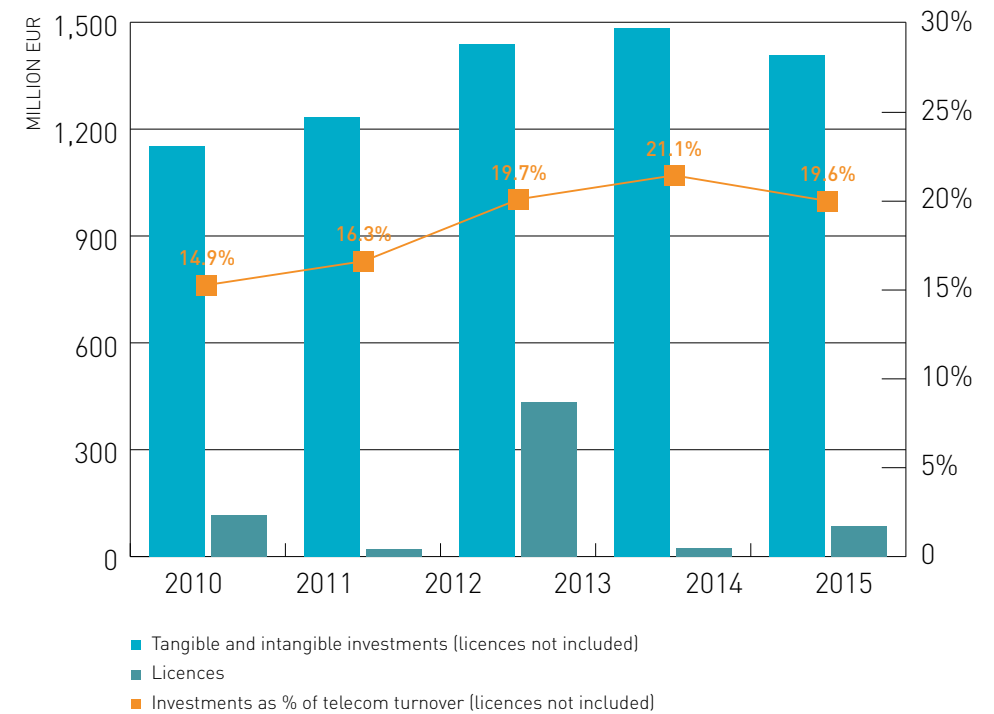
TURNOVER



In 2015, the broadcasting and telecommunications sector returned to growth after three years of revenue decline.

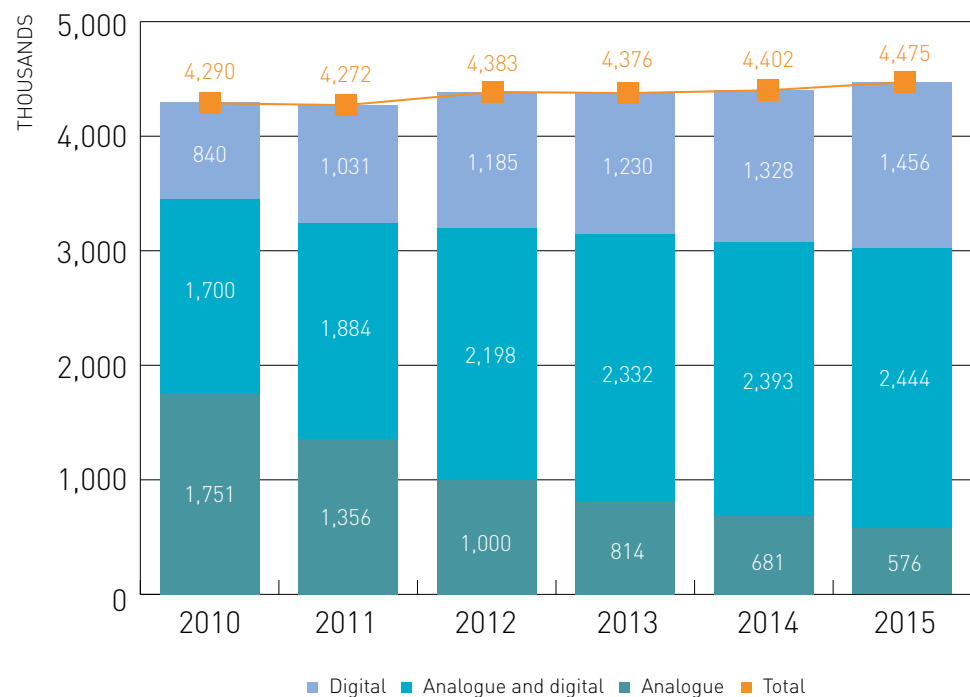
The turnover increased by 2.4% to reach € 8.295 billion, however fixed asset investments dropped by 5%, to € 1.409 billion.

INVESTMENTS



The investments/turnover ratio fell from 21.1% to 19.6% but remains high.

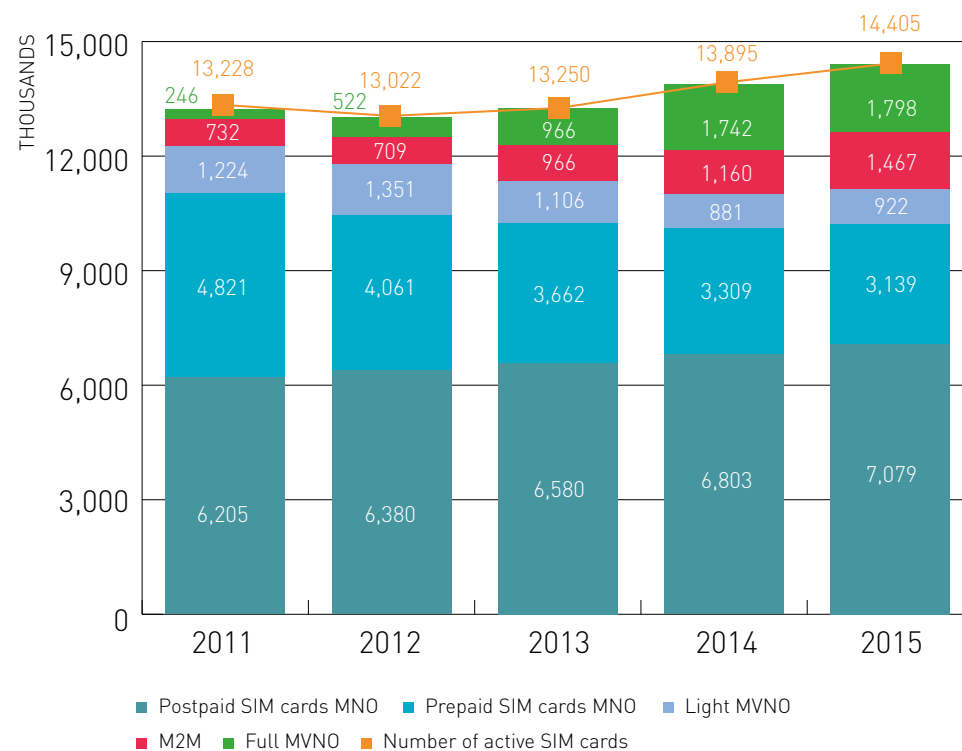
ACCESS



Except for the fixed telephony market (connections and traffic), the SMS traffic and the number of analogue television connections, sharp positive movements can be observed on all segments:

- 43,764 direct access channels to the fixed telephony network;
- 9.2% of fixed voice traffic;
- + 127,555 digital TV connections;
- 105,310 analogue TV connections.

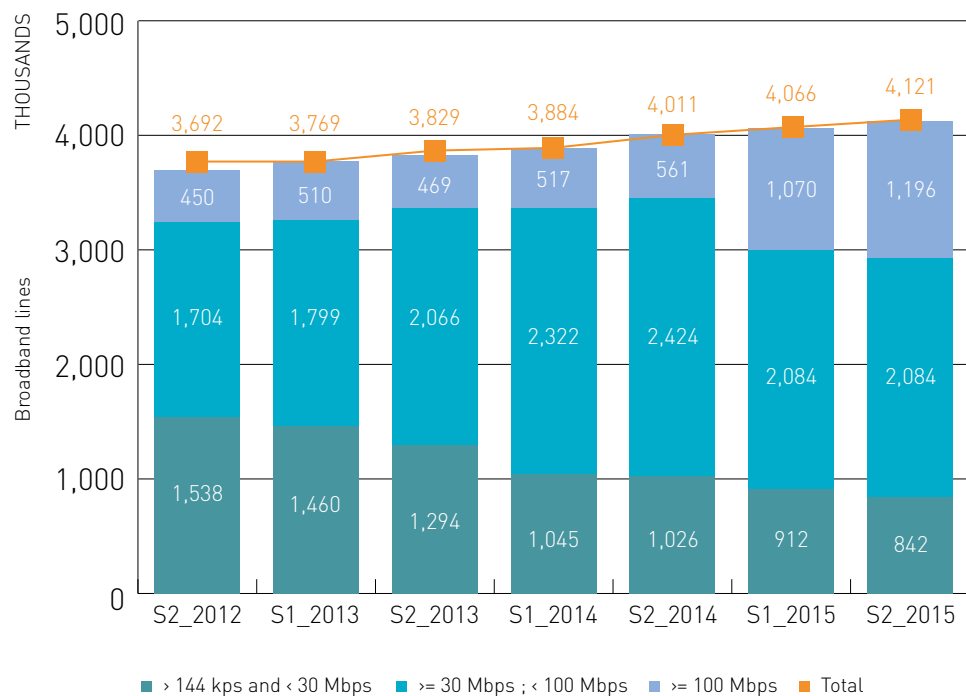
MOBILE MARKET



The number of active SIM cards increased by + 509,994, most of them (306,542) being M2M cards.

The total number of the active SIM cards of mobile network operators increased by 106,550 and by 56,032 for full MVNOs. Light MVNOs record an increase of 40,870 active SIM cards.

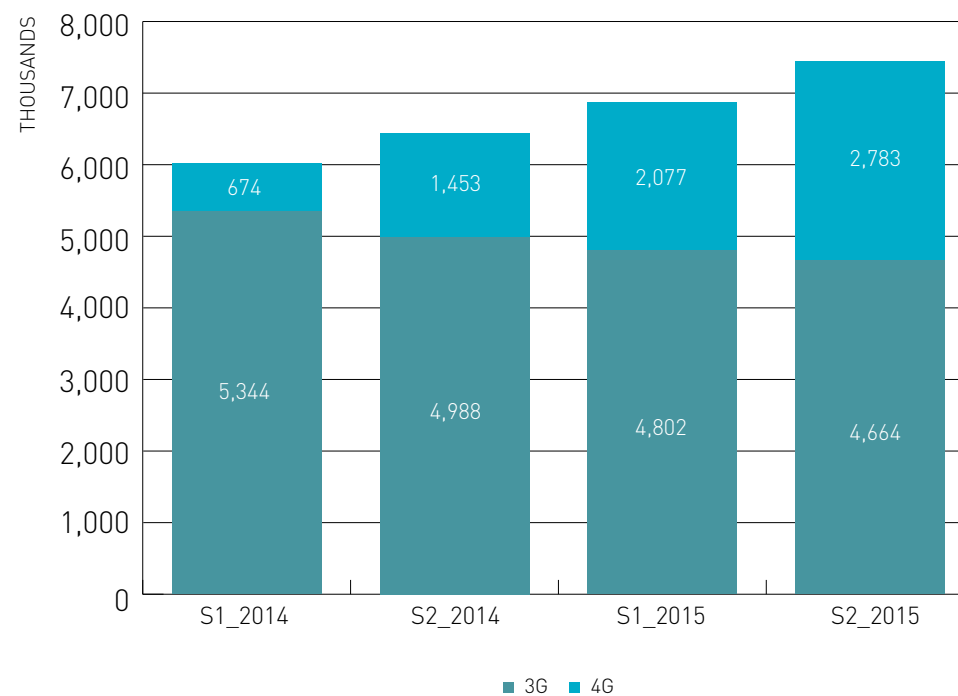
FIXED BROADBAND



The total number of broadband fixed lines increased by +109,848.

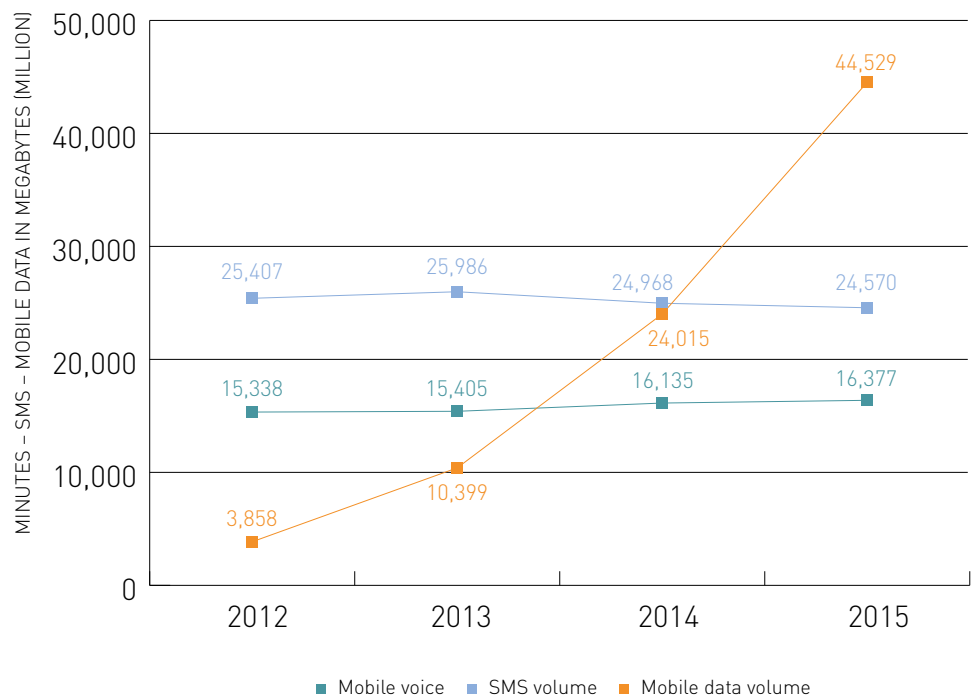
The speeds proposed are constantly increased: 80% of the total amount of broadband fixed lines have a speed >= 30 Mbits/s and 29% offer a speed >= 100 Mbit/s.

SIM CARDS FOR MOBILE BROADBAND



The total amount of SIM cards for broadband increased by over a million (1,006,528) to reach 7.54 million, 37% of which generate 4G traffic. By the end of 2015, per 100 inhabitants, Belgium had 66 SIM cards for broadband, nearly 9 more than last year.

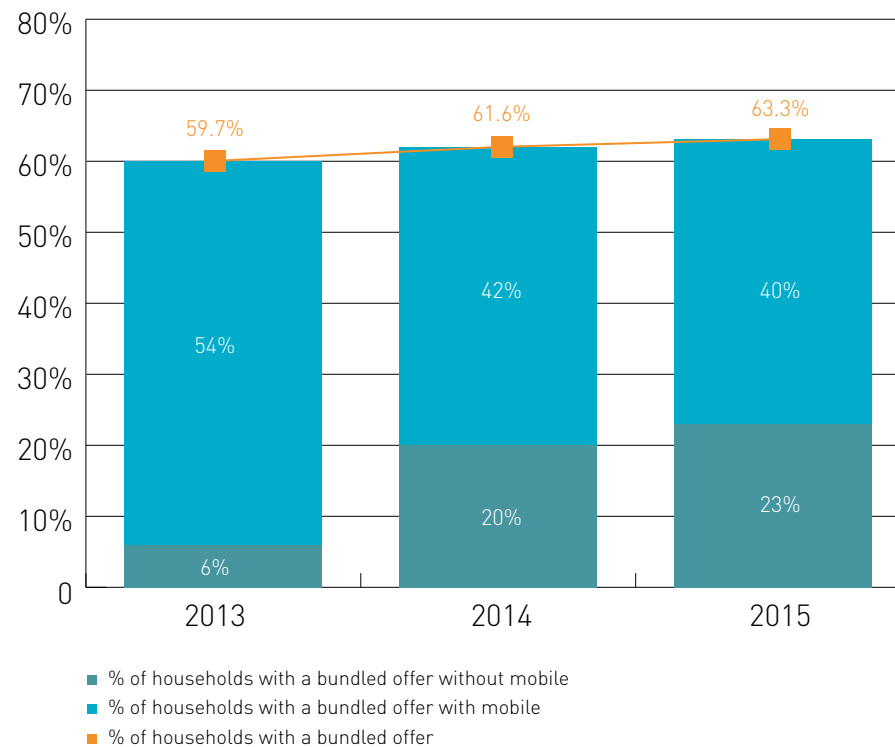




The +1.4% growth of the mobile voice telephony, which amounts to 16.4 billion minutes, is accompanied by an increase of +85% of the mobile data consumption, which reaches 44.53 billion MB. For the second year in a row, the SMS traffic is decreasing (-1.6%), which represents 24.57 billion messages.

In 2015, the growing demand in mobile voice telephony, and more particularly in mobile data, leads to a progression of the turnover. With a +2.6% turnover growth registered on retail services (€ 3.65 billion), mobile operators (the three network operators and Telenet) returned to growth after a decline period since 2012.

BUNDLED OFFERS



The number of households having opted for a bundled offer increased by +85,277. About 63.3% of the households opt for a bundling of several services from the same provider. The bundling of fixed services remains the most popular, but the penetration of the mobile element records a progression, from 20% to 23%.

2) Postal sector

The Belgian postal sector is characterised by the presence of a very large number of players considered as providers of postal services. More than 700 companies have to communicate their annual accounts to the Balance Sheet Centre of the National Bank under the codes NACE¹⁰ 53,100 (postal activities under US obligation) and 53,200 (other postal and courier activities).

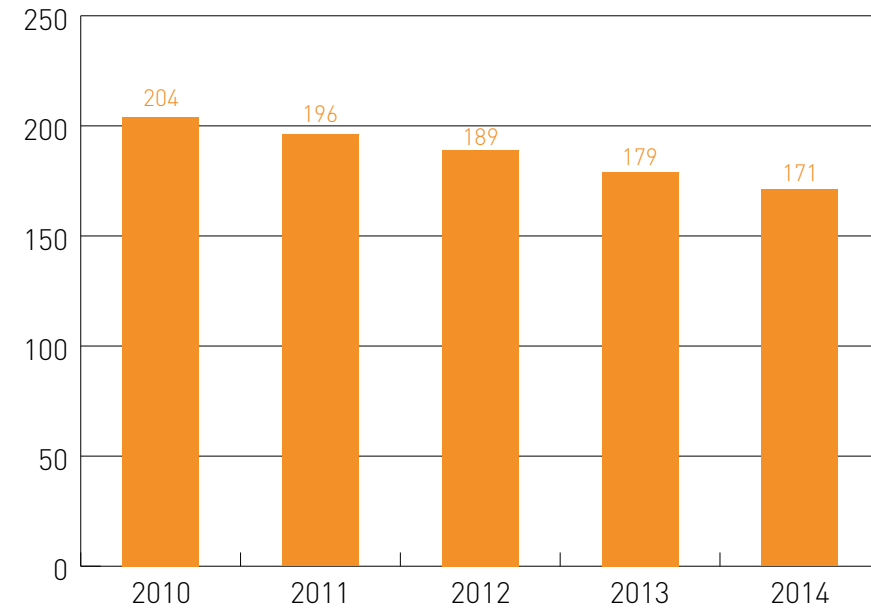
Most of these companies with a postal activity¹¹ have a very small size and for the majority of these, this activity is not their main occupation. In fact, some ten major companies represent more than 90% of the sector's turnover and bpost is by far the main operator, with a market share ranging from 60% to 70%.

These large postal operators active in Belgium include, apart from bpost, GLS, DPD, and Kiala for parcels, DHL, FedEx, and TNT for express mail, and Deltamedia (a subsidiary of bpost) and BD for press delivery. Since 2013, TBC-Post, a licensed operator, has also been competing with bpost in the letter post segment.

In spite of the downward trajectory of traditional post for several years already, the sector resists relatively well by developing innovative services and by responding to specific e-commerce requests regarding parcel delivery.

EVOLUTION OF LETTER POST AND PARCEL VOLUMES

Over the period 2010-2014, the letter post volume decreased by 16.8%. However, there were still 171 postal items¹² per inhabitant in 2014.



Source: BIPT

When considering the parcels and express services segment, a large increase of +42.2% can be observed between 2010 and 2014. Per inhabitant, the number of express services and parcels delivered per year increased in 2014 to reach 8.1. On average, a parcel is sent or an express service is used every month and a half per capita.

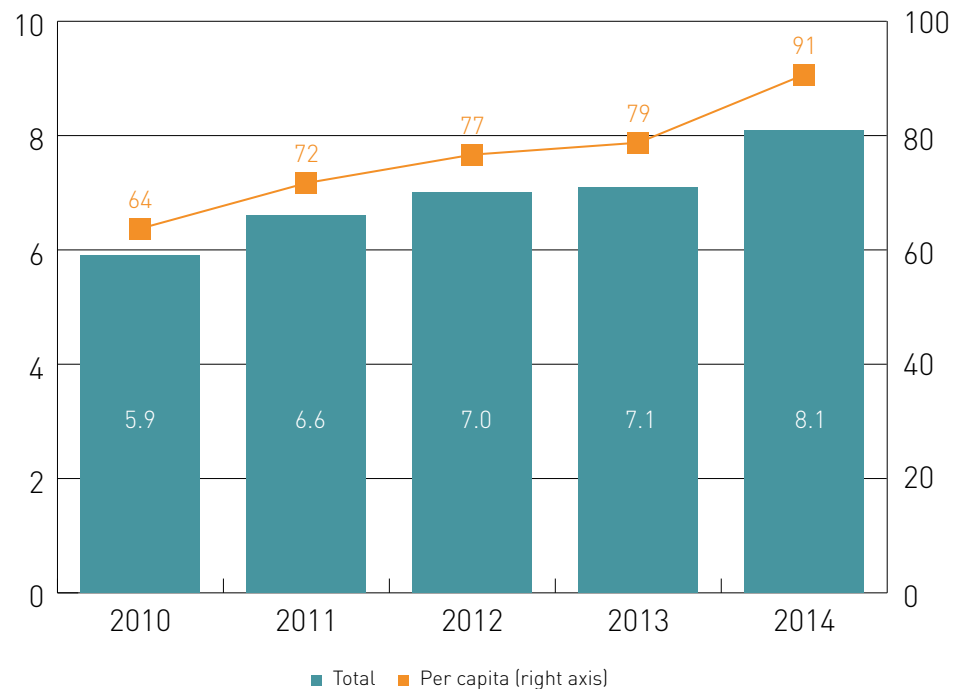
¹⁰ Statistical classification of economic activities in the European Community.

¹¹ Article 131 of the Act of 21 March 1991 lays down that: "postal services" [are] services involving the clearance, sorting, routing and delivery of postal items."

¹² In other words, the addressed items, with the exception of parcels and press.



Evolution of the express services and parcels volumes in total (in million units) and per capita (in units) per year



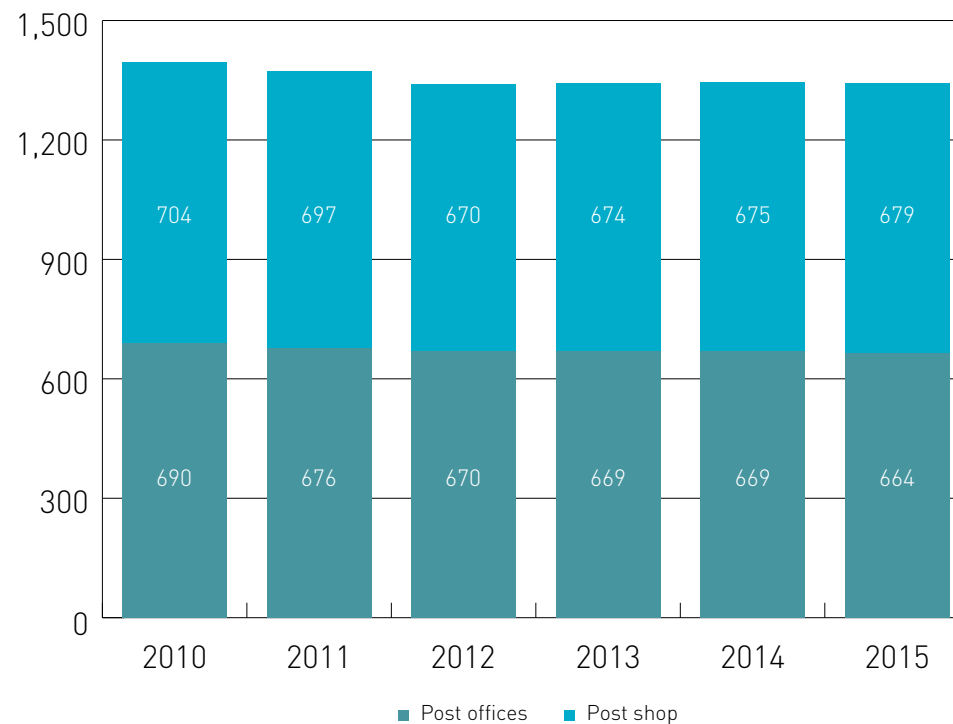
Source: BIPT

ACCESSIBILITY OF THE POSTAL SERVICES

By the end of 2015, a total of 1,343 bpost establishments (post offices or postal points) spread all over the territory provided postal services. The total number of points of sales has practically remained stable since 2012. A decrease of 54 service points could be observed between 2010 and 2012.

Apart from this network, there are 13,263 red letterboxes spread all over Belgium.

Evolution of the total number of bpost's service points

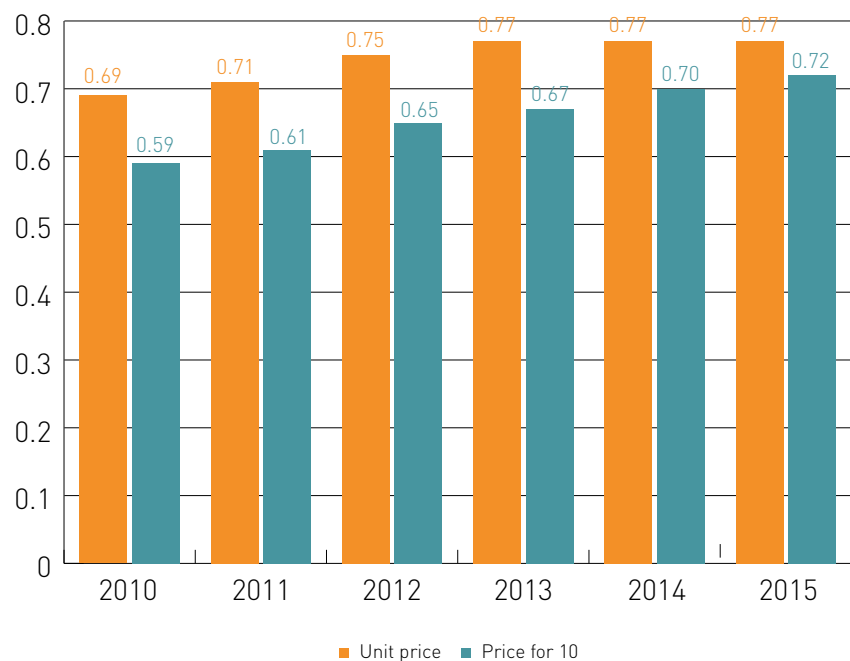


Source: bpost

PRICE OF THE STANDARD DOMESTIC LETTER

In 2015, sending a letter in Belgium cost € 0.77 (€ 0.72 when purchasing 10 stamps). While the unit price has remained constant compared to 2014, the price for 10 units has increased by 2.9%. Since 2010, the unit price of a standard domestic letter has increased by 11.6% and the price for 10 units has increased by 22%.

Evolution of the price of the standard domestic letter (EUR)



Source: bpost

If we compare the nominal value of the standard domestic letter in Europe, we see that in 2015, Belgium had the fifth most expensive tariff of the European Union¹³. The same comparison expressed in purchasing power parity brings Belgium to the 17th position¹⁴ in the European country ranking.

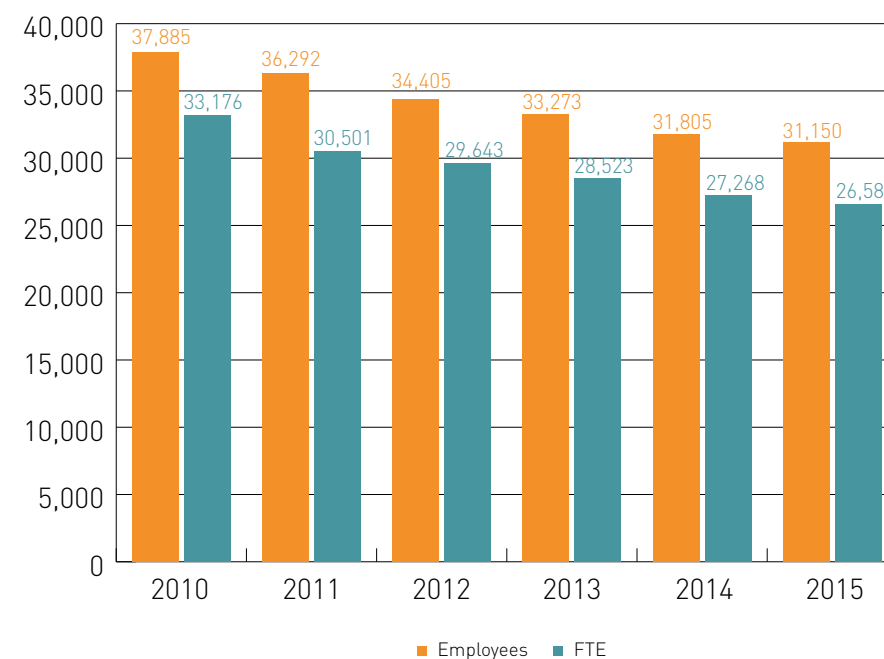
¹³ In 2014, Belgium has the third most expensive tariff of the European Union.

¹⁴ In 2014, Belgium ranked 14th.

EMPLOYMENT

The postal sector directly employed 31,150 people in 2015. Once again, this number has decreased (-2.1%) since last year. Since 2010, the number of workers has dropped by 17.7% in the postal sector. In full-time equivalent (FTE), this decrease is even stronger: -2.5% since 2014 and even -19.9% since 2010. This decrease in the number of jobs in the postal sector results from a staff reduction within the framework of the universal service, the number of people employed by alternative operators having restrictedly increased.

Staff evolution (each 30 June) in the postal sector



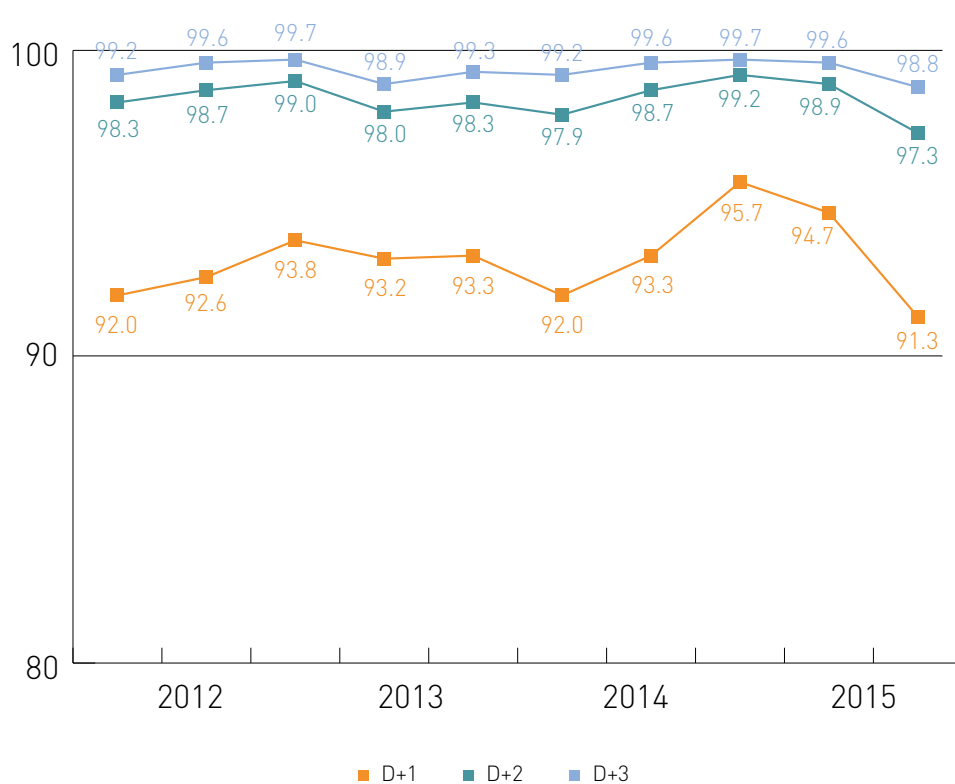
Source: NSSO



QUALITY

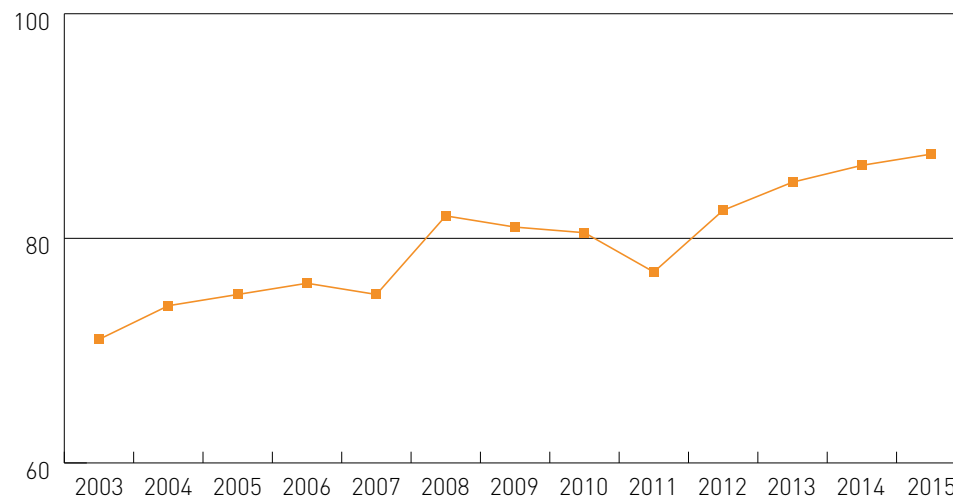
Delivery times are measured via the BELEX assessment system, by having a selection of senders send test letters. These test letters are representative of the actual mail flows of bpost. These test letters allow to calculate the number of letters delivered in time, in other words only one day after the posting of the letter before the time of the last collection.

Percentage of bpost's Prior single piece mail delivered in time (between 2006 and 2015)



CUSTOMER SATISFACTION

For the fourth year in a row, bpost records an increase of its customer satisfaction. With 87.5% of private individuals and small professional users having declared being rather satisfied, satisfied or very satisfied in 2015, bpost recorded its best satisfaction result in 13 years of survey. Satisfaction is measured globally, according to several specific subjects, such as the sending of letters and parcels in Belgium, the postman, the post office and customer services.







ACTIVITY REPORT



1 ACTIONS CARRIED OUT IN 2015, CLASSIFIED ACCORDING TO THE STRATEGIC AXES



INNOVATION

Readers will find a synoptic table summarising the results of the 2015 operational plan in Annex 1, page 65. Here is a brief overview of the activities development.

1.1. Innovation

This strategic axis is subdivided in three priorities:

1. Steering and anticipating the new developments on the market;
2. Encouraging the apparition of new markets and new services;
3. Managing the scarce resources for the benefit of the users.

MONITORING

The unauthorised use of frequencies may cause interferences for duly authorised users, which causes certain troubles but which can also have a negative commercial impact, even a real security risk. The Monitoring Department of BIPT has therefore decided to increase its preventive monitoring measures by developing tailor-made spectrum monitoring tools.

The study should have focused on the realisation of passive monitoring stations, fixed and mobile, but the project could not be given the necessary time and could not be achieved in 2015. In the end, an analysis of the results obtained, associated to the data base of the delivered authorisations should allow a cartography of the unrecorded emissions, putting forward the defects of authorised devices as well as unauthorised emissions.

EQUIPMENT MONITORING

Monitoring of maritime radio equipment on board ships

Maritime radio equipment uses specific identification codes:

- at sea, the MMSI (Maritime Mobile Service Identity) number identifies ships. It is programmed in the mariphones using the DSC (Digital Selective Calling) system, the distress radio beacons and the AIS (Automatic Identification System) transponders.
- on the inland waterways, mariphones must be ATIS (Automatic Transmitter Identification System)-equipped. Traffic posts at bridges and locks can therefore directly see who calls them and, in case of interferences or infractions linked to the use of channels, the people responsible can be easily identified.

The correct programming of maritime radio equipment is essential in order to allow rapid and efficient rescue and identification operations. Via its BMR Department, BIPT carries out the major part of its controls on maritime radio equipment on its own initiative, through monitoring and through data base controls. Regarding actions in the field, BIPT collaborates with the navigation police and the FPS Mobility and Transport: these joint operations have a larger impact and allow to share the resources mobilised. Nearly 300 controls were carried out in 2015, which exceeds the target laid down in the 2015 operational plan.



Telecommunication equipment on the Belgian market

As mentioned below (see page 50), the Market Monitoring Department of BIPT aims at verifying if the telecommunication equipment available or soon to be available on the Belgian (European) market complies with the requirements of European Directive 1999/5/EC. This equipment has to efficiently use the spectrum, cannot cause harmful interferences and has to be able to function correctly in its electromagnetic environment. The targets laid down in the 2015 operational plan were reached.

COMPARISON STUDY OF THE MOBILE NETWORK FEES

During autumn 2015, a consultant¹⁵ analysed the one-time fees linked to the public mobile radio networks in different frequency bands. By doing so, he estimated the income from the resale of the rights for the 900MHz and 1,800MHz bands (2G and 4G) and the 2,100MHz band (3G). Indeed, the licences granted to operators on these frequencies will come to an end in 2021. Before that, the government could also decide to sell the 700MHz and 1,400MHz bands. According to the consultant, for 2G and 4G, spectrum could represent € 439 million and the 700MHz and 1,400MHz bands another € 264 million.

REVISION OF THE NUMBERING PLAN

The transition to “cloud computing”, the virtualisation of networks and the growing technological possibilities offered by mobile electronic communications networks make true unified communication a reality: users can communicate through various devices (TV, game consoles, smartphones, portable computers of the “notebook” type, tablets, e-readers...) anytime and anywhere, using various modes (direct messaging, web chat, telephony...) and over various networks thanks to a unique identifier. Mobility is a strong value in modern society; much communication between users goes through applications (such as Twitter, Facebook...) in the form of direct exchange of messages for which a private identification mechanism is used.

That situation may result in a negative impact on the use of public numbering resources such as E.164¹⁶ but BIPT thinks that the need for interconnectivity between users that are not necessarily connected to the same systems could lead to an increasing demand of mobile E.164 numbers (at the expense of geographical numbers).

In 2015, the needs and possibilities in the years to come were analysed and concrete options to adapt the current regulatory framework for numbering were presented to the Minister. The modifications are divided into five operational themes¹⁷ and three strategic themes¹⁸; they all aim to continue the facilitation of innovation.

MONITORING OF THE WHOLESALE PRICE FOR “.BE” DOMAIN NAMES SPECIFIED BY DNS BELGIUM

According to Article 164/1, 3° of the ECA, BIPT’s mission is to see to it that the registry office for “.be” Internet first level domain names charges a compensation directly linked to the costs actually incurred for its services.

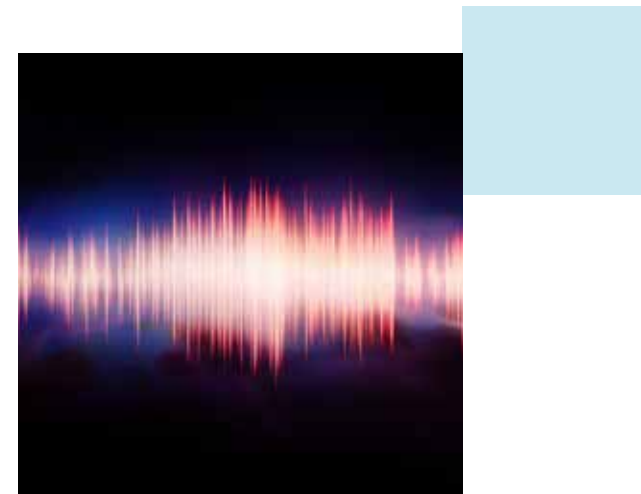
On 15 October 2015, the board of DNS Belgium submitted a case for increasing the wholesale price of “.be” domain names from € 3 to € 4 as from 1 January 2016. BIPT meticulously analysed the cost orientation of that increase (see analysis of 2 December 2015) and concluded that, provided a number of conditions were met, that price increase could be justified. DNS has not accepted those conditions before 31 December 2015.

Requests for numbering capacity: creation of an electronic shop
In the course of June 2015, a new type of form on the BIPT website was made available to the market players.

PRIVATE LICENCES: STRATEGIC REVIEW OF THE TARIFFING METHODS

The current version of the Royal Decree of 18 December 2009 provides for per-device billing; however, this creates problems during checks by the BIPT teams, as it is sometimes very delicate, even impossible, to count the real number of devices. In addition, a frequency whether occupied in a same region by five or by fifty transmitters is simply unavailable: efficient management of the scarce resources should focus on the resource occupied.

In 2015, BIPT studied the feasibility of changing the Belgian way of billing, with a view to having a more fair tariffing of frequencies as scarce resources and supporting the introduction of new technologies. The scenarios under consideration must not entail changes of exaggerated proportions compared to the current situation nor have a negative impact on the BIPT budget. At the end of the calendar year a number of impact simulations asked by the Council remained to be conducted.



¹⁵ Received on 31 December 2015; BIPT published the document on 26 January 2016.

¹⁶ ITU Recommendation laying down the numbering plan for international public telecommunications.

¹⁷ Machine to Machine communication, number blocks with “orphan status”, nomadic VoIP services, procedure for assigning SMS short numbers, issue of routing numbers.

¹⁸ Introduction of more flexibility in the granting of E.212 mobile network codes, more flexible use of Calling Line Identity (CLI), extraterritorial use of numbering resources.

1.2. Competition and investments

This strategic axe is subdivided in five priorities:

1. Contributing to creating a favourable framework for the roll-out of infrastructures, networks and services and a favourable climate for investments;
2. Stimulating competition, more in particular by means of market analyses;
3. Heightening the awareness of the officials and entering into dialogue with all stakeholders;
4. Organising controls;
5. Facilitating and simplifying the operational aspects between operators.

IMPLEMENTATION OF THE 2014 POSTAL OBSERVATORY

BIPT has compiled the economic key figures relating to the postal sector for 2014, bringing together the market data collected from 17 postal operators¹⁹. In 2014, the operators invested € 106 million in the postal sector, i.e. a 10.8% increase compared to 2013. The share of the postal sector's turnover in the GDP remained around 0.6%; the sector maintains a stable importance within the Belgian economy. In 2014, total revenue amounted to € 2.67 billion. The data obtained from the 17 postal operators show that total revenue went up by 7.7% between 2010 and 2014. Letter post represented 59% of total turnover in 2014, whereas parcels and express mail accounted for 36% of revenue, home delivery of press to subscribers representing 5%.

In total, the volumes of letter post dropped by 3.70% in 2014. Between 2013 and 2014, the turnover of items of correspondence decreased by 2.9% against a total of €1.48 billion. On the contrary, the parcel and express services segment continued its strong growth in 2014. Per inhabitant, the number of express services and parcels delivered increased from an average of 5.9 in 2010 to 8.1 in 2014. Per inhabitant, a parcel is sent or an express service is used every month and a half on average. The total volume of

express services and parcels sent rose by 14.7% between 2013 and 2014 for a total of 91 million items. As a consequence revenue increased by 6.2% in 2014 reaching € 917 million; since 2010 the increase amounts to 28.3%!

Finally, the decrease of revenue generated by press delivery (observable since several years) continued in 2014 (-3% in volume and -2.6% in revenue).

ANALYSIS OF THE ELASTICITY OF THE POSTAL MARKET WITHIN THE FRAMEWORK OF THE TERA COST MODEL

On 9 August 2011, the BIPT Council had started a public tender procedure in order to commission a consultant with establishing a model to calculate the net costs of the universal postal service (UPS). The task was entrusted to TERA Consultants, the final study of which was published by BIPT as an annex to its communication of 21 May 2014 on the verification of the calculation of the universal postal service net cost in Belgium. Article 144undecies, § 1 of the Act of 21 March 1991 lays down that every year, the Institute verifies whether the calculation of the net cost of the universal service provider's obligations complies with the methodology laid down. In its study TERA recommended to carry out prospective analyses of the sensitivity of demand of each category of sending customers, in order to evaluate the counterfactual²⁰ scenarios of revenues in case compensation for the USP's net costs was asked by the USP provider.

In 2015, BIPT carried out a public tender procedure and entrusted a consultant with performing those analyses; the work was not yet completely finished at the end of the calendar year.

GRANTING OF THE DELIVERY CONCESSION OF ACKNOWLEDGED NEWSPAPERS AND PERIODICALS

On 2 May 2013, the European Commission had taken a decision regarding the services of general economic interest (SGEIs) provided by bpost. Designated by the Government on 26 November



2014 BIPT had been tasked with organising the process and had started by publishing a notice of concession, followed by a formal call for tenders. Three companies had responded and shown their interest: AMP (Agence et Messagerie de la Presse), BD Group (Belgique Diffusion) and bpost.

However, on 15 May 2015 only bpost introduced an offer in due form. Following in-depth analysis as to regularity, financial capacity, price and quality the offer was validated and negotiated by the Government and bpost. The Council of Ministers awarded the distribution concessions to bpost on 16 October 2015 for a five-year period. The contract took effect from 1 January 2016.

¹⁹ Belgique Diffusion (BD), bpost, Ciblex, Deltamedia, DHL, DPD, Euro Sprinters, Fedex, G3 Worldwide, GLS, Mikropakket, Mondial relay, PostNL, TBC, TNT, UPS, Vlaamse Post.

²⁰ A counterfactual scenario studies what would have happened or could reasonably have happened depending on certain circumstances.



BIPT OPINION ON THE RELEVANCE AND EFFICIENCY OF POSTAL LEGISLATION AND REGULATION

In November 2014, BIPT had entrusted WIK-Consult with the task of drawing up a report aiming at comparing the market situation before and after its liberalisation, assessing the impact of the opening to competition and identifying possible remaining barriers in the Belgian postal market.

On 28 September 2015, BIPT gave its opinion about seven of the recommendations made by the consultant: for BIPT those recommendations constitute key challenges for the future regulation of the Belgian postal market. BIPT strongly recommends abandoning the licence terms, reviewing the universal service by focusing on single-piece postal products, introducing downstream access in bpost's chain of operations for any competing operator, maintaining the mechanism for designating the universal service provider, reviewing the price control mechanism applied to the small user basket (redefining the products and adapting the calculation formula), relieving the obligations regarding accessibility of postal service points and maintaining the way the existing universal service is financed.

EVALUATION OF THE CONDITIONS AIMED AT FREE CHOICE OF CPE (CUSTOMER PREMISES EQUIPMENT) BY ALTERNATIVE OPERATORS

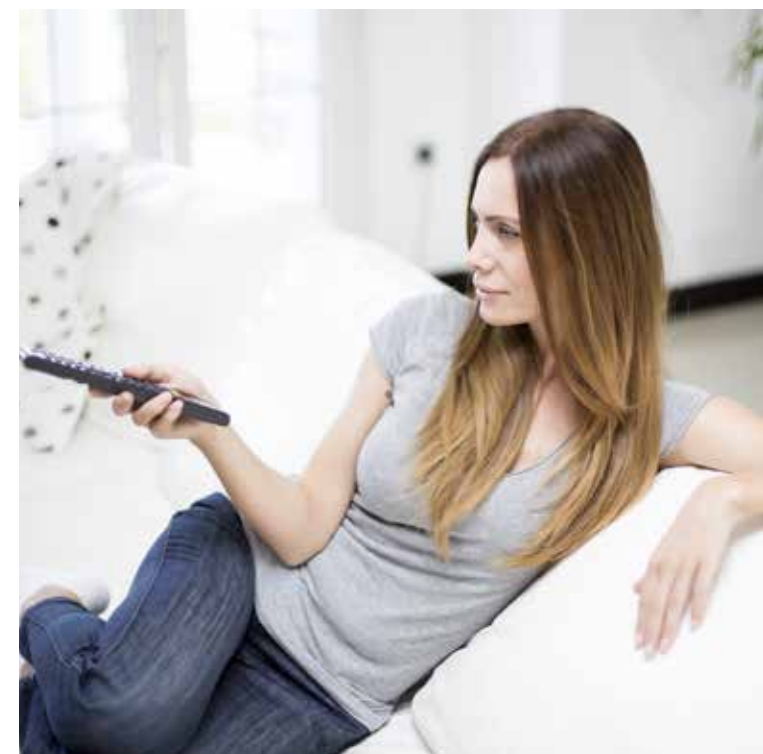
In its decision of December 2011 about CPE interoperability within the framework of the WBA VDSL2 reference offer, BIPT had stressed the role of CPE in the process of differentiating the offers introduced by alternative operators. This document authorised alternative operators to roll out their proper CPE provided a test plan was implemented. In 2015, BIPT analysed the results of the measure and the validity of the terms imposed. An internal report was drafted.

INSPECTION OF THE WHOLESALE TARIFFS FOR OBLIGATIONS ON THE BROADCASTING MARKET

The CRC decision of 11 December 2013 had laid down the wholesale tariffs for cable network access services; it had provided for the possibility to periodically review those tariffs as to the following three aspects:

- the "retail minus"²¹ method, which sets the periodical amounts payable to the cable operators; those minuses can be recalculated to allow for the evolution of revenue and avoidable cost;
- the impact of certain services that escape cable regulation but which are often included in the cable operators' retail offers (such as providing security packs, webmail...) can be considered and this can also lead to the minuses being modified;
- the costs effectively borne to fulfil their obligations: the cable operators are obliged to provide BIPT with a list of those costs²². Next, BIPT can evaluate whether it is justified or not to modify the amounts received by the cable operators as a contribution to these costs.

On 27 May 2015, BIPT published a draft decision revising the wholesale tariffs of services for cable network access in the bilingual Brussels-Capital Region. Those wholesale services are: 1° the resale of analogue television services; 2° the access to the digital television platform; and 3° the resale of broadband services. The consultation was held until 15 July and the document was then transmitted to the Community regulators and notified to the European Commission.



²¹ The principle of a "retail minus" methodology consists in setting the price of a wholesale service by reducing the retail service price by a percentage corresponding to certain irrelevant elements.

²² Those lists were provided to BIPT at the end of 2014, start of 2015. They were checked and approved by an auditor in 2015.

On 14 December 2015, the CRC launched a consultation about the review of the wholesale tariffs that Brutélé, Nethys (VOO) and Telenet may invoice to operators wishing to provide broadband and television services through cable.

EVOLUTION TOWARDS NGN/A NETWORKS

New broadband telecommunications networks offer the possibility for all services (voice, data, video...) to be sent over one and the same network (NGN), the acronym NGA (Next Generation Access) referring to the way access to those networks is implemented. BIPT wants to make sure that competition will not lower the intensity on the various markets during the phases of transition towards an NGN/NGA structure of the incumbent's network. In 2015, BIPT made progress on a number of points during bilateral meetings with the sector players.

FIXED TERMINATION MARKET: FIXING THE RATES

The BIPT decision of 2 March 2012 had treated the structure of the fixed termination market, the presence of SMP operators on the market, and the nature of the obligations to be imposed on those operators in order to promote competition. Imposing symmetrical maximum rates for fixed termination (Fixed Termination Rates- FTR) as from 1 April 2012 was the main measure of that decision. In 2013 and 2014, BIPT had gone on to establish with the help of a consultant an FTR cost model that took maximum account of the European Commission recommendation of 7 May 2009 (symmetrical FTR rates based on a pure LRIC cost model²³).

On 14 July 2015, BIPT launched a consultation about new fixed termination rates; at the request of the sector, the response time was extended by three weeks. The consultation of the Community regulators and the notification of the draft decision to the European Commission could not take place before the end of 2015.

ANALYSIS OF THE MOBILE TERMINATION MARKET

The latest wholesale market analysis regarding voice call termination on individual mobile networks had been the subject of the BIPT decision of 29 June 2010. That decision had imposed maximum termination rates (Mobile Termination Rate - MTR) and a system of symmetrical termination compensation based on a pure LRIC cost model as from 1 January 2013. On 24 September 2014, the Brussels Court of Appeal had annulled the market analysis decision of 29 June 2010 for lack of a prior consultation of the media regulators, though the annulled decision remained in effect until 30 June 2015.

In order to ensure the continuity of the mobile termination rates, BIPT adopted a renewal decision on 6 May 2015. On 14 September 2015, BIPT submitted a draft decision concerning the new market analysis of voice call termination on individual mobile networks for consultation. The project will be continued in 2016.

DECISION ON THE OPENING UP OF THE CABLE

Since the decision on the analysis of the television broadcasting market on the territory of the bilingual Brussels-Capital Region adopted by the CRC on 1 July 2011, the cable operators are under the obligation to develop and publish a reference offer that comprises the terms for alternative operators using their cable networks.

On 14 September 2015, BIPT launched a consultation on its draft decision on the approval of the reference offers of Brutélé and Telenet in the bilingual Brussels-Capital Region.

FINALISATION OF THE NGLL TARIFFS

In its decision of 8 August 2013 on the analysis of the leased lines markets, BIPT had forced Belgacom to respond to reasonable requests for access to a transport service based on the Ethernet technology, called "NGLL" (Next Generation Leased Lines). That document had maintained the obligation²⁴ for the incumbent op-

erator to publish a reference offer regarding access and interconnection services necessary for the provision of terminating segments of leased lines. That offer had to contain the terms for the provision of classical leased lines and NGLLs, including the tariff elements, which under Article 62 of the ECA are not subject to the obligation of cost orientation, but must not lead to the creation of price squeeze. On 27 November 2014, Belgacom had provided BIPT with its proposal for the tariffs of NGLL provision. Following a national consultation about this proposal until 6 January 2015, BIPT adopted its decision on 19 March 2015. This should lead to more competition on the business market by enabling alternative operators to develop an offer alternative to that of Proximus²⁵.

Within the same context BIPT clarified the obligation to grant access to the manholes, also imposed in the decision of 8 August 2013 mentioned above. Such access should enable alternative operators to invest in their proper introduction fibre to customers who do not have a fibre network connection yet. The resulting decision was adopted on 11 March.

DETECTION OF PRICE SQUEEZE

A margin squeeze is "a situation where a vertically integrated firm with market power in a key upstream market, supplies rival firms in associated downstream markets and sets prices for the input and the downstream service in a way that renders unprofitable the activities of its competitors in the retail market."²⁶

In its recommendation of 11 September 2003, the European Commission had recommended consistent non-discrimination obligations and costing methodologies to promote competition and enhance the broadband investment environment. It was in the same spirit that BIPT had established its guidelines on the evaluation of those prize squeezes in 2007.

²³ In other words the purely incremental costs of providing the termination service of an efficient operator.

²⁴ Obligation imposed by the decision of 17 January 2007 on market analyses relating to leased lines, rectified by the renewal decision of 14 September 2010.

²⁵ The name change announced in March 2014 of the public limited company Belgacom into public limited company Proximus was voted by the general meeting of shareholders on 15 April 2015.

²⁶ ERG Common Position on the approach to appropriate remedies in the new regulatory environment, ERG [03] 30 rev1. p. 2.



Since that time several events have occurred which justify an update of those guidelines: the adoption by the Court of Justice of the European Union of various decisions regarding that subject, the adoption by the European Commission of the Recommendation of 11 September 2013 on consistent non-discrimination obligations and costing methodologies to promote competition and enhance the broadband investment environment, the publication by BEREC of a guidance on the same subject and moreover, the phenomenon of bundled offers, which raises new methodological questions. As a consequence, in 2015, BIPT commissioned WIK-Consult with establishing new draft guidelines concerning the principles to apply. The document was submitted to the sector for consultation on 4 December 2015. The principles it sets out take into account the Recommendation of the Commission but also the BEREC document of 5 December 2014 entitled "Guidance on the regulatory accounting approach to the economic replicability test".

ONE-TIME FEES

One-time fees are once-only payments for work done by Proximus on its network for the benefit of alternative operators within the framework of the reference offers BRUO, BROBA and WBA VDSL2 (e.g. line installations, migrations or deactivations). Those fees are based on a cost model, and have been determined by various BIPT decisions. As the market is constantly evolving those fees need to be reviewed. The analyses concerning that review started in 2015.

MULTICAST/ETHERNET TARIFFS CALCULATION

This project had started in 2012 by way of a prior consultation. On 4 July 2013, BIPT had published a draft decision regarding the pricing of the "wholesale multicast" offer and the Ethernet transport for the "BROBA" and "WBA VDSL2" offers. The project was adapted in 2014 following the different consultations²⁷.

This project led to the Decision of 13 January 2015, in which BIPT determines the cost-oriented access tariffs of the "wholesale multicast" offer and the Ethernet transport for the "BROBA" and "WBA VDSL2" offers. This decision came into force two months after its publication. The tariffs it sets remain in place until a decision amending them comes into force.

DECISION ON THE PROXIMUS REFERENCE OFFERS

BIPT adopted on 19 August 2015 a decision on the transparency of the BROBA Ethernet and WBA VDSL2 reference offers of Proximus. The decision followed the Proximus proposal aimed at rectifying and completing the reference offers in order to abandon certain technical restrictions advanced in the past.

BIPT also published two decisions regarding addenda to the BRUO, BROBA and WBA VDSL2 reference offers, the first of which was adopted on 10 November 2015 on "SNA, Splicing Interventions and XML Done Timer" and the second one on 19 November 2015 on the update of the Decision of 10 December 2013, commonly called the "BRxx 2012 Update" decision.

DETERMINATION OF THE 2015-2017 WACC (WEIGHTED AVERAGE COST OF CAPITAL)

The regulated tariffs have to be calculated allowing for a fair compensation of the invested capital, which is why the WACC is calculated for fixed and mobile operators every three years.

The decision of the BIPT Council of 26 February 2015 lays down the weighted average cost of capital that is to be used when calculating the cost-oriented prices of regulated operators. This value constitutes a parameter used in several tariff decisions, especially in the Proximus reference offers²⁸. BIPT has fixed the WACC at 8.13% for the 2015-2017 period. The WACC is also used when calculating the maximum tariffs of fixed and mobile termination for SMP designated operators: BIPT has fixed the WACC at 8.13% for the same period. BIPT has reserved the right

to modify the WACC value in case, following a serious confidence crisis affecting the financial markets, the financing conditions were to diverge significantly and permanently from the hypotheses taken into consideration when the decision was adopted. Those percentages would be changed into 8.32% and 8.42% respectively, if the notional interest²⁹ disappeared.

MEDIA DEPARTMENT OF BIPT

The performance of audio and audiovisual media service provider activities is ruled by the Act of 30 March 2015. According to the conditions set by this Act, these providers may obtain a BIPT licence for one or more audio or audiovisual media services. Service providers are entitled to acquire this licence, as far as the conditions set by law are met and as far as BIPT has not issued any reasoned BIPT decision to declare itself unqualified to process this licence application. For the bilingual Brussels-Capital Region, in other words for the territory of the 19 municipalities of the Brussels Region, media service providers settled there are dependent on the Federal State authorities, unless their activities – i.e. the programmes they produce and/or broadcast – cannot bind them exclusively either to the Flemish Community or to the French Community.

On 23 June 2015, BIPT published its procedure for issuing broadcasting licences. At the same time, it continued to reflect on a review of the legal framework, in order to identify the issues that need to be adjusted by the legislator.

On 2 December 2015, the BIPT Council adopted a consultation document on the draft bill regarding audiovisual media services in the bilingual Brussels-Capital Region. That document constitutes a total recast of the Act of 30 March 1995, which showed an increasingly marked shift from the current context and which transposed certain directives only partly, even though the latter are needed for the economic regulation of the sector.

²⁷ National consultation, consultation of the community regulators, and European consultation.

²⁸ BRIO (interconnection), BRUO (unbundled access), BROBA and WBA VDSL2 (bitstream access), BR0TS0LL (leased lines)

²⁹ The allowance for corporate equity or tax system applying to notional interests allows companies to deduct from their taxable profits a notional interest calculated on the basis of their corporate equity. Source: "Tax Survey" of the FPS Finance

"EASY SWITCH": TO FACILITATE CHANGING FIXED SERVICES PROVIDERS

For what reasons is changing fixed telecom operators not as easy as changing mobile operators? In 2014, BIPT listed the aspects likely to discourage consumers in order to formulate proposals aimed at simplifying the move.

BIPT finalised its conclusions on 10 March 2015: it thinks specifically that there should be a simple, predictable, fast and synchronised process that obliges the new operator to carry out the transfer of all services provided by a fixed telecom operator within a given time frame. The operators have to inform the consumers better about what steps to take. Some other additional obstacles were identified, such as the difficulty to compare offers, financial costs intervening during the transfer or the need to have a technician visit the home. For each of those problems, BIPT has put forward possible solutions and gathered them in a report. It has drafted a first version of a regulatory text, which has been submitted for public consultation. Minister De Croo has taken note of the operators' reactions to that draft regulation and asked the operators on 17 July 2015 to reach an agreement on the processes to implement and on the exchange of information to introduce in order to meet the objectives of the draft regulation: administrative steps taken charge of by the recipient operator, fast migration of services, service interruption and period of double billing as limited as possible. The operators were asked to finalise their contributions by 1 March 2016. As from September 2015, BIPT therefore organised work meetings in order to offer the operators the opportunity to discuss the operational elements needed.



GOOD
PERFOR
MANCE



CONSULTATION ON THE SPECTRUM FOR PUBLIC MOBILE COMMUNICATIONS

The deadline for responding to the public consultation of 7 November 2014 on the spectrum for public mobile communications was 10 January 2015. In the medium term, BIPT will be faced with a number of challenges in the field of spectrum and the document wanted to sketch a picture of that evolution and receive answers from the sector to many key questions. This will enable BIPT to establish a short and a medium-term action plan regarding the spectrum for ECS services (Electronic Communications Services).

At the end of the calendar year, certain follow-up actions resulting from the consultation procedure still had to be taken.

CONTINUOUS IMPROVEMENT OF OPERATIONAL EFFICIENCY

Efficient operational processes represent essential requirements in the functioning of wholesale services provided by SMP operators. Without efficient processes alternative operators do not have the right conditions to provide high-quality services and as a consequence they are unable to position themselves as enduring competitors. Actually, the CRC had imposed a framework of operational excellence at the wholesale level in 2011. Since then, BIPT has made efforts to prompt a continuous improvement of operational efficiency of all operators: SMP operators or alternative operators.

In 2015, BIPT repeatedly convened working groups dedicated to analysing and solving operational problems.

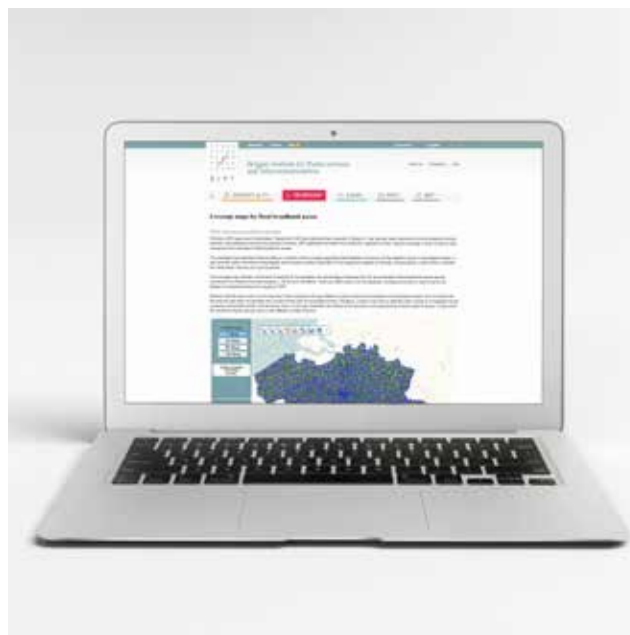
1.3. Reliability

This strategic axis is subdivided in four priorities:

1. Improving the transparency in terms of networks quality;
2. Reinforcing network reliability;
3. Data retention and legal interception;
4. Networks and services of first necessity.

IMPROVING THE TRANSPARENCY IN TERMS OF NETWORK COVERAGE

The purpose of the "Atlas" project is to publish fixed and mobile network coverage maps in order to better inform the users. It has been developed in two stages: first the representation of the mobile coverage; the presentation of the fixed coverage will follow in 2016. The data based on which those maps can be made are provided by the operators. Up until the publication of the mobile coverage in July 2015 the only way for consumers to get information was to visit the mobile operators' website, which



was not a high-quality and transparent digital environment. BIPT collected the data from the telecom operators, checked them in the field, gathered them and published them on its website in the form of an atlas, which can be consulted freely and for free. In the atlas (which evidently only includes the map of Belgium) consumers can zoom in, up to a square with a side of 200 metres. Each of those squares (or "pixels") is considered to be covered if the coverage probability exceeds 95%. Those data are updated every three months, following checks and inquiries by BIPT.

IMPROVING THE TRANSPARENCY IN TERMS OF NETWORK QUALITY

The Council decision of 15 July 2015 regarding the quality indicators of services lists the parameters taken into consideration by BIPT to measure the actual quality of the electronic communications services. The indicators were selected following an in-depth study of the options chosen by international bodies such as ETSI and BEREC, and those selected by other European regulators (France, Spain, United Kingdom, Portugal and Italy). Service quality is defined as the joint effect of actions that contribute to the degree of satisfaction of customers using the service in question. BIPT has selected quality indicators that should enable consumers to get an objective idea of the performance of the various telecommunications service providers and to compare them:

- installation time;
- percentage of complaints about initial functioning of a fixed installation;
- percentage of failures and malfunctions on fixed access lines;
- percentage of repairs of failures and malfunctions on fixed access lines;
- blocking and dropping rate of telephone calls on mobile networks;
- response time of the operator's customer assistance services;

- percentage of problems submitted to customer assistance service solved after a single contact;
- complaints concerning billing;
- coverage of mobile networks.

Starting from 2016, BIPT will use the data collected by the operators to publish a service quality barometer.

DETERMINATION AND DESCRIPTION OF THE MINIMUM REQUIRED SAFETY MEASURES

Article 114 of the ECA imposes the obligation on companies that provide public electronic communications services and networks to take technical and organisational measures to safeguard the security of those networks and services, as well as that of the personal data that are treated within the framework of providing those services and networks.

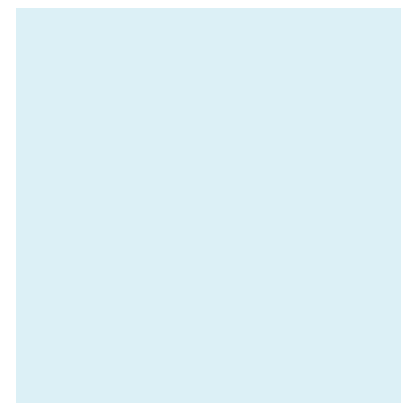
In 2015, BIPT started working on specifying a minimum basis of measures to be complied with by these companies in order to ensure the harmonised and effective implementation of Article 114 of the ECA. Because other cases were given a higher priority (such as managing the telecom crisis), this objective could not be achieved completely and was postponed to the next year.

IDENTIFICATION OF END-USERS BY OPERATORS

According to Article 127, § 1, 2°, and § 2 of the ECA the operators have an obligation to identify the end-users of their electronic communications services for the needs of the legal authorities and the intelligence and security services.

The update of the information published on the BIPT website had been planned for 2015, especially by publishing answers to FAQs. Though this objective was close to being achieved it was interrupted due to major changes in the legal framework, mainly following the annulment of Article 126 of the ECA regarding data retention and also the project to stop anonymous use of prepaid

cards for mobile communications. BIPT's work was also reorganised and focused on active collaboration on the one hand for a draft bill regarding data retention in the electronic communications sector and on the other, for a bill aimed at amending Article 127 in order to prevent the anonymous purchase of prepaid cards for mobile communications. Both drafts were submitted for consultation.



RELIABILITY



1.4. Information

This strategic axis is subdivided in three priorities:

1. Informing the consumers;
2. Helping the consumers;
3. Protecting the consumers.

NATIONAL PRICE COMPARISON

On 7 May 2015, BIPT published for the third time a comparative study of prices of telecom products on the Belgian residential market. This comparative study made on 9 February 2015 gives a survey of the price differences between the cheapest tariff plans in the following market segments: postpaid and prepaid mobile calls, fixed telephony, fixed Internet and triple play offers. Each operator's cheapest tariff plan was compared for defined standard user profiles. The purpose of that exercise is to improve the readability, understanding and comparison of telecommunications offers available on the Belgian residential market for specific profiles for the public at large and therefore to improve global transparency on the market.

Marked price differences are still noticeable between the cheapest offers in the various market segments of the Belgian telecommunications sector. The savings that can be made should inspire consumers to:

- Identify their user profiles on their operator's website by means of their invoices or personal web spaces for instance;
- Compare the various tariff formulas using BIPT's official and free tariff simulator <http://www.besttariff.be/>;
- Optimise their bills by profiting from any available options (in addition to the offer they have subscribed to);
- Switch to another tariff plan or another operator³⁰, if necessary.

INTERNATIONAL PRICE COMPARISON OF TELECOMMUNICATIONS SERVICES ON THE RESIDENTIAL MARKET

On 16 December 2015, BIPT published the fourth edition of its comparison of telecom products prices in Belgium with those in the Netherlands, France, Germany, Luxembourg and the United Kingdom.

As for postpaid telephony and mobile data access for instance, Belgium's most representative user profile is characterised by the following consumption: 120 call minutes, 200 text messages and 200 MB of mobile data. When comparing the prices for those services Belgium ranks third.

For **prepaid** customers (still representing over 40% of mobile callers in Belgium), Belgium also stays in its middle place for the majority of the user profiles.

When considering stand-alone mobile Internet (e.g. with a SIM card inserted into a tablet) Belgium is still relatively expensive, since the price decrease observed has also taken place in the neighbouring countries.

As for **quadruple play** offers (comprising fixed telephony, Internet, television and mobile telephony), Belgium occupies a middle position (3rd out of 5) in the 30 to 100 Mbps category, very closely following the Netherlands, but before Germany and Luxembourg. For the most popular profiles, including the costs of fixed telephony (25 or 70 calls) Belgium overtakes the Netherlands by having the second cheapest offer. Regarding **triple play** with fast (30 to 100 Mbps) or super fast Internet (over 100 Mbps), Belgium finishes fifth in the ranking.

As to stand-alone **fixed telephony**, Belgium occupies a rather less favourable position among the "light" user profiles, but scores well for the "heavy" profiles.

INTERNATIONAL PRICE COMPARISON OF THE TELECOMMUNICATIONS SERVICES ON THE NON-RESIDENTIAL MARKET

On 22 July 2015, BIPT published this study, which analyses the position of the Belgian tariff plans compared to that of Belgium's neighbouring countries³¹ as for telecom products for non-residential users (with particular attention for small and medium enterprises). For most of the eight types of enterprise³² defined in the study, the prices of telecom products on the Belgian non-residential market can be qualified as advantageous to average. Concerning types of enterprise with an intensive use of mobile communications or mainly making international calls from a fixed line, Belgium occupies a less favourable position in the list of the five countries analysed.

MARKING OF POSTAL ITEMS

The BIPT Communication of 21 September 2015 on the issue of the identification of the handling postal service provider interprets Article 148bis³³, § 2, 4th indent, of the Act of 21 March 1991. There was uncertainty about the fact that this article does not specify the provider or providers falling under that obligation to leave a mark on his or their postal items. A first consultation held on 27 May 2014 had not produced a unanimous opinion.

In its document BIPT lays down that the provision should be implemented as follows:

- a) the items have to bear the mark of the operator who owns the first network to which the item was entrusted;
- b) that marking is done:
 - in case a franking machine is used, by the owner of the franking machine;
 - in case of "postage paid" or "deferred payment", by the person responsible for the printing;
 - if stamps are used, by the operator.

³⁰ This can be done at any time and free of charge in case of a permanent contract, and with fixed-term contracts after six months, and as soon as the terms of the contracts are changed (e.g. a price increase).

³¹ With the exception of Luxembourg these are the same countries as in the comparative price study on the residential market.

³² Those eight types of users show different levels of consumption and are divided into two groups: one-man businesses on the one hand and SMEs having between 5 and 50 telecommunications users on the other.

³³ This Article indicates that postal items have to bear a mark allowing the identification of the handling service provider.

c) depending on the provider, the mark consists in:

- for the operator designated to provide the universal postal service, putting a distinctive mark so that he can be identified;
- for an operator providing a non-universal service, putting a distinctive mark so that he can be identified;
- for a licensed operator, putting a distinctive mark that includes the data of the licence.

SERVICE QUALITY BAROMETER

In 2008, BIPT had adopted two decisions imposing on operators providing fixed and mobile telecommunications services the obligation to publish certain quality indicators on their own websites. Following the market evolutions and the type of complaints from the customers, BIPT has taken the initiative to prepare a new decision.



In its decision of 15 July 2015 regarding the quality indicators of services, BIPT selected nine quality indicators it deemed particularly useful and relevant.

SPECTRUM INVENTORY

Under Article 9 of the RSPP³⁴ decision (Radio Spectrum Policy Programme), an inventory of current spectrum use was made under the direction of the EC, for both commercial and public purposes. The Commission published Implementing Decision 2013/195/EU of 23 April 2013 defining the practical arrangements, uniform formats and a methodology in relation to the radio spectrum inventory established by Decision No 243/2012/EU of the European Parliament and of the Council establishing a multiannual radio spectrum policy programme. The EFIS system (ECO Frequency Information System) also constitutes an important part of the inventory.

In 2015, BIPT sent the data required by the European Commission and conscientiously introduced/adapted the necessary data in the EFIS system.

SURVEY ON THE PERCEPTION OF THE FUNCTIONING OF THE ELECTRONIC COMMUNICATIONS MARKET

On 28 October 2015, BIPT published the results of its annual survey about the users' perception of the Belgian market. Generally speaking the consumers are rather satisfied with the tariffs available on the market, and with the tariffs and services provided by their operator. The proportion of users that faced problems with their operator has slightly diminished in recent years (46% in 2015 compared to 50% in the year before). The consumers find it "rather difficult" to compare the prices and services offered by the operators. Only one in four persons is familiar with www.besttariff.be, BIPT's tariff simulator, and only 6% of the persons interviewed have used it once or more.

One in five users have changed their bundled offer in the last three years because of more interesting tariffs and/or problems experienced with the operator. The large majority (85.6%) of those consumers who changed their bundled offer thinks it is "rather easy" or even "very easy" to switch operators, but in general switching bundled offers only scores 5.76/10. It is clear that a simple administrative and technical handling of the switch is wanted.

In proportion the users have to a larger extent changed mobile telephony offers: one in four users have changed in the last three years. According to one in two users it is "very easy" to switch mobile operators. In total that type of switch gets a 7.18/10 score. Almost half (45.1%) of the persons interviewed think they are aware of their rights "rather poorly" or even "not at all".

TARIFF SIMULATOR

The tariff simulator aims at contributing to reinforce the market transparency. Today it comprises about 400 active tariff plans for its four modules combined (fixed, mobile, Internet and bundles). The simulator, which has been operational since 2009 (and was developed by the consultant who also ensured its maintenance) has been monitored and improved continually. In order to compare the prices of the offers, the website www.besttariff.be enables to compare prices, including or excluding promotions since 2015 (for the new or existing clients) and to ascertain oneself of the tariff that will be charged once the promotion has ended.

In 2015 as well, following the "Request for Information" organised in 2014 with a view to gathering opinions on its evolution, BIPT drafted specifications in order to pursue this major project. The comments formulated by the departments of the Inspectorate of Finance required additional work.

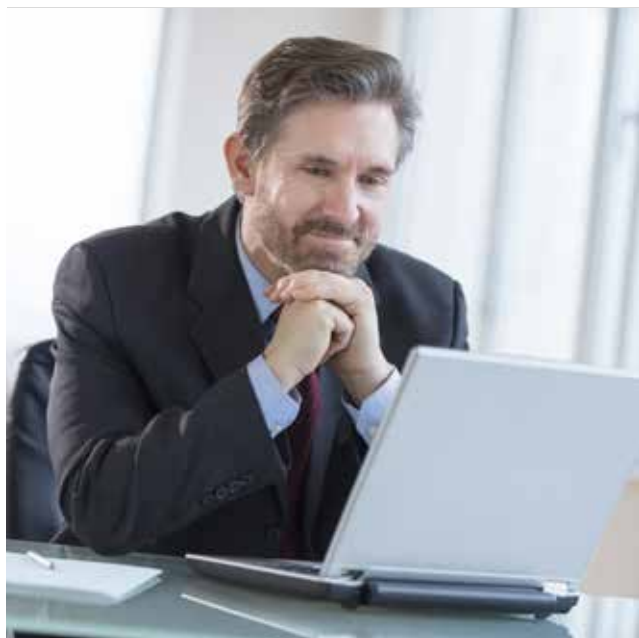
³⁴ Decision No 243/2012/EU of the European Parliament and of the Council of 14 March 2012 establishing a multiannual radio spectrum policy programme



INTERNET SPEED MONITORING

On 4 December 2012, BIPT had adopted a decision on the communication of the broadband Internet speed to allow the consumer to make an informed choice when the latter wishes to subscribe to an Internet offer, by learning the speed that is actually available at his connection address. The information has to be communicated to the subscriber and included in his contract upon conclusion of the latter and has to be communicated to BIPT twice a year for each of the offers commercialised by the Internet Service Provider. This communication has to take place respectively on 15 January and 15 July.

In 2015, BIPT assessed the implementation of this decision by the sector, in force since 1 July 2013. This assessment showed that the decision needed to be revised and BIPT intends to publish this modification in 2016.



ADOPTION OF THE IMPLEMENTATION ORDERS REFERRED TO IN ARTICLES 110, § 4 ECA AND 110/1 ECA REGARDING THE INDICATION OF THE MOST ADVANTAGEOUS TARIFF PLAN

According to the ECA an operator has to inform his subscribers, at least once a year by means of the invoice, about the tariff plan that is most advantageous for their consumer profile (Art. 110, § 4, ECA); the subscribers may also ask their operator at any given time to provide them with that information (Art. 110/1, ECA).

In order to help the consumer who wishes to determine himself which tariff plan would be the most advantageous for him, BIPT wanted the operators to make available the information regarding the actual consumption during the past three months to their subscribers. Consequently a draft decision was developed specifying the data to be communicated as well as the manner in which they have to be made available to the subscribers (by means of information sheets on the operator's website).

MEASURES AIMING AT AVOIDING THE SATURATION AND OVERLOAD OF A NETWORK LINE

According to Article 113, § 5, of the ECA, the companies offering public electronic communications networks as well as the companies offering publicly available electronic communications services have to provide BIPT with information on the procedure instituted by the provider in order to measure and direct the traffic in such a fashion as to avoid saturation or overload of a network line.

In 2015, BIPT asked the operators for the details of the measures already introduced in order to comply with the Act.

1.5. Involvement

This axis is subdivided in three priorities:

1. Monitoring of the universal service;
2. Postal and telecommunications services at affordable prices;
3. Protection of the consumers with specific needs.

COST CALCULATION OF THE PROVISION OF SOCIAL TARIFFS BORNE BY THE OPERATORS

The providers of the social tariffs can ask for a compensation of the unfair burden linked to the provision of the social element of the universal service. Under Article 74/1 of the ECA this social element is financed by a fund filled by the providers of the social tariffs. The conditions for activating that compensation fund are (1) the submission of a request for compensation by an operator who provides social tariffs; (2) the evaluation by BIPT of a potential unfair burden for at least one provider ("phase 1"); (3) in the affirmative, the net costs actually borne by the operator have to be calculated ("phase 2").

Following a request for compensation of the net costs of the social tariffs starting from 2005, BIPT had started the analysis of phase 1 regarding the 2005-2012 period in July 2012. To do so a calculation method has been elaborated in order to investigate the possible unfair burden borne by the operator that had requested the compensation.

The result of phase 1 led to a draft decision of the Council on 6 January 2015. Next, the operator involved was invited to indicate the confidential elements in the document so that a consultation could be launched, in accordance with Article 6 of Directive 2002/21/EC (the Framework Directive). Because the operator dropped his request for compensation on 1 April 2015 the procedure was stopped.

MODERNISATION OF THE UNIVERSAL TELECOMMUNICATIONS SERVICE

Until 1 August 2013 Proximus was tasked with performing the geographical element of the universal service obligations. Since then no new provider has been designated yet. Article 103 of the ECA tasks BIPT with monitoring the fulfilment of the universal service obligations, after which it submits a report to the Minister, about possible adaptations to the universal service obligations.

The monitoring activities were detailed by BIPT in its communication of 22 December 2015 regarding the monitoring of the universal telecommunications service 2014-2015. In that document BIPT communicated its observations about the consequences of the lack of designation of a provider of the geographical element:

- BIPT indicated it had no knowledge of any consumer complaints in that respect. BIPT has been informed of a number of difficulties regarding coverage though, but those essentially relate to the coverage of 3G and 4G operators or the absence of fast Internet. In 2015, BIPT received no requests for intervention due to the absence of functional Internet access at 1 Mbps. In its 2015 annual report, the office of the Telecommunications Ombudsman does not mention any either;
- BIPT held an enquiry to determine the number of addresses potentially affected by a lack of functional Internet access. Based on the information provided by the operators it appeared that in April 2015 Belgium had between 1,700 and 2,200 private addresses where such functional Internet access over a fixed network (Proximus, Voo or Telenet) was unavailable. However, the detection of the "white spots" by means of the "Atlas" project suggests that the majority of those addresses are covered by one or more 3G or 4G operators, which can provide functional Internet access through the mobile technology.

The conclusion is that BIPT thinks that the lack of designation of a provider of the geographical element does not seem to have any disastrous consequences for the end-customers. For the future BIPT pleads in favour of a pragmatic designation mechanism, implemented only when the need for a designation has been identified, and based on a specific geographical area. At the same time BIPT proposes to opt for a more thorough monitoring of all providers of electronic communications services instead of imposing specific quality objectives on the universal service provider. BIPT included those proposals in an amending bill, which was submitted to the strategic cell of the private office of Minister De Croo.

ANALYSIS OF THE SOCIAL TELEPHONE TARIFFS

In 2013, BASE and Mobistar had submitted before the Constitutional Court an appeal³⁵ to annul the financing mechanism provided for in the Act transposing "Universal Service" Directive 2002/22/EC. That mechanism imposed a contribution on operators whose turnover reached or exceeded certain thresholds, in order to finance the net costs relating to the provision of particular tariff conditions on specific categories of beneficiaries. According to those plaintiffs that obligation to contribute to financing the net costs resulting from the provision of mobile communications services and/or Internet subscriptions was contrary to EU law. The Constitutional Court asked preliminary questions to the Court of Justice of the European Union. In its judgement of 11 June 2015 the latter found that the Universal Service Directive explicitly sets out the obligation for Member States to ensure a connection at a fixed location to a public communications service and that the words "at a fixed location" are the opposite of the term "mobile". The Court therefore found that mobile communications services were by definition excluded from the minimum set of universal services defined by the Directive³⁶, the provision of which can be funded by the sector.

In the course of 2015, BIPT started a total review of the social tariff for electronic communications; this work will be continued in 2016.

CALCULATION OF THE UNIVERSAL POSTAL SERVICE NET COST IN 2014

The designated provider of the universal postal service (UPS) can ask for a financial compensation to cover the net cost of the UPS, on condition that this net cost constitutes an unfair burden for that provider. This potential unfair burden is borne by the State budget. Under Articles 144nonies and 144undecies of the Act of 21 March 1991 BIPT has to verify each year if that calculation of the net cost by the designated universal service provider meets the principles laid down in the relevant legal provisions. That verification - which is independent of any request for compensation made by the UPS provider - is updated annually based on the accounting data of the preceding financial year. A Royal Decree implementing the provisions of the Act of 21 March 1991 relating to the calculation of the net cost of the universal postal service is yet to be adopted.

In August 2015, BIPT received the necessary data from bpost. On 30 December 2015, the consultant transmitted a first update of the cost model.

DESIGNATION OF THE UNIVERSAL POSTAL SERVICE PROVIDER (UPS)

Under the provisions of Article 144octies, § 1, of the Act of 21 March 1991 bpost has to provide the universal postal service until 31 December 2018. Article 144octies indicates that after this date, one or more universal service providers shall be designated for a ten-year period. That provision also says that the designation procedure has to be finished no later than three years before the end of the previous designation, i.e. before 31 December 2015.

³⁵ Appeal for annulment of Articles 50, 51 and 146 of the Act of 10 July 2012 pertaining to various provisions regarding electronic communications.

³⁶ Based on that reply the Constitutional Court pronounced its judgement on 3 February 2016 (judgement No 15/2016).



In 2015, BIPT first started the procedure leading up to the designation of the postal operator (or operators) for the 2019-2028 period according to the terms and conditions laid down in the Royal Decree of 19 April 2014 amending the Royal Decree of 11 January 2006 implementing Title IV (Reform of the Postal Authorities) of the Act of 21 March 1991 on the reform of certain economic public companies (Moniteur belge of 27 May 2014). However, the Minister said that because of the amendments to be made to the entire postal regulation, he no longer wanted the next universal service provider to be designated before 31 December 2015, but before 31 December 2017. To that end, the provisions of Article 144octies will soon be amended and the designation procedure was suspended.

PRICE CONTROL OF THE PRODUCTS FALLING WITHIN THE SCOPE OF THE UNIVERSAL POSTAL SERVICE (UPS)

The affordability, cost-orientation, non-discrimination and transparency of prices need to be safeguarded so as not to exclude anyone from the postal market. BIPT monitors the observance of the tariff principles that apply to the universal service, consisting of two separate phases: an ex ante monitoring of the "small user basket" for the 2016 tariffs and possibly a monitoring of the general tariff principles for all other universal services. The ex ante monitoring of the "small user basket" is based on a price regulation mechanism (price cap system), but the general tariff principles also have to be observed.

On 21 September 2015, BIPT published the result of its analysis of the proposed calculation of the tariff increases of bpost's full rates³⁷ per piece for the year 2016. BIPT did not see any reason to reject the request for a tariff increase lodged by bpost. BIPT might consider that the cost orientation principle is globally respected, it still wishes to have more detailed information regarding costs in the future, in order to thoroughly check this cost orientation principle.

1.6. Dialogue

This axis is subdivided in three priorities:

1. Modernising communication;
2. Relations with the parties concerned;
3. Participation to the national and international consultative bodies.

MONITORING OF THE ELECTRONIC COMMUNICATIONS MARKET

On 17 July 2015, BIPT published the annual statistics relating to the telecommunications sector. The general market context of 2014 shows that turnover has diminished but that the operators have largely continued to invest. In 2014, a record amount was invested in the telecommunications infrastructure: € 1,483 million against € 1,439 million the year before. Those investments, representing 21.1% of the turnover generated by telecommunications, are meant to sustain the growth of mobile data traffic. They also help to continue the roll-out of a national 4G network and aim to increase the speed of fixed networks.

With 15.85 billion call minutes, the customers of the Belgian mobile network operators and MVNOs made more calls (+4.8%) than in 2013. For each active SIM card an average of 105 call minutes a month are registered.

For the first time SMS traffic is decreasing: with 24.97 billion text messages sent in 2014, 1.02 billion less messages were sent compared to 2013. For each active SIM card an average of 166 text messages a month are registered.

The number of broadband SIM cards has risen by 720,250 on a total of 6,440,133. Mobile data recorded a strong increase: +131%.

Belgium still heads the European ranking as for roll-out of fixed high-speed broadband with a speed over 30 Mbps. The Belgian digital television market continues its growth.

EFFICIENT COMMUNICATION WITH ALL STAKEHOLDERS

Thanks to close cooperation BIPT and the FPS Economy launched a national information campaign regarding mobile Internet. The three mobile operators and a large number of their resellers were involved in this operation. A site destined for the public at large was created (surfmobile.be) and inaugurated by Minister Alexander De Croo. The site was designed to answer the direct questions about the following subjects: what is mobile Internet? Is it complicated? How can I keep my bill under control? What about security? Finally a traffic simulator enabled visitors to estimate the volume of data consumed based on their practical usage. By providing this information the site wanted to demystify mobile Internet use. Next, in October 2015, the mobile operators and many of their resellers introduced actions offering a chance to try out mobile Internet at very low prices. Between its launch (mid-June 2015) and the end of the year the site informed over 50,000 visitors.

On 18 June 2015, BIPT organised an important conference in the Flagey building in Ixelles. The purpose of this event entitled "Beyond" was to meet the stakeholders in order to hear their visions on the future and to address together with them the means to achieve the best of possible futures. As such BIPT was able to hear the expectations from stakeholders such as bpost, Proximus, Telenet, Ericsson, Microsoft, Google... The future is made now, and therefore BIPT had also invited young enterprises that hit the market with their innovations, as well as representatives of a college. Thus, as a prelude to the discussions the public was able to see interesting demonstrations of products and services that may be common in the near future.

The other activities in that context are commented in the section on BIPT's horizontal departments (see below, p. 52).

³⁷ Full tariffs are tariffs for products destined for private users (or business users who would not benefit from discount rates for the deposit of bulk products). Full tariffs do not vary according to the volume deposited or the preparation of postal items.

1.7. Good performance

This axis is subdivided into two priorities:

1. BIPT, an efficient and effective organisation;
2. BIPT, a rewarding employer. As part of this strategic axis BIPT launched several internal projects³⁸ that have not always been handled in a card of the operational plan.

AUTOMATION OF CERTAIN FUNCTIONS OF THE STTS (SYSTEM FOR TREATING SOCIAL TELEPHONE TARIFFS)

In 70% of the requests for social tariffs the STTS computer application was not able to indicate with certainty whether the applicant met the requirements for entitlement. The consequence was a manual treatment of the case through the exchange of printed documents, a process that is by definition relatively slow and tedious.

By enabling the application to consult a larger number of authentic data sources (mainly the beneficiary's family income and/or degree of handicap), the treatment of the requests by the operators has clearly improved: positive responses have gone up from 18% to 38% after perfecting the programme and negative responses from 0% to 58%. From now on, only a few cases for which the data are missing in the data bases consulted require a correspondence.

NEW SOFTWARE PROGRAMME TO MANAGE THE OPERATOR DATA BASE

At BIPT the "Networks & Services" Department manages the data base containing the operators, issues notification certificates and charges the annual fees. The electronic communications services data base needed various adaptations and moreover, BIPT wished for the new programme to be able to charge and repay electronically and also to interact with the

data base and update it. Making this data base accessible to all interested departments was also one of the objectives.

The operations started in 2014 and were continued throughout 2015, when the "charging" part of the programme was written and the link with the accounting programme was established. The programme was put into operation at the start of 2015.

DIGITAL OFFICE

As BIPT was working on managing the licences by frequency rather than by station³⁹, a technological update and a re-engineering of several aspects of the current Frelic⁴⁰ software were required.

Based on the organisation's current needs as found by the business process analyst, BIPT has started to elaborate a new version of its software for fixed and mobile services. The first part of the work related to the link with the Crossroads Bank for Enterprises⁴¹. During this process, the analysis of the BIPT customers, as well as the selecting and purchasing of the adequate CRM application took more time than initially estimated. Therefore, the project will be continued in 2016.

INTERNAL MANAGEMENT AND PROCESS MANAGEMENT

In 2014, the introduction of an internal management and the elaboration of better structured processes had started, using the PDCA⁴² cycle; the strategic risks had also been analysed and priority actions determined.

In 2015, as for internal management, BIPT worked on establishing recommendations regarding three operational processes as well as three action plans with quarterly follow-up. A half-yearly follow-up of the actions taken was also introduced in order to keep the strategic risks under control.

A register of audits and risk analyses carried out previously was established.

The coalition agreement had stressed the importance of the "LEAN⁴³" methodology in the context of efficiency in public services; similarly, an internal BIPT inquiry had shown that certain procedures could be simplified. In 2015, BIPT followed the "LEAN Academy 2" training of IFA/OFO (Training Institute of the Federal Administration) with the process "BIPT and main events: 0 interference". That training was completed by an internal workshop organised for the heads of department to give them a view on the LEAN philosophy.

As to process management BIPT analysed the current process of managing requests from radio amateurs, which has led to the introduction of new processes and tools. Six "As Is" processes were described. Those activities have contributed to designing the "Digital office" objective by making a comparison with other FPSs, also by offering support at the start of the project and an opinion about the selection of the adequate tools for managing customers and the various processes.

Finally, the first steps were taken to make the staff aware about integrity. In addition to inserting an article in one of the issues of the internal BIPT newsletter, a more elaborate article was published on the BIPT Intranet and the heads of department attended a workshop dedicated to this concept. At the end of 2015 an internal inquiry about the risks was held among the parties faced with matters of integrity.

³⁸ Those projects contribute to improving the organisation's efficiency. On the one hand there is the introduction of Business Planning Management and Notification (BPMN), the improvement of the processes by means of internal monitoring and governance, IT activities and on the other, also promoting well-being and the development of the co-workers, or contributing to the Institute's sustainability.

³⁹ See p.24, Private licences: strategic review of the tariffing methods.

⁴⁰ FreLic = frequencies-licences.

⁴¹ The Crossroads Bank for Enterprises is a register of the FPS Economy that contains all basic identification data of enterprises and their subsidiaries.

⁴² Plan-Do-Check- Act.

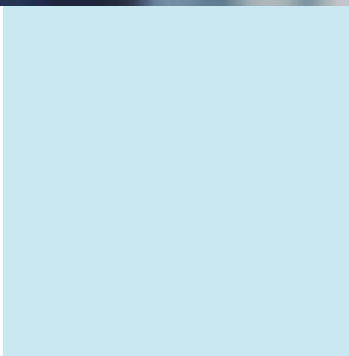
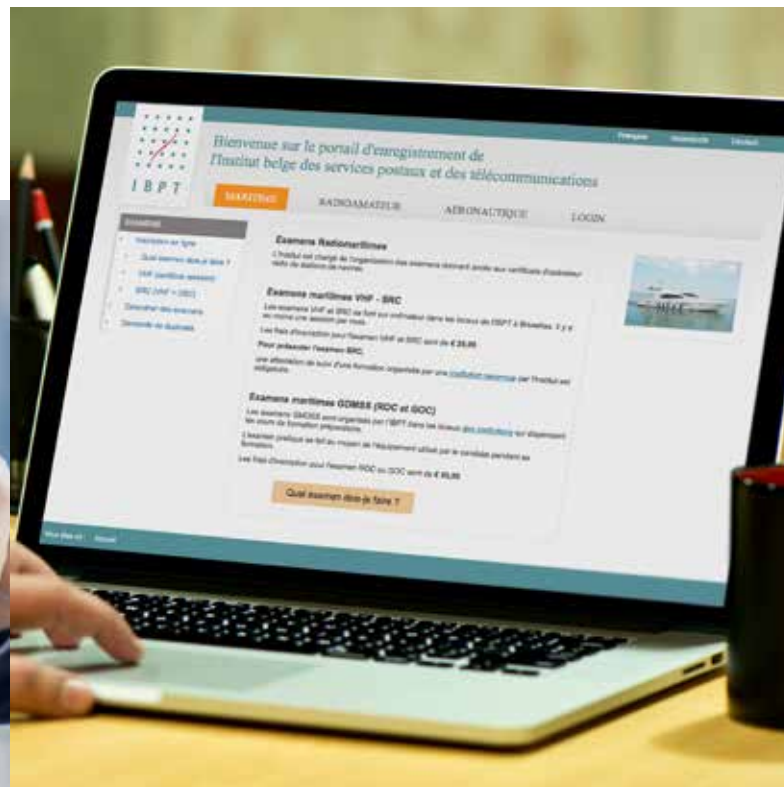
⁴³ The "Lean management" theory aims to improve the level of service provision while reducing costs, thanks to efficient process management.



INTERNET PORTAL FOR REGISTERING FOR MARITIME RADIO AND RADIO AMATEUR EXAMS

The process for registering for the various exams was not up to the mark and could therefore entail unpleasant comings and goings between the department and the customers. This method that hardly met the principles of e-administration, mobilised one full time equivalent, required a telephone service and treating a stream of letters.

In 2015, an address of the "bipt.be" domain was used to introduce a structured content adapted to the objective aimed for. This portal was introduced in January 2016.



2 REPORT OF THE OPERATIONAL SERVICES

2.1. Electromagnetic spectrum management, licences and frequencies

The spectrum management and monitoring fall within the competence of BIPT which assigns and grants frequencies. The users of the electromagnetic spectrum are many and diverse.

FREQUENCY MANAGEMENT

BIPT is charged with managing the radio spectrum in Belgium. This task encompasses both the daily management of frequency assignments and coordinations and the long-term policy on frequency plans and readjustments. The main achievements of the Frequency Management Department within the Pool Assignment in 2015 are the following:

NUMBER OF FILES DEALT WITH FOR MOBILE SERVICES (HCM AGREEMENT) NUMBER OF COORDINATIONS	2015
Coordinations asked by Belgium	127
Incoming coordinations from France	405
Incoming coordinations from the Netherlands	24
Incoming coordinations from Germany	30
Incoming coordinations from Luxembourg	0
Incoming coordinations from the United Kingdom	19
Total	605

BIPT is not responsible for the frequency planning of broadcasting stations, but its Frequency Management Cell processes the daily coordination applications and is responsible for the implementation of international agreements (Geneva 1975, Geneva 1984, Stockholm 1961, Wiesbaden 1995, Chester 1997, Maas-tricht 2002) as well as the LEGBAC agreement (compatibility between FM broadcasting and air navigation).

This cell is also responsible for coordinating frequencies for satellite links (ground stations, satellite communication networks, etc.) and radio relay links as well as for the correspondence with the ITU Radio communications Office.

LICENCES FOR PRIVATE RADIO COMMUNICATIONS NETWORKS AND INDIVIDUAL STATIONS

The following table includes the total number of licences granted on 31 December 2015 in the different categories of individual stations or private radio communications networks, as listed in the Royal Decree of 18 December 2009 on private radio communications and user rights for fixed networks and trunk networks, as well as licences issued by virtue of the Royal Decree of 16 April 1998 concerning ground satellite stations.

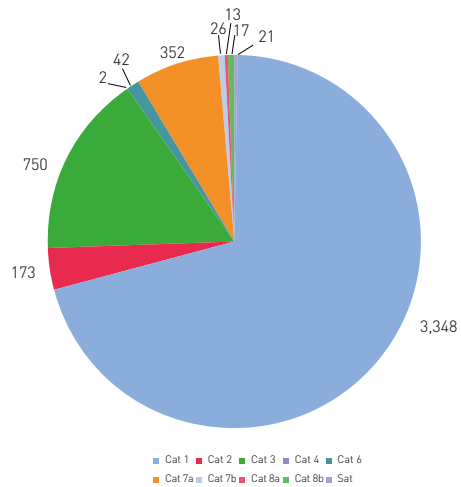
The Royal Decree of 15 July 2013 amending the Royal Decree of 18 December 2009 came into force on 1 January 2014. In comparison with 2013, it has introduced three new categories:

- the 7th category includes the general holder's licences (7A) and the individual holder's licences (7B) covering the possession of equipment by either companies or private persons or by traders and that previously belonged to the 6th category;
- category 8A comprises fixed networks (radio-relay links) of the operators, which were previously included in the second category; the latter therefore only contains radio-relay links used for private purposes anymore;
- category 8B includes the trunk networks that previously did not belong to any specific category.

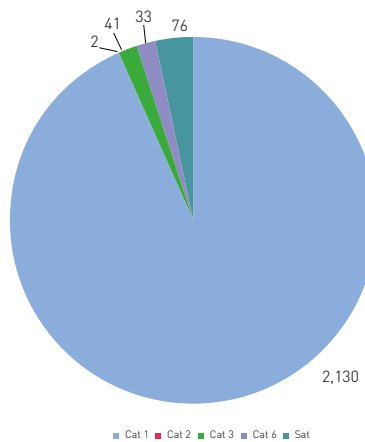


NUMBER OF LICENCES FOR PRIVATE RADIO COMMUNICATIONS NETWORKS AND INDIVIDUAL STATIONS			
		PERMANENT	TEMPORARY
1st category	Private mobile networks	3,348	2,130
2nd category	Fixed networks (radio-relay links)	173	2
3rd category	Mobile radio communications networks established by public bodies for medical and social aid	750	41
4th category	Jammers installed in penal institutions	2	0
5th category	Radio amateurs	5,572	46
6th category	Other radio communications networks (radars, demonstrations, tests...)	42	33
7th A category	General holder's licences	352	0
7th B category	Individual holder's licences	26	0
8th A category	Fixed networks established by operators	17	0
8th B category	Trunk networks	13	0
Satellites	Satellite networks	21	76

Permanent professional authorisations



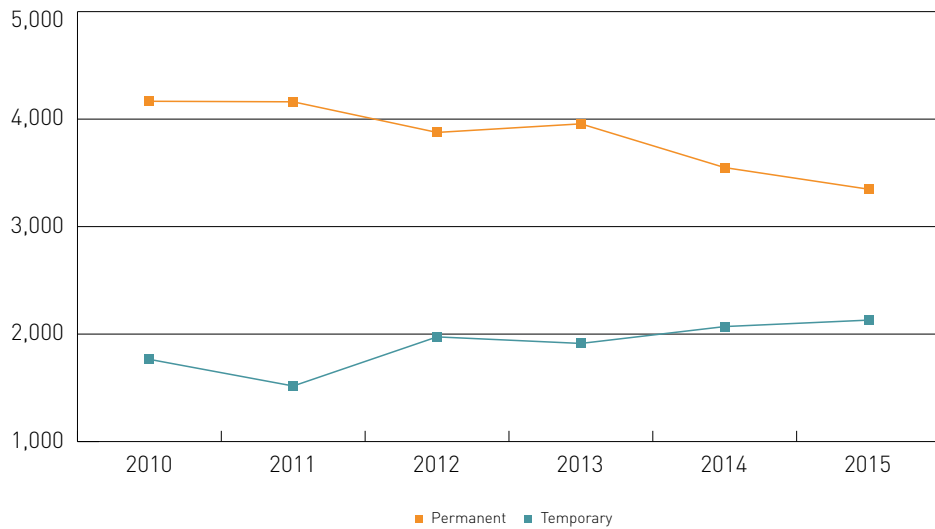
Temporary professional authorisations



The diagrams below show the evolution of the number of professional licences of the 1st and 3rd categories.



Authorisations of the first category



The use of cell phones to replace radios in case of small networks and the use of licence-exempt DECT systems instead of private paging systems explain the decline of the number of permanent licences of the first category.

On the other hand, the number of temporary licences is increasing; more and more people who used their mobile phone during events find out that it is easier to have direct communications via walkies-talkies.

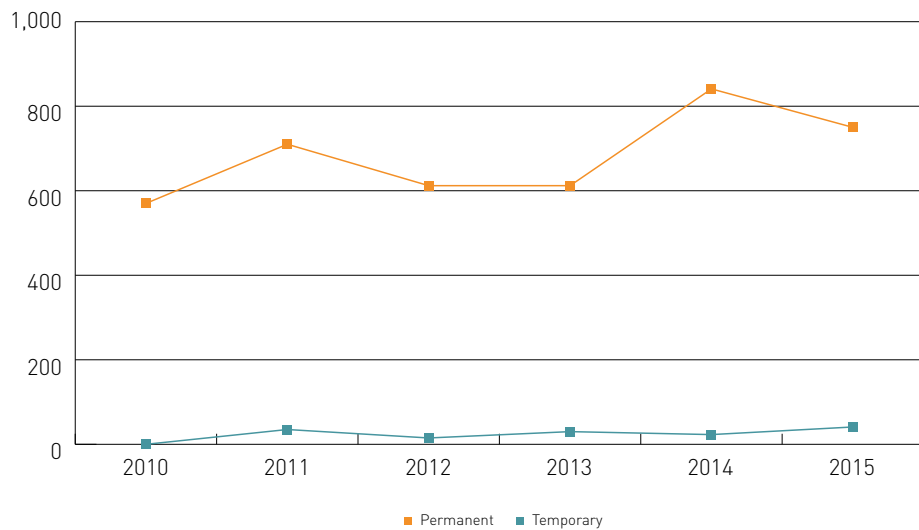
Radio amateurs (5th category)

For radio amateurs, the 5,572 licences consist of 5,450 licences for private individuals or clubs and 122 licences for unmanned automatic stations.

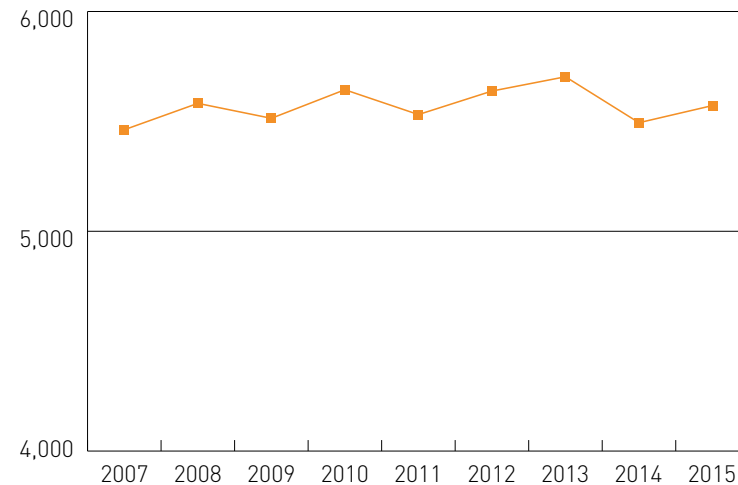
46 temporary authorisations for special call signs have been delivered by BIPT, allowing radio amateurs associations to celebrate various events. As a reminder, in 2014, radio amateurs had been allowed to replace the ON prefix of their call sign by the OP prefix during each November until 2018 in commemoration of the First World War.

The number of radio amateurs remains rather stable, radio amateurs ceasing their activity being replaced by new people having passed the examinations.

Authorisations of the third category

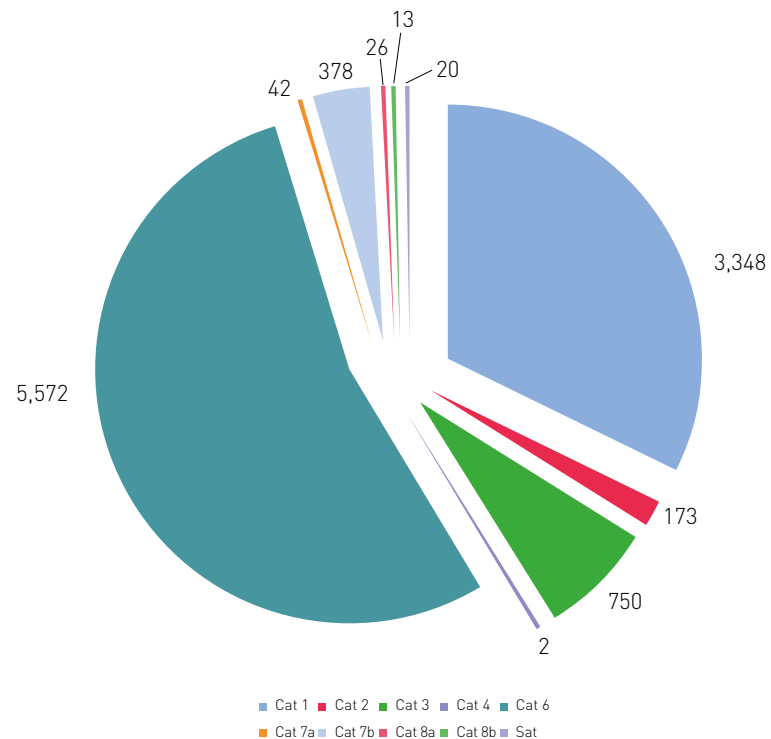


Authorisations of the fifth category



Summary of the different categories

Final authorisations



TEST AUTHORISATIONS

A temporary authorisation was granted to Proximus to test the LTE-Advanced technology in Brussels and to 3Starsnet to test the TD-LTE technology.

The operators are also allowed to perform tests in the frequency bands assigned to them without having to apply for a specific authorisation from BIPT.

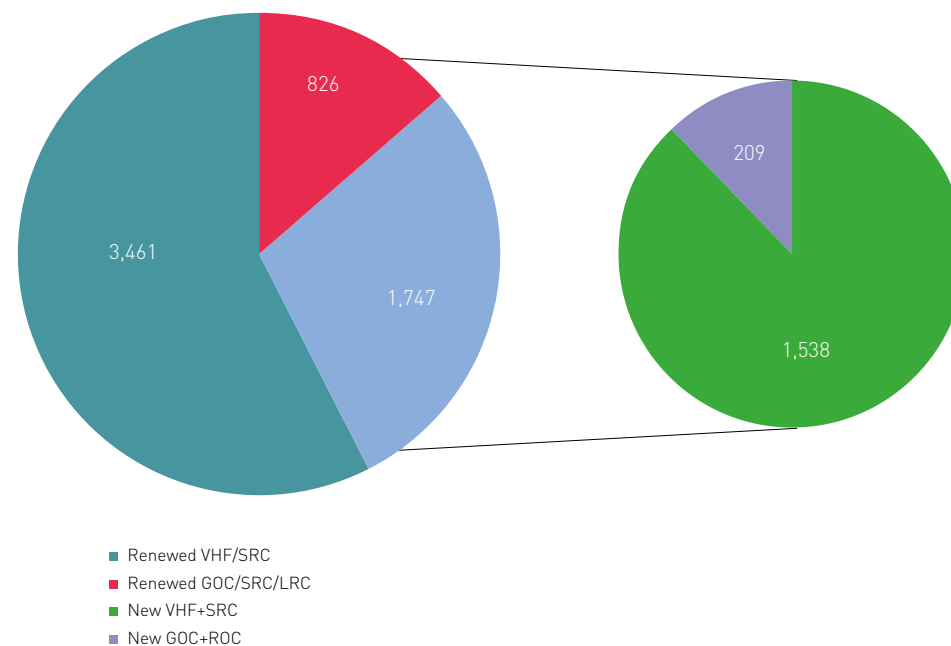
MARITIME RADIO COMMUNICATIONS

Certificates

In 2015, BIPT issued and renewed a total of 6,034 certificates to use a maritime radio station on board vessels. Those are divided into 4,287 renewals and 1,747 new certificates.

3,461 VHF/SRC and 826 GOC/SRC/LRC certificates were renewed.
1,538 VHF+SRC and 209 GOC+ROC certificates are new.

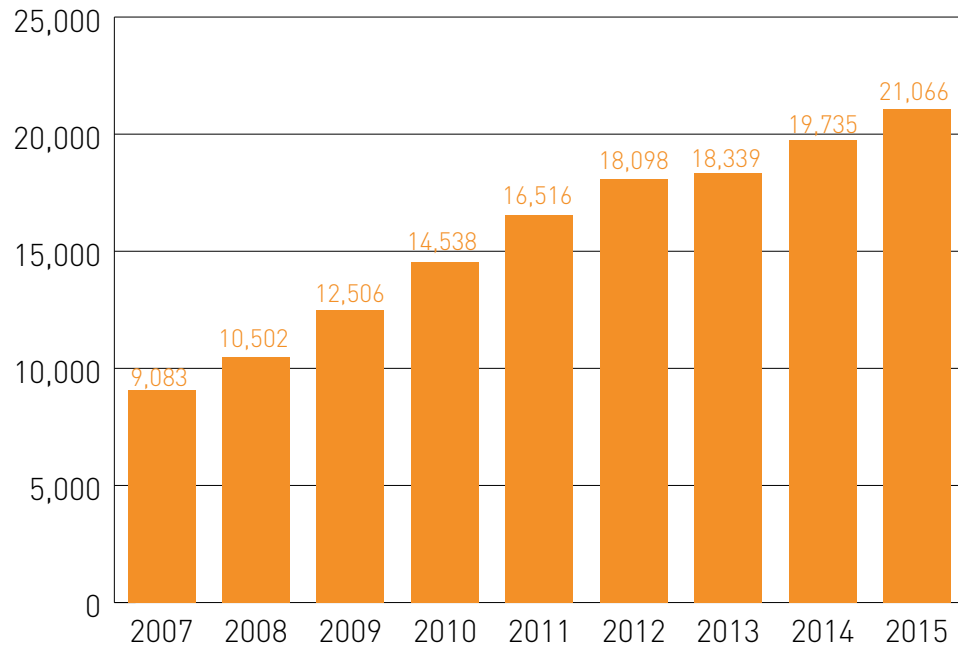
Certificates issued in 2015



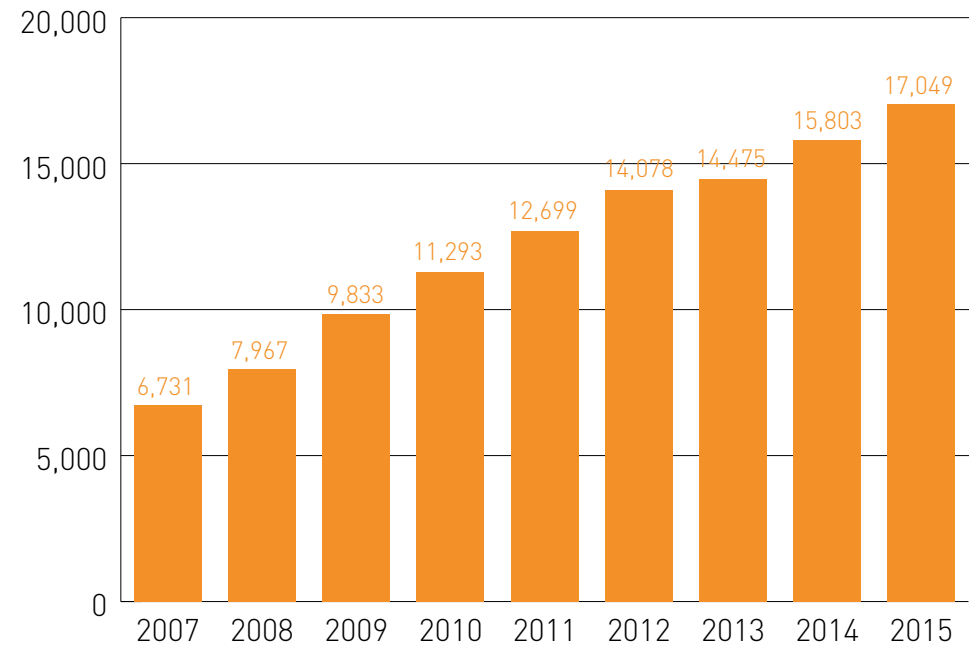
Licences

In 2015, the total number of ship station licences amounted to 21,066, distributed among 17,049 yachts, 3,454 commercial inland navigation vessels, 418 ocean-going ships and 145 fishing boats.

Maritime licences



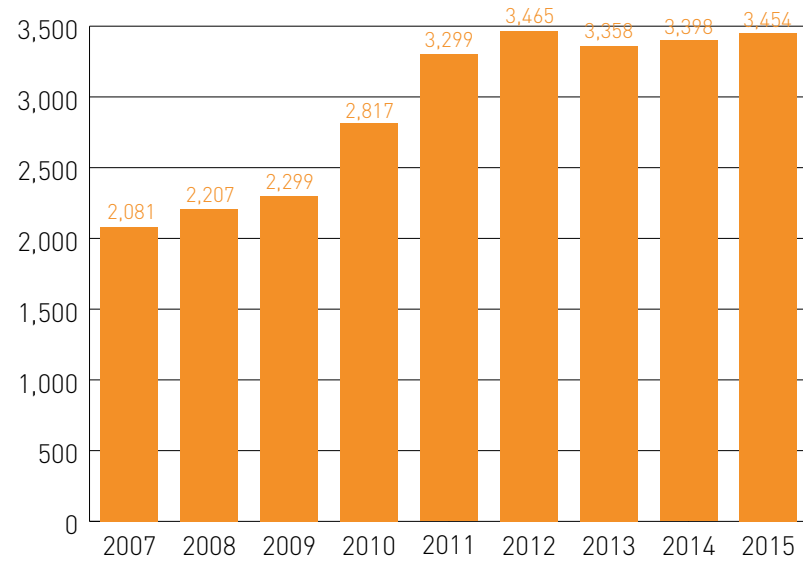
Yacht licences



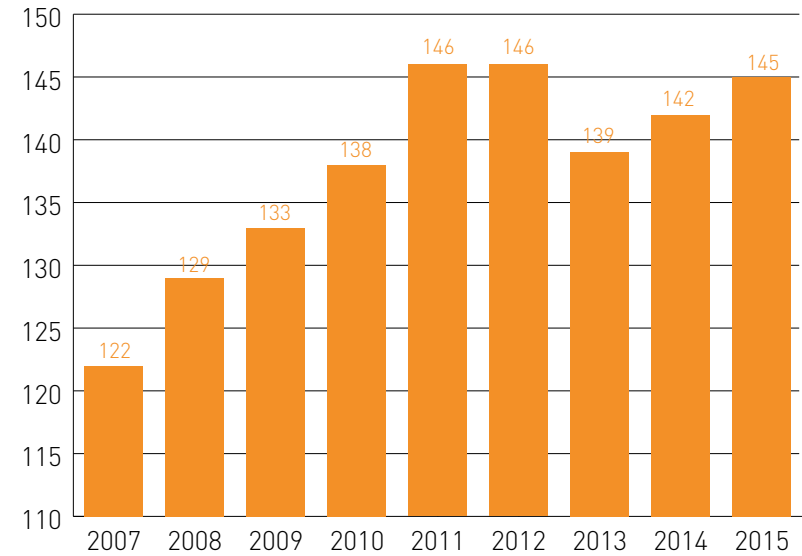
The continued rise of the number of yachts is due to the increased number of foreign people who choose to sail under the Belgian flag.



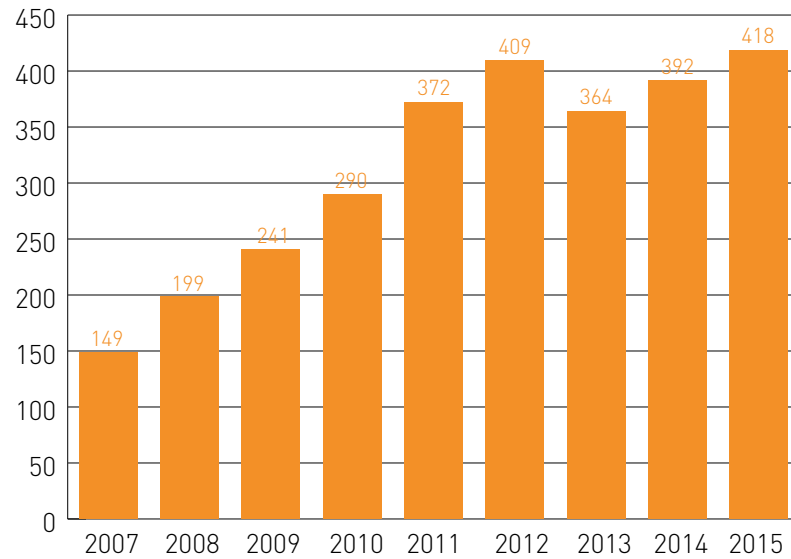
Inland navigation vessel licences



Fishing boat licences



Ocean-going ship licences

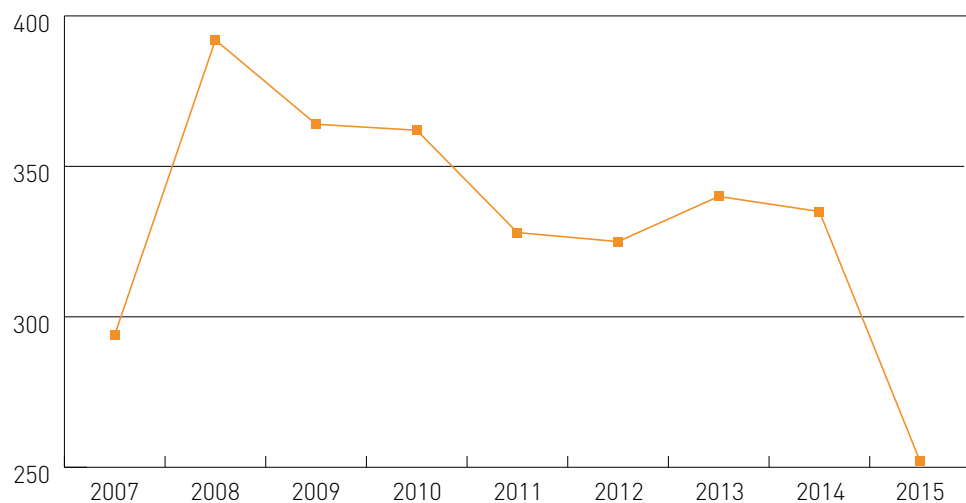


AERONAUTICAL RADIO COMMUNICATION

Certificates

In 2015, BIPT issued 252 certificates for the use of an aircraft station on the basis of examinations organised by the FPS Mobility and Transport or the Belgian Air Force.

Aeronautical certificates



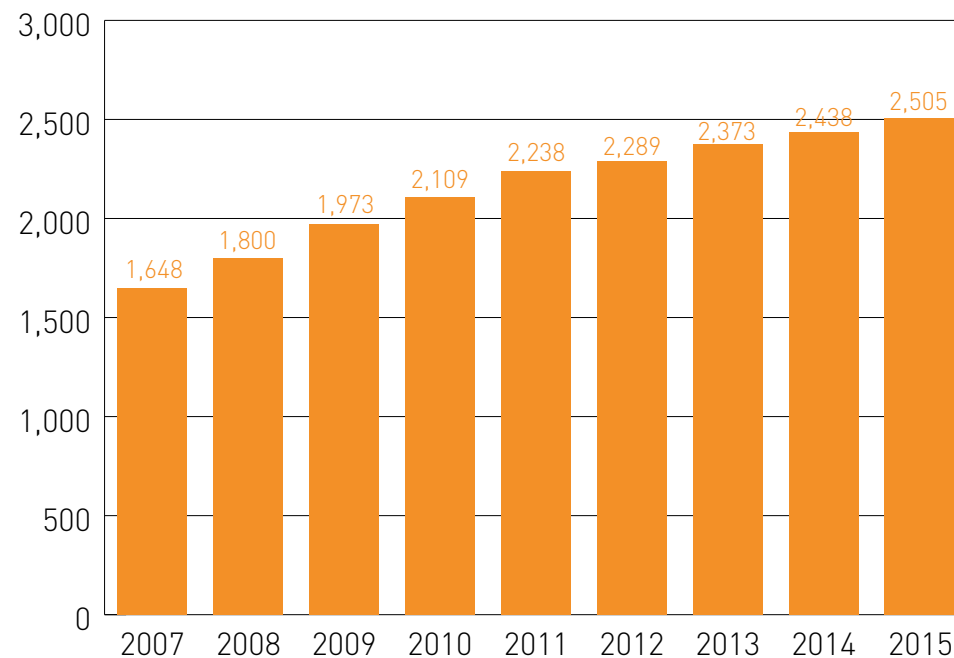
In 2015, 7,536 persons held a certificate to use an aircraft station.

Licences

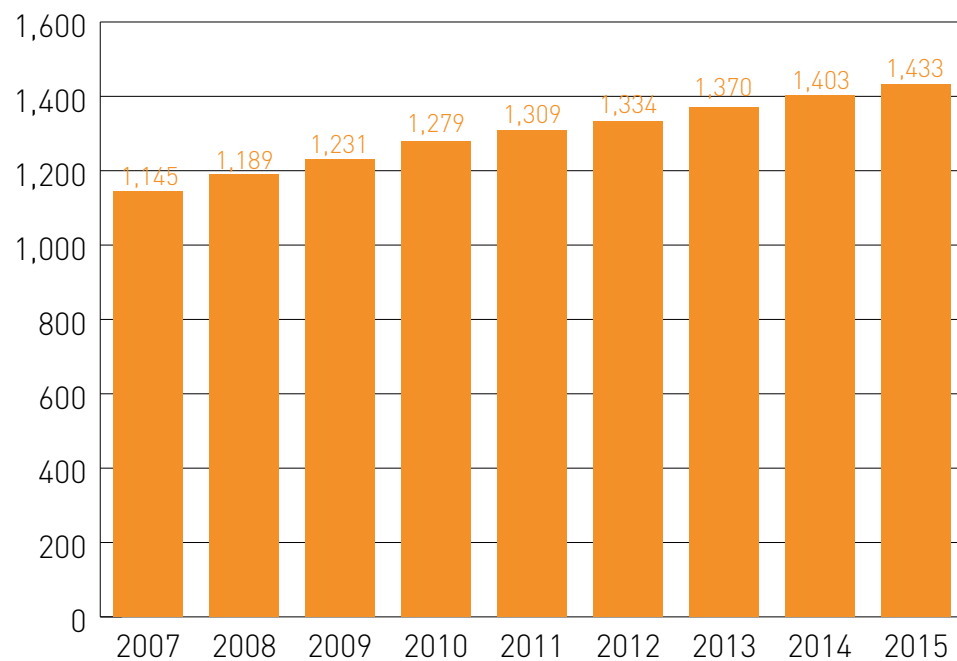
Currently, 3,938 licences for aeronautical stations are managed by BIPT: 2,505 for installations on board aircraft and 1,433 for portable stations. The number of aeronautical licences managed by BIPT is still increasing because those licences are not currently associated to an annual fee; as a consequence, the decommissioning of aircraft is generally not reported to BIPT.

Under an agreement between BIPT and the SPF Mobility and Transport, Directorate-General of Air Transport, the use of radio telephony call signs of aeronautical portable stations was clarified. If the aircraft has a registration, the call sign to be used is that registration; if not, the OQ call sign assigned to the portable station has to be used.

Fixed aeronautical licences (00)



ULM and portable aeronautical licences (0Q)

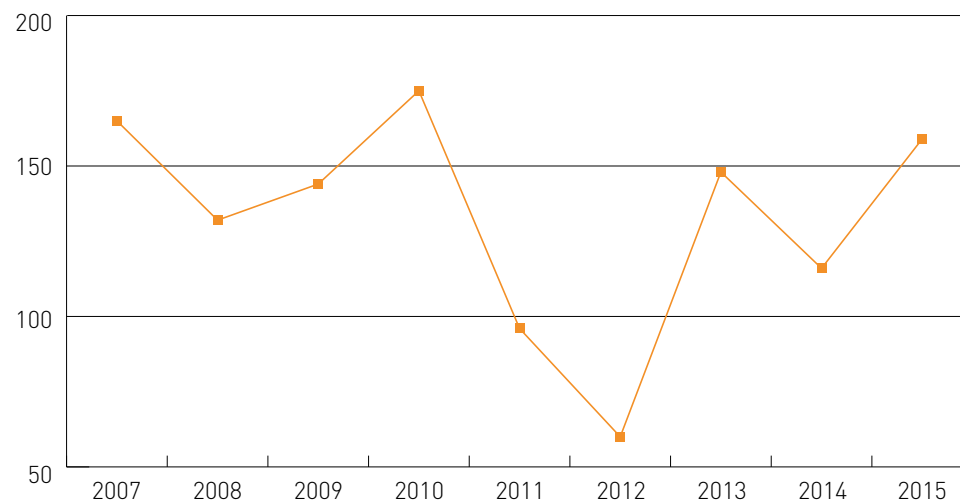


EXAMINATIONS

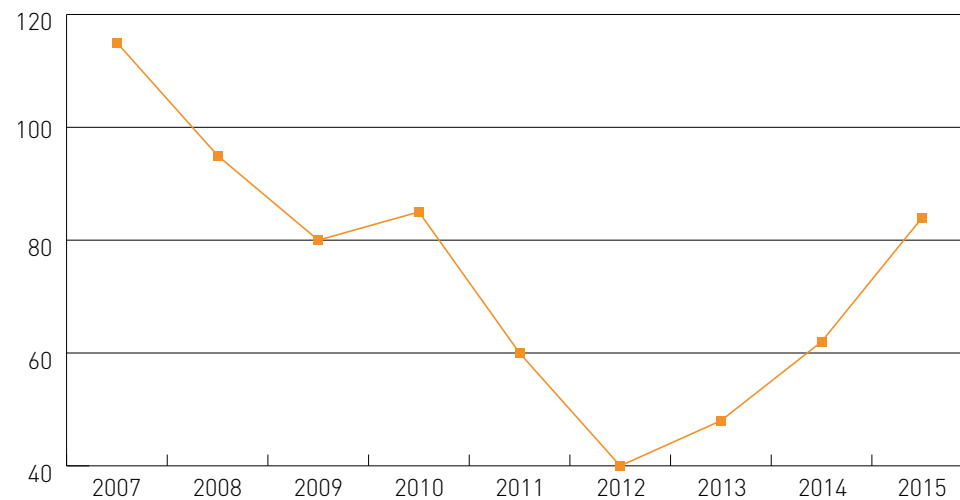
Basic radio amateur certificate and HAREC certificate

In 2015, the number of registrations for the examination allowing to obtain a basic certificate amounted to 159 and there was a 74.21% success rate. There were 84 candidates who took the HAREC exam ("Harmonised Amateur Radio Examination Certificate"). There was a 53.57% success rate.

Basic exams



HAREC exams



Basic certificates are relatively limited compared to HAREC certificates, regarding frequencies as well as powers authorised; however, the former are much cheaper.

HAREC certificates correspond to a higher level; obtaining it requires an advanced knowledge of radio technique. Given that the subject matter is standardised at the European level, the HAREC certificate is recognised in 47 countries, which enables its holder (after completing a few formalities) to pursue his hobby in the signatory countries of this agreement.

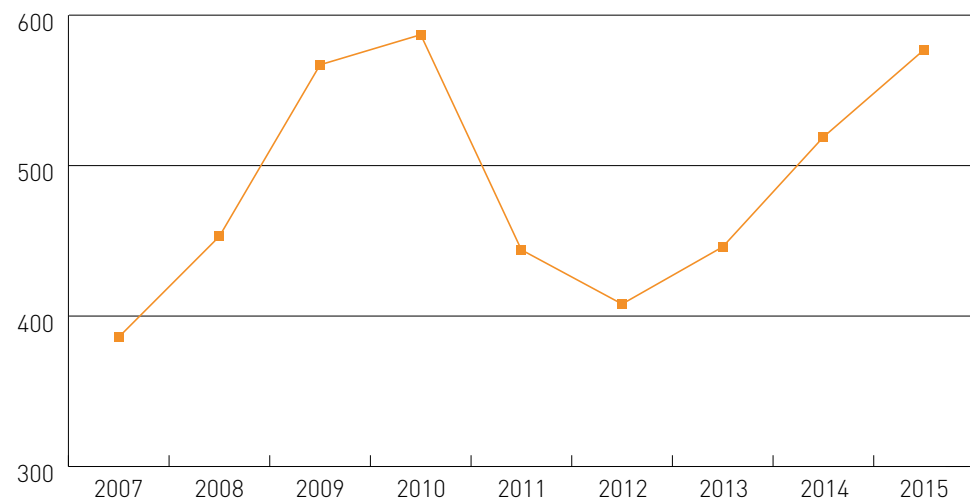
Maritime radio examinations

38,731 persons currently hold a certificate to use a ship station.

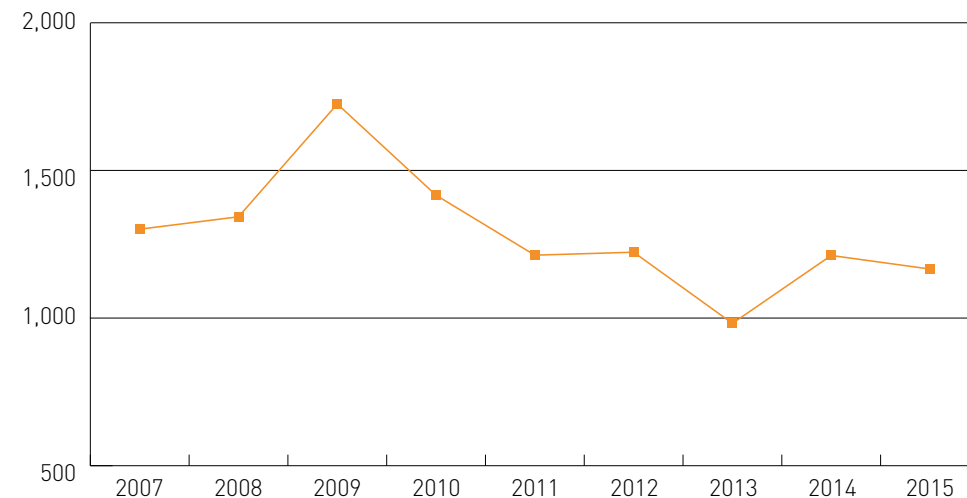
VHF and SRC (Short Range Certificate) examinations

In 2015, the VHF exam attracted 1,166 candidates, 1,011 of whom passed (86.71%). 577 candidates took the SRC exam, with a 91.33% success rate.

SRC exams



VHF exams



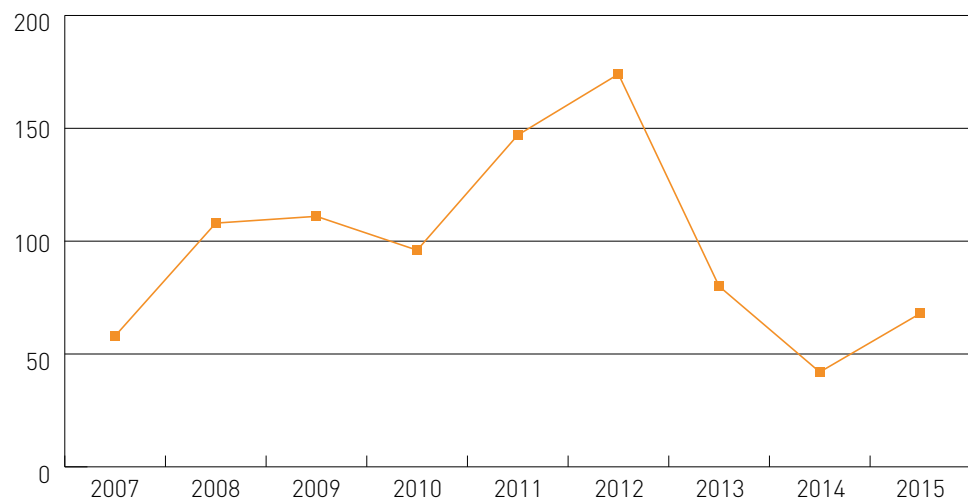
The VHF exam is for navigation on inland waterways (commercial or pleasure navigation), unlike the SRC exam (limited GMDSS), which is of a higher level and is meant for pleasure navigation at sea, and unlike the ROC or GOC exams mainly meant for sea-going professionals.



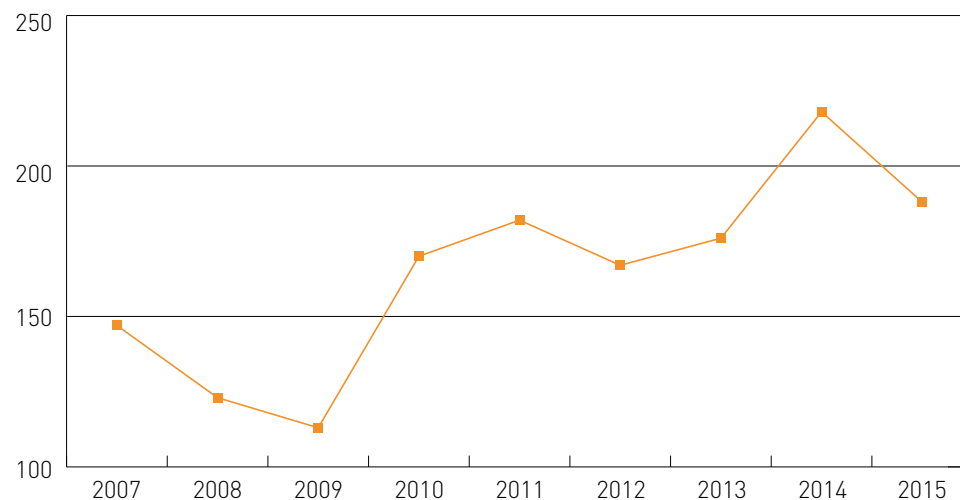
GOC (General Operator's Certificate) and ROC (Restricted Operator's Certificate) examinations

Concerning the GOC and ROC examinations, the number of candidates in 2015 respectively amounted to 188 candidates, 170 of whom were successful, and to 68 candidates, 39 of whom were successful.

ROC exams



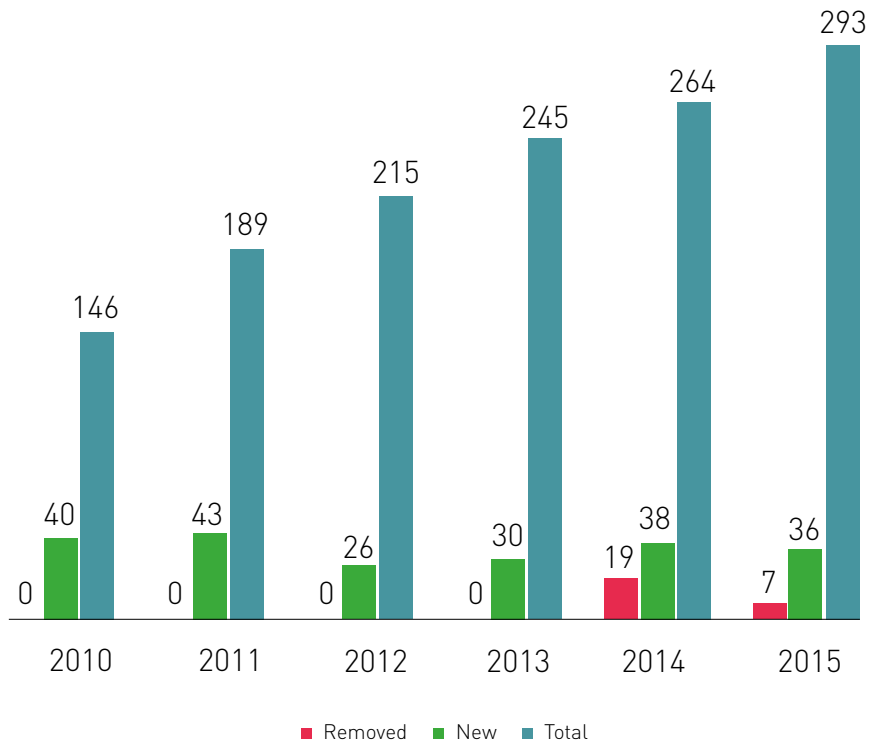
GOC exams



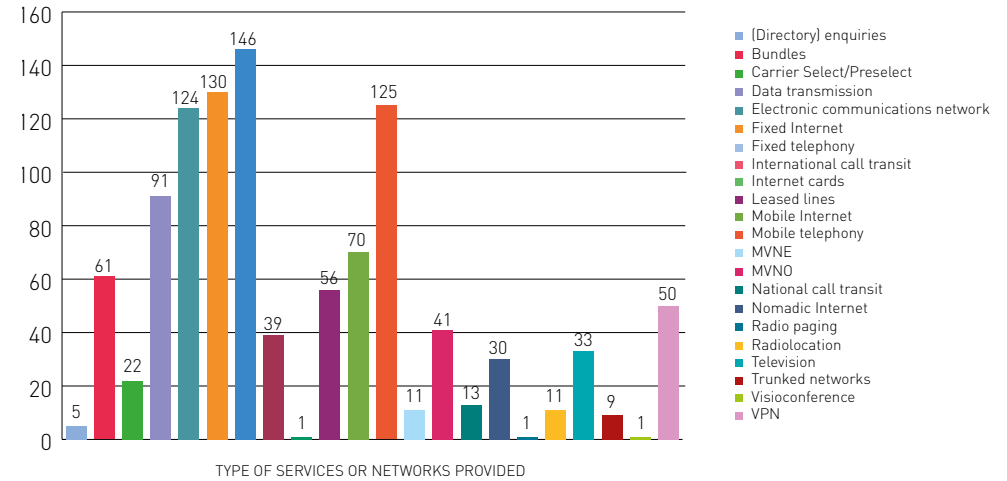
ELECTRONIC COMMUNICATIONS SERVICES OPERATORS

On 1 January 2014, the Royal Decree of 25 April 2013 amending the Royal Decree of 7 March 2007 on the notification of electronic communications services and networks came into force. Since then, there has been no more distinction between an operator who offers a public telephony service and a voice service, those two notions have been replaced by the concept of "electronic communications service", more in line with the technological developments. Tariffs have been adapted and divided into groups according to the turnover generated from electronic communications. A bundled notification regarding several services or networks has been submitted.

Evolution of the number of telecom operators



Services provided and number of operators providing those services



The graph shows that telephony and Internet access services continue to be the favourite services of the Belgian operators. This probably reflects the users' interest in combined offers such as *triple play* for which that kind of access is needed.

The third place is occupied by mobile telephony, which is coming ever closer to fixed telephony and is provided by 125 operators.

Both mobile and fixed data transmission are on the move; indeed, nowadays, all online content is accessible from a fixed access point and while travelling. The emergence of new dynamics in the production and hosting of content, and the roll-out of new-generation networks (3G, 4G) strongly favour that type of service.

Finally this graph also illustrates the increasing importance of MVNOs (virtual operators), which create attracting offers, with competitive prices compared to incumbent operators.



2.2. Inspections ensuring an interference-free spectrum

The preventive control of spectrum users is an important mission for BIPT. It does not only allow to check if the administrative rules regarding fees are complied with, but also if the hardware has been installed in accordance with the technical specifications of the authorisation. This inspection allows to avoid interferences with other spectrum users. In 2015, 1,271 users were inspected.


In the same year, there was a significant increase of interference experienced by the mobile operators due to the installation of repeaters by private persons and companies. Though the use of a repeater is allowed, it must not be installed and used without the approval of the mobile operators. For more information, we refer to the press release⁴⁴ published by BIPT.

Within BIPT, the National spectrum monitoring Department (NCS) is responsible for policing the radio waves in the broad sense of the word. Its various monitoring operations are quantified below:


NCS INTERVENTIONS - CASES CREATED BETWEEN 1 JANUARY AND 31 DECEMBER 2015	
Interference cases	372
Preventive checks on professional users	1,271
Number of major events controlled (concerts, sporting events...)	96
Check of broadcasts (local radios)	3

2.3. Market monitoring in the context of Directive 1999/5/EC

CONFORMITY OF EQUIPMENT

 Radio equipment and telecommunications terminal equipment can only be put on the market if they are in line with the European Directive 1999/5/EC of the European Parliament and the Council of 9 March 1999 on radio equipment and telecommunications terminal equipment and the mutual recognition of their conformity (also called R&TTE directive).

According to this directive, the appropriate CE marking has to be affixed on all radio equipment and telecommunication terminal equipment, on their packaging as well as on the accompanying documents. The CE marking always consists at least of the letters CE.

 If an authorisation is needed to use radio equipment or if the equipment uses frequencies the use of which is not harmonised in Europe, the CE marking has to include an "alert sign" (information sign). The information sign draws the user's attention to the fact that the use of the equipment is restricted.

Radio equipment operating in frequencies the use of which is not harmonised in Europe (and the marking of which consequently bears the information sign) has to be notified to the member state in which it is marketed. This obligation is commonly known as the "notification obligation", according to Article 6.4 of the Directive.

In 2015, 687 types of radio equipment have been notified according to the procedure, which represents a slight decrease compared to 2014.

The European Commission makes the "One Stop Notification" or OSN procedure available. All notifications are carried out in this way.

The equipment operating in frequency bands the use of which is harmonised within the Community do not have to be notified to BIPT. This equipment is part of what we call the "Class 1" category. It is advised to regularly consult the list of "Class 1" equipment. This list can be directly consulted on the website <http://www.cept.org>. The technical parameters with which this radio equipment has to comply in order to belong to the "Class 1" category are also mentioned on this website and linked to the reference number of the relevant subclass.

MARKET MONITORING

BIPT monitors the market in the context of Directive 1999/5/EC on radio equipment and telecommunication terminal equipment and the mutual recognition of their conformity.

In 2015, 496 monitoring visits were made, mainly in stores and different contracts were examined as well. About ten exhibitions were visited to discover new trends and to take this opportunity to inform exhibitors in time. It was sometimes necessary to take repressive measures, as shown by the seizures described in the table below.

RADIO EQUIPMENT SEIZED DURING CHECKS IN 2015	
Digital satellite receivers	5,000
Smartphones	2,171
Tablets	1,022
FM transmitters	932
Bluetooth applications	857
Drones	620
Radio controlled toys	493
(Low power) FM transmitter	233
GSM repeaters	19
Jammers ⁴⁵	13

⁴⁴ <http://www.bipt.be/en/operators/press-release/50-bipt-emphasises-that-the-installation-and-use-of-gsm-or-umts-repeaters-is-strictly-reserved-for-mobile-operators>

⁴⁵ Jammers do not comply with the European regulation and, as a consequence, cannot bear any CE marking. In Belgium, importing, marketing, holding or using them is prohibited.

RADIO EQUIPMENT SEIZED DURING CHECKS IN 2015	
Other	1,363
TOTAL	12,723

COLLABORATION BETWEEN CUSTOM SERVICES (IMPORT OF GOODS INTO EUROPE) AND BIPT'S "MARKET MONITORING" CELL	
Drones	3,262
Bluetooth devices	867
Small-scale cars	603
Smartphones	574
Remotes	520
Wireless mouse	345
Radio controlled toys	175
Other	343
TOTAL	6,689

6,689 non-compliant radio devices were refused entry into Europe. Postal items containing radio equipment are also frequently checked. In this regard some 155 visits were made at customs services in 2015. Many of the items inspected contain devices bought on the Internet – directly from the manufacturer or via auction websites. In many cases the equipment does not comply with the legal requirements and is seized. The fact that numerous devices not bearing the CE mark (such as GSM devices or tablets) are proposed through these auction sites remains a major concern.

A report shall be drawn up for each violation found. In 2015, 419 initial reports were made. During the follow-up of the court cases, a further 8 reports were made.

2.4. Operational management of the numbering plan

BIPT manages the numbering space, which includes tasks such as the allocation, reservation, withdrawal, transfer and monitoring of the use of the numbering capacity (monitoring policy). In the case of inappropriate use, BIPT intervenes. All available information on the national numbering plan such as the lists of reserved and allocated numbers is published on BIPT's website.

The table below gives an overview of the number of cases handled per number series in 2015.

NUMBER SERIES	DESTINATION	RESERVATIONS	ALLOCATIONS	CANCELLATIONS	TRANSFERS
1yxx	Short numbers CSC (Carrier Select Code), VPN (Virtual Private Network), etc.	(n) 3 - (p) 0	5	0	0
4pq	Mobile services	(n) 2 - (p) 3	8	0	0
70-700	National services	(n) 3	4	2	2
800	Services based on toll-free numbers	(n) 1	3	0	0
90A x 1.000	Services based on premium rate numbers	(n) 6	6	67	0
MNC	Mobile Network Codes	(n) 2 - (p) 0	2	1	1
ISPC	International Signalling Point Codes	(n) 2 - (p) 0	2	0	0
NSPC	National Signalling Point Codes	(n) 2 - (p) 0	4	10	0
PQYZ	Geographical numbers	(n) 129 - (p)	196	0	41
TMNC	TETRA Mobile Network Codes	(n) 1 - (p) 0	0	0	0
SMS/MMS	SMS/MMS short numbers	(n) 35 - (p) 0	68	0	0

(n = new reservation(s); p = renewal of existing reservation(s))



3 REPORT OF THE HORIZONTAL DEPARTMENTS

This section presents BIPT's more regular activities (horizontal activities, international activities, conciliations, regulatory activities) which contribute to the efficient operation of the organisation and to the achievement of the objectives set out.

3.1. The Council Office

The Council Office includes the Council Secretariat, which assists the Council as a college, the Delivery Department, which processes the incoming and outgoing mail, and the Internal Management Department, which is responsible for the coordination of the implementation of the internal monitoring and of the process management. In 2015, the department has been working to simplify and automate in accordance with the strategic axis "administrative efficiency" of the Strategic Plan.

As to this automation, the Council Office takes care of the extension and optimisation of the electronic document management system. The department is in charge of proposing, guiding, testing and implementing the adaptations wanted. The department also organised several informative workshops with the system's users. It continued its activities for the new electronic voting system in accordance with the Royal Decree of 19 April 2014 establishing the internal regulations of the BIPT Council. This tool was introduced in the course of 2015.

Since the promulgation of this Royal Decree on internal regulations, the Council Office has been verifying its correct implementation, both as regards operating rules and deadlines for the publication of decisions and opinions.

Apart from the tasks already listed, the Council Office distributes the parliamentary questions, treats access requests to administrative files (under the legislation regarding the public nature of the administration), prepares and follows up the Council sessions (agenda, notes, commitments and communication), organises the decision-making by electronic voting and updates various synoptic lists (including the Council decisions, opinions, and communications as well as the delegations granted under Article 16, paragraphs 2 and 3, of the Act on the status of BIPT).

The Council Office's objective remained the same: to constitute and to remain a precious management instrument for the use of the Council Members and the entire organisation.

3.2. The Communication Department

In accordance with the strategic axis "Dialogue and communication", BIPT pursued its efforts to ensure a qualitative communication with the stakeholders and the media. By doing so, twenty-one press releases have been sent and published on the BIPT website and seven press conferences have been held to inform the public of BIPT's actions and explain these. Each request for information coming from a journalist has been channelled through the spokesman and treated in as much detail and as quickly as possible. Likewise, all information needs expressed by e-mail or telephone have been answered or redirected to the appropriate persons within BIPT. In order to inform the interested parties more rapidly, BIPT created a LinkedIn page, managed by the Communication Department. This department also updates the "Consumers" and "Operators" pages of BIPT's website.

The internal communication was not outdone in 2015: the maintenance of the Intranet and the realisation of four internal newsletters materialised the efforts at this level. Besides, the department supported the proofreading, adaptation and mailing of BIPT's messages to its employees throughout the year.

3.3. The Translation Department

Thanks to its unique know-how, the Translation Department continued to deliver a qualitative service to the organisation. To that end, the department uses among others a specific module of the electronic document management system to handle translation requests.

The tasks achieved were the following:

- translation of multidisciplinary texts in four languages (French, Dutch, English and German);
- quality control: review of the internal and external websites and a considerable number of publications (letters, e-mails or internal notes, press releases, opinions, (market analysis) decisions, consultations...);
- linguistic advice.

At the end of 2015, within the framework of a series of workshops regarding the electronic document management system, the service gave a presentation on the introduction of translation/revision requests and the way to handle these.

3.4. The IT Department

The core mission of the IT Department is to provide end-to-end computer assistance to meet the needs of BIPT. Its main tasks have to do with computer equipment, software, network management, development and putting into production of software solutions, as well as managing IT projects.

The IT helpdesk helps users to solve different software or hardware issues; it also ensures network management as regards servers, the Intranet, connections, security and data bases. Moreover, it maintains the existing applications.

During the past year, the IT Department policy focused on supporting the following projects:

1. the electronic document management system: workshops with the personnel;
2. the tariff simulator: the preparation of a new public tender with a view to developing the tool further;
3. the putting into production of developments of the social tariff data base, so that new authentic sources become accessible in order to improve the automation of requests;
4. a CRM project was launched to centralise the customers present in the various applications of BIPT;
5. the network and security: the installation of new firewalls, the virtualisation of part of the servers of the internal network, a back-up to a private cloud, the migration of mail;
6. billing: the preparation of introducing electronic billing at BIPT;
7. the creation, putting into production and maintenance of the "surfmobile" website.

3.5. Human Resources, Personnel and Training Department

Personnel policies at BIPT mainly provide for the basis of the strategic axis "Being an attractive employer and a well performing regulator". This has been particularly materialised in the projects below:

RECRUITMENTS AT LEVELS A AND C

In agreement with the federal administration, where recruitments were suspended since September 2014, ongoing recruitments could be finalised and 20 persons (3 levels A and 17 levels C) could be recruited.

LEVEL A MISSION

Within the framework of regulating the telecoms sector a mission of principal economist was granted on 1 March 2015 to the winner of the internal call for candidates. The role of the "mission holder" consists in supervising the quality and coherence of among other things market analyses and the economic regulation in general.

PROMOTION TO LEVEL A

The promotion exams to level A started in 2014 were continued. The winners will be known in the spring of 2016 after having completed the last part in January.

A promotion exam to the rank of head of technical department was finalised in October. Only one person passed the exam; a new exam will have to be planned soon. Indeed, a number of heads of technical department are nearing the age of retirement and considering the correct execution of the tasks of BIPT, the vacancies should be filled as soon as possible. To do so, preference is given to internal promotion.

ADAPTATION OF THE WORKFORCE

After internal consultation a case aiming to improve the workforce of both the regulatory body and the office of the Ombudsman for the postal sector was submitted to the Minister. For the regulator this adaptation mainly continues the conversion of positions of levels C and D to a higher level. This way BIPT wants to be able to better anticipate competencies that are becoming more and more specialised and which are required for executing the various tasks of BIPT.

SATISFACTION SURVEY

Several action items that had been defined in 2014 following the satisfaction survey conducted in collaboration with the FPS P&O were carried out. Two examples: an effort regarding internal communication was made (by way of the Intranet, information sessions with the Council and staff meetings) and a coaching of team leaders (during workshops), so that they can play their role in making this project a success. A more extensive system of teleworking was also introduced; it is accessible to all levels provided the job makes it possible to work from home technically speaking. De facto, 132 members of staff signed a teleworking protocol, 84 of which only opted for occasional teleworking.

COMPUTERISATION OF THE PERSONNEL DEPARTMENT

The new programme for the registration of working hours put into operation at the end of 2014 was fine-tuned in the course of 2015. Thanks to this new programme certain administrative tasks (follow-up of absenteeism, "bicycle" compensations, overview of paid overtime, among other things) can be performed more efficiently. A link with the Outlook mail application was established so that the officials' presences and absences are synchronised automatically with their agendas.



CAPELO: ELECTRONIC PUBLIC CAREER

CAPELO means “*Carrière publique électronique Elektronische loopbaan overheid*” (electronic public career).

In 2015 the last files regarding the career data of the staff members were introduced into the CAPELO data base. As a result, as of January 2016, the officials are able to see the overview of their careers on the mypension.be website. As those data are essential for the determination of their pension, the staff



INFORMATION

members can also calculate the closest date when their retirement can start.

TRAINING

In 2015 the Training Department made use of all possible means of training to help the staff in its development as well as possible in all the fields of activity of BIPT.

In particular emphasis was put on the following three fields:

- language training to master the second national language was encouraged by means of a “language plan”, which was well received (10% of the members of staff took a course in the second national language in 2015);
- IT trainings claimed an important place, considering the omnipresence of IT systems and applications. They were organised both for the IT Department (Windows Server 2012, MS Project 2013) and users, such as an MS Project training for a specific department, and a series of internal trainings aiming to give the staff a better command of the Electronic Document Management;
- trainings within the framework of promotion exams (economy, European institutions).

Among the other training activities we mention the continued organisation of workshops where lectures are given by speakers from BIPT or external speakers, in a wide variety of fields, each time giving an insight into a specific subject at the core of BIPT’s activities. Finally, several officials followed individual trainings and/or attended conferences to meet their specific needs in an adapted way.

In total, the number of equivalent days x persons in training/full-time equivalents is $757/226 = 3.3$. This represents $3.3/\pm 220$ days of presence per staff member on average $\cong 1.5\%$ of the working time.

3.6. International Relations Department

The general framework of the electronic communications regulation and, increasingly, regulation of the postal services is being determined at the European level by way of decisions, directives, recommendations, etc. The IRG (Independent Regulators Group), BEREC (Body of European Regulators of Electronic Communications) and the ERGP (European Regulators Group for postal services) require a major participation from BIPT as a regulatory body, considering the major impact the work done in those various regulatory organisations has on the strategic preparations at the European level. The participation of BIPT then serves to highlight the specific domestic circumstances. Below a summary is given of the objectives pursued by the organisations BIPT cooperates with as a regulator on the one hand and as a representative of the Belgian State on the other.

3.6.1. BIPT AS A REGULATOR

IRG and BEREC

These are the IRG’s objectives for the promotion of:

1. the collaboration, mutual assistance and exchange of information between the national regulatory authorities (NRAs);
2. the execution and consistent application of the European regulatory framework for the electronic communications networks and services;
3. the elaboration of “Best practices” regarding the regulation in the electronic communications sector;
4. sustainable and effective competition at the level of the offer of electronic communications networks and services in Europe;
5. the development of the European internal market for electronic communications, the interests of the European Member States’ citizens.

To achieve its goals, the IRG takes the following steps:

1. proposing a forum for discussion and exchange of ideas and expertise between its members and other experts of the sector;
2. encouraging the consistent application of the European regulatory framework regarding electronic communications networks and services in all Member States, as well as the development and the consolidation of the internal market for electronic communications networks and services in Europe;
3. preparing and publishing documents, reports, presentations, analyses and other studies regarding the evolutions in the sector, the regulation and the strategies;
4. monitoring the application of common opinions by the NRAs in order to promote transparency and ensure the efficiency of the framework for and the permanent development of the best practices regarding regulation;
5. developing, preparing and/or contributing to the documents, reports, analyses and studies;
6. organising an open dialogue between the members, market players and consumers.

BEREC's goal consists in:

- developing and distributing among the NRAs the best regulatory practices such as common approaches, methods or guidelines regarding the implementation of the regulatory framework of the European Union;
- helping the NRAs in the field of regulation;
- providing advice on the draft decisions, recommendations and directives;
- elaborating reports and providing advice regarding the electronic communications sector;
- assisting the European Parliament, the Council and the Commission as well as the NRAs in spreading good practices.

It created numerous working groups in which BIPT is actively involved:

- *Regulatory Framework;*
- *Market and Economic Analysis;*
- *International Roaming;*
- *NGN;*
- *Net Neutrality;*
- *End User;*
- *Remedies;*
- *Benchmarking;*
- *Regulatory Accounting.*

BIPT participates in the four ordinary meetings planned per year (one in each quarter). The deliverables are described in the annual operational plan of the IRG/BEREC and the "project requirement documents" were drawn up per working group.

In 2014, BEREC closely followed the Commission proposals regarding roaming and the Net Neutrality within the framework of "a connected continent". BEREC made its expert's contribution during the negotiations with the Commission, the European Parliament and the Council. Both European legislative initiatives were finalised in 2015.

BEREC also continued to closely follow the progress made in the "Digital Single Market (DSM)⁴⁶" project, which is one of the ten political priorities of the European Commission. This strategy for a digital single market was adopted on 6 May 2015 and comprises a roadmap with 16 concrete initiatives resulting from three pillars:

- Better online access to digital goods and services should make the European Union a seamless digital marketplace;
- An environment where digital networks and services can prosper: designing rules which match the pace of technology and support infrastructure development;

- Digital as a driver for growth: ensuring that Europe's economy, industry and employment take full advantage of what digitalisation offers.

The topic that mainly occupies BEREC is the review of the electronic communications regulation; in the course of 2015, the European Commission held a large consultation on the subject. BEREC formulated a common position, so that the positions and ideas of the European national regulators are also included in the continuation of the preparation of the European decision making process.

ERGP

The ERGP has to arrange for the consultation, the coordination and the collaboration between the independent NRAs in the Member States, and between these authorities and the European Commission, with a view to consolidating the internal postal services market and seeing to a consistent application in all Member States of Directive 97/67/EC. The ERGP is therefore a body for deliberation and discussion between the postal regulators and gives in these matters opinions to the European Commission in the field of postal services.

The group's main tasks are:

1. contributing to the consolidation of the internal postal services market;
2. advising and assisting the Commission on all matters related to the postal services;
3. advising and assisting the Commission on the development of the internal postal services market and the consistent application in all Member States of the regulatory framework of the postal services;
4. in consultation with the Commission, consulting in detail and early with the market players, the consumers and the end-users.

⁴⁶ Digital single market.



BIPT participates in four working groups, having worked on the following topics:

1. *Cost allocation/Price Regulation;*
2. *Net cost of USO/VAT exemption;*
3. *End-user satisfaction/Market monitoring;*
4. *Cross-border parcel delivery.*

BIPT and ANACOM, the Portuguese regulator, together conduct the "End-user satisfaction and monitoring of market outcomes" working group's activities. In 2015, this group published two external ERGP reports: "ERGP Report on Quality of service, consumer protection and complaints" and "ERGP Report on Core indicators". In addition, this group also published an internal report: "ERGP Report on the courier, express and parcels segments statistics".

Together with BEREC the ERGP formulated an opinion submitted to the European Commission about tariff transparency and regulatory monitoring of cross-border delivery of parcels, based on the experience in electronic communications. This was in line with the Commission's strategy for a digital single market (DSM).

Moreover, the ERGP defined its working programme, which it then submitted to the sector for consultation.

Finally, we mention that in July 2015 during an internal ERGP workshop in Vilnius, Axel Desmedt, member of the BIPT Council, gave two detailed presentations "Consolidation, discounts and non-discrimination in the Belgian postal market" and "Access to the postal network of the USP under Belgian postal law".

ENISA

BIPT attended the meeting of the "Article 13a" working group (Directive 2009/140/EC of the European Parliament and the Council of 25 November 2009) who aims to exchange good practices between the regulatory bodies concerning network security.

By doing so BIPT develops its capacity to establish, through international consultation about the standards, actions and procedures accepted at the international level, fruitful exchanges with the market players to reinforce the security of the Belgian networks. The obligation regarding the annual communication of security incidents to the Commission (by way of ENISA) was also fulfilled.

3.6.2. INTERNATIONAL ACTIVITIES OF BIPT AS A REPRESENTATIVE OF THE BELGIAN STATE

UPU

BIPT represented Belgium in the Council of Administration of the Universal Postal Union as an observer. In 2015, BIPT continued to focus on the development of postal regulation within the UPU.

During the two-day UPU strategic conference in Geneva on 13 and 14 May 2015, Jack Hamande, chairman of the BIPT Council, was one of the speakers. On the occasion of that meeting the ministers, heads of the national regulators and CEOs of the postal operators reflected together on the future UPU strategy. During one of the panel discussions Mr Hamande gave a presentation on the universal service: "*Serving member countries, businesses and citizens through the universal service*".

On 11 November 2015 during the UPU forum on postal regulation in Bern, Axel Desmedt, member of the BIPT Council took the floor regarding the following theme: "Review of the postal market in Belgium 3 years after full market opening on 1 January 2011". BIPT shared the Belgian experience of opening up the national postal market. This may prove to be very useful for other UPU countries that are still opening up or plan to open up their markets to competition.

Since April 2015 the chairman of the BIPT Council is in charge of the "UPU reform" working group, whose objective it is to formulate a proposal to adapt the UPU structures to the new challenges on the one hand, and to improve the effectiveness, efficiency and transparency on the other.

CERP

BIPT also took part in the CERP's activities. CERP commits itself to ensuring a good coordination between its members and strives for the respect of the "acquis communautaire".

The Postal Directive Committee and other activities of the European Commission⁴⁷

BIPT continued to follow the developments in the context of the implementation of the Postal Directive and attended the meetings of this Directive's Committee.

CEN, the European Committee for Standardisation

BIPT took part in the plenary meeting of the technical committee CEN/TC 331 - CEN Postal services, the European Committee for Standardisation. The CEN/TC 331 Committee harmonises the quality standards at a European level. This standardisation is essential to guarantee the interoperability between the various national networks as well as the efficient provision of the universal service in the European Union.

ITU-R - WRC-15 (International Telecommunication Union, radiocommunication sector - World Radiocommunication Conference 2015)

The ITU World Radiocommunication Conference took place in Geneva from 2 to 27 November. BIPT headed the Belgian delegation. The Conference identified additional frequency bands (the 700 MHz band and the L band among others) for broadband mobile services. That assignment was done as much as possible in bands that have been harmonised worldwide. This additional spectrum was necessary as a response to the growth of mobile communications all over the world.

Despite strong opposition from the other users (mainly the armed forces) the 5,351.5 – 5,366.5 MHz band (15 kHz wide) was assigned to radio amateurs with an EIRP power (equivalent isotropically radiated power) of 15 watts. BIPT has already taken the necessary measures to open up this band to the radio amateur community.

Many other items were treated at WRC-15, from public protection and disaster relief (PPDR) to satellite services.

An important WRC-15 agenda item was the identification of new frequency bands for 5G. This concerns the bands above 6 GHz. These are mainly millimetre wavelengths (above 30 GHz) that will be studied. On 22 December 2015, BIPT published a communication regarding the results of the WRC-15.

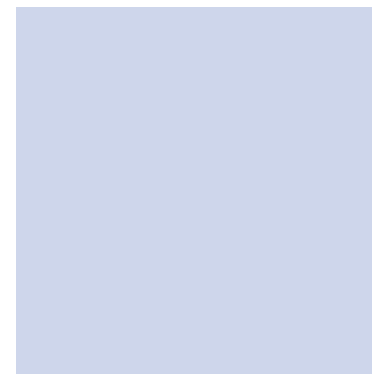
Radio Spectrum Policy Group (RSPG), Radio Spectrum Committee (RSC)

The international activities in the field of radio spectrum are an important part of the tasks of the Assignments Pool of BIPT. The radio spectrum and the related matters go beyond the national borders by nature. This aspect is further enhanced by the ambition to come to a harmonised spectrum use within Europe.

Within the EU framework the Assignments Pool attends the meetings and follows the RSC and RSPG activities within the European Commission's "Connect" Directorate General. The RSC meets four times a year in Brussels in the Commission buildings; the RSPG organises three plenary meetings a year.

The **RSPG** adopted an opinion on the preparation of the WRC-15 and presenting common strategic objectives on 15 February 2015 and a report on the spectrum problems in the wireless backhaul on 11 June 2015. The RSPG also devoted itself to a long-term strategy for the future of the UHF band in the European Union, and to the efficient assignment and harmonised use

of the spectrum bands for electronic communications services. Regarding the review of the RSPP (Radio Spectrum Policy Programme), the RSPG also issued an opinion on the matter. Besides, the Commission announced that the priority is given to the digital single market and to a decision on making the 700 MHz band available for the mobile broadband, the RSPP being only reviewed afterwards. The RSPG "good offices" aiming at facilitating the bilateral negotiations on coordination issues between States of the EU have been extended.



Within the **RSC**, the key points in 2015 were, among others, the drafting of a decision regarding the L band. It materialised in Decision EU/2015/750 of 8 May 2015 on the harmonisation of the 1452-1492 MHz frequency band for terrestrial systems capable of providing electronic communications services in the Union. The RSC also prepared a decision regarding the technical harmonisation of the 700MHz band conditions. The issues of the 2.3GHz band and 2GHz TDD band were also included in the Agenda. The RSC activities will continue to be closely monitored in 2016.

As for the RSC and RSPG activities a consultation is planned with the Communities (who are responsible for broadcasting).

[CEPT \(European Conference of Postal and Telecommunications Administrations\) and *Electronic Communications Committee \(ECC\)*](#)

Within the framework of the CEPT, BIPT took part in the plenaries of the ECC and the Conference Preparatory Group (CPG) in preparation of the WRC-15.

BIPT always assiduously followed the activities of the ECC's working group Numbering and Networks. Their main goals consist in developing a joint policy regarding the numbering and identification systems at the European level, promoting the harmonisation of the numbering plans and defining common points of view on numbering at the ITU level. Concretely, significant progress has been made regarding 1) principles on the use and the extraterritorial allocation of E.164 numbers, 2) rules on the access to reference data bases regarding number portability for third parties and 3) the future evolution of the calling party identification.

[European Telecommunications Standards Institute \(ETSI\)](#)

Certain activities concerning standardisation at ETSI were followed. In March and November ETSI organises a general meeting where, among other matters, the policy and strategy are de-

termined. BIPT also participated in the three annual meetings of the technical committee TC-ERM (ETSI Radio Matters), which develops a large number of radio communications standards. They include both the essential spectrum parameters and those taking account of electromagnetic compatibility.

3.7. The Legal Department

The Legal Department plays an important role in the preparation of regulation, in dispute coordination and in the legal support for BIPT acts. This function within the framework of the establishment of the Council acts strengthens their legal security.

3.7.1. PREPARATION OF THE ELECTRONIC COMMUNICATIONS REGULATION

In the course of 2015, BIPT was working to improve legislative and regulatory texts, relating to both electronic communications and postal matters. Several regulatory texts were adopted to implement the ECA and the Act of 17 January 2003 on the status of the regulator of the Belgian postal and telecommunications sectors.

The publications at the legislative level were:

- Act of 16 March 2015 amending the Act of 17 January 2003 on the status of the regulator of the Belgian postal and telecommunications sectors (M.B. 07.04.2015);
- Act of 18 December 2015 pertaining to various provisions regarding electronic communications (M.B. 15.01.2016);
- Programme Act of 26 December 2015 (M.B. 30.12.2015).

At the regulatory level, to implement the above-mentioned Programme Act, there was the publication of the:

- Royal Decree of 6 October 2015 amending the Royal Decree of 11 May 2003 establishing the status, remuneration and duties of the chairman and the members of the Council of the Belgian Institute for Postal Services and Telecommunications (M.B. 13.10.2015).

3.7.2. PREPARATION OF THE POSTAL REGULATION

At the legislation level, several amendments were made to the Act of 21 March 1991 on the reform of certain economic public companies:

- Act of 10 August 2015 amending the Act of 21 March 1991 on the reform of certain economic public companies (M.B. 01.09.2015);
- Act of 10 August 2015 amending the Act of 21 March 1991 on the reform of certain economic public companies (M.B. 26.08.2015);
- Act of 16 December 2015 amending the Act of 21 March 1991 on the reform of certain economic public companies (M.B. 12.01.2016).

At the regulatory level, was published:

- Royal Decree of 11 June 2015 amending the Royal Decree of 24 April 2014 on the regulation of the postal service (M.B. 19.06.2015).

3.7.3. DISPUTE COORDINATION AND LEGAL SUPPORT

[Dispute coordination](#)

The BIPT Legal Department is responsible for the coordination of legal appeals mainly concerning the decisions adopted by BIPT. BIPT is also regularly asked to monitor disputes involving the Belgian State and concerning telecommunications or postal services.

A. BIPT's Legal Department continued finalising the appeals introduced the previous years.

A number of these appeals were the subject of decisions taken in 2015, namely:

1. On 7 January 2015, the Brussels Court of Appeal delivered an annulment judgement within the framework of the action for annulment of Proximus of the Decision of the BIPT Council of 11 August 2011 on the BRUO/BROBA/WBA VDSL2/BROTSOLL 2010 reference offers (Open Calendar, Certified Technicians and BROBA Ethernet Dedicated VLAN).

This annulment judgement is taken in accordance with the annulment judgement of the Brussels Court of Appeal of 3 December 2014 relating to Belgacom's action against the CRC decision (Conference of regulators in the electronic communications sector) of 1 July 2011 on the analysis of the broadband Internet markets annulling said decision because of a lack of motivation for specific points of the decision, in spite of a retroactive decision taken on 18 December 2014 by the CRC.

2. On 11 February 2015, the Court of Justice of the European Union issued a judgement answering to the three preliminary questions submitted by the Brussels Court of Appeal via an interlocutory judgement on 12 June 2013, following an action brought by bpost for annulment of the BIPT Council Decision of 20 July 2011 on bpost's conventional tariffs for the year 2010.

These preliminary questions all related to the interpretation of Article 12, fifth indent of Directive 1997/67/EC, as amended in 2002 and 2008, concerning the imposition of a non-discrimination obligation, notably in the relations between the universal service provider and the intermediaries with regard to operational price cuts granted by the provider.

In answer to the preliminary questions, the Court of Justice of the European Union indicated that the commercial discounts granted by bpost to its main direct customers are not discriminatory towards the mail handling businesses. In 2010, bpost had introduced a tariff model (per sender) to calculate the commercial discounts based on the individual volume sent by each sender and not based on the total volume deposited by the intermediaries. In 2011, BIPT had deemed this tariff practice contrary to the postal legislation, based notably on a previous judgement of the Court of Justice.

Parties exchanged their conclusions on the appeal pending before the Brussels Court of Appeal, which was pleaded on 4 February 2016. On 10 March 2016, the Court of Appeal annulled the BIPT decision.

3. On 13 May 2015, the Brussels Court of Appeal issued a judgement on the requests from A.I.E.S.H., Publifin, Brutélé, Coditel and Proximus to annul four CRC decisions of 1 July 2011 on the analysis of the television broadcast market. Besides, Telenet, Mobistar and Proximus intervened voluntarily in all the appeals.

Similar to its judgement of 12 November 2014 on the appeal of Telenet against the CRC decision regarding the same market but for the Dutch-speaking region and the bilingual Brussels-Capital Region, the Court of Appeal dismissed all the grounds put forward by the cable operators but partly sustained those of Proximus, therefore partly annulling the decisions concerned because these automatically prevented Proximus from benefiting from the access to the network of the cable operators.

4. On 30 June 2015, the Council of State issued two judgements on the appeals of Proximus, Mobistar and Telenet against two Royal Decrees of 14 April 2013, the first approving the investments regarding the data base referred

to in Article 22, § 2 of the Annex to the Act of 13 June 2005 on electronic communications for the period from 1 January 2007 to 31 December 2011, the second approving the investments planned for the needs of the data base referred to in Article 22, § 2 of the Annex to the Act of 13 June 2005 on electronic communications for 2012 and 2013.

The Council of State annulled these two Royal Decrees; since then, the Belgian State has been working on a new regulatory solution.

5. On 16 September 2015, the Brussels Court of Appeal issued an interlocutory judgement in the action for annulment of Proximus against the BIPT Council Decision of 20 May 2014 imposing an administrative fine for non-compliance, in the context of the WBA VDSL2 reference offer, with the transparency obligation.

The judgement does not rule, awaiting the upcoming judgement within the framework of the appeal of Proximus against the CRC decision of 18 December 2014 renewing and correcting the Decision of the CRC of 1 July 2011 on the analysis of the broadband markets.

6. On 9 December 2015, the Brussels Court of Appeal issued judgements stating the withdrawal of Telenet-Tecteo-Bidco within the framework of its appeals against the Decision of the BIPT Council of 28 June 2013 imposing an administrative penalty upon Telenet-Tecteo BidCo for non-compliance with Article 4 § 1 of the Royal Decree of 18 January 2001 and the Decision of the BIPT Council of 5 April 2013 concerning the refusal to grant to Telenet-Tecteo Bidco the postponement of the business offer regarding 3G services until 15 January 2013 and the postponement of the Belgian population coverage levels.

This ends the proceedings for good.



B. BIPT's Legal Department also followed up new appeals, all of which were introduced in 2015:

1. On 3 February 2015, Proximus introduced an action for annulment with the Brussels Court of Appeal against the CRC decision of 18 December 2014 renewing and correcting the Decision of the CRC of 1 July 2011 on the analysis of the broadband markets. Telenet, Win and Nethys intervened voluntarily in this appeal.
2. On 7 April 2015, Mac Telecom, B.Lite Telecom and Techmax introduced an appeal before the Brussels commercial court against the billing of the charges collected based on Article 8 of the Royal Decree of 24 November 2009.
3. On 31 July 2015, BIPT voluntarily intervened in the dispute between Proximus and the SARL Viva Multimedia, pending before the Brussels commercial court and regarding a fraud on 0904-numbers.
4. On 26 November 2015, Coditel and A.I.E.S.H. lodged an appeal against the judgement of the Brussels Court of Appeal of 13 May 2015 dismissing the actions for annulment against the decisions adopted on 1 July 2011 by the CRC regarding the analysis of the television broadcast market. Proximus is also a party in the dispute.
5. On 30 November 2015, Telenet lodged an appeal against the judgement of the Brussels Court of Appeal of 12 November 2014 dismissing the actions for annulment against the decisions adopted on 1 July 2011 by the CRC regarding the analysis of the television broadcast market. Proximus is also a party in the dispute.

BIPT's Legal Department also ensured, following the granting of a public contract in 2014, the follow-up of various cases for the recovery of debts owed to BIPT.

Legal support of the BIPT acts

The Legal Department is involved in the decision-making process of act projects coming from BIPT's different departments, in particular regarding market analyses and the implementation of decisions.

The department also delivers opinions and analyses at its own initiative or in answer to internal requests. By doing so, the service is always involved in the award of public contracts by BIPT and with the implementation of the public contracts in general.

3.8. The Budget and Accounting Department

The internal budgetary policy aims on the one hand to protect BIPT's sound financial structure and on the other, to ensure the budgetary control to guarantee at any moment that all agreements made can be properly paid while allowing for priorities to change with the necessary flexibility. The budgetary policy was also conceived in order to guarantee BIPT's autonomy.

The department's main task consists of:

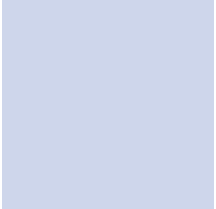
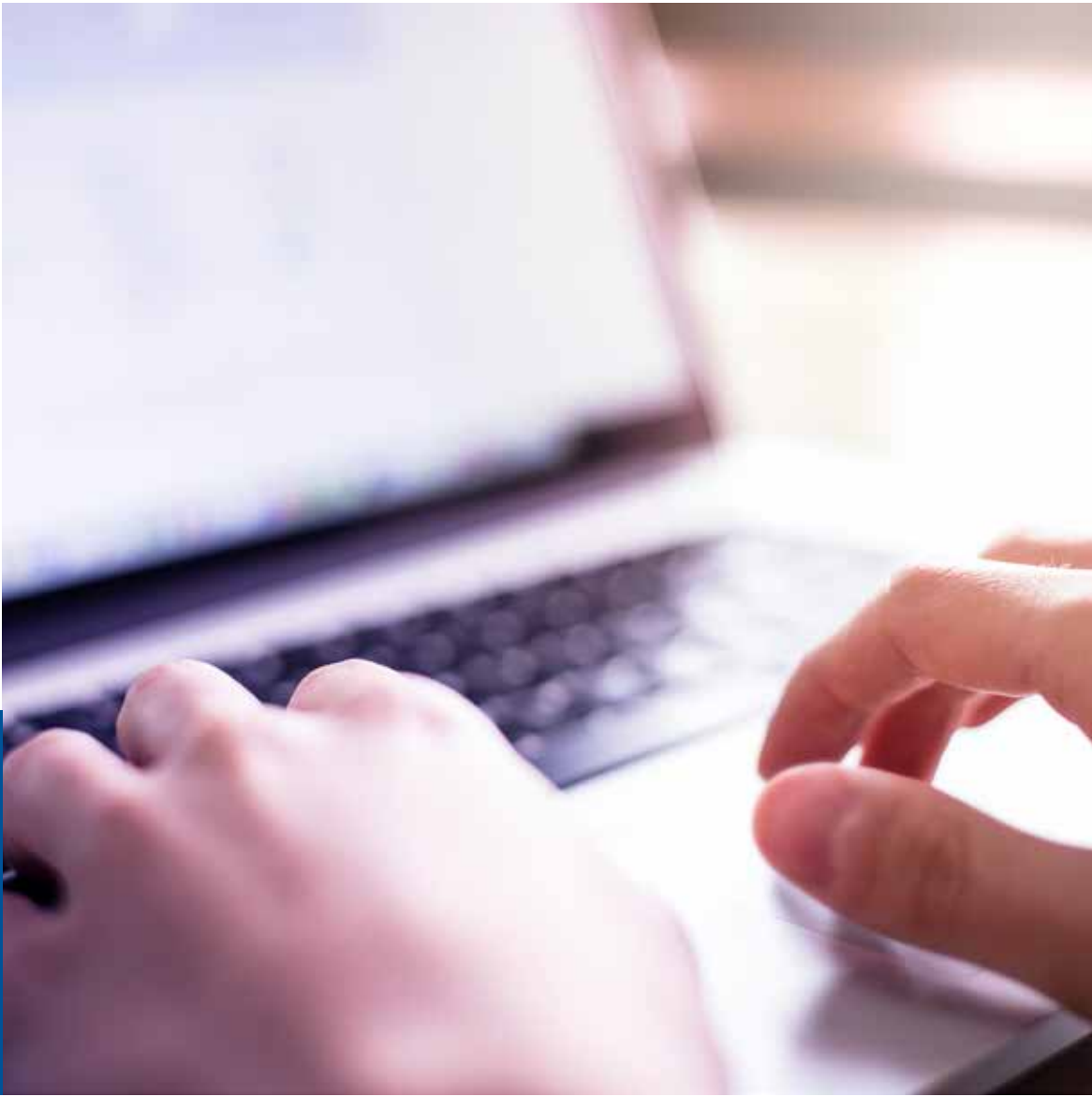
- budgetary planning, as the case may be, also on a multiannual level;
- critical follow-up of the execution of the budget, with a warning role;
- critical financial analysis of political projects having financial repercussions;
- adapting the internal financial procedures to better ensure a correct execution.



The Accounting Department ensures the proper collection of revenues and the payment of expenditure after evaluation. The department encodes data so that they can be immediately used as a source of functional information for BIPT's financial policy.

Its main tasks are:

- the proper collection of revenues and the exact payment of the expenses;
- the proper management of BIPT's financial accounts both as regards revenues and expenses;
- the accounting verification of the financial operations;
- the preparation of the BIPT annual accounts.



4 FINANCIAL REPORT AND ANNUAL ACCOUNTS

4.1. BIPT and the Offices of the Ombudsmen

The accounts of BIPT and the two Offices of the Ombudsman are given below. The Offices of the Ombudsman are independent bodies created to handle consumer complaints about the operators of the sectors concerned; the intervention of the Institute is limited to making staff available for these two bodies and to providing them with a logistic support regarding purchases, accounting and budget.

BIPT ACCOUNTS - 2015

REVENUES	EUR	EXPENSES	EUR
Repayments	253,464	Staff	24,346,451
Licence and monitoring fees for private radio communications	23,532,968	Functioning	6,845,490
Public licence fees	39,553,536	Investment expenditure	1,060,830
Post	2,903,849	Coordination organisations	1,709,916
Miscellaneous	23,972	Treasury	16,700,000
Services performed for third parties	0	CF/RT	3,653,702
TOTAL	66,267,789	TOTAL	54,316,389

ACCOUNTS OF THE OFFICE OF THE OMBUDSMAN FOR THE POSTAL SECTOR - 2015

REVENUES	EUR	EXPENSES	EUR
Repayments	170	Staff	1,412,942
Services performed for third parties (sector contribution)	1,863,495	Functioning	362,632
		Investment expenditure	38,448
		Coordination organisations	300
TOTAL	1,863,665	TOTAL	1,814,322



ACCOUNTS OF THE OFFICE OF THE TELECOMMUNICATIONS OMBUDSMAN - 2015

REVENUES	EUR	EXPENSES	EUR
Repayments	246,703	Staff	1,915,495
Services on behalf of third parties (sector contribution)	2,381,102	Functioning	592,868
Other	13,500	Investment expenditure	104,231
		Coordination organisations	300
TOTAL	2,641,305	TOTAL	2,612,894

4.2. Annual accounts of the Universal Service Funds

No universal fund was activated.





ANNEXES

1 SITUATION OF THE 2015 OPERATIONAL PLAN

THE STRATEGIC AXIS “INNOVATION”

SUPPORTING THE ARRIVAL OF INCREASINGLY INNOVATIVE SERVICES FOR CONSUMERS	
Developing the means and actions in terms of nomadic and mobile monitoring	Project not completed ⁴⁸
Developing an e-portal for numbering capacity requests	Project completed
Developing the means and actions in terms of fixed monitoring	Project not completed ⁴⁹
Preventive monitoring of maritime radio equipment	Project completed
Inspection of telecommunications equipment that arrives or will arrive on the Belgian (European) market	Project completed
Comparison study of the mobile network fees	Project completed
Adaptation of the numbering plan to the long-term evolutions on the market	Project completed
Monitoring of DNS Belgium	Project completed
Strategic analysis of the review of the tariff methods of the private licences	Project is ongoing ⁵⁰

THE STRATEGIC AXIS “COMPETITION AND INVESTMENTS”

PROMOTING A SUSTAINABLE FRAMEWORK FOR COMPETITION AND INVESTMENTS	
Publication of a 2014 postal observatory	Project completed
Analysis of the elasticity of the postal market within the framework of the TERA cost model	Project is ongoing ⁵¹
Granting of a service concession regarding the delivery of acknowledged newspapers and acknowledged periodicals	Project completed
Situation after 3 years of opening up the postal market to competition	Project completed
CPE (<i>Customer Premises Equipment</i>) freedom of choice	Project completed
Inspection of the wholesale tariffs regarding the broadcasting market	Project is ongoing ⁵²
Evolution towards NGN/A networks (IP interconnection, vectoring)	Project is ongoing ⁵³
FTR calculation	Project is ongoing ⁵⁴
Analysis of the mobile termination market	Project is ongoing ⁵⁵
Decision on the opening up of the cable	Project is ongoing ⁵⁶
Finalisation of the NGLL tariffs	Project completed
Detection of price squeeze	Project is ongoing ⁵⁷
One-time fees	Project is ongoing ⁵⁸
Ethernet/Multicast tariffs	Project completed
WACC	Project completed

⁴⁸ The analysis and the development of software programmes driving hardware in order to create a set of monitoring stations took more time than what had been estimated. This project has to be completed.

⁴⁹ Because of other activities carried out, this project could not be completed and still has to be.

⁵⁰ The study that should lead to the amendment of the Royal Decree of 18 December 2009 on private radio communications and user rights for fixed networks and trunk networks has been achieved but the IT tool has not.

⁵¹ On 31 December 2015, the specialised consultancy agency had not finished its mission yet.

⁵² The draft decision was submitted to the European Commission.

⁵³ Certain parts of the project have been realised (consultation of the sector, monitoring the evolution of the closing of LEXs and the decommissioning of MDFs) and others are ongoing, such as monitoring the evolution of G.Fast and other broadband technologies.

⁵⁴ The national consultation on the draft decision was not completed in 2015; the project will be pursued within the framework of the 2016 operational plan.

⁵⁵ The national consultation on the draft decision was not completed in 2015; the project will be pursued within the framework of the 2016 operational plan.

⁵⁶ The draft decision was submitted to the Community regulators.

⁵⁷ The consultation on the methodology and the detection tool was not finished in 2015; the project will be pursued within the framework of the 2016 operational plan.

⁵⁸ Additional data have been asked to the operators concerned.



THE STRATEGIC AXIS “COMPETITION AND INVESTMENTS”

PROMOTING A SUSTAINABLE FRAMEWORK FOR COMPETITION AND INVESTMENTS

Development of the various aspects in order to give formal expression to some aspects of the Media Service of BIPT	Project completed
Facilitating changing operators or providers of fixed services: telephone, Internet and/or television (“Easy Switch” project)	Project completed
Consultation on the spectrum for public mobile communications	Project is ongoing ⁵⁹
Continuous improvement of operational efficiency	Project completed

STRATEGIC AXIS “RELIABILITY”

ENSURING A RELIABLE AND HIGH-QUALITY DIGITAL ENVIRONMENT

Improving the transparency in terms of networks quality	Project is ongoing ⁶⁰
Determination and description of the minimum required safety measures	Project is ongoing ⁶¹
Identification by operators of the end-users of the electronic communications services they provide, for the needs of legal authorities and the intelligence and security services	Project suspended ⁶²

THE STRATEGIC AXIS “INFORMATION”

CONTRIBUTING TO IMPROVING INFORMATION FOR CONSUMERS

National price comparison	Project completed
International price comparison of the telecommunications services on the residential market	Project completed
International price comparison of the telecommunications services on the non-residential market	Project completed
Marking of postal items	Project completed
Service quality barometer	Project is ongoing ⁶³
Spectrum inventory	Project completed
Survey on the perception of the telecom market functioning	Project completed
Tariff simulator	Project is ongoing ⁶⁴

THE STRATEGIC AXIS “INFORMATION”

CONTRIBUTING TO IMPROVING INFORMATION FOR CONSUMERS

Internet speed monitoring	Project is ongoing ⁶⁵
Adoption of the implementation orders referred to in Articles 110, § 4 ECA and 110/1 ECA regarding the indication of the most advantageous tariff plan.	Project is ongoing ⁶⁶
Measures aiming at avoiding saturation and overload of a network line – Monitoring of the information for the end-users	Project is ongoing ⁶⁷

THE STRATEGIC AXIS “INVOLVEMENT”

ENCOURAGING SOCIAL INVOLVEMENT AND SOCIAL INCLUSION

Cost calculation of the provision of social tariffs borne by the operators	Project completed
Modernisation of the universal telecommunications service – Provision of the geographical element regarding electronic communications	Project completed
Analysis of the social telephone tariffs	Project is ongoing ⁶⁸
Calculation of the universal postal service net cost in 2014	Project is ongoing ⁶⁹
Designation of the universal postal service provider	Project suspended ⁷⁰
Price monitoring of products belonging to the universal postal service	Project completed

⁵⁹ Follow-up actions resulting from the national consultation launched on the subject were not all completed.

⁶⁰ The project was partially completed in 2015 (publication of mobile telephony coverage maps on BIPT’s website); the publication of the coverage maps is included in the 2016 operational plan.

⁶¹ The project will be pursued within the framework of the 2016 operational plan.

⁶² On 11 June 2015, the Constitutional Court annulled the Act of 30 July 2013 transposing Directive 2006/24, which had been invalidated by the Court of Justice of the European Union on 8 April 2014.

⁶³ The online publication of the barometer should take place in Q3 2016.

⁶⁴ The tariff simulator will be developed within the framework of the 2016 operational plan.

⁶⁵ BIPT wishes to continue working on the proposition allowing to improve the efficiency of the Decision of the BIPT Council of 4 December 2012 regarding the communication of the speed of a fixed broadband connection.

⁶⁶ Within the framework of the 2016 operational plan, the project evolved towards the adoption of a legislative amendment and a decision that aims to inform consumers of their actual consumption during the last three months.

⁶⁷ The publication of the report regarding the monitoring carried out by BIPT is planned for the first semester of 2016.

⁶⁸ As mobile communications services do not fall under the scope of the universal service, the ECA needs to be adapted regarding the financing rules for the mobile social tariff. This point and others are handled in a card of the 2016 operational plan.

⁶⁹ The net costs of the universal service will be determined within the framework of the 2016 operational plan.

⁷⁰ As the postal regulatory framework is evolving, the designation of the universal postal service provider will be handled once the new regulatory framework has been fixed.

THE STRATEGIC AXIS "DIALOGUE"	
HAVING A CONTINUOUS DIALOGUE	
Efficient communication with all stakeholders	Project completed
Monitoring of the electronic communications market	Project completed

THE STRATEGIC AXIS "GOOD PERFORMANCE"	
BEING AN ATTRACTIVE EMPLOYER AND A WELL PERFORMING REGULATOR	
Automation of certain functions of the STTS (system for treating social telephone tariffs)	Project completed
Writing of a new software programme to manage the operator data base	Project is ongoing ⁷¹
Digital office	Project is ongoing ⁷²
Deployment of the internal management and process management	Project is ongoing ⁷³
Implementation of a web portal for exam registration	Project completed



⁷¹ This project should be completed in 2016.

⁷² The project will be pursued within the framework of the 2016 operational plan.

⁷³ Several aspects of this project were completed in 2015; it is still listed in the 2016 operational plan.

2 REPORT ON THE MONITORING REFERRED TO IN ARTICLE 21 OF THE ACT OF 17 JANUARY 2003

This provision refers to the case in which BIPT has indications that the legislation or regulation, the compliance of which it monitors, or the decisions taken by the Institute in implementation of this legislation or regulation, have been violated.

On that basis, no decisions imposing an administrative fine were adopted in 2015. Below the report is given of the actions taken in the electronic communications sector:

- As to the four main operators (BASE, Mobistar, Proximus and Telenet) checks were carried out to ascertain whether the termination of a subscription actually follows a corresponding request from the customer and whether that termination is free of charge. The operators checked comply with those conditions. BIPT also checked those operators to see if they send the warning messages needed to avoid a "bill shock": one of the operators did not apply the regulation correctly, which was due to a technical problem. BIPT will continue to monitor that situation. The other operators were in order.

- The actual publication of the information sheets on the websites of thirteen operators was checked; it was also verified whether those sheets were correct and up-to-date, and also easy to find. The main operators observe the regulation correctly: the sheets seemed to be correct, up-to-date and relatively easy to find. The same findings applied to the smallest operators. Only three small operators conformed to the rules after being urged by BIPT.
- The allegedly "unlimited" nature of the unlimited offers of 23 operators (unlimited surfing, unlimited calls, or unlimited text messages) was checked. The majority of the offers on the market that present themselves as "unlimited" seem to include certain limits. It was also found that the majority of operators show those values in a reasonably transparent manner and that in a number of cases, they are very high. The results were transmitted to the FPS Economy. The promotion of unlimited offers which in reality do have limits may constitute a form of misleading advertising. That investigation also comes under the competence of the FPS Economy.



3 LIST OF BIPT COUNCIL PUBLICATIONS IN 2015

1. Decisions

DATE	TITLE
19/11/2015	Decision of the BIPT Council of 19 November 2015 regarding the review of the decision of 10 December 2013 (Brxx 2012 Update)
10/11/2015	Decision of the BIPT Council of 10 November 2015 regarding the addendum of the BRXX reference offers "SNA Splicing Interventions & XML DONE Timer"
21/09/2015	Decision of the BIPT Council of 21 September 2015 regarding the analysis of bpost's tariff proposal for full rates per piece for the year 2016
19/08/2015	Decision of the BIPT Council of 19 August 2015 on the technical and operational conditions for the 3400-3800 MHz band
19/08/2015	Decision of the BIPT Council of 19 August 2015 on the transparency of the reference offers (incl. Addendum Protocols Transparency)
15/07/2015	Decision of the BIPT Council of 15 July 2015 regarding the quality of service indicators
30/06/2015	Decision of the BIPT Council of 30 June 2015 on the coexistence of public mobile networks with the GSM-R network in the 900 MHz band
16/06/2015	Decision of the BIPT Council of 16 June 2015 regarding the granting to E-BO Enterprises of temporary user rights for the establishment and operation of a transmission installation on the Thorntonbank wind farm situated in the Belgian economic zone in the North Sea
03/06/2015	Decision of the BIPT Council of 3 June 2015 on radio interfaces B10-03-E and F, B10-04 to B10-06, B10-08 and B10-08-A, B10-12-A and B, B10-13, B10-14-A to D, F02-02-A and B
13/05/2015	Decision of the BIPT Council of 13 May 2015 on the division of spectrum in the 900MHz band

DATE	TITLE
06/05/2015	Decision of the BIPT Council of 6 May 2015 renewing the BIPT Council decision of 29 June 2010 regarding the market definition, the analysis of the competitive conditions, the identification of SMP operators and the determination of appropriate remedies for Market 7
21/04/2015	Decision of the BIPT Council of 21 April 2015 on radio interfaces B20-01 to B20-11, B21-01 to B21-18, B22-01 to B 22-09, B23-01 to B23-11, B24-01 to B24-10, B25-01a- to B25-10 and E30.
19/03/2015	Decision of the BIPT Council of 19 March 2015 concerning the amendment to reference offer BROTSoll concerning the prices of New Generation Leased Lines and various qualitative provisions
11/03/2015	Decision of the BIPT Council of 11 March 2015 regarding the addendum to the BROTSoll reference offer for the access to manholes
26/02/2015	Decision of the BIPT Council of 26 February 2015 regarding the cost of capital for operators with a significant market power in Belgium
16/01/2015	Decision of the BIPT Council of 16 January 2015 on granting exclusive frequency bands for the use of radio relay links - Non-confidential version
13/01/2015	Decision of the BIPT Council of 13 January 2015 regarding the pricing of the 'Wholesale Multicast' offer and the Ethernet transport for the BROBA and WBA VDSL2 offers - Public version & confidential version
06/01/2015	Decision of the BIPT Council of 6 January 2015 on the composition of the board referred to in the Royal Decree of 5 May 2006 regarding a conciliation procedure before BIPT for the year 2015

2. Consultations

DATE	TITLE
22/12/2015	Consultation organised by the BIPT Council at the request of the Minister of Telecommunications on the draft Royal Decree regarding the granting of user rights for the establishment and operation of transmission installations situated in Belgium's exclusive economic area in the North Sea
07/12/2015	Consultation organised by the BIPT Council at the request of Minister De Croo on the draft bill amending Article 127 of the Act of 13 June 2005 on electronic communications
04/12/2015	Draft decision of the BIPT Council on access for radio amateurs to the 5,351.5 - 5,366.5 kHz and 70.1125 - 70.4125 MHz frequency bands
04/12/2015	Draft BIPT guidelines - Principles to be applied for margin squeeze tests
03/12/2015	Consultation on the draft bill regarding audiovisual media services in the bilingual Brussels-Capital Region
17/11/2015	Consultation of the BIPT Council on the draft of the operational plan 2016
28/10/2015	Consultation by the BIPT Council on the issue of indoor coverage
15/09/2015	Consultation on the draft Royal Decree amending the Royal Decree of 18 December 2009 on private radio communications and user rights for fixed networks and trunk networks
14/09/2015	Draft Decision of the BIPT Council on the analysis of market 2: voice call termination on individual mobile networks
14/09/2015	Draft decision of the BIPT Council on the approval of the reference offer of Brutélé in the bilingual region of Brussels-Capital
14/09/2015	Draft decision of the BIPT Council on the approval of the reference offer of Telenet in the bilingual region of Brussels-Capital
11/08/2015	Consultation on the draft Royal Decree amending the Royal Decree of 18 January 2001 and the Royal Decree of 22 December 2010
31/07/2015	Consultation organised by the BIPT Council at the request of the Vice-Premier and Minister of Digital Agenda, Telecom and Postal Services on the draft bill regarding data retention in the electronic communications sector

DATE	TITLE
14/07/2015	Draft decision of the BIPT Council regarding the wholesale tariffs for call termination services on the public telephone network provided at a fixed location
24/06/2015	Consultation on the technical and operational conditions for the 3,400-3,800MHz band
03/06/2015	Draft Decision of the BIPT Council regarding the review of the Decision of 10 December 2013 (BRxx 2012 Update)
02/06/2015	Consultation by the BIPT Council at the request of the Private Office of the Minister for Telecommunications regarding the draft regulations facilitating switching fixed line operator and bundles
27/05/2015	Draft decision of the BIPT Council revising the wholesale tariffs of services for cable network access in the bilingual Brussels-Capital Region
24/03/2015	Consultation regarding the draft decision of the BIPT Council regarding radio interfaces B10-03-E and F, B10-04 to B10-06, B10-08 and B10-08-A, B10-12-A and B, B10-13, B10-14-A to D, F02-02-A and B
24/03/2015	Draft Decision of the BIPT Council of 24 March 2015 regarding the addendum to the BRXX reference offers "SNA splicing interventions & XML Done Timer"
11/03/2015	Draft decision of the BIPT Council on the division of spectrum in the 900MHz band
10/03/2015	Consultation regarding the draft decision of the BIPT Council on radio interfaces B20-01 to B20-11, B21-01 to B21-18, B22-01 to B 22-09, B23-01 to B23-11, B24-01 to B24-10, B25-01a- to B25-10 and E30
25/02/2015	Draft Decision of the BIPT Council on the coexistence of public mobile networks with the GSM-R network in the 900 MHz band
13/02/2015	Consultation of the BIPT Council on the draft decision on quality of service indicators
21/01/2015	Consultation of the BIPT Council on the procedure for designating the universal postal service provider



3. Communications

DATE	TITLE
22/12/2015	Communication by the BIPT Council regarding the monitoring of the universal telecommunications service 2014-2015
22/12/2015	Communication by the BIPT Council on the results of the 2015 World Radio Conference
15/12/2015	Communication by the BIPT Council on BIPT's monitoring in 2015 of the postal service providers
09/12/2015	Communication of the BIPT Council regarding the Belgian postal services observatory for the years 2010 to 2014 ⁷⁴
08/12/2015	Communication of the BIPT Council on the realisation of a statistical survey and analysis regarding the preferences, the needs and the willingness to pay of domestic private and professional users of services relating to the universal postal service
18/11/2015	Communication of the BIPT Council about the risk of power cuts during winter 2015/2016
27/10/2015	Communication by the BIPT Council on BIPT's monitoring in 2015 of bpost's quality of service
21/09/2015	Communication of the BIPT Council on the issue of the identification of the handling postal service provider
14/09/2015	Reference offer from Telenet
14/09/2015	Reference offer from Brutélé
30/06/2015	Communication by the BIPT Council concerning the World Radio Conference 2015
24/06/2015	Addendum to the Communication by the BIPT Council on the WRC 2015
03/06/2015	Communication by the BIPT Council on the granting of user rights in the 3.5GHz frequency band following the call for candidates of 27 February 2015
07/05/2015	National benchmarking of the telecommunications services rates in Belgium [Rates applied on 09 February 2015]

DATE	TITLE
23/04/2015	The universal Set-Top Box: technical and economic feasibility for the next three to five years
07/04/2015	Communication by the BIPT Council regarding a pluriannual plan for the spectrum for public mobile services
25/03/2015	Summary report of the work done in the "Easy Switch" project
10/03/2015	Communication by the BIPT Council concerning radio microphones and other PMSE equipment in radio interfaces B10 and F2
27/02/2015	Communication of the BIPT Council regarding the obligation to notify oneself as an operator to BIPT
27/02/2015	Communication by the BIPT Council on a call for candidates wishing to obtain user rights for the 3410-3500/3510-3600MHz frequency bands
04/02/2015	Communication by the BIPT Council regarding the declaration of conformity of bpost's cost accounting system for the year 2013 based on the reports drawn up by the Supervisory Board at bpost.

4. Opinions

DATE	TITLE
06/10/2015	Opinion of the BIPT Council regarding the 2014 improvement plan and the 2015 action plan of bpost following the 2014 customer satisfaction survey
28/09/2015	Opinion of the BIPT Council on the reform of the Belgian postal regulation

⁷⁴ Amended and replaced by the Communication of the BIPT Council of 19 January 2016 regarding the Belgian postal services observatory for the years 2010 to 2014

5. Press releases

DATE	TITLE
22/12/2015	Residential and business users are open to changes in the traditional universal mail delivery
10/12/2015	BIPT publishes economic key figures of the postal sector for the year 2014
09/12/2015	The regulators of electronic communications networks approve revised tariffs for cable access
05/11/2015	Update of the mobile coverage maps on the BIPT website
04/11/2015	BIPT reports on the quality, accessibility and information provided in post offices and Postal Points
28/10/2015	Belgian user rather satisfied with telecommunications services
23/09/2015	14 telecom operators signed up for a campaign in October to promote mobile Internet in Belgium
22/07/2015	The Belgian telecom prices on the business market are average in comparison to the neighbouring countries for the lion's share of the smaller businesses
17/07/2015	BIPT publishes statistics of the electronic communications sector in 2014
15/07/2015	BIPT publishes an "Atlas" of the mobile operators' coverage on his website
29/06/2015	BIPT gives tips and tricks for mobile Internet and calling abroad
19/06/2015	BIPT looks "Beyond"
18/06/2015	Mobile Internet: find out the advantages & your profile on www.surfmobile.be
18/05/2015	BIPT receives 1 offer for the delivery of recognised newspapers and recognised periodicals
07/05/2015	BIPT publishes a comparison of the cheapest telecom tariffs on the Belgian residential market
30/04/2015	Bilateral agreement between Belgian and Luxembourg telecoms regulators clears the way for calling, sending SMS messages and surfing between both countries without roaming costs

DATE	TITLE
25/03/2015	BIPT advances propositions to render more smoothly the process of changing fixed telecom operators
11/02/2015	Volume discounts as applied by bpost deemed non-discriminating by the European Court of Justice
22/01/2015	Belgian telecom prices average compared to neighbouring countries
16/01/2015	New tariffs to boost competition on the market for Internet and television



4 GLOSSARY

- BBC:** Broadband Cost
BCA: Belgian Competition Authority
BEREC: Body of European Regulators for Electronic Communications
BRIBA: Belgacom Reference Offer Bitstream Access
BROTSoLL: Belgacom Reference Offer for Terminating Segments of Leased Lines
BRUO: Belgacom Reference Unbundling Offer
CA: Council of Administration
CBS: Crossroads Bank for Social Security
CCPS: Consultative Committee on Postal Services
CEPT: European Conference of Postal and Telecommunications Administrations
CERP: European Committee for Postal Regulation
CLI: Calling Line Identity
COCOM: Communications Committee
CPG: Conference Preparatory Group
CRC: Conference of Regulators of the electronic communications sector
CSA: Conseil supérieur de l'audiovisuel
CSC: Carrier Select Code
DECT: Digital Enhanced Cordless Telephone
DG: Directorate General
DSL: Digital subscriber line
DVB-T: Digital Video Broadcasting - Terrestrial
ECA: Act of 13 June 2005 on electronic communications
ECC: Electronic Communications Committee
ECP: European Common Proposal
ECS: European Committee for Standardisation
ERGP: European Regulators Group for Postal services
ERO: European Radio communications Office
ESA: European Space Agency
ETSI: European Telecommunications Standard Institute
FPS: Federal Public Service
Ftth: Fiber to the Home
GOC: General Operator's Certificate
GMDSS: Global Maritime Distress and Safety System
GSM: Global System for Mobile communications
HAREC: Harmonised Amateur Radio Examination Certificate
HCM: Harmonised Calculation Method
IP: Internet Protocol
IRG: Independent Regulators Group
ISPC: International Signalling Point Code
ITU: International Telecommunication Union
LEGBAC: Limited Exploratory Group on Broadcasting to Aeronautic Compatibility
LL: Leased Line
M.B.: Moniteur belge
M2M: Machine to Machine
MNC: Mobile Network Code
MTR: Mobile Termination Rate
NCS: National Spectrum Monitoring Department
NGA: Next Generation Access
NGN: Next Generation Network
NGLL: Next Generation Leased Lines
NRA: National regulatory authority
NSPC: National Signalling Point Code
OSN: One Stop Notification
PMSE: Programme Making and Special Events
PT: Project Team
ROC: Restricted Operator's Certificate
RSC: Radio Spectrum Committee
RSPG: Radio Spectrum Policy Group
R&TTE: Radio and Telecommunications Terminal Equipment
SGEI: services of general economic interest
SMP: Significant Market Power
SMS: Short Message Service
SRC: Short Range Certificate
STTS: Social telephone tariffs service
UPS: Universal postal service
T-DAB: Terrestrial Digital Audio Broadcasting
TC: Technical Committee
TDD: Time Division Duplex
TTS: Social Telephone Tariff
UHF: Ultra High Frequency
UMTS: Universal Mobile Telecommunications System
UPU: Universal Postal Union
VHF: Very High Frequencies
VoIP: Voice over IP
VPN: Virtual Private Network
VRM: Vlaamse Regulator voor de Media
WACC: Weighted Average Cost of Capital
WBA: Wholesale Broadband Access
WRC: World Radio Conference
WTO: World Trade Organisation

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