



Belgian Institute for Postal Services
and Telecommunications



ANNUAL REPORT 2021

ELECTRONIC COMMUNICATIONS

POSTAL SERVICES

SPECTRUM MANAGEMENT

MEDIA IN BRUSSELS

NETWORK SECURITY



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FOREWORD



The year 2021 was marked by a significant change in consumer behaviour and needs within the sectors regulated by the BIPT. This change is closely linked to the life changes which have taken place for almost two years. Electronic communications services, parcel transport or the media have become indispensable in our daily life, more than ever. The impact of the pandemic in terms of volume in the postal service and electronic communications markets is undeniable. The BIPT followed these changes on the markets very closely by carrying out qualitative and quantitative statistical studies, both from a supply perspective (for instance by publishing the postal observatory or by drafting the first edition of a study on the quality and coverage of fixed and mobile broadband) and from a demand perspective (for instance by carrying out a study on the needs of postal users or via a survey on the perception of the electronic communications market by consumers). This monitoring of the markets enables the BIPT to better grasp the future challenges, such as a greener parcel delivery in the postal sector, or the impact on competition of mergers, acquisitions or partnership agreements in the electronic communications sector. Furthermore, the BIPT used its knowledge of the consumers' needs to develop and improve tools which were specifically created for them. The new feature of the [postalpoint.be](https://www.postalpoint.be) website, implemented in 2021, allowing users to search and compare alternatives to send a parcel is but one example. The BIPT also continued its information campaigns on social networks to improve consumers' knowledge about their rights, the activities of the BIPT and the tools provided to them by the Institute to help them in their decision-making process.

The meaning of the BIPT's work, summarised in its vision "a reliable and competitive communications environment for everyone", also became more important than ever during the floods which hit our country in the summer of 2021. The BIPT shared its expertise with the crisis center to ensure that operators can efficiently and quickly restore the electronic communications networks in affected areas. Ensuring that citizens have efficient and reliable communications networks remains a fundamental task outside crisis periods. Therefore, the BIPT participated, among other things, in the fight against fraud committed through electronic communications services, such as the spread of

viruses via smishing messages. The BIPT also closely monitored critical infrastructures and particularly analysed and assessed the risk of instability caused by an increased dependence on software layers within networks.

The past year was characterised by the acceleration of the deployment of optical fibre, as well as the development of 5G based on the temporary licences issued by the BIPT in 2020. The Institute, one of whose tasks is to promote connectivity and access to very high capacity networks, has contributed to these developments in various ways. Its role is also to supervise and support innovation. For example, it also participated in the drafting of necessary secondary regulations which were adopted at the end of 2021 for the organisation of the spectrum auctions scheduled for June 2022 and participated in the establishment of the legal framework concerning the implementation of specific security measures for mobile networks, adopted in early 2022. The BIPT also coordinated the implementation of the best practices of the European 5G toolbox to accelerate the deployment of 5G networks. Moreover, the BIPT published a decision laying down the technical conditions (via radio interfaces) for the placing on the Belgian market of Wi-Fi equipment in a new 6 GHz radio frequency band.

In addition, the BIPT supports the roll-out of very high capacity networks by informing end-users regarding these new technologies and by providing answers to the numerous questions raised by their large-scale deployment. The [about5g.be](https://www.about5g.be) and [infofibre.be](https://www.infofibre.be) websites, online since 2021, neatly fit into this perspective. Communicating on the risks of

"Ensuring a reliable and competitive communications environment for everyone" was still fully relevant in 2021



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saturation of 4G networks also indirectly forms part of the BIPT's action in support of the development of very high capacity networks.

Another important task of the regulator is to foster healthy competition and maintain market access. In the electronic communications sector, after having examined Proximus' tariffs for access to its optical fibre network, the BIPT approved the proposed prices taking account of the underlying costs and the necessity to promote investments in optical fibre. The Conference of regulators of the electronic communications sector (CRC) also published on 28 June 2021 the new one-time fees for access to the cable operators' networks. These rates enable alternative operators to get wholesale access to cable networks. It is essential to set these rates at a fair level to develop competition on the retail market while correctly compensating network operators for that access. On the postal market, the BIPT finalised the analysis of the analytical accounting of bpost for 2019, which was found to be in conformity. The BIPT analysed the tariffs of the incumbent operator for certain cross-border parcel delivery services to identify those that are unreasonably high.

The retail prices within the electronic communications sector are not subject to regulation but are monitored by the regulator. In 2021, the BIPT published its international price benchmarking study, which shows that the tariffs for telecommunications services in Belgium are generally high when compared to neighbouring countries. Price benchmarking studies are useful as they assess the price levels of telecommunications in our country and can, if need be, motivate the adoption of additional competition-



strengthening measures. The BIPT also conducted a national price benchmarking study regarding electronic communications services. In this edition, published in early 2022, a new methodology was developed, taking as a starting point the users' needs, illustrated with 10 households with sufficiently differentiated profiles to draw a broad and varied picture of the market. One of its purposes is to foster competition among the operators that are active on

the Belgian residential market, and to encourage Belgian consumers to more frequently compare the offers best suited to their needs to achieve savings. In the postal sector, the prices of bpost, the universal service provider, are subject to the BIPT's approval if they concern products that are included in the small user basket (i.e. national and international standard letters and parcels for private persons and small businesses). As the legislative amendment in 2018

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presupposes that the tariffs are compliant with the affordability and cost-orientation requirements, if the tariffs of the service included in the small user basket respect the price cap, the BIPT is no longer able to assess these aspects separately. As a consequence, the BIPT could only acknowledge the fact that the average 6.37% tariff increase requested by bpost complies with the legal provision concerned. This increase will be felt mainly in the letter segment (more specifically the prior and non-prior stamps). The adequacy of the price-cap formula is being assessed.

The legal framework of two of the BIPT's areas of jurisdiction has experienced significant changes in 2021. Of course, the BIPT provided its expertise during the drafting of these laws, ensuring, regarding the one of 21 July 2021, the transposition of the new Audiovisual Media Services Directive (AVMSD), and, regarding the one of 31 December 2021, the transposition of the European Electronic

Communications Code, which reforms the entire European regulatory framework for electronic communications.

For the BIPT, 2021 was particularly important at the international level. During the whole year, the Institute chaired the Body of European Regulators for Electronic Communications, or BEREC, which adopted last year the last guidelines to implement the aforementioned code. It also provided its independent expertise to the European co-legislators concerning the revision of the Broadband Cost Reduction Directive (BCRD) aiming to reduce network deployment costs, the NIS Directive in terms of security, the Roaming Regulation and the draft "DMA" on the regulation of digital platforms. BEREC also published studies on the digital dividend and the implementation of the Green Deal. The BIPT continued to play a leading role in the Universal Postal Union (UPU), where it exercised, for Belgium, the

function of member of the Council of Administration. These involvements at the international and European level were for the BIPT's experts a unique opportunity to expand their knowledge in the field and to work with other regulators.

Concerning our internal organisation, the composition of the BIPT Council was modified on 16 September 2021, when Bernardo Herman took over Jack Hamande's seat at the Council. The BIPT thanked the latter for his years of commitment.

This report describes the accomplishments of the BIPT in 2021. These are essentially based on the day-to-day activities of the BIPT staff. The Council wishes to congratulate its employees on the quality of their work and thank them for their commitment.

The members of the Council wish you an insightful reading and are ready to answer any questions.



Axel Desmedt
Member of the Council



Luc Vanfleteren
Member of the Council

Bernardo Herman
Member of the Council



Michel Van Bellinghen
Chairman of the Council



2021 key figures



€1.738
billion

Due to the roll-out of optical fibre and the upgrade of the mobile network in anticipation of 5G, the level of investment in infrastructure was significant in 2021. After two years of decline, investment in fixed and mobile electronic communications reached €1.738 billion (excluding licences) last year.



512

In 2021, 512 controls were carried out on various distribution channels, during which 1,490 different radio devices were checked.



44.5%

The postal observatory published by the BIPT in 2021 showed the significant impact of the pandemic on the postal market in 2020. In terms of volume, parcel transport increased by 44.5% in a single year. However, the structural decline in letter post, which has been observed for almost ten years, continues: between 2010 and 2020, the letter post volume fell by 43.1%.



33.86%

Mobile data traffic increased by 33.86% in 2021. The number of SIM cards is still growing and the average monthly usage volume per SIM card continues to grow: it now exceeds 5 GB/month for residential customers.

2021: in a nutshell

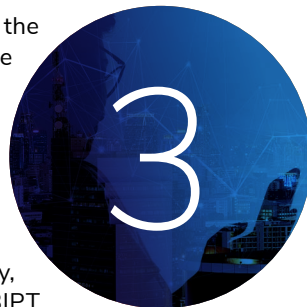
CHAPTER 1



The BIPT. The strategic plan forms a common thread in the exercise of the BIPT's competences, to ensure a reliable and competitive communications environment for everyone. The BIPT does not only exercises its powers at the national level. It also ensures that the interests of the Belgian postal and telecommunications sectors are preserved by assuming various international responsibilities, such as the presidency of BEREC.

CHAPTER 3

2021 in numbers. This chapter describes the main trends observed by the BIPT on the electronic communications, postal service and media markets. The BIPT closely monitors the market developments and published detailed information: the postal observatory reflects the postal market trends, and the situation on the electronic communications and television market is the subject of an annual study, published as a communication of the BIPT.



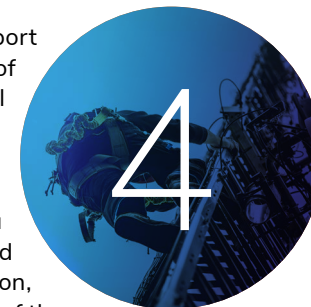
CHAPTER 2

Realisation of the strategic objectives in 2021. The implementation of the BIPT's strategic objectives is based on four strategic axes: competition, users, scarce resources and efficient functioning. This chapter explains how the four strategic axes were translated into action via the 2021 operational plan and the day-to-day operation of the BIPT.

ANNEXES

Additional information.

In addition to a financial report and the annual accounts of the funds for the universal services, the annual report must include an overview of the infringement proceedings initiated. You will find this information and other relevant information, such as an overview of the implementation of the cards of the operational plan, in the annexes.



1

CHAPTER 1
THE BIPT



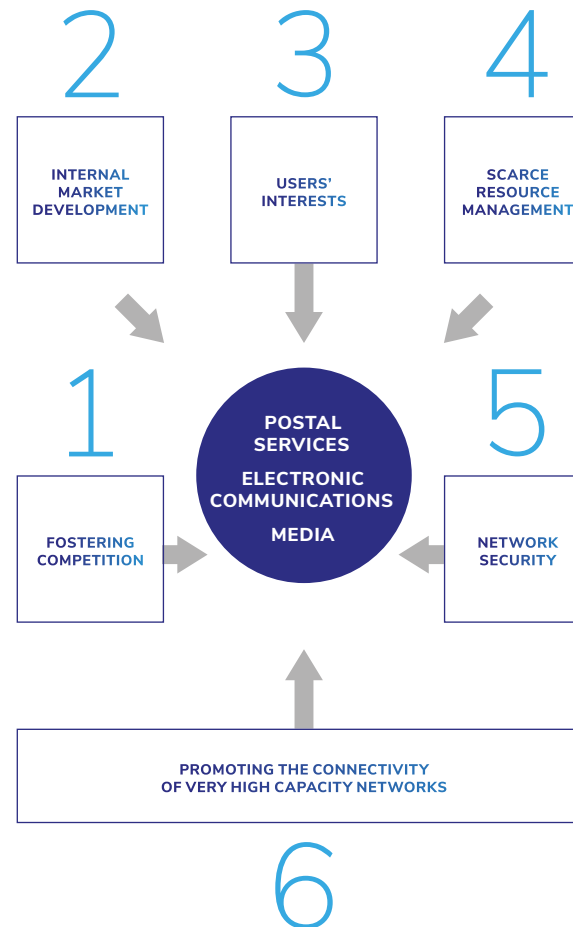
1.1. Our role

The BIPT is the federal regulatory body responsible for regulating the electronic communications market, the postal market, the electromagnetic spectrum of radio frequencies and the radio and television broadcasting in the Brussels-Capital Region.

1.1.1. Our objectives

In its several fields of competence (electronic communications market, postal market, electromagnetic spectrum of radio frequencies and network security), the BIPT must reach a series of objectives which mainly directly stem from the European and Belgian regulatory frameworks.

To achieve them, the BIPT draws up a strategic plan every three years. The year 2021 is part of the [Strategic Plan 2020-2022](#). This plan outlines the strategic axes and priority fields of activity of the BIPT, thus contributing to the good administration of the Institute. Established after consultation with the stakeholders, this plan also reflects the experience of the BIPT and is its response to the changes in its operating environment.



Missions. Electronic communications, postal services and media in the Brussels-Capital Region are the BIPT's main fields of activity. The BIPT's activities are guided by six missions:

- understanding the end-users of electronic communications and postal services, anticipating the uses and development thereof and safeguarding consumer interests;
- efficiently organising healthy competition and maintaining market access;
- using postal services and electronic communications to promote social integration and cohesion for everyone;
- managing scarce resources;
- ensuring network security;
- promoting connectivity with high-capacity networks and access to them.

1.1. Our role

Values. The BIPT fulfils its duties in accordance with the following values:

- **Independence:** the BIPT adopts an objective, neutral and consistent attitude, without conflicts of interest, prejudice or improper influencing. The BIPT collaborates with the competent minister(s), the Parliament, the companies in the sectors regulated by the Institute, and other public bodies and stakeholders. These contacts are desirable, and often necessary to ensure a functioning that is attuned to the developments in society and the regulated markets, on the one hand, and stable and predictable, on the other hand. The BIPT must therefore make sure to defend and preserve its independence. From that perspective, the specific status and the financial autonomy are the best guarantees.
- **Reliability:** as a centre of expertise, the BIPT wishes, when adopting a position, to be a reliable and competent partner for all stakeholders. This reliability is supported internally by the professionalism, teamwork and agility of the BIPT.
- **Transparency:** this is part of the control of the BIPT's intervention. It is achieved via openness and visibility, both internally and externally, on the one hand, and dialogue and accessibility, on the other hand. Decisions are thus duly motivated and are often subject to prior consultation.

Vision. In the text expressing its vision, the BIPT summarises as follows what it aspires to create and defend in the field of electronic communications, media and postal services:

“A reliable and competitive communications environment for everyone”.



1.1.2. Our competences

The BIPT has several duties:

- **regulator of the postal and electronic communications markets.** The Institute carries out the tasks laid down by law and monitors the compliance with the legislation on postal services and telecommunications;
- **beheerder van het elektromagnetische spectrum van de radiofrequenties.** The BIPT distributes the radio frequencies and numbers in such a way as to guarantee that they are used as efficiently as possible. The BIPT also fulfils a role of “police of the radio waves” to put a stop to any form of harmful interference;
- **media regulator in the Brussels-Capital Region.** The BIPT ensures that operators comply with the specific regulation on radio and television broadcasting, provided that the activities of the broadcasting body cannot be specifically related to the French-speaking Community nor the Flemish Community.

The CRC. The BIPT is a member of the “Conférence des régulateurs des médias et des télécommunications” (Conference of telecommunications and media regulators or CRC) which also includes the CSA (“Conseil supérieur de l’Audiovisuel”), the Medienrat and the VRM (“Vlaamse Regulator voor de Media”).

1.2. Our organisation

Each draft decision of the BIPT on electronic communications networks is submitted to the other three authorities. Each of them may request that the draft decision be brought before the CRC, if a regulator considers that its competences are harmed by the draft¹.

In performing its duties, the BIPT may:

- take administrative decisions and impose administrative sanctions;
- issue opinions on its own initiative or at the request of the Minister or the Chamber of Representatives;
- conduct studies, gather all useful information or organise a public consultation;
- act as a conciliator in case of disputes.

An independent
regulator subject
to a democratic
control

1.2.1. Our status

Established in 1991, the Belgian Institute for Postal Services and Telecommunications is the federal regulator for the postal and telecommunications sectors.

The Act of 17 January 2003 on the status of the regulator of the Belgian postal and telecommunications sectors bestowed upon the BIPT its independence. The Institute is financially autonomous and is financed from contributions of the players of the regulated sectors.

The democratic monitoring of the BIPT's operation is, however, ensured and is exercised through the following instruments:

- Every three years, a Strategic Plan is drawn up and presented to the Chamber of Representatives. It serves as a basis for the annual operational plans;
- Each year, the BIPT publishes a report on its activities and the developments in the postal service and telecommunications markets for the stakeholders;
- The Institute's draft budget and its accounts are approved by the Ministers of Budget and Finance. The draft budget is published and the budget is also submitted to the Chamber of Representatives. The annual accounts are audited by the Belgian Court of Auditors;

- The decisions of the BIPT may be the subject of full remedy actions brought before the Market Court whose decision shall be in the form of an interim order. The Court may suspend the BIPT's decisions and annul them with retroactive effect.

1.2.2. Our structure

The BIPT is run by the Council, made up of a chairman and three members; the four of them are appointed by the King for a period of six years. The composition of the BIPT Council was modified on 16 September 2021, when Bernardo Herman took over Jack Hamande's seat at the Council. The Council is now composed of Michel Van Bellinghen, Chairman of the Council, Axel Desmedt, Luc Vanfleteren and Bernardo Herman, Members of the Council.

The BIPT's organisational chart contains nine horizontal departments (the Registry, the Communications Department, the Budget and Finance Department, the Translation Department, the International Relations Department, the IT Department, the Legal Department, the Personnel Management Department and the Purchasing and Logistics Department) and six vertical departments (the Telecom Market & Media Department, the Monitoring Department, the NetSec Department, the Assignments Department, the Consumer Department and the Postal Market Department).

1. Cooperation Agreement of 17 November 2006 between the Federal State, the Flemish Community, the French Community and the German-speaking Community on the mutual consultation when the regulatory authorities in charge of telecommunications or radio and television broadcasting draw up legislation regarding electronic communications networks, exchange information and exercise powers regarding electronic communications networks.

1.3. Our interventions



1.3.1. Our expertise

Based on its experience and its contacts with the telecommunications and postal markets, the BIPT is regularly involved in the preparation of strategic documents or decisions in these sectors. Examples of interventions in 2021 are detailed below.

Preparing the regulation.

First of all, the BIPT collaborated in the transposition of the European Electronic Communications Code, reforming the regulatory framework. The BIPT shared

its expertise in the preparation of a draft bill and advised the government throughout 2021 to adapt the text following the public consultation. These efforts led to the publication on 31 December 2021 of the act transposing the European Electronic Communications Code².

Then, to ensure the security of fifth-generation mobile networks (5G) and, at the request of the National Security Council, the BIPT participated in the preparation of the legal framework for the implementation of specific security measures for mobile networks. A bill was tabled before the

Chamber of Representatives by the Minister of Telecommunications in November 2021. The work on the Royal Decrees also led to two consultations in May and December.

Within the context of the decisions of annulment of the Constitutional Court of 22 April and 18 November 2021, the BIPT continued its work on the bill on the collection and retention of identification data and metadata in the electronic communications sector and the provision of these data to the authorities. This bill aims to repair Articles 126 and 127 of the Telecom Act, affected by the two aforementioned decisions. Two public consultations were organised at the request of the Minister: one concerning the draft bill and the other one concerning the amendments to the bill. This bill is now under review at the Chamber of Representatives.

Within the postal sector, the BIPT provided its expertise for the drafting of a draft Royal Decree on postal services, which replaces and harmonises a number of Royal Decrees on postal services with the Postal Act of 2018, in particular by providing for an adaptation of the registered mail delivery procedure to new technologies and by introducing the reduction of the licence application fees. In this context, the BIPT organised a public consultation on its website.

Finally, being the media regulator (for content that is not exclusively in French nor exclusively in Dutch) in Brussels, the BIPT also prepared the text for the

2. Act of 21 December 2021 transposing the European Electronic Communications Code and amending various provisions regarding electronic communications (Belgian Official Gazette of 31/12/2021).

1.3. Our interventions

transposition of the new Audiovisual Media Services Directive (AVMSD) which aims to create a level playing field in Europe for broadcasting and audiovisual media services, including video-sharing platform services. The Act of 21 July 2021³ transposing this directive into Belgian law was published on 10 August 2021.

Clarifying the regulation. In order to prepare the plausible arrival of “TowerCo” companies, i.e. companies whose activity consists in managing antenna sites and renting them to mobile operators, the BIPT conducted a public consultation on the subject, followed by a Council Communication. This [document](#) clarifies the applicable legal framework.

Expertise for the Chamber of Representatives. On 26 March 2021, the BIPT adopted, at the request of the Committee for Economy of the Chamber of Representatives, an opinion on a bill amending the Act of 27 February 2019 allowing electronic registered items to be offered on the eBox platform. In that opinion, the BIPT recommends ensuring that a level playing field be preserved among the various (future) market players.

At the request of the Committee for Mobility, Public Companies and Federal Institutions of the Chamber of Representatives, the BIPT also adopted on 7 June 2021 an opinion on a bill amending various provisions on the service concession regarding the delivery of acknowledged newspapers and periodicals. In that

opinion, the BIPT expresses reservations particularly concerning the adequacy of the proposed amendments, which may create legal uncertainty.

Expertise for the Regions. The Brussels Parliament set up its first deliberative committee, composed of 45 randomly selected Brussels citizens and 15 members of the Brussels Parliament. This committee’s remit was to make recommendations in response to the following question: “5G is coming to Belgium. How would we want it to be implemented in the Brussels-Capital Region, taking account of the environment, health, the economy, employment and technological aspects?” No previous knowledge was required from the members of the deliberative committee. Resource persons were then invited to provide them with comprehensive, balanced and accessible information on the challenges of 5G. Given its expertise, the BIPT was requested to provide participants to discuss the aspects related to the allocation of frequencies and security. The intervention of the resource persons included two parts: the drafting of a document and the participation in meetings of the deliberative committee.

At the request of the Walloon Government, the BIPT appointed within its organisation a group of experts tasked with evaluating and, as the case may be, proposing amendments to the Decree of 3 April 2009 on the protection against any harmful effects and nuisance caused by non-ionising radiation

generated by stationary transmitting antennas, in order to allow a controlled 5G roll-out in Wallonia. This group of experts submitted its report to the Walloon Government in December 2021.



3. Act of 21 July 2021 transposing Directive (EU) 2018/1808 of the European Parliament and of the Council of 14 November 2018 amending Directive 2010/13/EU on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive) in view of changing market realities (Belgian Official Gazette of 21/07/2021).

1.3. Our interventions

European and international cooperation. The BIPT's commitments at the international and European level have given the BIPT's experts a unique opportunity to expand their knowledge in the field and to work with other regulators.

At the European level, the BIPT played a key role in 2021 by chairing the Body of European Regulators for Electronic Communications, or BEREC. The BIPT was in charge of the day-to-day management of BEREC and the execution of the Work Programme.

In the Universal Postal Union (UPU), the BIPT continued to carry out Belgium's mandate in 2021 as a member of the Council of Administration and, more particularly, as a co-chair of the Committee "USO, Regulatory Affairs and Postal Regulation". This Committee was primarily responsible for preparing propositions of postal regulations for the UPU Congress of August 2021.

2021: year
of the Belgian
chairmanship
of BEREC

1.3.2. Our interventions for the general public

Monitoring

One of the BIPT's missions is to monitor the legal provisions falling under its jurisdiction, and this for the benefit of the consumer.

In that respect, the annual monitoring of European Regulation 2015/2120 on net neutrality was carried out in 2021. The purpose is to ensure that operators observe the rules regarding the neutrality of the internet.

The BIPT also continued its evaluation of the Easy Switch procedure⁴ which aims to simplify switching to another operator. In that context, the Institute made a series of recommendations to reduce the number of administrative steps necessary to change operators and recommends that operators look for a solution to unambiguously prove that the operator's technician has actually visited the customer. Other recommendations with a view to adapting the regulation to the European Electronic Communications Code were made.

Furthermore, the BIPT continued to monitor 20,000 premium rate telephone numbers to ensure the completeness of the register referred to in Article 116/1, § 1, of the Act of 13 June 2005 on electronic communications. The BIPT will publish

the report regarding these controls in 2022 and will adopt the necessary measures accordingly.

Finally, the BIPT completed a control of the provisions for the sending of a warning message to the consumers exceeding their mobile allowances. On the whole, operators comply with their obligations. When shortcomings were detected, the BIPT asked the operators concerned to remedy them, which led to the taking of measures.

Informing

The annual survey conducted among consumers confirmed in particular a considerable lack of knowledge regarding their own rights. Furthermore, the under-exploitation of the various BIPT comparison tools reveals that the BIPT and its activities are not sufficiently well known to end-users.

In 2021, the BIPT made in response three explanatory videos in which the BIPT family, created in 2020, featuring the mother Iza, the father Benoît, their son Pablo and their daughter Thalia, guide and inform users on the following subjects:

- The automation of [besttariff.be](https://www.besttariff.be): the ease with which users can compare tariff plans suiting their individual needs, thanks to the automated comparison on the [besttariff.be](https://www.besttariff.be) website;

4. Introduced by the Royal Decree of 6 September 2016 regarding the migration of fixed line services and bundles of services in the electronic communications sector.

1.3. Our interventions

- Telephone fraud: the dangers of smishing, where criminals try to obtain confidential information via fraudulent text messages, and the wangiri fraud which is aimed at encouraging users to call an expensive premium rate number;
- Radio interference: the role played by the BIPT in the resolution of disturbances affecting equipment operating with radio waves such as remote controls of garage doors.

The purpose of these videos, available on [the BIPT's YouTube channel](#) is to improve consumer knowledge. They were the subject of a promotion campaign on social media, like the five videos created the year before (concerning the Easy Switch procedure to change fixed operators, the use of postalpoint.be, the dangers of non-compliant devices and how to recognise them, keeping your e-mail address when changing to another operator and bill shock or the warning messages when you exceed your data allowance). By specifically targeting the public based on age and interests, the BIPT intends to effectively reach the target groups, raise their awareness about these subjects and play the role of point of information.

In addition to the video campaign, the BIPT also used social media to react to current events and give tips and tricks to postal and telecom service users, draw their attention to certain developments in the postal service and telecommunications sector or the BIPT's activities. To do so, the BIPT uses sponsored



publications. The following subjects were included in the 2021 news feed: the advantageous sending of international parcels, the role of the Office of the Ombudsman for the Postal Sector and for the Telecommunications Sector, several BIPT studies (particularly on the situation in the electronic communications sector, the postal user survey, the international price benchmarking study...), the vacant positions at the BIPT, premium rate numbers, private

licences issued by the BIPT, examinations organised by the BIPT (maritime and radio amateur exams), etc.

In 2021, particular attention was given to the provision of correct and objective information on 5G. In that context, the BIPT participated in the launch of the [about 5G](#) website and coordinated the information on this knowledge and learning platform (see point 2.3.3 below).

1.4. Our place on the European and international stage

The national regulation of electronic communications and postal services is broadly determined by the beacons set out at the European level. The BIPT's active participation as a national regulator within the European organisations concerned is therefore of great importance to cast a light on the specific national circumstances.

Furthermore, the BIPT also acts as a representative of the Belgian State at the European and international levels in the fields of electronic communications and postal services.

1.4.1. The BIPT as a regulator

BEREC. The Body of European Regulators for Electronic Communications or BEREC was established by a European Regulation⁵. BEREC contributes to the development and better functioning of the internal market for electronic communications networks and services, by aiming to ensure a consistent application of the EU regulatory framework. BEREC performs its tasks in collaboration with the national regulatory authorities (NRAs) and the European Commission. It must improve cooperation among NRAs but also between the NRAs and the European Commission.

Under the chairmanship of Michel Van Bellinghen, Chairman of the BIPT Council, emphasis was mainly put in 2021 on the assessment of the future technological and market developments, for instance

regarding the regulation of digital platforms or provisions related to end-users.

In accordance with the BEREC strategy for 2021-2025, the intention of the Belgian presidency was to further modernise BEREC and to expand knowledge into new areas of the digital era, and this to ensure a high level of expertise in the future.

In 2021, BEREC actively contributed to the European legislative negotiations within the framework of cases such as the Roaming Regulation, the Digital Markets Act and the NIS 2 Directive. BEREC expressed structural and behavioural concerns regarding large digital platforms which are considered as gatekeepers to a wide range of services, goods and information. In the course of discussions with the European Parliament and the Council of the European Union, Michel Van Bellinghen advocated, on behalf of BEREC, for measures which laid the foundations of a balanced and flexible ex-ante control framework.

Other subjects such as sustainability, open internet, the closure of the digital divide, the promotion of VHCN⁶ and 5G were also addressed in detail in 2021. BEREC published in 2021 about forty reports, opinions or guidelines.

The BIPT led four plenary meetings as BEREC Chair. No less than fifteen different working groups were closely monitored by an interdisciplinary team created within the BIPT within the framework of its chairmanship.

Michel Van Bellinghen also represented BEREC at numerous webinars, conferences, dialogues with other European institutions, meetings with the European Commission and other high-level events. In 2021, several events were also organised by BEREC, such as a Stakeholder Forum and a conference on regulatory developments.

IRG. The Independent Regulators Group gathers 37 members, all European telecom regulators. The IRG acts as a facilitator for its members and provides flexible support to fulfil their role. They work on improved collaboration, mutual assistance and the sharing of information among regulators. In 2021, Michel Van Bellinghen also chaired this group. The BIPT participated in a 2-day workshop organised by the IRG on platform regulation and telecom NRAs.

The ERGP. The ERGP, or European Regulators Group for Postal Services, is a consultative and deliberative body gathering the postal regulators and delivering opinions to the European Commission in the field of postal services.

In 2021, the BIPT participated in two plenary meetings, the Stakeholder task force and five working groups on the following subjects: "Regulatory Framework", "Regulatory Tools", "Access Regulation", "Cross Border Parcel Delivery" and "Consumer and Market Indicators". The latter was led by the BIPT and the MCA, the Maltese regulator. It published four external ERGP reports in

5. Regulation (EC) No 1211/2009 of the European Parliament and of the Council of 25 November 2009 establishing the Body of European Regulators for Electronic Communications (BEREC) and the Office.

6. Very High Capacity Networks. These are very high-capacity electronic communications networks which are entirely made, at least up to the distribution point, of optical fibre elements or which are able to offer similar network performance under usual peak-time conditions.

1.4. Our place on the European and international stage

2021: “ERGP Report on Quality of service, consumer protection and consumer handling 2020”, “ERGP Report on core indicators for monitoring the European postal market”, “ERGP report on contractual situation of consumers of postal services” and “ERGP report on the outcome of the public consultation on the draft ERGP report on the contractual situation of consumers”. The working group “Access Regulation” was led by the BIPT and the Lithuanian regulator. Last year, it drafted an external report: “ERGP report on harmonised measures related to standardized cross-border services delivery”.

CERP. The European Committee for Postal Regulation or CERP ensures a good coordination between its members and seeks to promote the fulfilling of the “acquis communautaire”. The BIPT acts as a regulator for the postal sector. Among other things, the BIPT attended the digital plenary meeting which focused on the preparation of the 27th UPU Congress and, particularly, the European coordination. As the co-chair of the UPU task force, the BIPT gave a presentation on the work of the task force on “Opening up of the UPU to wider postal sector players”. The main tasks of the CERP in 2021 consisted in ensuring the European coordination of the Plenipotentiary Conference of the Universal Postal Union (UPU) which took place in August 2021, and the European preparation of the biannual meetings of the UPU.

In its areas
of competence,
the BIPT represents
Belgium at the
European and
international levels

1.4.2. The BIPT as the representative of the Belgian State

Specialist organisations of the United Nations

ITU. The International Telecommunication Union (ITU) is the worldwide authority for information and communications technologies.

A few planned conferences were once again postponed to 2022 due to the COVID-19 pandemic, such as the World Telecommunication Development Conference (WTDC) and the World Telecommunication Standardization Assembly (WTSA).



1.4. Our place on the European and international stage

The participation in the Global Symposium for Regulators (GSR) was important for the BIPT. Michel Van Bellinghen attended several events within the framework of the GSR during the summer period, all impacted by the COVID-19 pandemic and addressing the role of the NRAs concerning the monitoring of broadband services, which appeared to be essential for telework, online services and e-health.

UPU. The Universal Postal Union (UPU) supervises, among other things, the international postal exchange. The Universal Postal Congress is the supreme body of the UPU and gathers every four years. The 27th Congress took place in 2021. It gathers the representatives of the 192 Member countries to decide on the reform of the UPU, to adopt a new global postal strategy and establish the future rules applicable to the cross-border postal traffic. Between two Congresses, the Council of Administration (CA), made up of 41 Member countries, and the Postal Operations Council (POC), made up of 48 Member countries, continue the Union's work.

In 2021, the BIPT exercised the last year of its four-year term as a member of the Council of Administration of the UPU and, particularly, the co-chairmanship of the Committee "USO, Regulatory Affairs and Postal Regulation". In 2021, this Committee mainly prepared propositions regarding postal regulation for the UPU Congress of August 2021 in Abidjan (Côte d'Ivoire). Furthermore, the BIPT shares with the Kenyan regulator the co-chairmanship of the Committee on

"Universal Service Obligation, Regulatory Affairs and Postal Regulation". This Committee met twice in 2021. Belgium (the BIPT) and Kenya gathered the working group on "Opening up the UPU to wider postal stakeholders" about ten times in 2020, in order to submit a concrete proposal at the UPU Congress in 2021, as requested by the Council of Administration.

The 27th Universal Postal Congress took place from 9 to 27 August 2021.

The BIPT played a very active part throughout this Congress. The Institute was the rapporteur of the working group on "Opening up the UPU to wider postal stakeholders", which was the most sensitive topic of the 27th UPU Congress. The proposal that was drafted under the Belgian leadership was adopted by consensus.

Furthermore, Belgium was elected as a member of the Council of Administration (CA) and of the Postal Operations Council (POC) with a large majority. This way, the BIPT can ensure the implementation of the new UPU strategy and the new UPU work plan for the period 2022-2025 which were approved by the Congress, and this to protect Belgium's interests and those of Europe in general.

Finally, the Council of Administration also appointed Belgium, represented by the BIPT, as vice-chair of the Council of Administration on behalf of the European region.

The European Commission

COCOM. The Communications Committee assists the Commission in carrying out its executive powers as regards electronic communications. It is made up of representatives of the UE Member States. The BIPT participated as an expert in the activities of the COCOM, and particularly in three meetings of the COCOM.

The BIPT is actively involved in the UPU's reform process.

PDC. The Postal Directive Committee is the postal counterpart of the COCOM. The BIPT closely follows the work of this committee and attended two meetings last year. As a co-chair of the ERGP working group "Market Indicators", the BIPT explained in detail the studies carried out by this working group. The BIPT also gave presentations on the work of the UPU in general and, more particularly, on the following subjects: "Opening up the UPU to wider postal stakeholders" and "Outcome of 27th UPU Congress".

1.4. Our place on the European and international stage



RSPG/RSC. The Radio Spectrum Policy Group or RSPG is a high-level advisory group assisting the European Commission in the development of the radio spectrum.

The Radio Spectrum Committee or RSC is responsible for specific technical measures necessary to implement the radio spectrum policy. It is made up of representatives of the Member States and is chaired by the European Commission.

As the radio spectrum and the related matters by nature exceed the national borders and in view of the objective of a harmonised use of spectrum in Europe,

the RSPG's and RSC's work within the European Commission's Directorate-General "Connect" is closely followed by the BIPT. Concerning the implications in Belgium of the activities of the RSC and RSPG, a consultation is held if necessary with the Communities (who are in charge of broadcasting). The RSC meets four times a year, and the RSPG three times. In 2021, the RSPG published [seven opinions](#), such as the opinion on the role of radio spectrum to help combat climate change.

The RSC's activities in 2021 resulted in the adoption of [three Implementing Decisions](#) of the European

Commission. One of the main decisions of the RSC is the extension of the Wi-Fi band beyond 6 GHz⁷.

RE EG. The expert group on radio equipment is also chaired by the European Commission. In addition to representatives of the Member States, it includes representatives of stakeholders such as the industry, European standardisation organisations, consumer organisations, market surveillance organisations and notified bodies.

In 2021, six virtual meetings were organised, including one where only representatives of the Member States were invited. In addition to the reporting on the activities of the various stakeholders, the following topics were addressed: the studies and legislative proposal on cybersecurity and privacy within the framework of the RED as well as the related standardisation request; the studies and legislative proposal on the common charger; the studies regarding possible legislation to secure radio equipment so that it can only be equipped with software that has been proven to work with the hardware; interference on weather radars. The [legislative proposal](#) on cybersecurity and privacy has now been adopted and will enter into force on 1 August 2024. The related standardisation request was sent to the European standardisation organisations.

7. Commission Implementing Decision (EU) 2021/1067 of 17 June 2021 on the harmonised use of radio spectrum in the 5945-6425 MHz frequency band for the implementation of wireless access systems including radio local area networks (WAS/RLANs).



2



CHAPTER 2

THE REALISATION OF OUR STRATEGIC OBJECTIVES IN 2021

2.1. Competition

The BIPT's strategic objectives directly stem from our strategic axes, i.e. competition, users, scarce resources and efficient functioning. They serve as a guideline for the activities of the BIPT.

The strategic objectives are specified in a three-year strategic plan. The year 2021 is included in the [Strategic Plan 2020 - 2022](#) and, more concretely, in the [Operational Plan 2021](#), with cards precisely describing the concrete execution of the strategic plan for the year 2021.

This chapter includes the concrete actions that were taken, in addition to the daily operations of the BIPT, to achieve the strategic objectives. It gives an overview of the execution of the Operational Plan 2021.

2.1. Competition

Healthy competition for the provision of electronic communications networks and services and postal services undeniably benefits the economic development. However, from a wider perspective, it is essential to reach the objective of social well-being: it is vital that citizens benefit from an offer of electronic communications, media and postal services which is diversified, qualitative and available at competitive prices.

The BIPT monitors the development of competition

based on quality, price or innovation in the electronic communications, postal services and media sectors. Naturally, competition in the media market is regulated in close cooperation with the media regulators of the Communities.

2.1.1. Market analysis promoting competition and investments

The purpose of a market analysis in the electronic communications sector is to define the relevant markets and assess if certain operators have significant market power. Upon defining the "relevant market" the products and services of that market are described and their geographical scope is determined.

Operators with significant market power have an economic power enabling them, to a large extent, to act independently of competitors, customers and consumers on the market concerned. Specific obligations are imposed on SMP operators. The basic obligation is generally to open the network of these operators to competing operators. This obligation is often accompanied by additional obligations (transparency, non-discrimination, control of wholesale prices).

- Mobile call termination market. This is the service any mobile operator may charge for the termination of a mobile call on its own numbers;
- Fixed call termination market. This is the service

charged by a fixed telephony operator to another (fixed/mobile) operator when it terminates a call on the fixed geographical numbers, 078 numbers or emergency numbers;

- Broadband markets. Depending on the interconnection point, two forms of wholesale broadband services are distinguished: the wholesale market for local access and the wholesale market for central access;
- Wholesale broadcasting service market. These services are necessary for new entrants to propose bundles including broadband services and broadcasting services (multiple play bundles);
- Market for high quality access at a fixed location. This concerns the inputs that are necessary, for instance, to connect large companies or the base stations of mobile networks. These are wholesale markets, meaning that they concern services that telecommunications operators buy from each other. Wholesale markets are regulated with a view to making retail markets (services intended for consumers and businesses) more competitive.

In 2021, the BIPT regularly monitored the different markets and the implementation of the previously adopted decisions. It also initiated preparations for the upcoming review of the broadband and broadcasting markets. In that context, a wide-ranging questionnaire was sent to the operators on 1 April

2.1. Competition

and an external partner was selected to conduct a survey among consumers. Further preparatory work will follow in 2022.

Regulating wholesale markets to make retail markets more competitive.

Given that mobile and fixed call termination tariffs are limited by the euro rates since 1 July 2021, the BIPT launched in autumn 2021 a new market analysis in order to determine whether these markets must continue to be regulated or not.

2.1.2. Control and validation of the reference offers

The obligation of transparency consists in requiring SMP operators to publish certain accounting, technical or tariff information. When the regulator imposes this obligation⁸, SMP operators must establish a reference offer which will serve as a basis

to grant other operators access to their infrastructure. This is particularly the case for wholesale access markets. The reference offer describes all the options for access and related services, the conditions for the provision of services, the rights and obligations of the provider and user, all the processes and tools that have been introduced, the tariffs for the rental of lines and the services the operator concerned must provide.

In the market analyses mentioned under point 2.1.1., new obligations have been placed upon SMP operators. The BIPT monitors the proper and timely implementation of these obligations, including the necessary amendments to the reference offers.

In 2021, the BIPT examined several aspects of **Proximus' reference offers**:

- the SLAs and the calculation of the compensation in the Bitstream xDSL and Bitstream GPON reference offers: the BIPT started in 2020 with a broad consultation of the sector concerning these aspects of the reference offers based on a first adjustment proposal by Proximus. This led to the publication of the draft Decision of 20 July 2021, to which several parties responded. Based on these responses, the BIPT will organise working meetings in 2022 and will publish a final Decision.
- the analysis of the revision of Proximus' reference offer for high-quality active access (BROTSoLL) was completed in the Decision of 20 September

2021. Certain aspects of this reference offer had to be modified following the market analysis of 13 December 2019. This Decision concerned these modifications and other remarks which were made concerning this reference offer. The subjects covered were, on the one hand, of an operational nature (such as deadlines and SLAs) and, on the other hands, of a tariff-setting nature for the services which were not yet included in the previous version of the reference offer. Since then, Proximus has updated its reference offer based on the conclusion of this Decision.

- A number of other modifications to Proximus' reference offers were examined within the framework of addenda proposed by Proximus.

Cable operators' reference offers. In its Decision of 29 June 2018 on the analysis of the broadband and broadcasting markets, the Conference of regulators of the electronic communications sector (CRC) found that cable operators had significant market power on the market for central access and the wholesale market for access to broadcasting. As a consequence, cable operators were imposed a series of measures such as the drawing up of a reference offer. In 2019, the BIPT had organised three preliminary consultations regarding the reference offers for bitstream access and the resale of television services of cable operators Brutélé, VOO SA and Telenet. This led to a draft Decision which was submitted for consultation in 2020. On 11 January 2021, the Belgian Competition

8. Pursuant to Article 59 of the Act of 13 June 2005 on electronic communications.

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Authority delivered its opinion, making no comments on the reference offers of the three cable operators. The European Commission was then consulted and rendered its opinion on 8 March 2021, in which it did not make any comments either. Finally, on 25 March 2021, the CRC delivered its final decision of approval, after which the reference offers were adapted to the obligations resulting from this decision.

The BIPT ensures that SMP operators do not engage in margin squeeze practices (i.e. they do not maintain an insufficient margin between wholesale and retail prices). In 2021, the BIPT conducted a margin squeeze test concerning retail services for residential and small non-residential customers. The BIPT could not identify margin squeeze practices in the flagship product portfolio, whether based on the SMP operators' own costs of following scale or efficiency adjustments by the SMP operators. Based on the test results, the BIPT published on 22 June new guidelines for the execution of the margin squeeze test, taking into account regulatory changes (such as new wholesale tariffs) and developments in the commercial offer (such as more complex bundles). Furthermore, the BIPT examined if such practices could also exist in the large business market, Proximus being considered as having significant market power in the wholesale markets upstream from this market. In a Communication of 7 December 2021, the BIPT concluded that it could not identify margin squeeze practices regarding Proximus' business portfolio. The BIPT plans to keep on monitoring competition on this market by regularly testing individual contracts.



2.1. Competition

2.1.3. Rates in line with an efficient operator's costs

The tariff conditions of the reference offers encompass two major categories of tariffs:

- one-time fees pay for the specific technical services such as the activation of the service or the installation by a technician;
- monthly rental fees compensate the incumbent for the use of, for instance, the local loop.

The calculation method for these tariffs ensures that they reflect the operational and financial reality of an efficient operator.

Monthly fees for access to Proximus' FTTH (Fiber To The Home⁹) network. The BIPT continued the adoption process of a draft Decision which was submitted for public consultation in 2020, to finally reach a Decision on 9 March 2021. In this Decision, the BIPT reviewed and validated the access prices applied by Proximus for its FTTH network (the prices for the transportation of traffic being the subject of a separate review).

Monthly fees for Ethernet transport within the framework of Proximus' wholesale offers. Bitstream active access services consist, on the one hand, of the access service and, on the other hand, of the Ethernet transport services. The Operational Plan 2021

provided for a review of the pricing of Ethernet transport (previously determined by the Decision of 13 January 2015). The complete pricing of Ethernet transport was analysed within the framework of this review (regarding the services on Proximus' copper network and on its optical fibre network). To that end, specifications regarding the development of a cost model were drawn up, the execution of this project was entrusted to a consultant and the work started in 2021. Meanwhile, the BIPT assessed, by means of a questionnaire sent to the sector, the opportunity to maintain or adapt the current tariff structure. These activities will be pursued in 2022.

One-time fees for access to Proximus' FTTH network. On 20 January 2021, the BIPT published a draft Decision on the amount of the one-time fees within Proximus' Bitstream GPON service. These

Access rates
in line with the
operational and
financial reality of an
efficient operator

tariffs were set based on cost models for which the BIPT turned to an external consultant. Following the responses to this draft Decision, the BIPT then carried out an additional control during the 3rd quarter of 2021 on the requested data which form the basis of these cost models. The final tariffs will be set based on the outcome of this audit.

One-time fees on coaxial networks. The CRC published on 24 June 2021 the final Decision on the setting of the one-time fees and SLA Pro Repair tariffs for coaxial networks. As for FTTH, these tariffs were set based on cost models, with the help of an external consultant. In this Decision, the tariffs were set for the first time for the various types of intervention a beneficiary operator may ask from the network operator, such as activations and profile adaptations. The tariffs of the monthly SLA Pro Repair service as well as the related one-time tariffs, such as activation and deactivation, were also set.

SMP operators must have a **cost accounting system** respecting the principles of causality, objectivity, consistency and transparency. These cost accounting systems are subject to audit, the result of which is communicated to the BIPT. In 2021, the cost accounting systems of [Proximus](#) and the cable operators ([Telenet](#), [VOO](#) and [Brutélé](#)) for 2019 were declared compliant by the BIPT by means of a Communication.

9. Meaning the optical fibre network up to the end-user.

2.1. Competition

2.1.4. Informing to support innovation

The deployment of optical fibre in Belgium is currently in full swing. In order to provide an answer to the questions raised by such a large-scale deployment and to increase awareness among the various target groups regarding the usefulness and importance of optical fibre, the BIPT published in 2021 [the website infofibre.be](https://www.infofibre.be). This website is part of the European Commission's objective to encourage the deployment of very high capacity networks. As a matter of fact, Europe expects that its citizens will have access to the internet with gigabit speeds by 2030, and optical fibre plays an important part in this regard.

Infofibre.be provides information to various target groups, such as end-users, operators, (local) authorities and property management companies. This website includes, among other things, general information on the optical fibre technology (such as the pros and cons, the options in terms of infrastructure, the environmental impact, etc.), a description of the relevant Belgian and European regulations, as well as how the BIPT regulates the optical fibre market. A list of optical fibre service providers is also available to private persons, professional end-user and operators. Furthermore, the website also includes a list of recommendations for cities and municipalities to facilitate the deployment of optical fibre. The website will be further expanded in 2022.

The creation of [a map of the optical fibre](#), showing the state and evolution of the FTTH deployment in Belgium started in 2021. This map will complement the fixed Atlas which shows in detail the coverage of all fixed broadband networks in Belgium. With the FTTH map, the BIPT especially intends to highlight the evolution of optical fibre in Belgium, with frequent updates. The first version of this optical fibre map will be available in 2022, on the BIPT's data portal.

2.1.5. Market monitoring in the electronic communications sector

Partnership agreements on infrastructure. We have noticed a cooperation trend among operators to respond to the challenges raised by the deployment of very high capacity networks. In Belgium, this trend translated into a mobile infrastructure sharing agreement between Proximus and Orange. As regards fixed infrastructure, Proximus concluded partnership agreements with EQT Infrastructure, on the one hand, and with Eurofiber, on the other hand, for the further deployment of optical fibre, in Flanders and Wallonia respectively. Similar discussions were announced between Telenet and Fluvius (energy distributor). Whenever necessary, the BIPT works closely with the Belgian or European competition authorities so that agreements concluded by operators preserve the conditions for effective and sustainable competition. Concerning more specifically the joint ventures established by Proximus (Fiberklaar in Flanders and Unifiber in Wallonia), the BIPT started

discussions with them within the framework of the obligations of Proximus regarding access to its optical fibre network.

Mergers and acquisitions. The BIPT closely follows the concentrations within the postal service and telecommunications sectors. In 2021, Proximus completed the acquisition of virtual operator Mobile Vikings. Cable operator VOO was subject to a sales process which ended with an agreement with Orange Belgium. When such operations occur, the BIPT stands ready to answer the questions which may be asked by the competition authorities.

The Belgian electronic communications market in an international perspective. In December 2021, the BIPT published a [new study](#) comparing the prices of telecommunications services in Belgium and in the neighbouring countries (France, Germany, Luxembourg, the Netherlands and the United Kingdom). This study reveals that the tariffs for telecommunications services in Belgium are generally high when compared to the other countries studied. Even if this finding must be qualified regarding certain needs, e.g. those concerning basic mobile services, for which Belgium is rather competitive, our country is generally more and more expensive compared to its neighbours as communication minutes and data needs increase. For consumers using bundles (a combination of internet, TV and fixed and/or mobile telephony services), Belgian tariffs are also generally high and, as for mobile offers, Belgian consumers pay

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a significantly higher tariff than their neighbours as their needs increase.

Belgium's competitiveness in terms of information technology (IT) is measured by the [DESI](#) (Digital Economy and Society Index), which is updated by the European Commission each year. In 2021, Belgium was ranked 12th out of 27. When analysing the four subcategories in this index, our country achieves its best results in terms of integration of digital technology by enterprises (6th) and human capital (10th). However, Belgium ranks 17th regarding digital public services and 16th regarding connectivity. Concerning the latter, we notice that Belgium still performs well in terms of take-up of broadband services (5th out of 27) and performs honourably regarding broadband coverage (11th, NGA and VHCN coverages¹⁰). Moreover, it still occupies the 1st place (with eight other countries) regarding 4G coverage and ranks 9th concerning the take-up of mobile broadband. However, the delay in the launch of 5G (Belgium ranks 25th in terms of 5G readiness and 14th in terms of coverage) and high prices regarding broadband services (25th out of 27) strongly penalise the overall ranking of our country in terms of connectivity (16th out of 27).

Quality of fixed and mobile broadband networks in Belgium. On 23 December 2021, the BIPT published a first edition of its qualitative study on fixed and mobile broadband networks in Belgium. This [report](#), which complements the price studies highlighting the

economic aspect of the telecommunications market, focuses on the technical quality of these networks, more particularly the coverage. The report shows that the coverage of both fixed and mobile networks is good. For the moment, only 5G coverage is still limited, pending spectrum auctions in 2022. However, there are strong regional differences: there are areas, mainly in Wallonia, where the network may be less

good. This relates to the issue of "white spots" where operators' investment intentions to roll out their network are generally lower: this is also discussed in the report. In addition, the study deals with various other technical topics (decommissioning of the fixed copper network, limitation of data once the limit of the fair use policy (FUP) is exceeded, maximum available speeds, etc.).



10. NGA or Next Generation Access: a network offering a bit rate of 30 Mbps or more. VHCN or Very High Capacity Network: a network made of optical fibre up to the distribution point or which can meet certain criteria among which a download speed of 1 Gbps in fixed, and 150 Mbps in mobile.

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Regarding the quality of mobile networks, the BIPT also conducted a study on the risks of congestion of 4G networks in three major cities of the country. As further detailed under point 2.3.3. below, this study, published in early 2021, assesses the risk of congestion on the basis of forecasts of future network use, taking into account the traffic expected in 2022.

Net neutrality. The [annual report](#) on the supervision of net neutrality was published for the fifth time. This report is part of the monitoring of compliance with Regulation UE 2015/2120. The report covers the period from 1 May 2020 to 30 April 2021.

At the beginning of this reporting period, the increase in internet traffic caused by the COVID-19 pandemic stabilised. No further significant peak in internet traffic was observed afterwards.

In the first half of 2021, in cases where Proximus and Telenet had set up a form of zero rating, the BIPT found that there was insufficient commercial room for competing content and application providers¹¹. Among the options proposed, the one chosen by the Internet Service Providers (ISPs) consists in making the zero-rating platforms available to all competing applications in the same category. During the second half of 2021, the BIPT, in particular in the context of its chairmanship of BEREC, contributed to the development of BEREC's new position on zero rating, following the judgements of the Court of Justice of 2 September 2021 concerning the zero-rating offers of

two German ISPs. The updates of the BEREC guidelines on zero rating will be published in 2022.



10 household profiles were developed to give a realistic view on the needs of different consumers in the latest national price comparison study.

Telecommunications prices. In January 2022, the BIPT published a national benchmarking of the electronic communications services rates based on the results of the "household profiles" which were analysed during the last quarter of 2021. This methodology is based on the needs of the consumers, which are illustrated on the basis of a dozen households with sufficiently differentiated profiles to get a broad and varied perspective of the market. It is based on the follow-up of the minimal expenses of an informed consumer to cover their telecom needs while specifying the different types of solutions available on the Belgian residential

market. The telecom solutions which were taken into account¹² to meet the needs of each profile may include: a standalone service (mobile postpaid or internet only), a bundle (2P, 3P, 4P) or a mobile postpaid service of an operator coupled with a bundle ("mixed" solution). For each of these profiles, a ranking lists the cheapest tariff plans of operators or service providers, allowing at least to meet the specific needs. For the profiles concerned by bundles, the different types of solutions are analysed per operator. A table then shows the least expensive solution(s) for all operators and all types of solutions.

This exercise has several objectives: firstly, to give visibility to all the operators active on the Belgian residential market and to show the alternatives to the current solutions for consumers in terms of offers as well as in terms of types of possible solutions. The national tariff comparison also aims to foster competition among operators that are active on the Belgian residential market, and to encourage Belgian consumers to compare more frequently the offers likely to meet their needs and possibly to change plans and/or operators if they consider it appropriate. To that end, the online tool www.besttariff.be and the [Easy Switch](#) procedure are particularly useful.

These profiles were revised in 2021 to take account of market developments. A consultation on both national and international price comparisons

11. This practice usually consists in offering access to applications without the consumption being deducted from the data volume.

12. All the plans included in the tariff simulator www.besttariff.be were taken into consideration to meet these different profiles. Add-ons and/or out-of-bundle consumptions were sometimes activated to meet these profiles. Depreciation is calculated over a period of 3 years. However, promotions were not taken into account.

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allowed the sector to give feedback on the methodology. With regard to the results of this study, operators were also given the opportunity to interact with the Institute in the weeks prior to publication.

Universal telecommunications service. In the Communication of 22 December 2021 on the monitoring of the universal telecommunications service, the BIPT concluded that the fact that no provider is designated to provide the geographical element of the universal service did not have a clear impact on the availability, price level and quality of the services in question. In addition, the Communication mentions the launch of an analysis aimed at reassessing the minimum speed of internet access within the framework of the universal service, based on the requirements of the European Electronic Communications Code. The Communication also provides information on the granting of the social tariff. In 2021, the BIPT also continued its reflections with a view to adapting the social tariff regime.

Furthermore, at the end of 2021, the BIPT submitted an Opinion to the Committee on Constitution and Institutional Renewal of the House of Representatives, at the latter's request, on whether the right to open and sufficient access to the internet should be enshrined in the Constitution. In its [Opinion](#), the BIPT argues that this amendment to the Constitution is not justified, mainly because the European framework provides sufficient guarantees.



2.1.6. Market monitoring in the postal service sector

E-commerce from a postal perspective. Within the framework of a study on the postal aspects of e-commerce, the BIPT organised on 4 and 19 October 2021 in collaboration with the Cabinet of the Minister for Postal Services two stakeholder workshops on the subject of e-commerce, and more specifically on the sustainability of the last mile delivery. The information gathered at that time provided crucial input for the study that was carried out, which will be published in early 2022.

The postal observatory was created to increase market knowledge and to follow the developments in the postal sector by means of [clear diagrams](#). It represents the postal sector by means of economic data such as market shares, data regarding employment and investments, volumes, revenue... The information dates back to 2010 and documents the market developments by means of reliable data (see 3.2.1.). [The postal observatory regarding the postal activities of 2020](#) was published on 26 October 2021.

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2.1.7. Supporting an innovative postal service

Regulation on cross-border parcel delivery services.

Regulation (EU) 2018/644 of the European Parliament and the Council of 18 April 2018 on cross-border parcel delivery services aims to further support intra-Union e-commerce by increasing transparency in the tariffs for certain cross-border parcel delivery services and their assessment. The BIPT plays an essential role in achieving the objectives of the Regulation: its main task is to obtain from parcel delivery service providers the information set out in the Regulation.

In addition, based on the Regulation, the BIPT analyses the tariffs of the universal service provider (bpost) in order to identify possible unreasonably

high tariffs. The BIPT has noticed a significant difference between the margins proposed by bpost and those it has calculated¹³. This is why the BIPT will conduct in 2022 a more detailed examination of the cost distribution within bpost's analytical accounting.

Product qualification and analytical accounting.

Whether or not a service falls within the universal service obligations of bpost, is a question that matters for, among other things, the calculation of the universal service net cost. The list of products and services of the universal postal service provider has to be submitted for approval by the BIPT each year and per category (universal service, public service or commercial product/service). The BIPT then informs the auditor of the universal service provider of its approval. The analysis conducted in 2020 regarding

the listing and classification of products and services provided by the universal service provider for the year 2019 was finalised in the [Decision of 26 January 2021](#). The Decision of 22 June 2021 then approved the listing and classification of products and services provided by the universal service provider for the year 2020.

On 26 January 2021, the work on bpost's analytical accounting for the years [2017](#) and [2018](#) was also concluded by a Decision. In 2017, as in 2016, the accounting was not declared compliant. Concerning the analytical accounting of 2018, bpost made a few changes, upon request of the BIPT, to the distribution of "historic" personnel cost overruns, on the one hand, and the Ombudsman's contribution, on the other hand. The 2018 analytical accounting was then declared compliant. The same was true for the 2019 analytical accounting, which was approved by the [Decision of 17 August 2021](#).

Net cost of bpost. Each year, the BIPT verifies the calculation of the net cost of bpost's universal service obligations, pursuant to Article 23 of the postal Act of 26 January 2018. The BIPT is developing a method to verify the net cost of the universal service (comparison between the factual and counterfactual scenarios). In this context, the BIPT also prepared a study assessing the intangible benefits associated with the provision of the universal service. bpost has not officially submitted a compensation request for a possible net cost of the universal service for the years 2018, 2018 and 2020.



13. [Communication](#) of the BIPT Council of 1 September 2020 regarding the assessment of the bpost tariffs considered within the framework of the European regulation on cross-border parcel delivery services.

2.2. Users

Protecting the users' interests is an important mission for the BIPT. The need for them to have access to high quality postal and electronic communications services at a competitive price is well established. Ensuring social inclusion also remains a key objective. However, the BIPT must also make sure that users can access the innovative technologies and services available on all networks. To that end, the Institute must face the corresponding challenges, such as the protection of privacy or the conformity of equipment placed on the market.

2.2.1. The informed consumer can compare and choose

To ensure that users can really take advantage of a wide range of postal and electronic communications services and determine which one meets their specific needs and requirements in terms of quality and price, it is crucial to provide them with reliable information. By providing them with several tools, the BIPT ensures that they are provided with transparent information. The purpose is to ensure a reliable environment to guarantee user confidence.

Transparency on the electronic communications market

Besttariff. This site contains all tariff plans of electronic communications operators active on the Belgian residential market. The tariffs of the commercialised offers for mobile and fixed telephony



and internet, as well as for bundles, are compared in an objective manner. This way, the consumer can find the most advantageous tariff plan corresponding to his or her consumption or needs. The tariff simulator includes a manual calculation option and an automatic calculation option, whereby the consumption data available in the operator's customer area is automatically fed into the fields of the tariff simulator. The algorithms supporting the various functionalities are regularly controlled.

Atlas/Quality barometer. In 2021, the BIPT updated its data portal www.bipt-data.be/en. This portal includes qualitative data helping users choose an operator, such as coverage maps of the mobile and fixed networks, statistical indicators and user metrics allowing to assess the quality of experience on the Belgian mobile telephony networks, or a quality barometer giving, via various indicators, an overview of the performance of the different providers.

2.2. Users

In 2021, the BIPT updated the fixed coverage maps and started to update the mobile coverage maps, following the methodology defined by BEREC. The data of the quality barometer were also updated.

Furthermore, the BIPT led a campaign to measure the quality of experience, with a view to enabling a comparison of the quality of the various operators. These tests are carried out using test vehicles on the main regional roads, but also on secondary roads and more rural roads in all provinces. The study also measures the experience of consumers who use their smartphones outside their vehicles, in their homes, in the areas surrounding these roads. The [results](#) of these measures, published on 8 January 2021, show that the voice and mobile data usage quality of the three mobile networks is excellent. In order to collect more statistics on network quality, the BIPT also collaborated in setting up the “sentinel trucks” project, which consists in installing sensors on the trucks used for waste collection rounds.

The BIPT strives thus to improve the quality of the data available on its portal. In 2022, the coverage map for fixed networks will be more detailed, making it possible to see the coverage per operator and per technology.

Unlimited internet. The BIPT has drawn up draft guidelines on the offer of “unlimited” internet with a view to establishing a framework for offers advertising an “unlimited” internet, while using a fair

use policy (FUP). The public consultation on this subject was held until mid-September 2021. Given the number and content of the reactions received, the publication of the final version of the guidelines took place in the first quarter of 2022.



Improving data
quality for greater
transparency

Transparency on the postal services market

Postal point. The BIPT’s website postalpoint.be contains an overview of all staffed points, letterboxes and parcel lockers in Belgium. The tool also allows to closely monitor the development of the network (see 3.2.3.). In 2020, preparatory work was done to further develop this tool in 2021 and further increase its visibility. To achieve this objective, a social media campaign was conducted in early 2021. In 2022, other developments will take place, including the possibility to link the pointpostal.be database with those of the operators in order to facilitate the execution of updates.

Tariff comparisons. In collaboration with the postal operators subject to the Cross-Border Regulation¹⁴, the BIPT has developed a method to enrich the existing information on the European Commission’s tariffs for national and cross-border postal items and to present it to the consumer. At the end of 2020, this [method](#) was refined, in consultation with the operators, and was launched during the first half of 2021 with updated information. This gives small users a clear overview of the various possibilities for sending a parcel within Europe. In 2022, this tool, which still uses a spreadsheet, will be further digitally integrated to make it even more user-friendly and easily accessible.

2.2.2. Ensuring a reliable environment

Society is becoming increasingly dependent on electronic communications. However, even if the “softwarisation” and virtualisation offer more and more possibilities, they involve a higher level of complexity. It is therefore important to ensure that networks are reliably secured and managed. This applies especially to critical telecom infrastructure and the essential services that are provided on it and must remain available, for they constitute the backbone of our digital society.

The reliability of electronic communications services must be guaranteed for users, including in terms of privacy. The BIPT also verifies the reliability of the information provided by the operators to the users.

14. [Regulation](#) (EU) 2018/644 of the European Parliament and of the Council of 18 April 2018 on cross-border parcel delivery services.

2.2. Users

Identification of critical infrastructures. Telecommunications networks are of crucial importance for public security and, as national critical infrastructure, require a high level of security. Within the framework of the renewal of the identification process of national critical infrastructures, the BIPT consulted the operators and requested and received an opinion from the National Crisis Centre.

In order to assess the identification process of operators of essential services in the digital infrastructure sector, information was gathered on the DNS (Domain Name System) in Belgium.

Mobile network security. Given the importance of being able to rely on secure and reliable infrastructure, work was undertaken at the EU level with regard to securing 5G. A 5G toolbox¹⁵ was thus published. Its purpose is to propose solutions concerning potential risks linked to the cybersecurity of fifth-generation networks. Pursuant to this toolbox, the BIPT participated in the drafting of a draft bill and a draft Royal Decree which were submitted for consultation on 2 December 2020, at the request of the Minister of Telecommunications.

Risk analysis. Operators must conduct risk analyses for the purpose of network safety and based on that, take appropriate measures to limit the risks¹⁶. In cooperation with the Luxembourg regulator (the ILR or “Institut luxembourgeois de régulation”), an online platform where operators can carry out their risk

analyses has been made available. This platform was presented to the stakeholders in a public consultation from July to September.

Security incidents. Telecommunications operators inform the BIPT of security incidents with a considerable impact on their networks and services. At the beginning of the year, the Institute sent the annual report of these incidents to the European Commission and ENISA (European Union Agency for Cybersecurity).

Based on the lessons learned from incidents in the telecommunications sector, procedures within the BIPT and with the sector have been improved. For major threats or incidents, the BIPT actively collaborates with the operators and security services, including the National Crisis Centre and the CCB (Centre for Cyber Security Belgium).

If there is a lesson to be learned for the population from an incident, the BIPT actively communicates about it.

One example is the “Flubot”. In May and September 2021, Belgian customers were flooded with smishing messages sent by a mobile malware on Android devices. In cooperation with the operators, the CCB and the prosecutor’s office, the BIPT has provided for the possibility to block these messages in an efficient way, to identify and contact the victims of this malware and to block the action of the malware. During this incident, the BIPT, in collaboration with

the CCB, launched a media campaign with the aim to inform the population about smishing.

Another example was the act of vandalism against a GSM antenna. In November 2021, a transmitting antenna of Telenet was vandalised. In addition to following up the incident with Telenet and the public services concerned, the BIPT informed the population about the risks of such actions in a press release.

Specific monitoring during floods. During and after the floods, the BIPT maintained close contact with the operators, the crisis centre and political decision makers to ensure the availability and restoration of telecommunications networks. The BIPT coordinated, among other things, the protection of certain critical infrastructures of the telecommunications networks and contributed to the coordination of the restoration of mobile coverage in the regions. In collaboration with the other parties involved, the BIPT facilitated a rapid restoration of the power supply to the affected network nodes.



15. CG Publication 01/2020: Cybersecurity of 5G networks EU Toolbox of risk mitigating measures.

16. This obligation arises from the provisions of Articles 114, § 1, subparagraph 1, of the Act of 13 June 2005 on electronic communications and 20 of the Act of 7 April 2019 laying down a framework for the security of networks and information systems of general interest for public safety.

2.2. Users

2.2.3. Follow-up of consumer needs and behaviour

The BIPT's mission to protect the users' interests involves an in-depth and daily updated knowledge of the demand on the markets concerned. It is therefore important that the BIPT follows closely the developments of the consumers' needs and behaviours, by regularly carrying out several studies, surveys and comparisons.

Follow-up on the electronic communications market

Consumer study. In 2021, the BIPT continued examining the functioning of the electronic communications market and published the [results](#) of its annual survey on the users' perception of the Belgian electronic communications market. The results were based on more than 5,000 questionnaires surveying their behaviour and were published on 5 October 2021. This edition confirmed certain trends such as the increase in the use of TV on the internet and pay TV or video on demand, and the decrease in the use of fixed telephony. The take-up of mobile telephony, internet at home and digital television remains very high. The study also shows that the use of internet telephony has been stabilising since 2019. WhatsApp and Facebook Messenger remain the most used applications for this type of telephony, although both are losing ground to competition. In terms of consumer satisfaction, the study shows

that consumers experienced fewer problems with their operator in 2021: 60% did not experience any problems with their operator, which is a 5% improvement compared to the previous year. Satisfaction regarding tariffs is stable for fixed telephony and internet and rising for mobile telephony.

Follow-up on the postal services market

Study of consumers' needs. The BIPT regularly carries out studies regarding postal users. In the past, surveys were either quantitative or qualitative. In 2020, both approaches were combined. A tender was issued for a "mixed method" research strategy which identifies consumer behaviour as well as the perception, preferences and needs of postal service users with regard to the different segments of the Belgian postal market. The study bureau Ipsos was selected. The study consists of a qualitative part including focus groups and individual interviews and a quantitative part (representative statistical survey). A full [report](#) was published on the BIPT website in February 2021. The study shows that consumers are willing to wait a few more days for their parcels to be delivered if this will make the delivery more sustainable. The study also shows that the social role of the postman can be further extended by offering additional services. Concerning letters, home delivery remains an absolute necessity according to respondents.

Elasticity study regarding postal products. In March 2016, the BIPT carried out a first elasticity study to analyse how changes in price or delivery frequency influenced consumer behaviour in the postal sector. This information is essential for the BIPT to keep a good overview of the market and to be able to estimate the effects of developments on it. In order to be able to take account of the evolution of the sector and the preferences of users, a new study was launched in 2019. This study being conceived in a broader sense than the first study. In 2019, the interviews with private persons, self-employed persons, SMEs, large enterprises and public services were complemented by a literary study and input was also asked from operators bpost, PostNL and TBC Post. In 2020, an econometric study, based on a series of data from bpost, was added. A non-confidential [Communication](#) on these studies was published on 20 April 2021.

2.2.4. Safe radio equipment and telecommunications terminal equipment

All equipment capable of broadcasting or receiving through radio waves is subject to the Radio Equipment Directive or "RED"¹⁷. This directive ensures that the equipment complies with the essential health and safety requirements and does not cause harmful interference. In order to increase the compliance of radio equipment placed on the Belgian market, the EquiTel Department of the

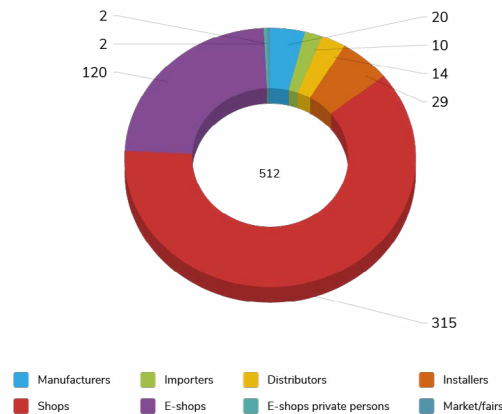
17. Directive 2014/53/EU of the European Parliament and of the Council of 16 April 2014 on the harmonisation of the laws of the Member States relating to the making available on the market of radio equipment and repealing Directive 1999/5/EC.

2.2. Users

BIPT performs regular controls of Belgian and foreign economic operators.

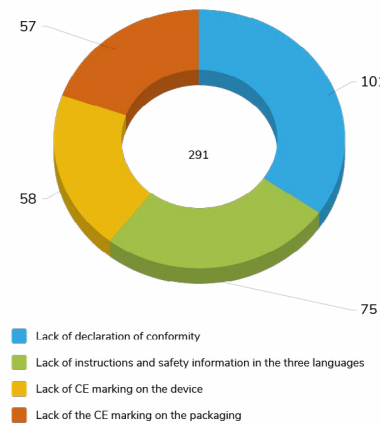
Despite the Covid-19 pandemic, the EquiTel Department continued its checks. The focus was on prevention and agents undertook to explain the regulation to traders. Where necessary, stricter measures have been taken. In 2021, 512 controls were carried out on various distribution channels, as shown in the following chart:

Distribution of the controls by the EquiTel department in 2021



1,490 different devices were checked. Of these, a large majority (1,355) were compliant, 15 required further analysis and 120 were non-compliant.

Reasons for the lack of compliance of equipment checked in 2021



The following chart shows the main reasons for the lack of compliance.

In cooperation with the customs authorities, the BIPT also checks radio or radio equipment at border entry points. The EquiTel Department was called upon to check 253 import files, including 157 containers and pallets transported by plane, ship, truck, etc. A total of 105,997 devices were intercepted before being placed on the market¹⁸.

To that end, the BIPT has investigating officers who, under the authority of the public prosecutor, can perform all sorts of investigative actions as well as searches. Goods may also be seized as a result. In 2021, these actions resulted in 60 reports, for a total of 1,531 seized products.

2.2.5. Monitoring compliance with obligations by operators in the electronic communications sector

The regulator is responsible for the monitoring of the observance of the regulatory framework regarding the protection of users on the electronic communications, media and postal services markets. This monitoring is essential to ensure a reliable communications environment for users.

Mobile telephony - Roaming. As of 15 June 2017, the European “Roam Like at Home” Regulation applies, prohibiting operators from charging surcharges for roaming services within the European Economic Area¹⁹ (EEA). Consumers travelling within one of these countries can consequently enjoy the same rate as in Belgium for the mobile services. In 2021, the BIPT monitored the application of the Roam Like at Home Regulation, particularly concerning the application of the fair use policies by the operators.

18. The most important product categories (more than 5,000 products were blocked in 2021) are Bluetooth earbuds, connected watches, IPTV boxes, smartphones, Wi-Fi light bulbs, remote-controlled toys and universal remote controls.

19. European Economic Area: in addition to the 27 Member States of the European Union this also includes Iceland, Liechtenstein and Norway.

2.2. Users

Fixed telephony, fixed internet and/or television - Switching operators. The Easy Switch²⁰ procedure facilitates the change of fixed internet and/or television provider, as well as the change of bundle provider: the new operator organises the change of provider, unless the user explicitly indicates that he or she does not wish to do so. In early 2021, the BIPT published its [report on the evaluation of Easy Switch in 2019/2020](#), including a report on its monitoring of Easy Switch. In addition to recommendations to the Minister, in particular concerning the amendments to the Royal Decree necessary to comply with the new European Electronic Communications Code, the BIPT also gave the operators the possibility, within a period of three months, to study a certain number of points to be improved from an operational point of view or to submit to the BIPT and the Minister proposals for solutions in the problem areas identified. One of the questions was how to simplify the migration data to be provided by operators (especially the “Easy Switch ID”) and how to add a control number to the migration data in order to avoid incorrect entries from the start as much as possible. The BIPT analysed the operators’ responses and gave an overall presentation of the strategic orientations and options that, according to BIPT, are available to the Minister.

After receiving the Minister’s feedback, a draft Royal Decree was drawn up, which was published for [public consultation](#) on the BIPT website at her request,

almost simultaneously with the adoption of the federal law transposing the aforementioned European Code.



Portability. The BIPT is in charge of enforcing the Ministerial Order of 15 January 2019 establishing the register referred to in Article 116/1, § 1, of the Act of 13 June 2005 on electronic communications. This Ministerial Order aims to centralise information on services offered via premium rate numbers and to make it available to users in a simple manner. It obliges each operator concerned to communicate, for each premium rate number allocated to it, certain data²¹ to the non-profit organisation Number Portability in Belgium for publication in a public register. More than 20,000 checks were carried out,

ending in 2021. The BIPT will publish the report regarding these controls in 2022 and will adopt the necessary measures accordingly.

Preventing bill shocks. Consumers with a postpaid mobile subscription must be notified by their operator when their monthly allowance is reached. It must also send them a warning message when they reach the monthly fee plus an amount specified by the consumer, or, by default, 50 euros. In autumn 2021, the BIPT checked whether the operators complied with these obligations. On the basis of subscriptions intended for consumers, the BIPT inspectors checked whether the operators in question (Base, Lycamobile, Mobile Vikings, Orange, Proximus, Scarlet, Telenet, VOO) sent the required warning messages on time. To that end, the controllers increased their data consumption through streaming. In their customer area, they have determined the exact time at which they will exceed the flat rate, as well as the ceiling if they exceed the 50 euros. At the same time, they recorded on their phones when they received the respective warning messages. The results of the monitoring were positive for almost all operators: the required warning messages were almost always received at the same time as, or very shortly after, the relevant ceiling was exceeded. The only exception was Telenet: for this operator, it was noted in November and early December that the time limit for sending warning messages was largely exceeded each time. The BIPT sent a letter indicating that these shortcomings had to be remedied before the end of

20. Established by the Royal Decree of 6 September 2016 regarding the migration of fixed line services and bundles of services in the electronic communications sector.

21. Referred to in Article 116/1, § 1, subparagraph 3, ECA.

2.2. Users

the year, or else the BIPT would issue a formal notice of default against Telenet. Telenet then informed the BIPT that it was experiencing technical problems but that it would meet the deadline. During an inspection in early 2022, it was found that Telenet was now sending warning messages correctly.

2.2.6. Monitoring compliance with obligations by operators in the postal services sector

Compliance with the postal regulatory framework.

In conformity with the postal regulatory framework, the BIPT each year carries out a number of inspection missions, mainly involving the universal service.

Delivery times. In its [Decision of 14 December 2021](#) on monitoring mail delivery times for the year 2020, the BIPT observes that the quality of domestic priority single piece mail (D+1) reached 94% that year. This is one of the best results over the last ten years.

The quality of domestic non-priority single piece mail (D+3) reached 96.9% in 2020. This is however one of the worst results over the last ten years.

The good result of domestic priority single piece mail (D+1) may be due in part to the fact that consumers prefer non-priority single-piece mail (D+3). As a result, the volume of priority single piece mail (D+1) from 2019 is much lower than before 2019.

The qualitative results of 2020, for all categories (prior, non-prior, registered items, parcels and incoming items), are lower than the 2019 results. The decline in results compared to 2019 fluctuates between -1.8 and -7.7 percentage points. According to bpost, the general decreases in quality in 2020 are due in particular to the introduction of a new delivery model since March 2020 (i.e. the delivery of non-priority mail twice a week) and to the health crisis.

bpost prices. The price of the universal postal service must be affordable, cost-oriented, non-discriminatory and transparent. The tariff increase of the services belonging to the small user basket²² is approved by the BIPT beforehand. As regards the 2022 tariff increases for these services, the BIPT Decision of 27 September 2021 concluded that the 2022 tariff changes comply with the current legislation. However, the BIPT notes that the new postal legislation has made it impossible since 2018 to ensure an effective control of the cost orientation principle. Therefore, the BIPT could only acknowledge the fact that the 6.37% average tariff increase requested by bpost complies with the legal provision concerned without being able to assess the cost orientation separately. The adequacy of the current price-cap formula is being assessed.

Customer satisfaction survey. In its Opinion of 18 May 2021 on the 2019 improvement plan and the 2020 action plan of bpost following the customer satisfaction survey for the year 2019, the BIPT draws

bpost's attention to the fact that the action plans presented by bpost between 2017 and 2019 have not made it possible to fundamentally improve customer satisfaction among business users and, to a lesser extent, private users. Customer satisfaction in 2019 was relatively lower compared to 2017 and 2018. The BIPT made concrete suggestions concerning, among other things, the improvement of customer satisfaction regarding (i) bpost's customer service, (ii) the information for the private individuals' segment, (iii) the website for the private individuals' segment and (iv) the correct delivery for the private individuals' segment.

22. The small user basket includes services that are frequently used by private persons and SMEs and to which single-piece rates apply (prices are not influenced by the number of items deposited or by the postal preparation thereof), namely: domestic standard letter post and standard outgoing cross-border mail weighing 2 kg or less; outgoing domestic and cross-border postal parcels up until 10 kg, registered items and outgoing domestic and cross-border items with declared value.

2.3. Scarce resources

Frequencies and numbers are only available in limited quantity. An efficient use of these scarce resources is crucial to ensure fair competition and allow innovation. International coordination is crucial in this area. The BIPT actively takes part in international expert groups striving after the rational use of frequencies and numbers (ITU, RSPGRSC, CEPT, ...) in the context of new applications and new technologies.

2.3.1. Numbering plan management

The BIPT is tasked with managing the national numbering plan and the granting and withdrawal of rights to use those numbers. To that effect, the BIPT works together with all other regulatory bodies in Europe to have the policy approaches regarding numbering in Europe converge as much as possible.

Effective management. As the authority managing the numbering plan, the BIPT has to ensure that this scarce resource is used as efficiently as possible. Therefore, the numbering plan must be regularly adapted to allow for new services and to further add on to the numbering space if necessary. The previously established guidelines for the use of CLI (Calling Line Identification) were clarified and made operational in 2021. A blacklist was thus introduced in consultation with the operators and FEBELFIN. This is a list of phone numbers that are highly susceptible to spoofing²³. The calls made via these numbers are blocked as much as possible when they

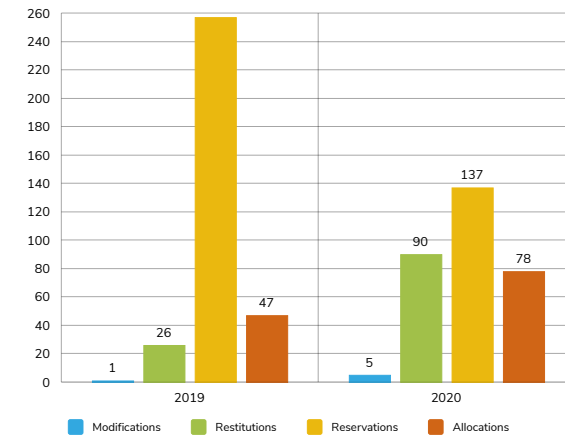
originate from abroad. This way, the number of spoofing cases has been reduced. The BIPT also took over the coordination to put an end to the existing 070 number and put a new number on the market.

Access to number series. In addition to the efficient use of the numbering plan, the BIPT must also ensure that the operators have access to appropriate number series to support their services. Therefore, in 2021, the extraterritorial use of numbering resources was granted to Cubic Telecom for IoT services. Furthermore, numbering resources were allocated for testing purposes to new players with a view to offering private 5G services. Pending transposition of the European Code, a consultation was also held to designate a range of non-geographic numbers for the provision of electronic communications services other than interpersonal communications services throughout the territory.

In 2021, the IBPT handled 310 numbering files. As can be seen in the chart below, the restitution of numbering resources is on the rise, this being mainly due to the cessation of the services of one operator and the return of certain blocks of 0800 numbers, at the request of the BIPT.

Combating fraud. Within the anti-fraud working group, operators share information and experiences on a voluntary basis. Since 2016, the working group has been meeting regularly under the leadership of

Detail handled numbering files



the BIPT, seeking collaboration at the operational level (information sharing, notification of cases of fraud...) as well as at the structural level (legislative and regulatory measures). In 2021, the BIPT further facilitated the functioning of the group. Thus, measures were taken and coordinated to put an end to fraud by sharing important information among the participating operators. In addition, structural measures were taken to curb number fraud.

The chart below shows the number of numbers used to commit fraud and blocked by operators to prevent further damage. A distinction was made according to the type of fraud, namely smishing²⁴, spoofing/vishing²⁵, IRSF (International Revenue Share

23. Spoofing is a fraudulent practice based on the falsification by the perpetrator of identification data in order to temporarily adopt a false identity. Examples include the spoofing of an e-mail address, a website, an IP address, a telephone number or biometric characteristics. Fraudsters make their victims believe that the call or text message comes from a reliable source, in order to be even more convincing in their illegal practices such as phone scams (e.g. via phishing).

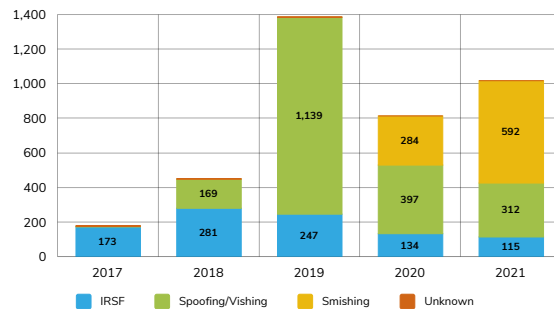
24. Smishing is phishing by SMS, a form of fraud where the perpetrator tries to obtain information from the victim by means of a text message containing misleading information.

25. Vishing is VoIP (voice over IP) phishing, where the perpetrator fools the victim over the phone in order to obtain personal and/or financial information.

2.3. Scarce resources

Fraud²⁶⁾ and a residual category. We notice a significant drop regarding IRSF over the last four years. However, there has been a sharp increase in smishing over the same period.

Number of numbers blocked according to the type of fraud from 2017 to 2021



2.3.2. Optimal radio spectrum distribution and exploitation

The BIPT assigns frequency bands to operators in order to distribute the radio spectrum in an optimal fashion. Operators thus obtain rights of use to provide mobile products to the end-user.

Granting rights of use. In the past, the BIPT granted rights of use for 2G, 3G and 4G. The 2G and 3G licences expired on 15 March 2021. The BIPT extended these licences twice in 2021, each time by a period of 6 months (a first period from 16 March

Frequency band	Available bandwidth	Technology	Current licence holder	Expiry date of the current licence
Existing licences				
900 MHz	70 MHz	2G - 3G	Proximus - Telenet - Group-Orange	15/3/2021 (renewable for 6 months)
1800 MHz	150 MHz	2G - 4G	Proximus-Telenet - Group-Orange	15/3/2021 (renewable for 6 months)
2100 MHz	120 MHz	3G - 4G - 5G	Proximus - Telenet - Group-Orange	15/3/2021 (renewable for 6 months)
2600 MHz	155 MHz	4G	Proximus - Telenet - Group-Orange Densair - Citymesh	2027 (for Citymesh 2035)
800 MHz	60 MHz	4G	Proximus - Telenet - Group-Orange	2033
3400 - 3600 MHz		4G - 5G	(40 MHz Gridmax + Citymesh)	2025
Future licences				
700 MHz	60 MHz	4G - 5G	/	/
3400 - 3800 MHz	400 MHz	4G - 5G		
1400 MHz	90 MHz	4G - 5G SDL ²⁹⁾	/	/

2021 to 15 September 2021²⁷⁾ and a second period from 16 September 2021 to 15 March 2022²⁸⁾).

Operators having obtained rights of use in a certain frequency band are in principle free to decide which technology they use, but in practice certain frequency bands are mainly used for a specific technology:

On 14 July 2020, the BIPT decided, pursuant to Article 22 of the Act of 13 June 2005 on electronic communications (ECA), to grant temporary rights of use for the 3600-3640 MHz band to 4 operators (Cegeka, Orange, Proximus and Telenet). The

temporary rights of use are only valid until the entry into force of the rights of use which will be notified by the BIPT following a future auction of the 3400-3800 MHz band. These temporary rights of use enabled the operators to deploy 5G in the 3600-3800 MHz band, pending the final allocation following the auction.

Pursuant to Article 21 of the Royal Decree of 24 March 2009, as amended by Article 5 of the Royal Decree of 3 December 2020, Citymesh submitted a request on 29 December 2020 to extend its list of municipalities to all municipalities on the Belgian

26. The International Revenue Share Fraud is a type of fraud where telephone calls are artificially generated to international number series without the intention of paying for them. The perpetrator receives a portion of the revenue from the termination charges that the number series holder receives for incoming traffic to the number series.

27. BIPT Council Decision of 23 February 2021 on the extension of the 2G and 3G licences.

28. BIPT Council Decision of 31 August 2021 on the extension of the 2G and 3G licences.

29. SDL: supplemental downlink. Supplemental downlink implies that the frequencies allow one-way traffic from the network to the peripheral equipment and not two-way traffic.

2.3. Scarce resources

territory, with the exception of the municipalities of Vresse-sur-Semois, Bièvre, Gedinne and Bouillon, for which rights of use have already been granted to Gridmax. This extension was granted via the BIPT Council Decision of 4 May 2021 regarding the extension of the rights of use of Citymesh in the 3.5 GHz frequency band.

Temporary rights of use are also granted for the establishment and operation of transmitting installations in the Belgian exclusive economic zone in the North Sea. The existing licences of the Belgian public mobile operators are only valid on the Belgian territory (not in the North Sea). Via the Decision of 16 November 2021, rights of use were granted to four operators in the whole Belgian exclusive economic zone in the North Sea (Citymesh, Isea, eBO-Enterprises and Tampnet). These rights of use will be used, among other things, for the support of wind farm maintenance teams, for rescue and security services and for commercial connections with ships.

At the end of November 2021, a political agreement was reached between the different political powers concerning the future auction (agreement of the Consultative Committee of 24 November 2021) in which 2G and 3G rights of use will be offered, but also rights of use in the frequency bands planned for 5G. The Royal Decrees of 28 November 2021, published in the Belgian Official Gazette of 23 December 2021 (see 2.3.3.), were then adopted.

Antenna site sharing. Operators have to mount their installations on existing supports as much as possible and make the masts they own available for use by the other operators.

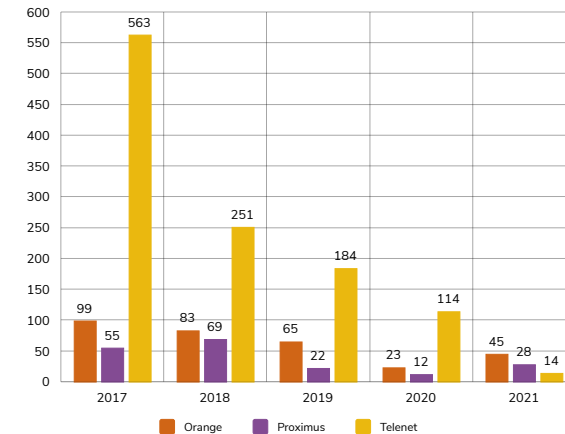
This is the reason why, before introducing a request for an urban development permit, an operator has to sound out whether the other operators show interest in site sharing. It needs to send a “Letter of Intent” (or “LoI”) thereto.

As shown in the chart above, we notice that the number of LoIs has been decreasing for several years now. However, this does not mean that operators share their sites less. Generally, the sharing of a site indeed lasts several years and only comes to an end when the site is dismantled, due to external events, such as the termination of the lease for the location where the site has been established.

Furthermore, operators do not necessarily submit a LoI when they wish to join an existing antenna site. If

The deployment of 5G has begun thanks to the temporary licences issued by the BIPT

Number of Letters of Intent submitted per operator



the project does not require a town planning permit, the operator directly sends a Pylon Sharing Request to the operator who owns the support structure.

The decrease in the number of LoIs may also be due to a wait-and-see attitude of the mobile operators in relation to the arrival of 5G, which will require the deployment of new antennas.

The non-profit organisation RISS (Radio Infrastructure Site Sharing) ensures co-ordination between the operators involved. This organisation is monitored by the BIPT and supports the development and the use

2.3. Scarce resources

of a database of antenna sites (www.sites.bipt.be), maintained by the BIPT. In 2021, the BIPT was particularly active in the negotiations between the operators within the non-profit organisation “RISS”, in particular via a conciliation procedure initiated by Telenet. The three public mobile operators with their own network (Telenet Group, Orange Belgium and Proximus) also regularly called on the BIPT’s expertise during the negotiation of their new site sharing framework contract. This task will be continued in 2022.

2.3.3. Continuity and innovation

The BIPT is attentive to maintaining service continuity and is keen to support innovation. This goes beyond the organisation of auctions: measuring the level of saturation of current networks and providing reliable information to the general public on new technologies also clearly promotes service continuity and innovation.

Objectification of the risks of saturation of 4G networks. The BIPT measured the risks of saturation of 4G networks at peak times in three major cities (Antwerp, Liege and Brussels) by 2022. The exercise consisted in assessing the risk of network saturation in high-traffic areas, taking account of the total available spectrum and the current electromagnetic radiation standards, all other things (number of operators, 5G, etc.) being equal. The results of this study were made public on [8 March 2021](#). Concerning

Antwerp, the study predicts that there is no risk of significant congestion of 4G networks. Concerning Liège, the study predicts that there is a risk of partial congestion of 4G networks during peak hours. Concerning Brussels, the study predicts that there is a risk of significant congestion of 4G networks during peak hours. In Liège and Antwerp, 5G will however increase the capacity of networks to cope with the expected increase in traffic. On the other hand, with an unchanged standard in Brussels, 5G will not increase the capacity of networks to cope with the expected increase in traffic.

Raising awareness on 5G. The Federal Council of Ministers decided on 22 January 2021 to create a knowledge and learning platform on 5G. The aim is to create support for the introduction of 5G among stakeholders, including citizens. This is why the [About 5G](#) platform was created in June 2021. To this end, the BIPT not only makes its technical expertise available, but also coordinates the collaboration with the other competent bodies, Sciensano and the academic experts who contribute to the platform. Thanks to this platform, the citizen is fully and objectively informed and receives an answer to all possible questions or concerns arising from the introduction of 5G. The knowledge and learning platform on 5G was promoted on social media throughout 2021.

Spectrum auction. The BIPT prepared a new spectrum auction which will be held in June 2022. On

the one hand, the radio spectrum of the existing mobile 2G and 3G licences has to be reassigned, on the other hand, new frequency bands that are suitable for the new 5G technology are also put up for auction (see 2.3.2.). This auction will be based on the following Royal Decrees:

- Royal Decree of 28 November 2021 on radio access in the 900 MHz, 1800 MHz and 2 GHz frequency bands;
- Royal Decree of 28 November 2021 on radio access in the 700 MHz frequency band;
- Royal Decree of 28 November 2021 on radio access in the 1427-1517 MHz frequency band;
- Royal Decree of 28 November 2021 on radio access in the 3400-3800 MHz frequency band.

2.3.4. Promoting connectivity

Promoting connectivity and access to very high capacity networks is one of the BIPT’s goals. It is becoming increasingly evident that connectivity to efficient fixed and mobile networks is a driving force of social and economic life. The BIPT’s objective in terms of connectivity, i.e. the generalisation of access to very high capacity networks, and the uptake of such networks, for all Belgian citizens and undertakings, was set in accordance with the European Code which introduced that objective.

2.3. Scarce resources

Connectivity Toolbox Recommendation. Within the framework of the European Recommendation of 18 September 2020 (Connectivity Toolbox Recommendation), the Commission asked Member States to urgently develop a common Union toolbox based on best practices to increase the deployment speed of networks. Within this framework, best practices for net cost reduction, on the one hand, and best practices for 5G spectrum access, on the other hand, were defined. The work on the Connectivity Toolbox is also part of the 2030 Digital Compass exercise. The implementation of the Connectivity Toolbox best practices in Belgium is made up of 2 parts. The first part concerned the creation of an implementation “roadmap” by 30 April 2021, while the second concerned a report on the status of the implementation of the toolbox on the basis of the roadmap by the end of April 2022. Concerning 5G, the BIPT coordinates the implementation of best practices in Belgium.

2.3.5. Avoid and remedy harmful interferences

The radio spectrum is used as a support for communications: it represents a natural scarce resource which must be rationally and efficiently managed to be usefully operated. The BIPT assigns a part of it to each category of equipment using spectrum in order to limit the risk of interference to a minimum. Should interferences still occur, the BIPT may act as a “police of the radio waves” to put a stop to any form of harmful interference.



Defining the technical requirements

Radio equipment. The BIPT is in charge of defining technical regulations for the use of radio communications equipment. In that context, on 20 October 2021, the Institute published a Decision on radio interfaces related to wireless access systems including radio local area networks (WAS/RLAN)³⁰. These [radio interfaces](#) lay down the technical

requirements the equipment has to meet. They enable the efficient use of the frequency bands and avoid harmful interferences. They include the technical characteristics the equipment has to meet and the frequency bands for different types of equipment.

Within the framework of **technology neutrality**, a number of decisions have been taken to use different technologies in parallel on certain frequency bands:

30. This concerns Wi-Fi equipment using the 5945-6425 MHz frequency band identified by the Commission Implementing Decision (EU) 2021/1067 of 17 June 2021 on the harmonised use of radio spectrum in the 5945-6425 MHz frequency band for the implementation of wireless access systems including radio local area networks (WAS/RLANs). The use of these devices will be exempt from authorisation in 2022.

2.3. Scarce resources

- Decision of 15 June 2021 on the technical and operational conditions for the avoidance of harmful interference in the 1920-1980 and 2110-2170 MHz frequency bands;
- Decision of 15 June 2021 on the technical and operational conditions for the avoidance of harmful interference in the 2500-2690 MHz frequency band;
- Decision of 3 November 2021 on the technical and operational conditions for the avoidance of harmful interference in the 3400-3800 MHz band.

These decisions also allow the introduction of 5G in a number of specific frequency bands.

Concerning the 3400-3800 MHz band, the “Frame A” structure of CEPT Recommendation (20)03 (frame structure DDDSU) was chosen. The synchronisation parameters defined by the BIPT are not imposed on operators. They retain their freedom of choice regarding technology and frame structure. However, the technical conditions are more restrictive for networks that do not respect the synchronisation parameters defined by the BIPT. This frame is also recommended in a BENELUX Recommendation.

Putting an end to harmful interference

The BIPT has been assigned the task of monitoring

the electromagnetic spectrum. There are 2 types of monitoring actions:

- 1) inspections, announced or not, to verify whether the spectrum is used according to the applicable rules;
- 2) locating interference, reported and otherwise.

Efficient spectrum
monitoring
with upgraded
monitoring equipment

These monitoring actions in the field are carried out by the BIPT's technical teams located in the regional centres of Liège, Anderlecht, Ghent and Antwerp. Following the decision of liquidation and dissolution of the “Centre de contrôle des radiocommunications des services mobiles” (Monitoring Centre of the radio communications of mobile services - CCRM), of which the BIPT was a member, the latter resumed the direct management of radio spectrum monitoring.

To carry out its monitoring actions, the BIPT uses state-of-the-art equipment. Depending on the type of measurements, use will be made of portable equipment, a measurement vehicle or the monitoring stations in the BIPT regional technical centres.

The BIPT started in 2021 the modernisation of its monitoring resources, both fixed and mobile. Six fixed stations have thus been deployed on the territory. Interconnected and usable remotely, they allow a better visualisation of the spectral occupancy, to record the spectrum for several days, to detect undesirable transmissions and to carry out an initial localisation of the transmission zone.

Preventive monitoring. The BIPT systematically and by way of prevention monitors the private radio communications networks when a new licence is issued (permanently or temporarily) or when the structure of an existing network is changed. In this context it is verified whether the characteristics of the network installed correspond to what is specified in the licence (see 3.1.4.). The objective is twofold: avoid interference and ensure that the network operator receives a correct invoice.

2.3. Scarce resources



As in 2020, the health context hampered the proper implementation of these inspections. In total, 365 preventive inspections were carried out, versus 605 in 2020 and 1,010 in 2019.

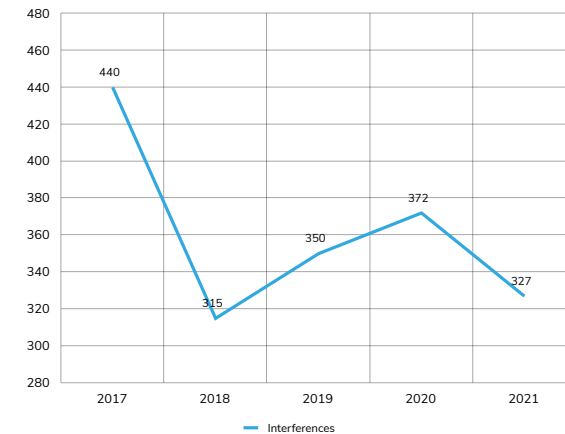
In order to be able to take measures immediately when the radio legislation is breached, the BIPT technicians have the power to act as criminal

investigation officers. In 2021, 54 reports were drafted in the context of the spectrum monitoring and 60 interfering transmitters were seized.

Monitoring during major events. The BIPT ensures that the networks used are licensed and that the licensing terms are complied with. This guarantees an immediate solution should interferences arise. In

2021, numerous events were cancelled due to the Covid-19 crisis. However, the BIPT intervened in several major events.

Evolution of interferences



Resolving interferences. Governed from its headquarters Brussels, the BIPT has four regional centres resolving interferences across the entire national territory. The total number of interferences in 2021 amounts to 327, versus 372 in 2020, namely a 12% decrease compared to the previous year.

2.3. Scarce resources

The victims and sources of interference are divided as follows:

	To be completed...	Aeronautical	Broadcasting	Defence systems	Fixed connections	Land mobile	Maritime	Meteorology	Radio astronomy	Satellite systems (civil)	Short-range devices	Non-radio	Other	Vanished	Unknown	Totals
To be completed...						1								2		3
Aeronautical		1	7									1	1	3	1	14
Broadcasting	1		4									10	2	7	4	28
Defence systems							1									1
Fixed connections					1									3		4
Land mobile	5		4			63	1			1	5	5	7	19	12	122
Maritime	2						22				1			5	4	34
Meteorology							1				4			1		6
Short-range devices			1			1					34	5	5	14	9	69
Radio astronomy																0
Satellite systems (civil)																0
Non-radio															1	1
Other			2				1				3	23	8	5	2	44
Vanished															1	1
Totals	8	1	18	0	1	65	26	0	0	1	47	44	23	59	34	327

327 interventions to solve interferences on radio communication networks

Over 37% (122) of interference victims belong to the category "Land mobile"³¹, within which a large majority of the interferences (86%) are caused by the use of repeaters active in the frequency bands used by the mobile operators. As a reminder, this type of repeaters may only be used by mobile operators, or with their authorisation. Next come "Short-Range Devices"³² (69 - 21%), maritime services (34 - 10%) and broadcast (28 - 8.5%). Aeronautical interference makes up 4% (14) of the total interferences.

31. Including among others the networks of mobile operators, trunk networks and PMR devices.

32. Garage door remote controls, baby monitors, wireless doorbells, etc.

2.4. Efficient functioning

The BIPT wishes to be an accessible regulator who, as an attractive employer, draws capable personnel. In that context, the Institute is pursuing its efforts to create a modern and efficient work environment by taking action regarding digitisation, organisation management and internal monitoring. In its activities, the BIPT also takes into account sustainability factors and the impact on its environment.

2.4.1. An accessible regulator

Simplified administrative file handling

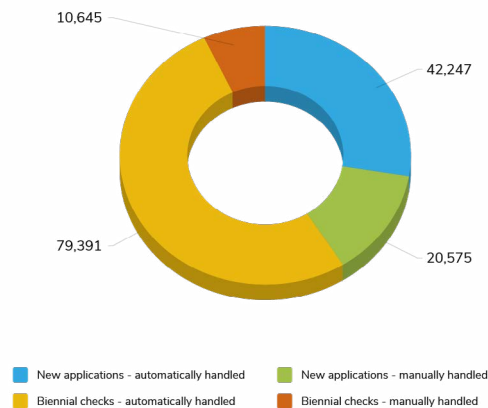
Examinations. In November 2019, the BIPT launched a public tender for the creation of a web application for the organisation of examinations for operator certificates, both for shipping and for radio amateurs (see 3.1.2.). The contract includes the creation of an examination website, a registration counter, online payment and a link to the BIPT customer database. Due to the measures to combat COVID-19, this project has been delayed, but will be online from 1 June 2022.

Social tariffs. As regards the monitoring of the granting conditions for the electronic communications social tariff, the BIPT uses a beneficiary database called "STTS", which enables an automated (partial) check of the granting conditions. The BIPT does not only carry out this verification upon the request with the operator but can also verify whether the applicant in question

still meets the terms and conditions two years after the allocation.

In 2021, about 63,000 new requests and more than 90,000 two-yearly verifications were processed in this manner. This was mostly done automatically.

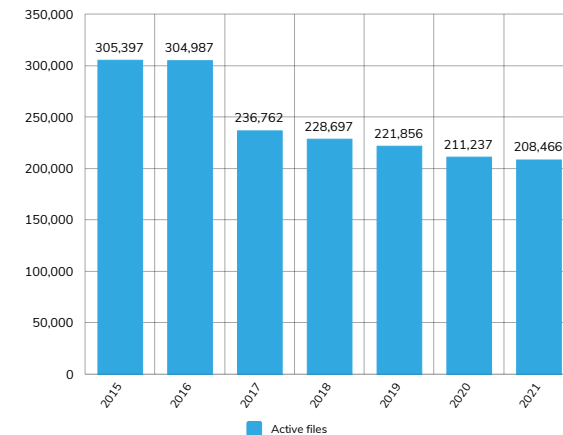
Social tariff files handled in 2021



In 2017, the verification automation project was completed. This explains why the number of active files has been constantly decreasing over the past few years. By the end of 2021, 208,467 persons benefited from the social tariff. The limits

for the automatic verification have hereby been reached, considering the complexity of the current granting conditions. The security of the STTS platform has been attuned to the requirements of the General Data Protection Regulation.

Active social tariff files



Handling of complaints regarding the functioning of the BIPT

In addition to its values (independence, reliability and transparency), the BIPT is very attentive to the quality of its services. In order to provide an adequate

2.4. Efficient functioning

response to possible complaints, the designated complaint coordinator works closely with all operational services. Organisational lessons can be drawn from the analysis of complaints.

In 2021, the complaint coordinator handled 11 admissible complaints, over a total of 54 messages received. Compared to the large volume of interactions (e-mails, letters, telephone calls, visits, etc.) between the BIPT and its “customers”, the number of qualified complaints remains low. It is a source of satisfaction for the agents and a testimony to their efforts. Each message or qualified complaint received a detailed response tailored to the whistleblowers’ interests. The federal Ombudsman (who may be called upon to examine a case under a cooperation agreement) had to intervene in only two cases in 2021: one claim could be closed in the third quarter, and the other case was closed as unfounded.

2.4.2. An upgradeable website

The BIPT’s website went online at the end of March 2020 and was regularly updated in 2021 in order to present the results of the BIPT’s activities to all stakeholders. As the website also aims to increase the satisfaction of its various visitors, an online survey was launched at the end of 2021. The objective was twofold: collecting feedback on user experience and gaining insight into the particular expectations of participants. Individual interviews

supplemented and clarified the written responses. In 2020, the ongoing maintenance programme will use this information to optimise the services provided by the website.

2.4.3. Competent staff

Personnel. By the end of 2021, the BIPT had 250 staff members: 230 statutory agents and 20 contractual agents. This is detailed in Annexe B. This figure represents 240.9 full-time equivalents. Among them, 15 staff members (15 FTE) were put at the disposal of the Office of the Ombudsman for the Postal Sector and 17 staff members (16.4 FTE) were put at the disposal of the Office of the Ombudsman for Telecommunications. Their duty is to assist the ombudsmen in handling complaints of consumers in their respective sector.

In 2021, the BIPT hired 17 new staff members at different levels and with various profiles: 1 computer engineer, 1 industrial engineer, 2 translators, 3 economists, 3 administrative collaborators (of which 1 for the ombudsmen) and 7 technical collaborators.

Training. In 2021, the Training Department continued its mission for all BIPT staff.

To that end, three main axes are considered: training for “groups of participants”, workshops and individual training.

Notable actions include:

- Training on the use of Microsoft Teams for all staff members;
- Training on the “Appraisal Process” for staff members who have to give an opinion to their superior in this context;
- Training for the field monitoring teams on the BIPT legislation in relation to their tasks.

Specific “job” training courses were also offered for certain profiles (Microsoft Azure for the IT Department, R/Python for certain engineers and technicians, etc.).

A series of workshops was also organised for new staff members to familiarise them with the framework and functioning of the BIPT.

Finally, individual training courses are still of great interest, especially language courses in French or Dutch.

The various training initiatives totalled 579 man-days, or an average of 2.6 days per full-time equivalent.

Working rules. The working rules in force since 3 May were amended in early November. The main purpose of this amendment was to change the number of telework days. In this way, the BIPT

2.4. Efficient functioning

prepared itself administratively for a return to the workplace as soon as the conditions in the context of Covid-19 would allow it.

Well-being. Unfortunately, this year was once again marked by the coronavirus. The staff was therefore regularly informed, after consultation with the trade unions, of the measures in force and their practical implementation in the workplace.

In the spring, initiatives were also taken in collaboration with the external prevention service to stimulate bonding among staff, in response to signals from staff members that there was such a need.

Change in status. In the autumn, the Minister of Public Administration and the State Secretary competent for the Budget gave their approval to a change in the administrative and financial status of the BIPT. After negotiations within the Sector Committee VIII and the Opinion of the Council of State, the relevant Royal Decree will be published and enter into force in 2022.

The proposed changes concern, among other things, the integration of a number of decisions in the BIPT statutes, the introduction of a trial period for promotions and the elimination of the differences in treatment between contractual and statutory staff, mainly from a financial point of view.



3



CHAPTER 3

2021 IN NUMBERS

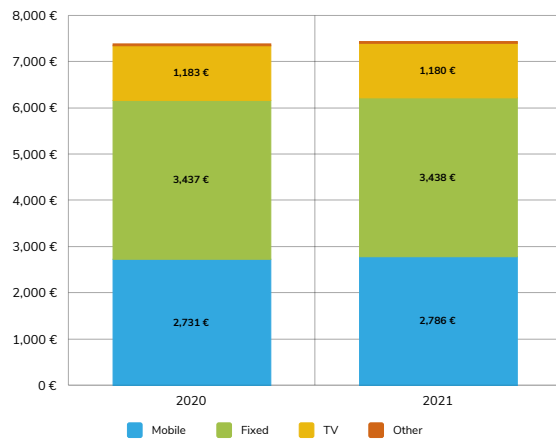
3.1. Electronic communications

3.1.1. Indicators of the electronic communications market

Each year, by the end of June at the latest, the BIPT publishes the electronic communications sector's statistical report. This chapter presents the major trends in 2021.

Turnover and investment

Breakdown of retail turnover for electronic communications and TV (million €)

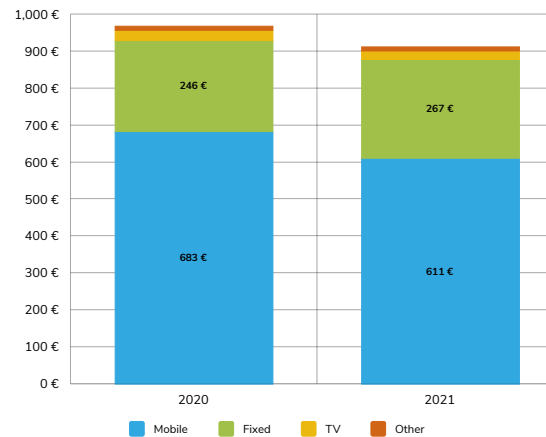


In 2021, the electronic communications and TV sectors yielded a turnover of €8.358 billion, or a slight decrease (-0.1%) compared to 2020. The impact of

the health crisis on the overall turnover seems to be diminishing.

On the retail market, the turnover (€7.44 billion euros) is on the rise again (+0.7%) after a slight decrease in 2020.

Breakdown of wholesale turnover for electronic communications and TV (million €)

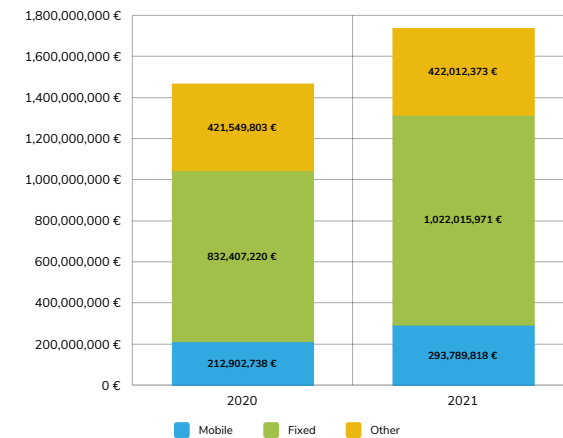


The turnover in the wholesale market fell by more than 5.8% to €0.91 billion due to the loss of turnover in the mobile and television markets.

After two years of decline, the level of investment in fixed and mobile electronic communications (excluding licences) increased by €271 million to

€1.738 billion in 2021, the same level as in 2018.

Breakdown of investment in electronic communications (million €)



This increase is mainly due to the roll-out of optical fibre and, to a lesser extent, to work on upgrading mobile to 5G.

Deze stijging is hoofdzakelijk te verklaren door de uitrol van glasvezel en, in mindere mate, het werk verricht om mobiel klaar te stomen voor 5G.

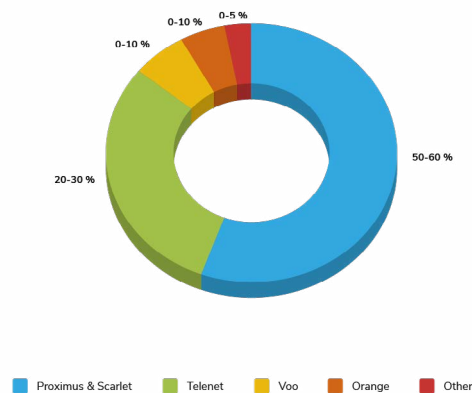
The positive development does not prevent Belgium from lagging behind other European countries in 2021, both in terms of optical fibre coverage and 5G

3.1. Electronic communications

deployment. The number of fixed broadband lines entirely based on optical fibre grew by 71% in 2021, as well as their share in the total number of fixed broadband lines (+1.2%) but in low proportion (3%). The development of 5G networks will only really start after the spectrum auction in June 2022. These delays weaken Belgium's connectivity score as measured in the 2021 Digital Economy and Society Index (DESI) of the EC. Belgium is ranked 16th, versus 13th in the previous year. For all DESI components combined, Belgium ranks 12th in the EU-27.

Players

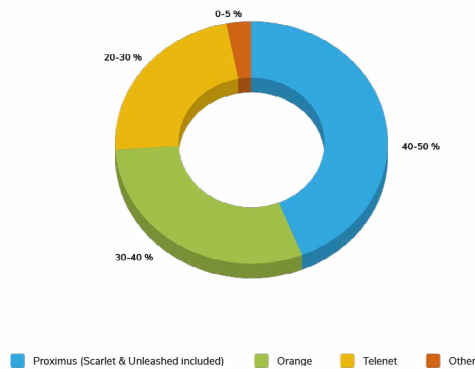
Market shares in terms of turnover - fixed electronic communications



Proximus is the largest national player in the fixed and mobile segments, although the other major market players are slightly gaining ground in terms of market shares in the fixed market.

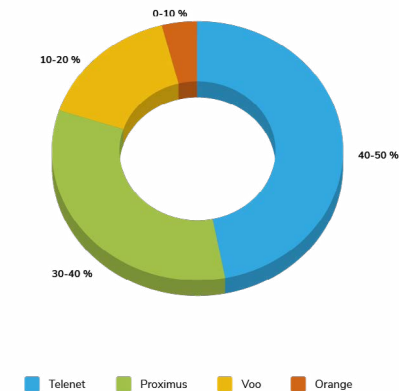
Partly as a result of the acquisition of Mobile Vikings, Proximus strengthens its leading position in the mobile market, followed by Orange and Telenet. The latter two have an equivalent market share of between 20 and 30%, but Telenet has a smaller share in terms of turnover with [20-30]%, versus [30-40]% for Orange.

Market shares in terms of turnover - mobile market



On the national television market, Telenet is the largest player with a market share of [40-50]% in terms of number of television connections and [20-30]% in terms of turnover. Based on turnover (-1,5 pp) and volume (-0,6 pp), we notice a loss of market share to Proximus and Orange.

Market shares in terms of turnover - television

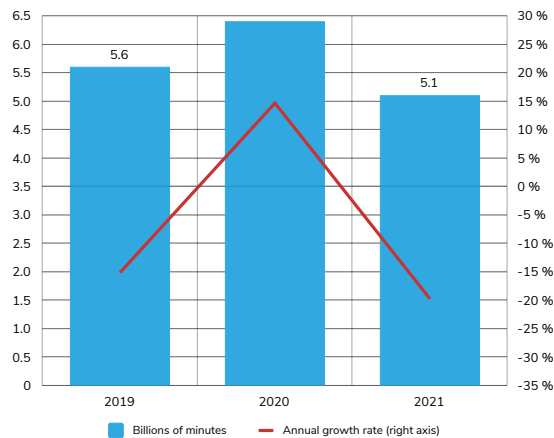


3.1. Electronic communications

Fixed services (voice – broadband)

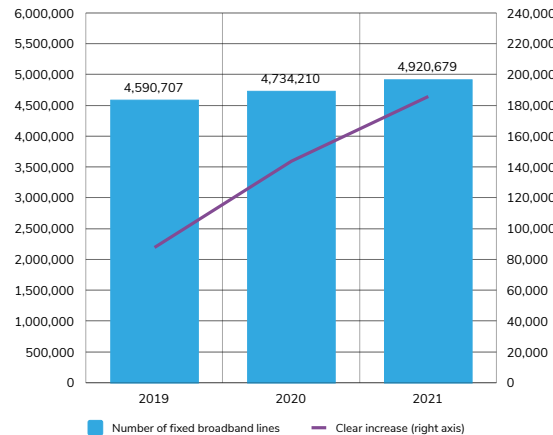
The total number of fixed telephone network access shrank by 9.4% in 2021. The decrease in access also goes hand in hand with a decrease in fixed voice telephony traffic: -19,7% for a total of 5.18 billion minutes.

Call minutes over fixed networks in 2019, 2020 and 2021



As regards coverage, 99.7% of households could have access to 1 Mbps fixed broadband connections (via copper, cable and fibre) in September 2020. As speed increases, the coverage rate decreases slightly: 99.1% for 30 Mbps coverage and 97.2% for 100

Number of fixed broadband lines in 2019, 2020 and 2021

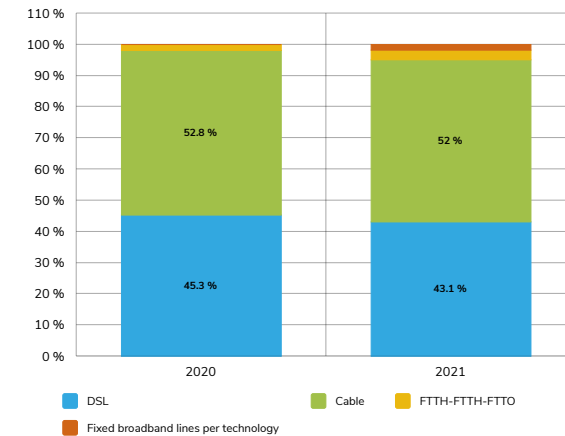


Mbps. In order to meet the European target of ultra-fast broadband by 2025, the national broadband plan, launched in April 2021, focuses on mapping “white spots”, where households do not have access to 100 Mbps. In this way, the federal authorities want to contribute to facilitating the deployment of ultra-fast broadband in Belgium. A €40 million budget will be devoted to that end.

It should be noted that in its 2030 Digital Compass, adopted in 2021, the Commission proposed as an ambition that by 2030 “all European households will be covered by a Gigabit network, with all populated areas covered by 5G”.

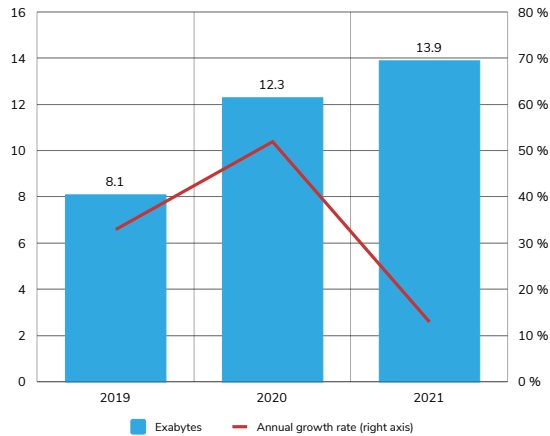
Per vaste-breedbandlijn wordt gemiddeld 239 gigabyte per maand geconsumeerd, 19 gigabyte meer dan in 2020. Het vaste-breedbandverkeer neemt met 13% toe, een opvallend lagere stijging dan in het coronajaar 2020 (+52%).

Fixed broadband lines per technology



3.1. Electronic communications

Traffic on the fixed broadband in exabytes* in 2019, 2020 and 2021



The prices for fixed broadband in Belgium remain above the European average. This is reflected in the broadband price index of 52 on a scale of 100. With this score, Belgium is 25th in the EU. Based on ITU data, Belgium meets the accessibility objectives of the United Nations Broadband Commission for Sustainable Development.

Mobile services

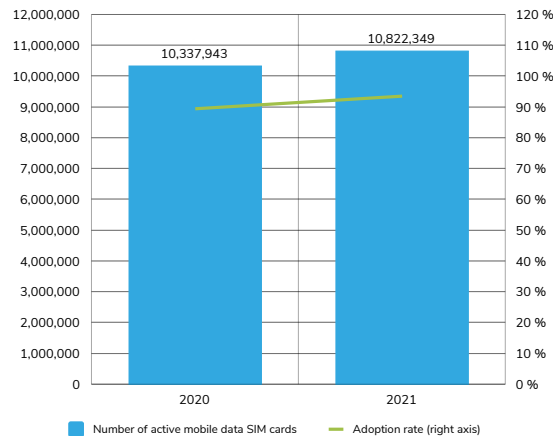
In the mobile market, the number of active SIM cards (excluding M2M) amounted to 12.25 million, i.e. 2.1% more than a year earlier. The volume of mobile

postpaid services increased by 5% (488,309 net additions), mainly due to the increase in the share of converging bundles.

The success of the Internet of Things (IoT) is growing: more and more devices and sensors are connected to the internet in order to exchange information with each other, so that by the end of 2021, about 5.8 million (+31 pp) IoT objects were connected.

The number of data SIM cards reached 10,82 million (+4,7%). In Belgium, there are 93.6 active SIM cards per 100 inhabitants.

Number of mobile data SIM cards and rate of adoption by the population



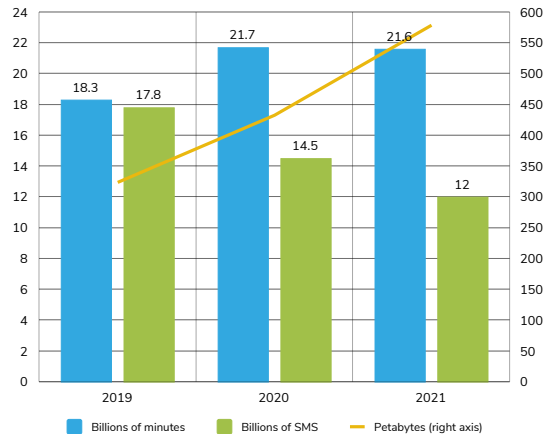
Mobile voice services (-89 million call minutes for a total of 21.46 billion) and especially SMS (-2.49 billion for a total of 12.03 billion) are decreasing in volume, but active data SIM cards are processing increasingly more mobile data: +146 petabytes** for a total of 579 petabytes. The average monthly usage volume per active data SIM card increases from 3.7 to 4.8 GB.



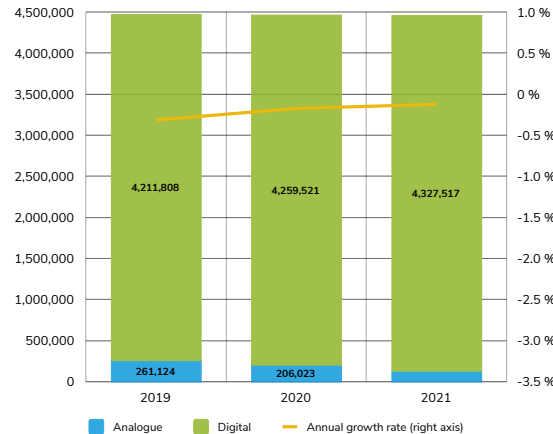
* One exabyte equals 1 billion gigabytes (GB).
 ** One petabyte equals 1 million gigabytes (GB).

3.1. Electronic communications

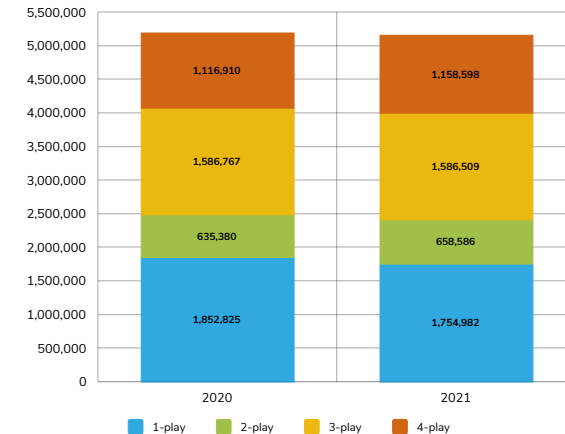
Evolution of traffic over mobile networks in 2019, 2020 and 2021



Number of TV subscriptions and distribution analogue/digital



Distribution of fixed residential bundles



Television

For the third year in a row, the number of television connections with access to conventional television, via a decoder and via the internet (application), showed a slight decline: -5,413 for a total of 4,46 million connections.

At the end of 2020, 4.6% of TV connections were still analogue, but this figure decreased further in one year to 3%.

Bundles

Multiple play, or the purchase of different services in a single subscription, continues to grow. The number of residential customer relationships concerning bundles³⁵ rose by 64,637 to 3.4 million, which led to a decrease in the number of customers subscribing to fixed standalone services by 97,843 to 1.75 million.

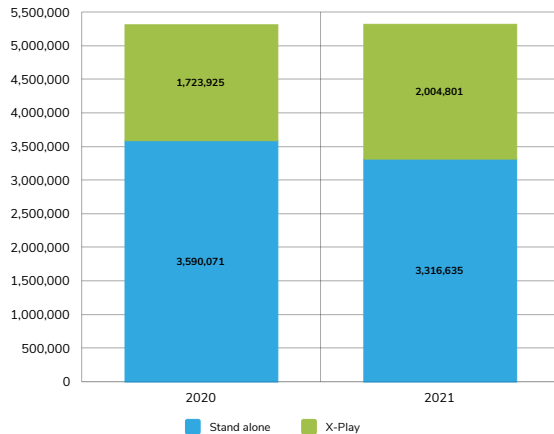
Concerning mobile offers, the number of unique customer relationships for a 1-play mobile service decreased by 273,436 to 3.3 million due to the focus on the fixed-mobile convergence. Customer relationships for mobile services (voice/data) grew by 16.3% to reach a bit more than 2 million, raising the share of the converging market in total customer relationships for mobile services from 32% to 38%. By the end of 2021, convergent bundles accounted for 59% of the bundle market, i.e. 7.3 pp more than in 2020.

33. Bundles are commercial offers including at least two of the following services: (1) fixed broadband, (2) fixed telephony, (3) mobile services (voice and/or broadband) and (4) television. Bundles are:

- Pure bundles, consisting of services which are not available individually;
- Combinations of linking and linked services consisting in a service the sale of which is conditional on the purchase of another service. The first product is called the "linking product" and the second on the "linked product".
- Mixed bundles, which combine services that are available separately, but the joint purchase is encouraged by the granting of permanent advantageous conditions which cannot be obtained when the services are purchased separately. These conditions may include discounts or non-monetary benefits (such as more data consumption). Temporary promotions and gifts must not be taken into account.

3.1. Electronic communications

Distribution of mobile residential bundles

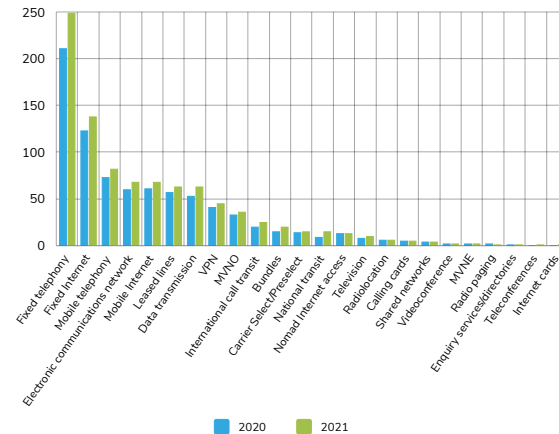


3.1.2. Notifications

Access to the electronic communications market is free. A newcomer on the market can start its activities after a simple notification to the BIPT. A vade mecum published on the BIPT website facilitates their entry into the market.

At the end of 2021, there were 419 operators and their notifications concerned the following services:

Distribution of electronic communications networks and services



3.1.3. Networks

Fixed. Because of the density of their infrastructure, Proximus, Telenet and Brut el/Voo are the operators with the largest coverage of the country in terms of fixed networks. They provide their services to the main public and undertakings. Their tariff plans for the residential market can be consulted in the tariff simulator besttariff.be (see 2.2.1.).

The operators with a more limited network coverage can use the infrastructure of the bigger operators to provide their services to their own customers, both

private and business. This is “wholesale” access. Examples are Orange, which uses Telenet’s and VOO’s cable to launch its own fixed internet/digital TV tariff plans on the residential market, and EDPnet and Destiny, which have access to Proximus’ fibre network to provide cloud communication solutions to residential and business customers. The BIPT plays a crucial role in such wholesale access.

Mobile. As regards the mobile network operators, Proximus, Telenet Group and Orange have deployed their own networks. They are the Mobile Network Operators or MNOs.

MVNOs (Mobile Virtual Network Operators) are mobile service providers who do not have their own mobile network. The most advanced MVNOs (known as Full MVNOs) do have their own fixed network assets, but not their own radio access network. There are a few full MVNOs on the Belgian market, the main ones being Lycamobile and VOO. There are also light MVNOs which operate their own customer management and billing system. Examples in this category are Carrefour and EDPnet.

3.1. Electronic communications

3.1.4. Licences, examinations and certificates

The BIPT is responsible for the management and monitoring of the radio spectrum in Belgium. The BIPT assigns the frequencies and issues licences for the “radio users”, either the “operators” who have obtained rights of use for public radio communications, or licences for private radio communications.

As regards the use of private radio communications stations, the BIPT’s activities include the granting of licences and the organisation of examinations.

Licence granting

The BIPT issues licences for the use of private radio networks and individual radio stations. Based on those licences it is possible to verify whether the network is appropriately licensed upon inspection.

Licensed radio stations and networks are subdivided into categories, depending on their destination and the manner in which they operate³⁴:

1st category:

private mobile radio communications networks, except for those falling under category 3. These include private mobile radio communications networks mostly used for professional ends, for instance by taxi companies, factories, etc. (permanent licence) or at construction sites, events, etc. (temporary licence);

2nd category:

private fixed radio communications networks. These refer to radio relay links³⁵;

3rd category:

mobile radio networks set up by governmental bodies, companies active in transportation by railways and public transport companies, hospitals and bodies for medical or social help for strictly humanitarian and non-profit purposes. This category covers the same use as category 1 licences, only the licence holder has a different capacity;

4th category:

licences for maritime radio stations;

5th category:

private radio stations used by radio amateurs;

6th category:

licences for air navigation radio stations;

7th category:

general holder’s licences or individual holder’s licences. These licences have to be obtained in order to keep radio equipment without actually using it. Manufacturers, importers and distributors therefore have a general holder’s licence for the radio equipment in question;

8th category:

this category actually regards operators’ public radio communications. It refers to networks set up:

- a) a) by operators of point-to-point networks or point-to-multipoint networks;
- b) by operators of shared resource networks. This regards the so-called trunked networks using multiple radio channels, shared with other companies;

9th category:

autorisations concernant les réseaux ou stations de radiocommunications privés :

- a) used for trials or testing - such as 5G test licences;
- b) using devices referred to in Article 33, § 2, of the Act of 13 June 2005 on electronic communications. In principle, these jammers are prohibited but there are a number of exceptions to the rule, for instance jammers in prisons;
- c) using radars not belonging to other categories, for instance weather radars, speed radars...;
- d) not belonging to any other category.

In addition, the BIPT also issues licences for the use of satellite stations, for instance for broadcasting vehicles for TV broadcasts through SNG or “Satellite-News-Gathering”.

Licences issued in 2021 are detailed in Annexe F.

34. Subdivision laid down in the Royal Decree of 14 December 2018 amending the annexes to the Royal Decree of 18 December 2009 on private radio communications and user rights for fixed networks and shared resource networks.

35. Radio-relay links or radio communications are used instead of a telephone line or fibre to connect two sites.

3.1. Electronic communications

Examinations to obtain operator certificates to use certain stations

Under normal circumstances, the BIPT organises maritime radio and radio amateur examinations each month. Due to the pandemic measures, the BIPT was forced to cancel the examinations for several periods.

The examination for access to the operator certificate for stations on board vessels is necessary for each user of a radio station in the radio maritime frequency bands. Depending on the user, there are 4 types of examinations (and certificates), divided according to the level of difficulty:

- Restricted radiotelephone operator certificate: the basic certificate allowing the use of a VHF marine radio on the inland waterways and for pleasure sailing at sea;
- SRC ("Short Range Certificate"): for pleasure sailing at sea;
- ROC ("Restricted operating certificate): mainly intended for professional use for coastal navigation;
- GOC ("Global Operating Certificate"): mainly intended for professional use at sea.

For radio amateurs, three types of examinations are organised:



Examination C:

examination for the basic licence. This examination is simple and, when passed, gives access to the use of a limited number of radio amateur bands with limited transmitting power.

Examination B:

the novice examination, which in terms of difficulty is between examination C and A. Passing this examination gives access to the use of most amateur radio bands with medium power.

Examination A:

extensive examination giving access, when passed, to all radio amateur bands with high transmitting power. It is better known as the "HAREC exam".

The exams organised in 2021 are detailed in Annexe F.

The Directorate-General for Air Transport of the FPS Mobility and Transport organises the examination for the certificate of aircraft station radio operator. The certificate is, however, issued to the successful candidates by the BIPT.

The number of operator certificates issued in 2021 is significantly lower than in the previous years. This is naturally due to the fact that fewer people took the examination because of the pandemic.

The certificates issued by the BIPT are detailed in Annexe F.

3.2 Postal services

3.2.1. Postal market indicators

In addition to bpost and both postal licence holders, another some 700 companies are active on the Belgian postal market. To follow the developments in the market, each year the BIPT conducts a survey among the major postal operators. In 2021, the data of 22 companies were processed for the year 2020. Their cumulated turnover amounts to over 90% of the postal sector's total turnover, creating an accurate image of the general trends on the Belgian postal market. All indicators and their evolution can be consulted in the [BIPT website](#). In the second semester of 2022, the data shall be completed with the 2021 figures. You will find below the main findings regarding the 2020 figures.

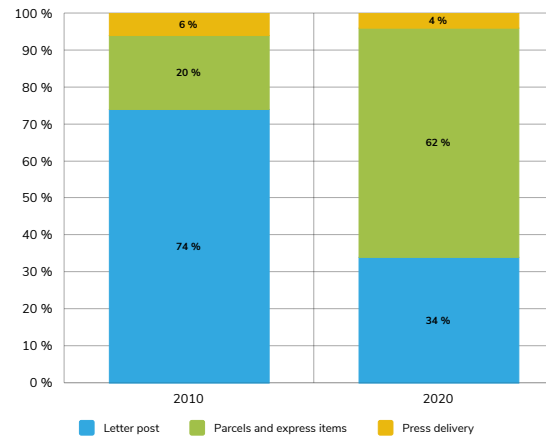
An increase
of over 34.8%
in parcel turnover
in 2020

Services

Since 2015, the growth percentage has been steadily increasing and has reached 16.2% in 2020, compared to 4.8% in 2019. The total revenue from the postal sector amounted to €3.13 billion in 2020. There are two different underlying trends:

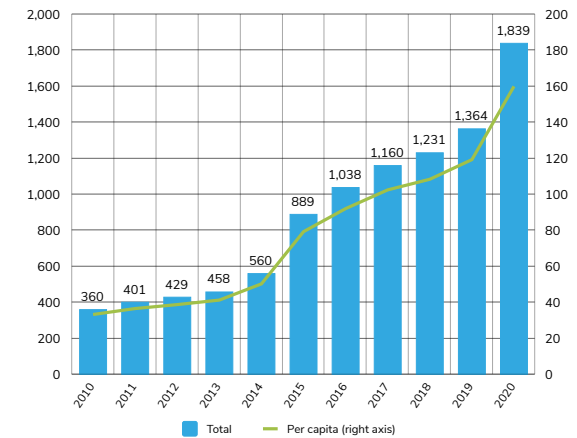
- 1) The significant grow of the parcel and express segment, which makes up a growing share of the postal market.

Composition of the postal market³⁶



In one year's time the parcel turnover increased by more than 34.8%.

Turnover of the parcel segment³⁷



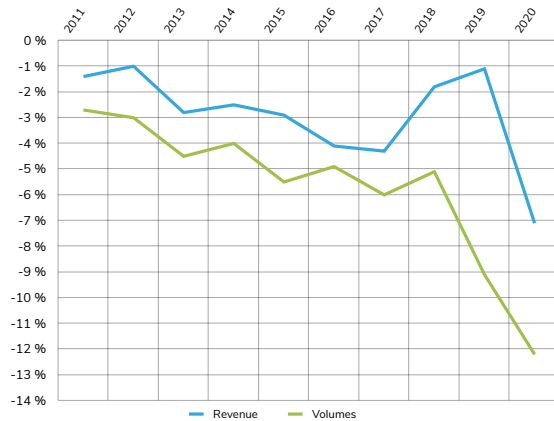
- 2) The significant decrease in the volume of items of correspondence (-12.2%) led to a decrease in revenues (-7.1%).

36. Since this year, transit items are no longer included in the turnover of the Belgian postal market. This concerns international mail from abroad that do not have Belgium as their final destination. The composition of the postal market in 2010 has therefore been corrected compared to previous editions.

37. The data series from 2010 to 2019 have been adjusted compared with the previous editions due to the change in the calculation of turnover.

3.2 Postal services

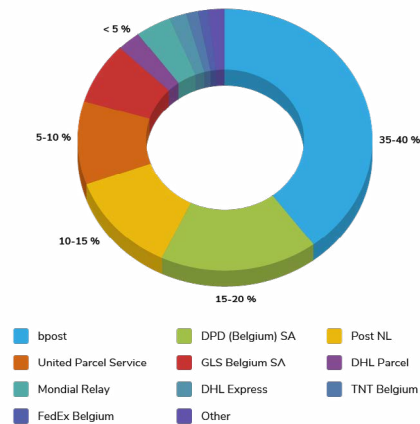
Volumes and revenues from items of correspondence³⁸



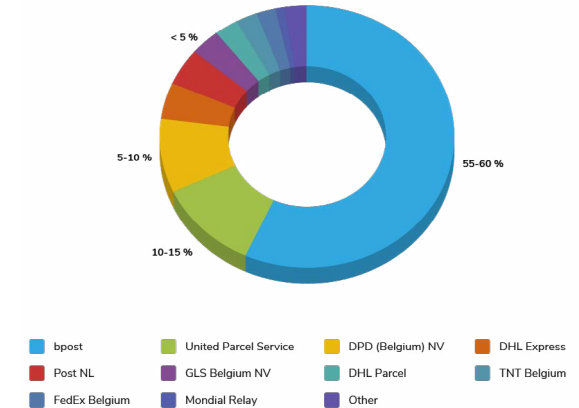
Market players

Zoals beide onderstaande grafieken hieronder aantonen, behoudt bpost grotendeels zijn dominante positie op de brievenpostmarkt en is het leider op de pakket- en expresmarkt.

Market share based on the parcel and express volume in 2020



Market share based on the overall turnover in 2020



Since SPRL Net Express³⁹ was [granted a licence](#) in November 2020, there are four universal service providers: Net Express, for the whole territory, SPAN Diffusion in the 19 municipalities of the Brussels-Capital Region, bpost, which is designated to provide the whole of the universal service across the entire territory, and Glejor BVBA which wants to deliver letter post services (with the exception of registered items) in the 3650 postal code area.

3.2.2. Universal service providers - licences

Any person wishing to provide a letter post service, registered or not, and falling within the scope of the universal service (up to 2 kg), must apply for a licence from the BIPT.

38. The data series from 2011 to 2019 have been adjusted compared with the previous editions due to the change in the calculation of turnover.

39. SPRL Net Express, operating under the trade name "TBC-Post".

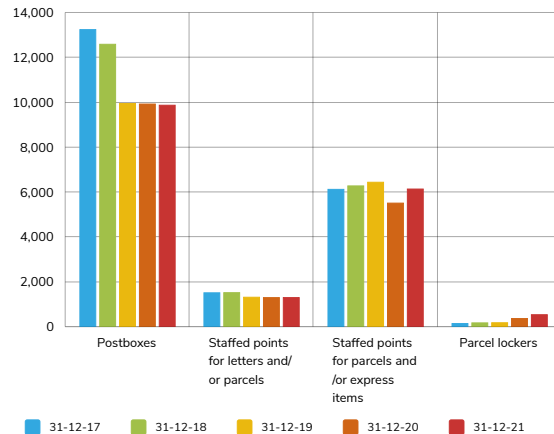
3.2 Postal services

3.2.3. Postal points

Since 2017, the BIPT has been gathering data of all available postal operators' postal points on the Belgian territory on the website postalpoint.be, subdivided as follows:

- letterbox for sending letter post;
- staffed point for sending and/or receiving letters and parcels;
- staffed point for sending and/or receiving parcels and/or express items;
- parcel lockers for sending and/or receiving.

Evolution of postal points



Postalpoint.be is fed by data coming from the operators and reflects the developments in the postal points network.

Since the bankruptcy of TBC-Post (end of 2019), only the universal service provider, bpost, still makes mailboxes (red boxes) available to users. In recent years, their number has systematically dropped. Compared to 2018, more than 2,000 red letterboxes have disappeared from the streets.

We also notice a drop in the number of staffed points for letters and/or parcels after 2018 because of the disappearing of TBC-Post in 2019. bpost's number of staffed points (postal points and postal offices) remained fairly stable between 2017 and 2019, but is slightly decreasing in 2020.

Concerning the staffed points of other operators, in terms of parcels and/or express items, we note an increase until 2019. In 2020, we can observe the impact of the closure of the staffed points of Kariboo, taken over by bpost. However, the increase resumed in 2021. It should be noted that certain staffed points, such as bookshops or petrol stations, work for more than one operator. Therefore, these points are counted several times.

Parcel lockers have emerged in recent years. These machines, equipped with a number of secured lockers, are usually installed at busy locations and can mostly be used 24/7 for sending and/or receiving

parcels. In Belgium, bpost started to roll out a network of parcel machines in 2014, both for sending and collecting parcels. This network has also become an "open" network, which in principle can be used by other operators, such as GLS and DHL Parcel. The number of parcel lockers increased significantly in 2020, reaching 377 sites in Belgium (including those of DHL Express). The choice of having a parcel delivered in a parcel locker, at home or at work is made possible via the postal networks, pointpostal.be, or even initiatives independent of each operator, such as BringMe, Facility Lockers and ParcelHome.

3.3 Media

On the territory of the bilingual Brussels-Capital Region, the BIPT is responsible for the regulation of the network operators and of the radio and television broadcasting companies, barring the operators and broadcasting bodies that exclusively broadcast/make Dutch-speaking or French-speaking programmes.

Providers of audiovisual media services in the bilingual Brussels-Capital Region have to register with the BIPT for each audiovisual media service they intend to provide.

In 2021, no new audiovisual media service provider was registered. There are four audiovisual media service providers acknowledged by the BIPT in the bilingual Brussels-Capital Region⁴⁰.



40. Maghreb TV, Arabia TV, Canal Maroc 1, and Eleven Sports Network.

4



CHAPTER 4

ANNEXES



A. Financial report and annual accounts of the funds

Article 34, subparagraph 3, of the Act of 17 January 2003 on the status of the regulator of the Belgian postal and telecommunications sectors (hereinafter “the Status Act”), stipulates that the annual report should comprise, among other things, a financial report and the annual accounts of the funds for the universal service regarding postal and telecommunications services respectively.

Below you will find the BIPT accounts as well as those of the Office of the Ombudsman for the Postal Sector and the Office of the Ombudsman for Telecommunications. These are independent bodies, created to handle the complaints from customers against the operators from the sectors in question. The role of the BIPT is limited to making available personnel and providing logistical support for purchases, accounting and budget.

Accounting of the BIPT - 2021

REVENUES	EUR	EXPENSES	EUR
		Personnel costs	
Repayments	4,643	Payroll	12,569,992
		Allowances, grants and indemnities	4,401,724
Services performed for third parties	12,820	Social security contributions and pensions	8,054,937
		Benefits and employer obligations	651,511
Licence and monitoring fees - private radio communications	18,669,501		
		Operational resources	
		Maintenance work	613,981
Public licence fees	47,015,506	Vehicle maintenance	72,100
		Insurance	92,653
Post	2,904,120	Small technical equipment	193,625
		Expenditure on information processing	615,427
Miscellaneous	727,970	Work by third parties	3,387,490
		Training	104,030
		Assignments in other countries	41,329
		Telephone - mail - transport	310,936
		Rental (buildings and car parks)	1,584,735
		Taxes	604,424
		Umbrella organisations	1,364,846
		Discounts and losses	80,233
		Investment expenditure	
		Vehicles	91,848
		Office equipment	11,626
		IT equipment	357,812
		Technical equipment	926,355
		Treasury operations	
		Treasury	30,744,587
		CF/RT	1,371,900
TOTAL	69,334,560	TOTAL	68,248,101

A. Financial report and annual accounts of the funds

Accounting of the Office of the Ombudsman for the Postal Sector - 2021

REVENUES	EUR	EXPENSES	EUR
		Personnel costs	
Repayments		Payroll	957,383
		Allowances, grants and indemnities	256,020
Services on behalf of third parties (sector contribution)	2,235,028	Social security contributions and pensions	621,737
		Benefits and employer obligations	44,692
		Operational resources	
		Maintenance work	0
		Vehicle maintenance	5,533
		Insurance	5,227
		Expenditure on information processing	42,009
		Work by third parties	29,607
		Training	1,953
		Assignments in other countries	395
		Telephone - mail - transport	10,040
		Rental (buildings and car parks)	0
		Taxes	1,629
		Umbrella organisations	300
		Contribution to the Office of the Ombudsman for the consumer	72,476
		Investment expenditure	
		Vehicles	0
		Office equipment	0
		IT equipment	16,655
		Technical equipment	0
TOTAL	2,235,028	TOTAL	2,065,656

Accounting of the Office of the Ombudsman for Telecommunications - 2021

REVENUES	EUR	EXPENSES	EUR
		Personnel costs	
Repayments		Payroll	847,507
		Allowances, grants and indemnities	262,752
Services on behalf of third parties (sector contribution)	1,521,479	Social security contributions and pensions	529,756
		Benefits and employer obligations	53,332
		Operational resources	
		Maintenance work	7,322
		Vehicle maintenance	5,674
		Insurance	5,958
		Expenditure on information processing	29,694
		Work by third parties	59,237
		Training	825
		Assignments in other countries	0
		Telephone - mail - transport	19,430
		Rental (buildings and car parks)	0
		Taxes	2,271
		Umbrella organisations	300
		Contribution to the Office of the Ombudsman for the consumer	124,244
		Investment expenditure	
		Vehicles	0
		Office equipment	0
		IT equipment	2,002
		Technical equipment	0
TOTAL	1,521,479	TOTAL	1,950,304

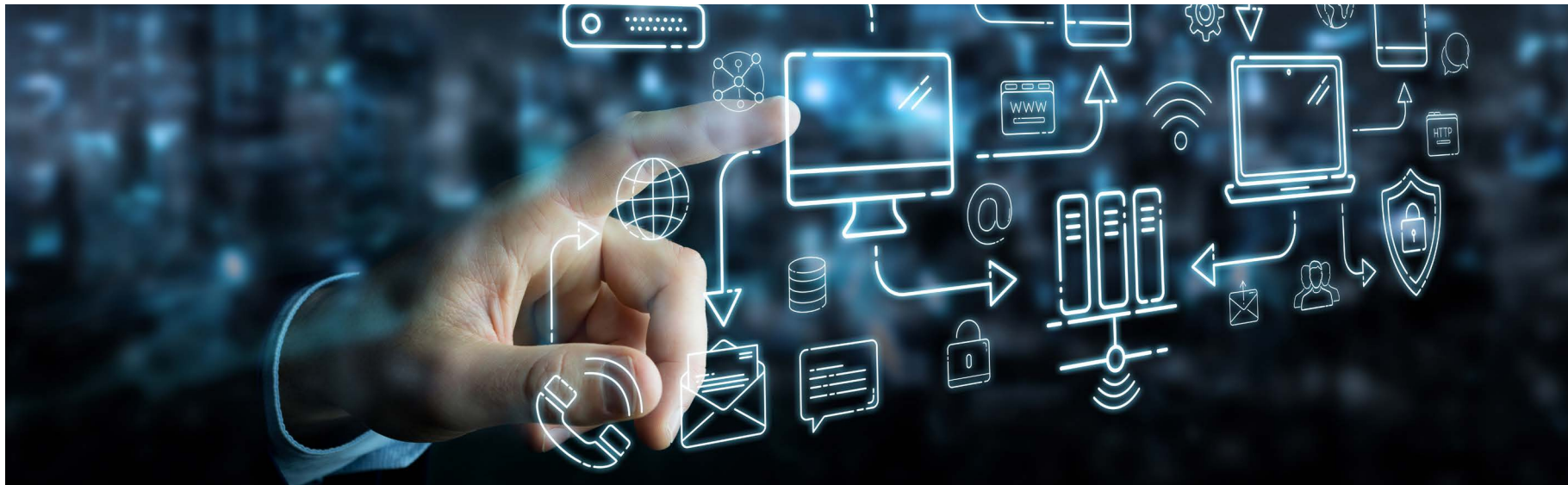
B. Staff of the BIPT on 31 December 2021

BIPT	
Staff members	Full-time equivalent (FTE)
250	240.9
Level A	
92	89.6
Level B	
35	34.8
Level C	
120	113.5
Level D	
3	3

BIPT regulator	
Staff members	Full-time equivalent (FTE)
218	209.5
Level A	
85	82.8
Level B	
30	29.8
Level C	
101	94.9
Level D	
2	2

Office of the Ombudsman for the Postal Sector	
Staff members made available	Full-time equivalent (FTE)
15	15
Level A	
3	3
Level B	
5	5
Level C	
6	6
Level D	
1	1

Office of the Ombudsman for Telecommunications	
Staff members made available	Full-time equivalent (FTE)
17	16.4
Level A	
4	3.8
Level B	
0	0
Level C	
13	12.6
Level D	
0	0



C. Report on the monitoring referred to in Article 21 of the Status Act



Article 34, subparagraph 3, of the Status Act requires that the annual report contains a report on the monitoring referred to in Article 21 as well.

Article 21 of the Status Act lays down the different aspects of the infringement proceedings that can be initiated when the Council has a series of indications that could point to a violation of the legislation or regulation, the compliance of which the BIPT monitors, or of the decisions of the BIPT adopted in implementation of that legislation or regulation.

At the beginning of 2021, the BIPT initiated an infringement procedure against Proximus regarding the network failure of 7 and 8 January 2021 and the associated impact on the emergency services. After examination, the BIPT found that there was no clear indication of an infringement of the regulations, and more specifically of Article 107, § 1/1, subparagraph 1, of the Act of 13 June 2005 on electronic communications. This procedure was therefore closed in a [Decision of 9 September 2021](#).

Consequently, no sanctions were imposed by BIPT in 2021.

D. Situation of the Operational Plan 2021

Strategic axis "Competition" Promoting sustainable competition and investments

C/1/2020/01	Situation of the electronic communications and television market	Card carried out
C/1/2020/02	Publication of a 2020 postal observatory	Card carried out
C/1/2021/03	Drafting of a decision regarding the cable operators' reference offers	Card carried out
C/1/2021/04	Drafting of a decision on the one-time fees for cable	Card carried out
C/1/2021/05	Drafting of a decision on the one-time fees for optical fibre	Card in progress - project spread over several years
C/1/2021/06	Drafting of a decision regarding the rental fees for FTTH	Card carried out
C/1/2021/07	Drafting of a decision regarding the review of the SLAs and the calculation of the compensation in the reference offers for copper and fibre	Card in progress - project spread over several years
C/1/2021/08	Development of a cost model for Ethernet transport (fibre and VDSL)	Card in progress - project spread over several years
C/1/2021/09	Drafting of a communication on the cost accounting systems of cable operators and Proximus	Card in progress - project spread over several years
C/1/2021/10	Qualitative study on broadband and mobile telephony	Card carried out
C/1/2021/11	Analysis of the impact of the co-investments envisaged by Proximus and Telenet on market developments	Card carried out
C/1/2021/12	Creation of a vade mecum on fibre	Card carried out
C/1/2021/13	Mapping of the optical fibre lines	Card carried out
C/1/2021/14	Preparation of the drafting of a decision on the broadband and broadcasting market	Card in progress - project spread over several years
C/1/2021/15	Drafting of a decision on Proximus' BROTSOLL reference offer	Card carried out
C/1/2021/16	Development of a margin squeeze test at the aggregated level of Proximus' business portfolio for the large business market	Card carried out
C/1/2021/17	Drafting of a decision on fixed and mobile call termination rates (MTR and FTR)	Card in progress - project spread over several years

Strategic axis "Competition" - Spurring innovation

C/2/2021/01	Report on the monitoring of the Net Neutrality Regulation in Belgium	Card carried out
C/2/2021/02	E-commerce within the Belgian postal market	Card postponed to 2022

Strategic axis "Users" - Contributing to providing transparent information to consumers and promoting social inclusion

G/1/2021/01	National price comparison of electronic communications services	Card carried out
G/1/2021/02	Conducting an international price benchmarking study of the electronic communications services in the residential market	Card carried out
G/1/2021/03	Follow-up of Belgium's rank in the indexes (DESI, IMD, WEF)	Card carried out
G/1/2021/04	Update of the fixed lines Atlas, showing more detailed information	Card in progress
G/1/2021/05	Transparency regarding the quality of mobile networks	Card carried out
G/1/2021/06	Quality barometer of the electronic communications services	Card carried out
G/1/2021/07	Follow-up of the improvements made to the Easy Switch procedure	Card carried out
G/1/2021/08	Survey on the perception of consumers on the functioning of the market	Card carried out
G/1/2021/09	Bill Shock control	Card carried out - The report could not be published for confidentiality reasons
G/1/2021/10	Monitoring of the compliance with the Ministerial Order establishing the register referred to in Article 116/1, § 1, ECA	Card carried out - The report could not be published for confidentiality reasons
G/1/2021/11	Monitoring of the observance of the postal regulatory framework	Card carried out
G/1/2021/12	Monitoring of the observance of the 6th management contract between the State and bpost	Card in progress
G/1/2021/13	Implementation of Regulation 2018/644 on cross-border parcel delivery services	Card carried out
G/1/2021/14	Monitoring of the universal service for electronic communications	Card carried out
G/1/2021/15	Geographical element of the universal service - adequate internet access	Card in progress
G/1/2021/16	Monitoring of the price of products included in the universal postal service	Card carried out
G/1/2021/17	Verification of the calculation of the net cost of the universal service obligations submitted by bpost	Card carried out

D. Situation of the Operational Plan 2021

Strategic axis “Users” - Ensuring a reliable environment

G/2/2021/01 Notification of security incidents	Card in progress
G/2/2021/02 Inspection of critical infrastructures	Card in progress
G/2/2021/03 Renewal of the CIP & NIS identification processes	Card carried out
G/2/2021/04 Improving the functioning of crisis management	Card in progress - project spread over several years

Strategic axis “Scarce resources” - Managing scarce resources

S/1/2021/01 Adaptation of the numbering plan to the long-term changes in the market	Card carried out
S/1/2021/02 Multiband auction - Auction of the 2G, 3G, 700 MHz, 1400 MHz and 3400-3800 MHz frequency bands	Card in progress (auction planned in June 2022)
S/1/2021/03 Network saturation map	Card carried out
S/1/2021/04 Raising awareness on 5G	Card carried out
S/1/2021/05 Follow-up of the EC Recommendation on connectivity	Card carried out
S/1/2021/06 Monitoring of the radiation safety of portable radio equipment	Card postponed - project funded by the European Single Market Programme, the adoption of which has been delayed
S/1/2021/07 Control of equipment offered for sale on the various online sales networks	Card carried out
S/1/2021/08 Deployment of the fixed and mobile radio monitoring network	Card carried out

Strategic axis “Efficient functioning” - Ensuring an accessible functioning

E/1/2021/01 Social media campaign on consumer protection	Card carried out
E/1/2021/02 BIPT website	Card carried out
E/1/2021/03 Participation in national and international consultation bodies concerning electronic communications	Card carried out
E/1/2021/04 Participation in national and international consultation bodies concerning postal services	Card carried out
E/1/2021/05 BEREC chairmanship	Card carried out

Strategic axis “Efficient functioning” - Being an attractive employer

E/2/2021/01 Internal operational plan	Card carried out
---------------------------------------	------------------

E. List of documents published in 2021

Decisions	
13-01-21	Decision of 12 January 2021 on the extension of the rights of use of Gridmax until 6 May 2025
14-01-21	Decision regarding the composition of the board mentioned in the Royal Decree of 5 May 2006 laying down a reconciliation procedure before the BIPT for 2021
20-01-21	Decision of 19 January 2021 concerning the setting of rules and conditions applicable to tests and examinations for radio amateurs
29-01-21	Decision of 26 January 2021 on the declaration of conformity of bpost's cost accounting system for the year 2018
29-01-21	Decision of 26 January 2021 regarding the listing and classification of products and services provided by the universal service provider for the year 2019
29-01-21	Decision of 26 January 2021 on the declaration of non-conformity of bpost's cost accounting system for the year 2017
25-02-21	Decision of 23 February 2021 on the extension of the 2G and 3G licences
09-03-21	Decision of 9 March 2021 on the monthly wholesale tariffs for access to the FTTH network of Proximus
16-03-21	Decision of 24 February 2021 on the recognition of the non-profit association "ALFA YACHTING" as a radio-maritime training centre for the 4th category operator's certificate "SRC"
29-03-21	Decision of the CRC of 25 March 2021 regarding the approval of Telenet's reference offer for access to television services in the bilingual Brussels-Capital Region and broadband wholesale offer
29-03-21	Decision of the CRC of 25 March 2021 regarding the approval of Brutélé's reference offer for access to television services in the bilingual Brussels-Capital Region and broadband wholesale offer
29-03-21	Decision of the CRC of 25 March 2021 regarding the approval of VOO's broadband wholesale offer
30-03-21	End of registration of SNI/SI Networks
01-04-21	Decision of 30 March 2021 on granting exclusive frequency bands for the use of radio relay links
08-04-21	Decision of 6 April 2021 on the use of a special prefix by radio amateurs holding a Belgian call sign to mark the 120th anniversary of the first transatlantic radio transmission
05-05-21	Decision of 27 April 2021 concerning the granting to TranzCom N.V. of an authorisation for the operation of a public radio communications network
06-05-21	Decision of 4 May 2021 regarding the extension of Citymesh's user rights in the 3.5 GHz frequency band for the provision of electronic communications services on the Belgian territory

17-06-21	Decision of 15 June 2021 on the technical and operational conditions for the avoidance of harmful interference in the 1920-1980 and 2110-2170 MHz frequency bands
17-06-21	Decision of 15 June 2021 on the technical and operational conditions for the avoidance of harmful interference in the 2500-2690 MHz frequency band
25-06-21	Decision of 22 June 2021 regarding the listing and classification of products and services provided by the universal service provider for the year 2020
28-06-21	Decision of the CRC of 24 June 2021 on the analysis of the "one-time fees" and the monthly rent "SLA Pro Repair" of the reference offers of the cable operators for access to the television offer in the bilingual Brussels-Capital Region and for broadband access
30-07-21	Decision of 27 July 2021 concerning the granting to LJ Network Holding B.V. of an authorisation for the operation of a public radio communications network
30-07-21	Decision of 27 July 2021 concerning the granting to Entropia Critical Concepts N.V. of an authorisation for the operation of a public radio communications network
20-08-21	Decision of 17 August 2021 on the declaration of conformity of bpost's cost accounting system for the year 2019
07-09-21	Decision of 31 August 2021 on the extension of the 2G and 3G licences
14-09-21	Decision of 9 September 2021 regarding the closure of the infringement procedure against Proximus for failing to ensure uninterrupted access to emergency services
23-09-21	Decision of 20 September 2021 on the review of the BROTSOLL reference offer of Proximus for high-quality access services
07-10-21	Decision of 27 September regarding the analysis of tariff increases for bpost's single-piece rates for the year 2022
20-10-21	Decision of 20 September 2021 on the establishment of examination regulations for obtaining operator certificates for radio stations operating on frequencies reserved for maritime and inland navigation
20-10-21	Decision on the radio interfaces for wireless access systems including radio local area networks (WAS/RLANs)
03-11-21	Decision of 3 November 2021 on the technical and operational conditions for the avoidance of harmful interference in the 3400-3800 MHz band
23-11-21	Decision of 16 November 2021 on the granting of spectrum at 700 MHz and 800 MHz for the establishment and operation of a transmission installation in the Belgian exclusive economic zone in the North Sea
06-12-21	Decision of 9 November 2021 concerning the request for dispute resolution submitted by VOO SA and Brutélé against Orange Belgium SA
20-12-21	Decision on the monitoring of mail delivery times for the year 2020

E. List of documents published in 2021

Consultations	
14-01-21	Consultation regarding the extension of Citymesh's user rights in the 3.5 GHz frequency band for the provision of electronic communications services on the Belgian territory
20-01-21	Draft decision regarding the revision of the "one-time fees" and the monthly rental price "ISLA Repair" of the reference offer Bitstream GPON from Proximus
09-02-21	Consultation on a draft decision laying down the rules of examination for obtaining operator's certificates for radio communication stations operating on frequencies reserved for maritime and inland waterway transport
19-02-21	Consultation concerning a draft Royal Decree on postal services
26-02-21	Consultation on the creation and operation of a central number database
31-03-21	Draft decision on the review of the BROTSOLL reference offer of Proximus for high-quality access services
01-04-21	Review of the broadband and broadcasting markets – Questionnaire 2020
01-04-21	Consultation regarding the draft decision on the technical and operational conditions for the avoidance of harmful interference in the 2500-2690 MHz frequency band
01-04-21	Consultation regarding the draft decision on the technical and operational conditions for the avoidance of harmful interference in the 1920-1980 and 2110-2170 MHz frequency bands
02-04-21	Consultation regarding the draft decision on the technical and operational conditions for the avoidance of harmful interference in the 3400-3800 MHz frequency band
07-05-21	Consultation on a draft Royal Decree aiming to introduce additional security measures for the provision of mobile 5G services for the full MVNOs and the appeal to service providers
07-05-21	Public consultation in the context of the repair of the Act of 29 May 2016 on data collection and retention in the electronic communications sector
03-06-21	Consultation on the allocation of a range of Belgian non-geographic numbers for non-interpersonal communications services across the European Union territory
23-06-21	Consultation of 23 June 2021 regarding the draft decision on the extension by six months of the 2G and 3G licences

29-06-21	Consultation of 29 June 2021 on the fees for exclusive bands for radio-relay links
14-07-21	Consultation on a draft of the BIPT guidelines for the provision of "unlimited" internet
16-07-21	Consultation of 16 July 2021 regarding the regulatory framework for the organisation of a multiband auction
20-07-21	Draft decision regarding the revision of SLA's and compensation calculation of the BRUO, Bitstream xDSL and Bitstream GPON reference offers of Proximus
04-08-21	Consultation on the radio interfaces for wireless access systems including radio local area networks (WAS/RLANs)
24-08-21	Consultation on the household profiles for the national and international comparisons
09-09-21	Consultation on the draft decision on the assignment of spectrum in the 700 MHz and 800 MHz bands for the establishment and operation of a transmission installation in the Belgian exclusive economic zone in the North Sea
23-09-21	Consultation on the draft communication on the rights and obligations of "towercos" regarding antenna site sharing
16-11-21	Consultation on the draft Royal Decree introducing location requirements for 5G networks
16-11-21	Consultation on a draft Royal Decree aimed at introducing additional security measures for private 5G networks
16-11-21	Consultation regarding the review of the pricing of Ethernet transport in the context of Proximus' wholesale offers
25-11-21	Consultation concerning the draft bill on the reform of the social tariffs for electronic communications services
03-12-21	Consultation regarding the draft decision regarding the rules on the activity of the candidates for the multi-band auction
06-12-21	Consultation on the draft of the operational plan 2022
07-12-21	Consultation regarding the draft decision regarding the areas where the reduction in the amount of the fees relating to the user rights for radio-relay links applies

E. List of documents published in 2021

Communications	
05-01-21	Communication regarding the monitoring of the universal telecommunications service 2020
06-01-21	Communication on the list of postal services providers holding an individual licence (2022)
08-03-21	Communication on the risks of congestion of mobile networks
12-03-21	Communication of 23 February 2021 regarding the Belgian postal end-user
26-04-21	Communication of 20 April 2021 on studies about postal product elasticities
27-04-21	Communication of 27 April 2021 on the setting by the European Commission of maximum FTR and MTR Eurorates
01-06-21	Communication of 4 May 2021 on the update of the 2018 study of the BIPT on a 4th mobile operator in Belgium
24-06-21	Communication of 22 June 2021 regarding guidelines implementing margin squeeze tests
01-07-21	Report on the monitoring of net neutrality in Belgium 2020-2021
05-07-21	Communication of 30 June 2021 on the granting of temporary user rights in the 700 MHz band for the establishment and operation of a transmission installation in the Belgian exclusive economic zone in the North Sea
13-07-21	Communication of 9 July 2021 on the conformity of VOO's cost accounting system for 2019
13-07-21	Communication of 9 July 2021 on the conformity of Brutélé's cost accounting system for 2019
13-07-21	Communication of 9 July 2021 on the conformity of Telenet's cost accounting system for 2019
27-08-21	Communication of 19 August 2021 regarding the assessment of the bpost tariffs considered within the framework of the European regulation on cross-border parcel delivery services
11-10-21	Communication of 5 October 2021 on the conformity of Proximus's cost accounting system for 2019
03-11-21	Communication of 26 October 2021 regarding the Belgian postal services observatory for 2020
02-12-21	Communication of 30 November 2021 on the TowerCos' rights and obligations regarding antenna site sharing
13-12-21	Communication of 7 December 2021 regarding the implementation of a margin squeeze test for the large business segment
21-12-21	Communication of 20 December 2021 regarding the comparative study on the price level of telecom products in Belgium and in the neighbouring countries in 2021

Opinions	
09-04-21	Opinion of 26 March 2021 on a bill amending the Act of 27 February 2019 allowing electronic registered items to be offered on the eBox platform
26-05-21	Opinion on the 2019 improvement plan and the 2020 action plan of bpost following the customer satisfaction survey for the year 2019
22-06-21	Opinion of 7 June 2021 on the bill amending various provisions on the service concession regarding the delivery of acknowledged newspapers and periodicals
01-09-21	Opinion of 17 August 2021 on the bill No. 1983 with a view to tackling dormant contracts
13-09-21	Opinion of 30 August 2021 on draft resolution No. 1954/001 on free broadband internet access and the large-scale fibre deployment
24-12-21	Opinion on the draft Royal Decrees on radio access in the frequency bands used for 2G, 3G, 4G and 5G

E. List of documents published in 2021

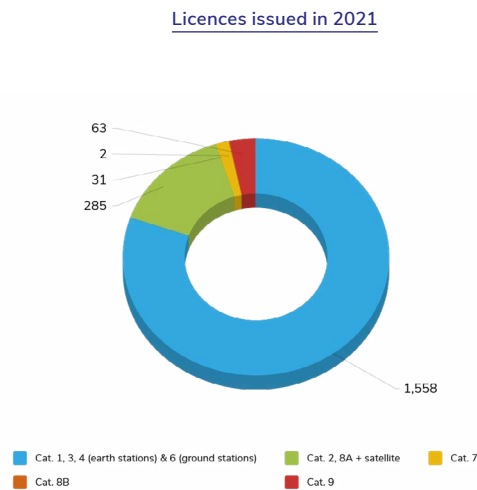
Press releases

08-01-21	BIPT study shows the good quality of our mobile networks
08-03-21	A study of the BIPT predicts the risks of congestion of 4G networks
09-03-21	The BIPT approves the tariffs for access to the fibre network of Proximus
12-03-21	The BIPT carries out a new study on the needs of postal users
11-05-21	New BIPT tool to find an appropriate operator for the sending of parcels
12-05-21	The Centre for Cyber Security Belgium and the BIPT warn about a tsunami of smishing messages in bpost's name: more than 9,000 Android devices already infected
08-06-21	Peak volumes and higher download speeds for the mobile traffic in 2020
14-06-21	The fixed telecommunications market was characterised in 2020 by shifts in the bundle market and by a decreasing churn
28-06-21	New one-time fees for access to cable networks
14-09-21	The BIPT and the Centre for Cybersecurity Belgium raise once again the alarm against a massive wave of smishing messages after fake text messages
05-10-21	The BIPT publishes the results of its annual survey about the consumer's perception of the electronic communications market (2021)
07-10-21	The BIPT approves bpost's tariff increases for 2022
20-10-21	The BIPT determines the course for Wi-Fi 6E
03-11-21	Significant impact of the COVID-19 pandemic on the Belgian postal market in 2020
10-11-21	The BIPT outlines the consequences of the destruction of GSM masts - 10 November 2021
07-12-21	"Everything you want to know about fibre": the BIPT tells you all about it on a new website
21-12-21	The BIPT publishes its comparative international price study for 2021
23-12-21	The BIPT is publishing the first report on the fixed and mobile broadband quality and coverage in Belgium

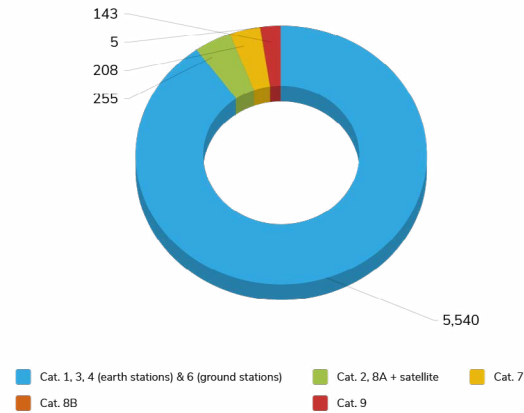
F. Licences, examinations and certificates issued in 2021

Licence granting

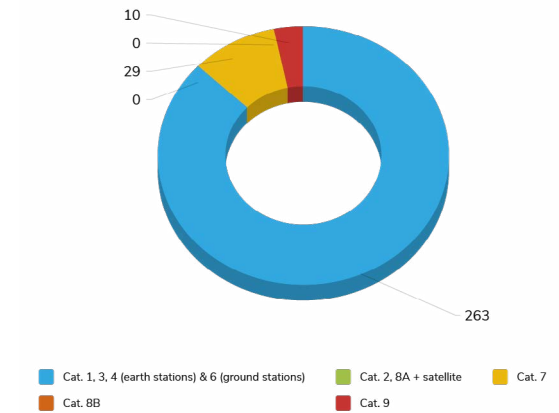
In 2021, 1,365 new licences were issued, 3,406 were modified and 273 were cancelled, for a total of 5,044 files handled that year.



Licences modified in 2021



Licences cancelled in 2021



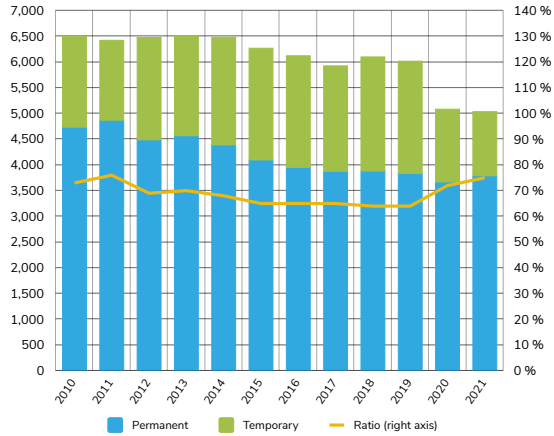
Licences of the 1st, 3rd, 4th and 6th category can also be represented over time.

The chart below gives an overview of the evolution of the temporary and permanent licences throughout the years.

The chart “Licences issued in 2021” gives an overview of the changes made in previously granted licences. There are numerous modifications, e.g. adding/removing radio stations or frequencies, changes in addresses, changes in the contact person’s details, etc.

F. Licences, examinations and certificates issued in 2021

Evolution of temporary and permanent licences of categories 1, 3, 4 and 6



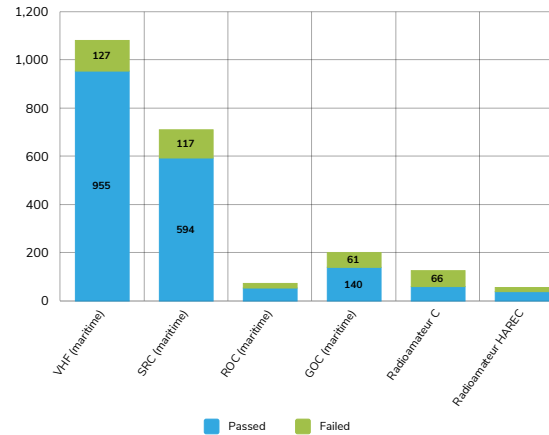
Detailed information on the licences active in 2021:

	Permanent licences	Temporary licences
Category 1	2.640	1.457
Category 2 + satellite	167	27
Category 3	661	18
Category 4	87	2
Category 6	76	4
Category 7	418	0
Category 8 A	5	0
Category 8 B	10	0
Category 9 A	29	64
Category 9 B	1	0
Category 9 C	16	7

Examinations to obtain operator certificates to use certain stations

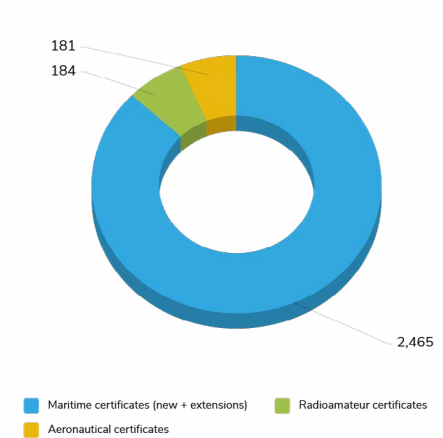
The various examinations organised by the BIPT in 2021 are detailed in the following chart:

Examinations in 2021



The chart below illustrates the distribution according to the type of certificate.

Certificates issued in 2021





Belgian Institute for Postal Services
and Telecommunications

BIPT

Ellipse Building C
Boulevard du Roi Albert II, 35 bte 1
1030 Brussels
Telephone 02 226 88 88
info@bipt.be

