



EUROPEAN COMMISSION

Brussels, 16.11.2015
C(2015) 8156 final

Institut belge des services postaux et
des télécommunications (IBPT)
Ellipse Building - Bâtiment C
35 Boulevard du Roi Albert II
1030 Bruxelles

For the attention of
Mr. Jack Hamande
Président du Conseil

Fax: +32 2 226 88 41

Dear Mr Hamande,

**Subject: Commission Decision concerning Cases BE/2015/1789-1790:
Amendments of the Reference Offer concerning markets 3a
(wholesale local access) and 3b (wholesale central access provided at
a fixed location for mass-market products) in Belgium**

Article 7(3) of Directive 2002/21/EC: No comments

1. PROCEDURE

On 20 October 2015, the Commission registered two short form notifications from the Belgian national regulatory authority, *Institut belge des services postaux et des télécommunications* (IBPT)¹, relating to the amendment of Proximus' Reference Offer concerning the markets for wholesale local access and for wholesale central access provided at a fixed location for mass-market products² in Belgium.

The national consultation³ ran from 4 June 2015 to 26 June 2015.

¹ Under Article 7 of Directive 2002/21/EC of the European Parliament and of the Council of 7 March 2002 on a common regulatory framework for electronic communications networks and services (Framework Directive), OJ L 108, 24.4.2002, p. 33, as amended by Directive 2009/140/EC, OJ L 337, 18.12.2009, p. 37, and Regulation (EC) No 544/2009, OJ L 167, 29.6.2009, p. 12.

² Corresponding to Markets 3a and 3b in Commission Recommendation 2014/710/EU of 9 October 2014 on relevant product and service markets within the electronic communications sector susceptible to ex ante regulation in accordance with Directive 2002/21/EC of the European Parliament and of the Council on a common regulatory framework for electronic communications networks and services (Recommendation on Relevant Markets), OJ L 295, 11.10.2014, p. 79.

³ In accordance with Article 6 of the Framework Directive.

2. DESCRIPTION OF THE DRAFT MEASURE

2.1. Background

In case BE/2013/1514⁴ the regulator amended the reference offers for LLU, for Bitstream services for xDSL technologies over ATM or Ethernet networks, and for Bitstream services for VDSL2 over Ethernet networks. The measure implemented IBPT's 2011 decision with regard to the imposed access, transparency and non-discrimination obligations, without imposing any new obligations. The Commission did not comment.

On 2 October 2015 (case BE/2015/1783)⁵ IBPT notified minor modifications to Proximus' reference offer, in particular with regards to repairs and Small Network Adaptations (SNAs), including the details of provisioning time, compensation for wire splicing interventions, unsuccessful technical interventions, etc. The Commission did not comment.

2.2. The draft measure notified by way of a short form

The current proposal provides for further minor modifications to Proximus' reference offer.

The modifications introduce additional elements in technical reporting (e-TIC reports), adjust the repair thresholds for end user lines (85% of repairs completed within 4 hours, 95% within 8 hours, and 98% within 48 hours⁶), and review the compensation to be paid to alternative operators accordingly. Moreover IBPT proposes to amend other repair targets, as well as the dates and details of publication of Key Performance Indicators (KPIs).

Proximus is required to submit a proposal to IBPT to implement the decision within 1 month after its publication.

3. NO COMMENTS

The Commission has examined the notifications and has no comments.⁷

Pursuant to Article 7(7) of the Framework Directive, IBPT may adopt the draft measure and, where it does so, shall communicate it to the Commission.

The Commission's position on this particular notification is without prejudice to any position it may take *vis-à-vis* other notified draft measures.

Pursuant to Point 15 of Recommendation 2008/850/EC⁸ the Commission will publish this document on its website. The Commission does not consider the information contained

⁴ C(2013) 8182.

⁵ C(2015) 7683.

⁶ Previously the last threshold amounted to 99% of repairs within 24 hours; this was however reduced in view of proportionality and reasonableness.

⁷ In accordance with Article 7(3) of the Framework Directive.

herein to be confidential. You are invited to inform the Commission⁹ within three working days following receipt whether you consider that, in accordance with EU and national rules on business confidentiality, this document contains confidential information which you wish to have deleted prior to such publication.¹⁰ You should give reasons for any such request.

Yours sincerely,

For the Commission,
Roberto Viola
Director-General

⁸ Commission Recommendation 2008/850/EC of 15 October 2008 on notifications, time limits and consultations provided for in Article 7 of Directive 2002/21/EC of the European Parliament and of the Council on a common regulatory framework for electronic communications networks and services, OJ L 301, 12.11.2008, p. 23.

⁹ Your request should be sent either by email: CNECT-ARTICLE7@ec.europa.eu or by fax: +32 2 298 87 82.

¹⁰ The Commission may inform the public of the result of its assessment before the end of this three-day period.