



Belgian Institute for Postal Services
and Telecommunications

Consultation on the draft decision of the BIPT determining the terms for the reporting provided for by Article 6/2 of the Act of 26 January 2018 on postal services

How to react to this document?

Until 16 September 2024.

Responses must only be submitted via e-mail to the following address: consultation.sg@ibpt.be

With the reference « CONSULT – 2024 – A4 ».

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Please attach this [cover form](#) to your response.

Your comments should refer to the paragraphs and/or sections they relate to, and confidential parts should be clearly indicated.

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Introduction

1. Article 6/2, § 1, of the Act of 26 January 2018 on postal services, inserted by Article 12 of the Act of 17 December 2023 pertaining to various provisions in order to improve the working conditions of postal parcel deliverers, requires providers of postal parcel delivery services to communicate to the BIPT information on the delivery of parcels in Belgium every six months.
2. Pursuant to Article 6/2, § 2, of the Act of 26 January 2018 on postal services, the BIPT must determine the terms for the communication of this information. This decision aims to determine those terms.

1. Legal framework

3. The Act of 17 December 2023 pertaining to various provisions in order to improve the working conditions of postal parcel deliverers amends the Act of 26 January 2018 on postal services by inserting a new Article 6/2 which reads as follows:

“Art. 6/2. § 1. Without prejudice to the possibility for the Institute, in the framework of its tasks, to request at any time any relevant information from any person concerned, pursuant to Article 14, § 2, 2°, of the Act of 17 January 2003 on the status of the regulator of the Belgian postal and telecommunications sectors, postal service providers who provide or use parcel delivery services shall communicate to the Institute the following data every six months, in so far as this information has not already been provided to the Institute under other provisions:

1° the name, address and contact details of the direct subcontractors they use for the delivery of parcels in Belgium;

2° if they are subcontractors themselves, the name, address and contact details of the ordering parties on whose behalf they provide parcel delivery services in Belgium;

3° the name and contact details of the coordinator referred to in Article 5/2 and, where applicable, the name and contact details of the transport manager of the undertaking or of the person holding the certificate of professional competence as a transport manager responsible for the day-to-day management of the undertaking;

4° the number of parcels delivered by each of its direct subcontractors over the past half year, as well as the compensations paid to each subcontractor in return for the parcel delivery services provided for them in the last six months. If they operate themselves as subcontractors, the number of parcels and the amounts invoiced to each ordering party acting as a postal service provider;

5° the location of distribution centres;

6° a brief description of the services intended to be provided.

§ 2. The above information shall be transmitted to the Institute no later than the last day of the month following the half year expired. The terms for the communication of the information are set by the Institute.

§ 3. Personal data communicated to the Institute on the basis of this Article shall be transmitted to it for contact purposes. This data is no longer kept as soon as the data subject no longer carries out a contact mission.” (free translation)

1.1. Definitions

BELparcel	The common electronic platform for facilitating, managing, verifying and enabling the half-yearly reporting referred to in Article 6/2 of the Act of 26 January 2018 on postal services (hereinafter, “the Postal Act”).
Parcel/postal parcel	A postal item containing goods with or without commercial value, other than an item of correspondence, with a weight not exceeding 31.5 kg (Art. 2, 28°, of the Postal Act).

Coordinator	The coordinator designated pursuant to Article 5/2 of the Postal Act is responsible for informing parcel deliverers of their rights and obligations, in particular with regard to the recording of working time, the notification, the half-yearly reporting and the minimum compensation, as well as drafting a vigilance plan to identify and address potential risks of breaches of the Postal Act and labour and social security law.
Delivery	The process from sorting at the distribution centre to delivery of postal items to their addressees (Art. 2, 6°, of the Postal Act).
Ordering party	Any postal service provider who gives an order to another postal service provider to perform postal services or have them performed against payment or free of charge (Art. 2, 33°, of the Postal Act).
Postal item	An item addressed in the final form in which it is to be carried by a postal service provider and weighing less than 31.5 kg. In addition to items of correspondence, such items also include for instance books, catalogues, newspapers, periodicals and postal parcels containing goods with or without commercial value (Art. 2, 7°, of the Postal Act).
Parcel deliverer	Natural person assigned to the provision of parcel delivery services on behalf of a postal service provider, a direct subcontractor or a subcontractor (Art. 2, 34°, of the Postal Act).
Postal service provider	Any undertaking that provides one or more postal services (Art. 2, 2°, of the Postal Act).
Postal services	Services involving the clearance, sorting, transport and delivery of postal items, except for the provision of postal services by the natural or legal person who originated of the postal item (Art. 2, 1°, of the Postal Act).
Subcontractor	Any postal service provider performing one or more postal services for one or more other postal service providers, directly or indirectly, at any stage (Art. 2, 29°, of the Postal Act).
Direct subcontractor	Any postal service provider performing one or more postal services for one or more other postal service providers, directly, at any stage (Art. 2, 30°, of the Postal Act).

1.2. Postal service providers subject to the obligation to periodically communicate information to the BIPT (reporting obligation)

4. Pursuant to Article 6/2, § 1, of the Postal Act, postal service providers who provide or use parcel delivery services are obliged to communicate to the BIPT, every six months, the information referred to in Article 6/2, § 1, in so far as this information has not already been provided to the BIPT under other provisions.
5. All providers of postal parcel delivery services active in Belgium are subject to the reporting obligation, including providers established abroad.
6. In other words, any provider of delivery services originating from a distribution centre established in Belgium and for a foreign country is subject to the reporting obligation, as does any provider of delivery services for Belgium originating from a distribution centre abroad or even any provider of a delivery service originating from a distribution centre abroad for a

foreign country other than Belgium but with part of the distribution process taking place in Belgium.

7. However, postal service providers delivering the parcels from which they originate (self-provision) are not subject to the reporting obligation. The exception for the provision of postal services by the natural or legal person who originated the postal item is specified on the [BELparcel.be](https://belparcel.be) website, [in the frequently asked questions \(FAQs\)](#).

1.3. Reporting frequency

8. According to Article 6/2, § 2, of the Postal Act, the information must be transmitted no later than the last day of the month following the end of the half year, i.e. on 31 January and 31 July each year.
9. Article 6/2 of the Postal Act enters into force on 1 August 2024¹.

1.4. Information to be communicated

10. Article 6/2, § 1, of the Postal Act establishes the list of information to be communicated:
 - 1° the name, address and contact details of the direct subcontractors they use for the delivery of parcels in Belgium;
 - 2° if they are subcontractors themselves, the name, address and contact details of the ordering parties on whose behalf they provide parcel delivery services in Belgium;
 - 3° the name and contact details of the coordinator referred to in Article 5/2² and, where applicable, the name and contact details of the transport manager of the undertaking or of the person holding the certificate of professional competence as a transport manager responsible for the day-to-day management of the undertaking;
 - 4° the number of parcels delivered by each of its direct subcontractors over the past half year, as well as the compensations paid to each subcontractor in return for the parcel delivery services provided for them in the last six months. If they operate themselves as subcontractors, the number of parcels and the amounts invoiced to each ordering party acting as a postal service provider;

¹ Pursuant to Article 22, § 7, of the Act of 17 December 2023 pertaining to various provisions in order to improve the working conditions of postal parcel deliverers, Article 6/2 of the Postal Act enters into force on the first day of the seventh month following the expiry of a ten-day period beginning on the day after publication in the Belgian Official Gazette. The Act was published in the Belgian Official Gazette on 28 December 2023.

² Article 5/2 of the Postal Act lays down the following: "Art. 5/2. § 1. Postal service providers and direct subcontractors who use parcel deliverers for the delivery of parcels in Belgium shall appoint a coordinator whose task is to:

1° inform the parcel deliverers of their rights and obligations as determined in this Article and Articles 5/3, 5/4, 6/1, 6/2 and 10/1;

2° draft a vigilance plan to identify and address potential risks of breaches of this Act and labour and social security law.

§ 2. The King shall determine by Royal Decree deliberated upon in the Council of Ministers the terms for implementing paragraph 1, and in particular:

1° the requirements to be met by the coordinator, their duties and the terms for carrying out their mission;

2° the content, terms and conditions for implementing the information and vigilance plan."

5° the location of distribution centres;

6° a brief description of the services intended to be provided;

11. Article 6/2, § 3, of the Postal Act specifies that personal data communicated to the BIPT on the basis of Article 6/2 are transmitted to it for contact purposes. This data is no longer kept as soon as the data subject no longer carries out a contact mission.

2. Public consultation

12. Pursuant to Article 19 of the Act of 17 January 2003, the Council offers every person directly and personally involved in a decision the possibility to be heard in advance.
13. The public consultation runs from 1 August 2024 to 16 September 2024.

3. Terms of communication of information

3.1. BELparcel.be

14. **The information referred to in point 1.4 and detailed in point 3.2 must be communicated electronically to the BIPT every six months via the [BELparcel.be](https://belparcel.be) website.**
15. The information must be provided by all postal service providers who provide or use parcel delivery services. They must submit their notifications on BELparcel to be able to submit the report.
16. After informing the BIPT in accordance with Article 6/1, § 5, subparagraph 1, 2°, of the Postal Act, a company ceasing its activities must submit a report by the deadline set for the half year during which it was still active. To that end, the company will still have access to BELparcel.
17. The information thus communicated is made available free of charge and definitively to the BIPT, which processes it confidentially.
18. **This information is communicated in a clear manner. It must be accurate and up-to-date. The information is provided no later than the last day of the month following the end of the half year, i.e. no later than 31 January and 31 July each year.**
19. A reminder regarding these deadlines will be sent to the e-Box Enterprise in January and July.

3.2. Reporting

3.2.1. General

20. The terms used on the [BELparcel.be](https://belparcel.be) website must be understood according to the meaning given to them by the Postal Act and postal regulations.
21. Even if it is necessary to have made a notification in BELparcel to submit the half-yearly report, it is possible to mention - as an ordering party or as a subcontractor - companies that have not made this notification provided that these companies have a registration number from the Crossroads Bank for Enterprises (hereafter the "company number"). It is absolutely necessary to know the company number of the ordering parties and subcontractors to add them.
22. From 1 January 2025, it will be possible to draft the report throughout the half year on the platform. However, it **can only be officially submitted from 1 January to 31 January for the second semester of the previous year, and from 1 July to 31 July for the first half of the current year.**
23. The data can be saved and edited on the platform as long as the final report has not been submitted. The possible temporary versions will not be processed and are solely the responsibility of the internal management of the service providers. They will have until the

deadline (31 January or 31 July) to submit another final report for the period concerned, and only the latest version will be analysed. As soon as a final report has been submitted, a confirmation is sent to the e-Box Enterprise.

24. Postal services providers can consult old reports submitted on the platform without being able to modify them, unless the BIPT has allowed an old report to be corrected (see point 40).

3.2.2. Identification data of subcontractors

25. The ordering parties communicate the name, address and contact details of the direct subcontractors they use for the delivery of parcels in Belgium. Services limited to the transport of postal items and routing activities, as defined in Article 2, 20°, of the Postal Act, are not concerned.

3.2.3. Identification data of the ordering parties

26. Subcontractors communicate the name, address and contact details of the ordering parties on whose behalf they provide parcel delivery services in Belgium. Services limited to the transport of postal items and routing activities, as defined in Article 2, 20°, of the Postal Act, are not concerned.

3.2.4. Identification data of the coordinator

27. Postal service providers communicate the name and contact details of the coordinator (email and phone number). Article 5/2 of the Postal Act requires postal service providers and their subcontractors who use parcel deliverers for the delivery of parcels in Belgium to appoint a coordinator responsible for preventive tasks in the field of social sustainability of parcel deliverers. The role of the coordinator is defined in [the Royal Decree of 26 March 2024 on the role of coordinator for postal service providers and subcontractors](#).

3.2.5. Identification data of the transport manager or of the person responsible for the day-to-day management

28. Postal service providers communicate the name and contact details of the transport manager of the company or of the person holding the certificate of professional competence as a transport manager responsible for the day-to-day management of the company.

3.2.6. Number of parcels and compensation per subcontractor

29. Ordering parties communicate the number of parcels delivered by each subcontractor over the past half year and the compensations paid in euros to each subcontractor in return for the parcel delivery services provided on their behalf over the past half year.
30. In the absence of any activities, a value of "0" will be indicated in the report to distinguish it from an incomplete report.

3.2.7. Number of parcels and amounts invoiced per ordering party

31. Subcontractors communicate the number of postal parcels handled and the amounts invoiced in euros for each ordering party operating as a postal service provider.
32. In the absence of any activities, a value of "0" will be indicated in the report to distinguish it from an incomplete report.

3.2.8. Location of distribution centres

33. The Postal Act does not specify what is meant by the concept of "distribution centres". However, Article 2, 6°, of the Postal Act defines the concept of "distribution" as: "the process from the sorting at the distribution centre to the delivery of postal items to their addressees". It is apparent from that definition that distribution centres are the centres where the final sorting of postal items is carried out before they are delivered to the address of the recipient.
34. The ordering parties and subcontractors must provide the location data of the distribution centres. It is expected that a name be provided as well as a full address (including street, number and box where applicable, postcode, city and country).
35. In the absence of any activities during the half year, a value of "0" will be indicated in the report to distinguish it from an incomplete report.

3.2.9. Description of the services to be provided

36. The services to be provided must be briefly described. For example, it should be specified whether or not the services provided are limited to the territory of Belgium and whether or not they are express services. The type of goods to be delivered (e.g. hot meals) and the profile of the addressee (C2X, B2X, B2B) should also be specified. It should also be mentioned if the delivery includes parcels and other items.

3.3. Verification by the BIPT

37. The BIPT verifies whether the information has been communicated.
38. A report that is not submitted by the 31 January or 31 July deadline constitutes a breach of Article 6/2 of the Postal Act.
39. The BIPT can exceptionally grant a period of time to rectify the information provided.

4. Penalties

40. The BIPT monitors compliance with Article 6/2 of the Act of 26 January 2018 on the reporting obligation and is therefore entitled to impose sanctions in case of failure to comply with this obligation.

41. Article 21 of the Act of 17 January 2003 on the status of the regulator of the Belgian postal and telecommunications sectors provides that in the event of a failure to comply with the regulation monitored by the BIPT, or a BIPT decision implementing this regulation, the BIPT may impose penalties, including fines and periodic penalty payments, or a total or partial suspension of the activities of the postal service provider.

5. Decision

42. This decision lays down, pursuant to Article 6/2, § 2, of the Postal Act, the terms for the communication of information on the delivery of parcels in Belgium that postal service providers must provide to the BIPT every 6 months.
43. The information referred to in point 3.2 must be communicated electronically to the BIPT via the [BELparcel.be](https://www.belparcel.be) website.
44. This information is communicated in a clear manner. It must be accurate and up-to-date.
45. The postal service providers can only submit a report from the moment they have made the notification on [BELparcel](https://www.belparcel.be).
46. An undertaking ceasing its activities will have to submit a report before the deadline set for the half year during which it was still active. To that end, the company will still have access to BELparcel.
47. The information relating to the first half of the year must be communicated to the BIPT by 31 July of the same year at the latest. The information relating to the second half of the year must be communicated to the BIPT by 31 January of the following year at the latest. As Article 6/2 of the Postal Act enters into force on 1 August 2024, the first reporting will concern the second half of 2024 and will be carried out by 31 January 2025 at the latest.
48. A reminder regarding these deadlines will be sent to the e-Box Enterprise in January and July.
49. It will be possible to draft the report throughout the half year on the platform. However, it can only be officially submitted from 1 January to 31 January for the second semester of the previous year, and from 1 July to 31 July for the first half of the current year.
50. The BIPT can exceptionally grant a period of time to rectify the information provided.
51. The data can be saved and edited on the platform as long as the final report has not been submitted. The possible temporary versions will not be processed and are solely the responsibility of the internal management of the service providers. They will have until the deadline (31 January or 31 July) to submit another final report for the period concerned, and only the latest version will be analysed.
52. As soon as a final report has been submitted, the service provider will receive a confirmation in his e-Box Enterprise.
53. Postal services providers can consult old reports submitted on the platform without being able to modify them, unless the BIPT has allowed an old report to be corrected

54. Ordering parties and subcontractors can only be mentioned in the report based on their company number.
55. In the absence of any activities during the half year, a value of "0" will be indicated in the report to distinguish it from an incomplete report.
56. The services to be provided must be briefly described. For example, it must be specified whether or not the services provided are limited to the territory of Belgium and whether or not they are express services. The type of goods to be delivered (e.g. hot meals) and the profile of the addressee (C2X, B2X, B2B) should also be specified. It should also be mentioned if the delivery includes parcels and other items.
57. The distribution centres for which location data must be communicated to the BIPT pursuant to Article 6/2, § 1, 5°, are the centres where the final sorting of postal items is carried out before they are sent to the address of the recipient. The ordering parties and subcontractors must provide the location data of the distribution centres. It is expected that a name be provided as well as a full address (including street, number and box where applicable, postcode, city and country).
58. This decision enters into force on the day following its publication.

6. Appeal procedures

59. Pursuant to Article 2, § 1, of the Act of 17 January 2003 on the appeals and the settlement of disputes arising from the Act of 17 January 2003 on the status of the regulator of the Belgian postal and telecommunications sectors you have the possibility to lodge an appeal against this decision before the Market Court, Place Poelaert 1, B-1000 Brussels. The appeals shall be lodged, on penalty of inadmissibility pronounced automatically, by filing a signed request, with the contested decision attached, with the registry of the Brussels Court of Appeal within a period of sixty days starting from the notification of the decision, or in the absence of such notification, from the publication of the decision, or in the absence of such publication, after becoming aware of the decision.
60. On penalty of nullity, the request shall contain all required indications referred to in Article 2, § 2, of the Act of 17 January 2003 on the appeals and the settlement of disputes arising from the Act of 17 January 2003 on the status of the regulator of the Belgian postal and telecommunications sectors. If the request contains elements that you consider to be confidential, you have to explicitly mention it and submit, on penalty of nullity, a non-confidential version of it. The Institute publishes the request notified by the registry of the competent court on its website. Any interested party may intervene in the case within 30 days following such publication.

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