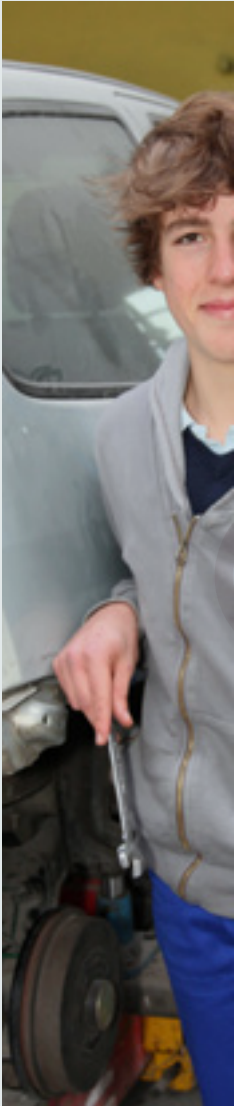
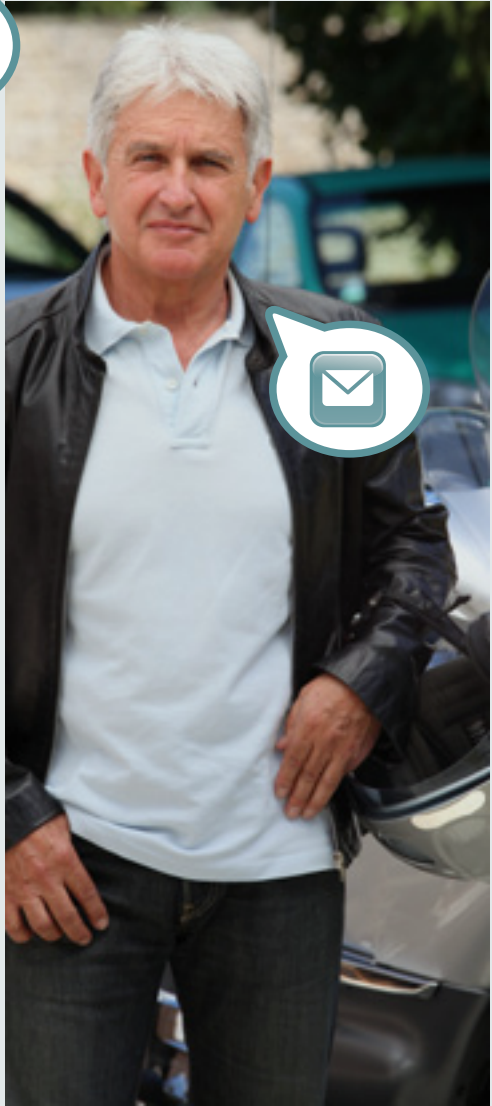


BIPT

ANNUAL
REPORT
2016





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Axel Desmedt



Jack Hamande



Luc Vanfleteren



Michel Van Bellinghen

Message of the Council

22 March 2016 was marked by the terrorist attacks. Due to thousands of simultaneous calls, mobile networks saturated and became useless during those grim hours. In cooperation with the network operators, the emergency services, the police, the rescue services and other authorities involved, BIPT analysed the problems encountered during the crisis. Several actions were taken: network capacity has been enhanced, the ASTRID network used by rescue services has received extra frequency capacity, and operators have taken measures in order to reduce the impact of a possible sudden overload. Moreover, the Brussels Region and the operators agreed to enhance the flexibility of emission standards in crisis situations. Also, numbers used by several important people and services have been prioritised on the networks. The end of anonymous use of prepaid cards has also been proclaimed by the Government and the Parliament.

The dire circumstances mentioned above reminded the vital nature of access for all to quality information. In 2016, BIPT did much to better inform electronic communications services users. Atlases showing the coverages of fixed and mobile operators, and a barometer allowing users to compare the quality of different operators were added to the tariff simulator among all the resources at the disposal of end-users. These comparative instruments also aim to stimulate competition between operators in terms of quality. The atlas maps allowed to speed up the 4G coverage in our country.

BIPT strives to stimulate competition for the benefit of the user, despite the growing consolidation on the market, for instance due to the taking-over of BASE and SFR by Telenet. In this context, market analyses are the main tool of the regulator, allowing to stimulate competition or to remedy situations of significant market power (SMP). In 2016, BIPT worked with the other members of the CRC (Conference of regulators in the electronic communications sector) towards the adoption of modified access tariffs for Brutélé, Nethys (VOO) and Telenet, charged to operators wishing to provide television and broadband Internet services over the cable. The tariff decision came into force on 1 May 2016 and allowed Orange to become



a new player on the fixed market with an Internet and TV offer. BIPT also adopted a decision aiming to reduce wholesale terminating tariffs on the fixed networks (a market in which each fixed operator has a monopoly).

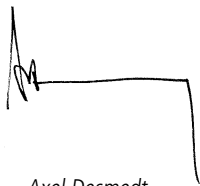
Regarding the postal market, following what was announced in the operational plan, BIPT has performed a detailed analysis of the compliance with the cost orientation in the context of bpost's request to increase the price of products falling within the scope of the universal service included in the small users basket. Following a detailed analysis and a debate with conflicting views, BIPT turned down for the first time bpost's request for a tariff increase in light of bpost's margins on this universal service segment. Monitoring the universal service quality is also a major task of BIPT. In this respect, the year 2016 was marked by the imposition of investment obligations upon bpost, as the operator did not reach the quality standards required by regulation, and this for the first time in many years.

Another main task of BIPT is the management of scarce resources, which are owned by the Belgian State and administered by BIPT. The regulator then started the preparation of the auction of licences for the 2G and 3G frequency bands which will come to an end in 2021. Preparatory activities

were also executed in view of the availability of the 700 MHz band, one of the frequency bands chosen to introduce 5G mobile technology in Europe. BIPT made recommendations to the Government regarding the allocation conditions and mechanisms, for instance by taking account of the need to stimulate investments in a predictable framework but also innovation and competition.

BIPT also analysed the role of OTTs¹ in the ecosystem, insisting on the fact that an OTT should respect the legal framework applicable to it. For example, BIPT asked Skype to notify itself as an operator in view of its SkypeOut service that should be considered as an electronic communications service. OTTs play an increasingly bigger role in the electronic communications sector, and BIPT wishes to enforce a level playing field regarding these new players, however without limiting the innovative dynamic they bring to the market.

These activities were successful thanks to the dedication of all the BIPT staff members. The Council members thank everyone of them, within the technical departments, the different teams of analysts and among the support services.



Axel Desmedt



Jack Hamande



Luc Vanfleteren



Michel Van Bellinghen

¹ Over-The-Top (OTT). In its report BoR (16) 35 ("Report on OTT services"), BEREC defines an OTT service as "content, a service or an application that is provided to the end user over the public Internet."





1.1. IN A FEW WORDS

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

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

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

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

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

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

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

- **It is the media regulator in the Brussels-Capital Region** and ensures that the operators in the bilingual Brussels-Capital Region comply with the specific regulation on radio and television broadcasting, provided that the activities of the broadcasting company cannot be specifically related to the French Community or the Flemish Community.

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

1.1.1. Environment

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

- At the Belgian level, BIPT is regularly in contact with the Chamber of Representatives and the federal minister responsible for the postal and telecommunications sectors. Likewise, BIPT cooperates with the Belgian Competition Authority (BCA): Article 55 of the ECA² states that BIPT asks the BCA's opinion³ on the draft decisions regarding market analyses. BIPT, the FPS Economy, SMEs, Self-employed and Energy and the two mediation bodies⁴ are natural partners in the field of the promotion of users' interests. Together with the media regulators of the Flemish (VRM), French (CSA) and German-speaking (Medienrat) Communities, BIPT forms the CRC: the Conference of regulators in the electronic communications sector. BIPT also provides the secretariat for two consultative committees (the Consultative

² Act of 13 June 2005 on electronic communications.

³ The BCA is composed of the Investigation and Prosecution Service (investigation service) and the Competition College. In 2016, BIPT did not submit any draft decision to the BCA.

⁴ The Office of the Ombudsman for Telecommunications and the Office of the Ombudsman for the Postal Sector.

Committee on postal services and the Consultative Committee on Telecommunications).

- At the European level, BIPT fully cooperates with numerous bodies. Among these, the European Commission⁵, the European Committee for Postal Regulation (CERP), the European Regulators Group for Postal services (ERGP), the European Conference of Postal and Telecommunications Administrations (CEPT) and the Body of European Regulators of Electronic Communications (BEREC).
- At the international level, BIPT actively participates to or closely follows the activities carried out at the Universal Postal Union (UPU) and the International Telecommunication Union (ITU). More information on these European and international activities can be found on pages 45 and following.

1.1.2. Democratic control

BIPT is an independent body; the legislator has seen to this in the Act of 17 January 2003 on the status of the regulator. However, BIPT conducts its activities in full transparency and in accordance with several democratic control mechanisms:

- Every three years, the BIPT Council draws up a Strategic Plan, the final version of which is submitted to the Chamber of Representatives. On the basis thereof, the Council then prepares its annual operational plans. After each year, an annual report on the activities and the development of the postal services and telecommunications markets is transmitted to the government and presented by the Council to the Chamber.
- The Budget and Finance ministers also monitor the draft budget drawn up by BIPT and the Court of Auditors monitors the annual accounts. Since its creation in 1993, BIPT has been financed by resources coming from the regulated sectors, without public subsidies.
- BIPT decisions may be challenged before the Brussels Court of Appeal. The Court of Appeal may suspend BIPT decisions and annul them with retroactive effect. As such, an appeal against a decision has no suspensive effect.

1.1.3. Complaints handling regarding the functioning of BIPT

BIPT attaches great importance to the quality of its services and provided has itself with a complaints coordinator. In 2016, twelve complaints were received and processed. Four of them concerned the review procedure for a right to a social telephone tariff. The increased automation of the process influenced positively the file processing, as expected. Seven complaints concerned the Assignments Pool; the processing time of diverse types of radiocommunication licences was the main concern: a review of the workflow could allow for a better processing of incoming files peaks. Finally, the Monitoring – Equipment Department was the subject of a complaint, submitted by the federal Ombudsman: the voluntary renunciation procedure constituted the core of the problematic. However, after a review of the information submitted by the service, the federal Ombudsman closed the file.

⁵ Among the groups set up by the Commission, we quote in particular the CoCoM (Communications Committee), the RSPG (Radio Spectrum Policy Programme) and the RSC (Radio Spectrum Committee).

1.2. MISSIONS, VISION, VALUES AND STRATEGIC AXES

These concepts were defined in the 2014-2016 Strategic Plan, the draft of which was submitted for consultation in January 2014. The Council of Ministers approved it on 28 March 2014, in accordance with (former) Article 34 of the Status Act of 17 January 2003 and published on BIPT's website on 25 April 2014. The 2017-2019 Strategic Plan shall be presented to the Chamber by the Council members.

1.2.1. Tasks

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

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

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

1.2.2. Vision of the future

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

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

1.2.3. Values

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



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

- The **professionalism** promoted by BIPT is meant to be multidisciplinary by combining technical, economic and legal expertise in the field of electronic communications, postal services and media. The technical expertise regarding the regulated matters allows to make the distinction between possible and impossible, reality and utopia, usefulness and uselessness.
- BIPT seeks to react quickly, with **agility**, to the situations that arise and to the often very fast technical and economic evolutions on the market; employees' flexibility and internal and external collaboration are dear to BIPT. BIPT adapts its structures and its way of functioning whenever necessary.
- The regulator's **independence** ensures its credibility towards the market players he regulates as well as all stakeholders. This independence enables the stakeholders to benefit from a regulator the action of which is stable and predictable over time, without losing the need to adapt to the market needs.
- The **transparency** ensures democratic control over the action of BIPT. It is built upon open-mindedness, dialogue, honesty and coherence. All acts and decisions are appropriately motivated.

1.2.4. Strategic axes

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

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

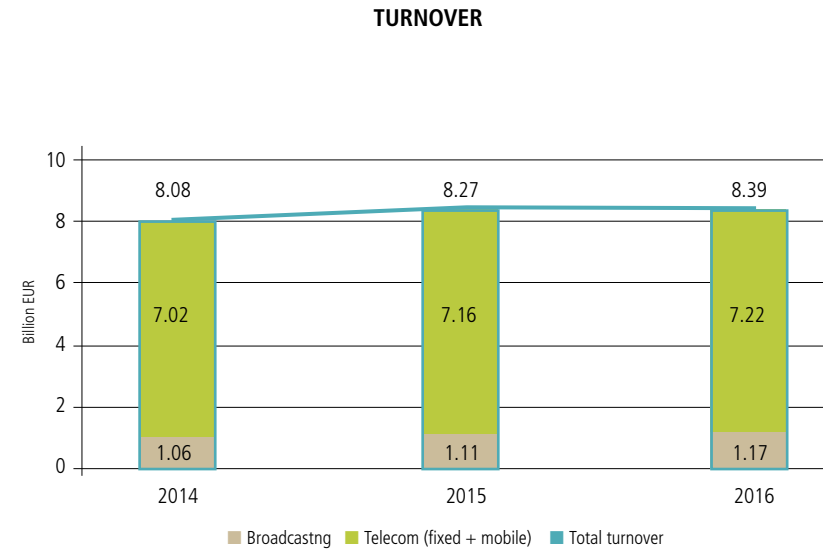
For more details on the subject, the reader is referred to the Strategic Plan⁶ as well as to the annual operational plans⁷ of BIPT.

⁶ <http://www.bipt.be/en/operators/bipt/publications/strategic-plan-2014-2016-final-version>

⁷ <http://www.bipt.be/en/operators/folders/16-operational-plans>

1.3. KEY FIGURES

1.3.1. Electronic communications sector

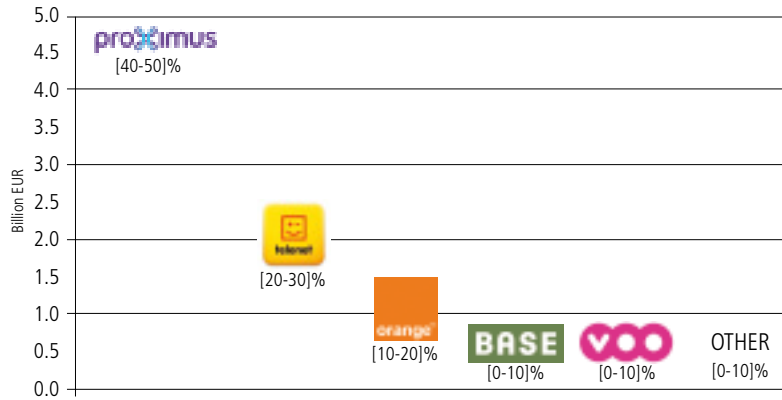


Turnover generated by electronic communications (fixed and mobile) and television

The 2016 turnover for the fixed and mobile communications sector amounts to over €7.2 billion: +1 %. Including television, this number increases to €8.39 billion (+1.4 %). Investments (excluding licences) require a share of 19.6 % of the turnover generated by the electronic communications market.

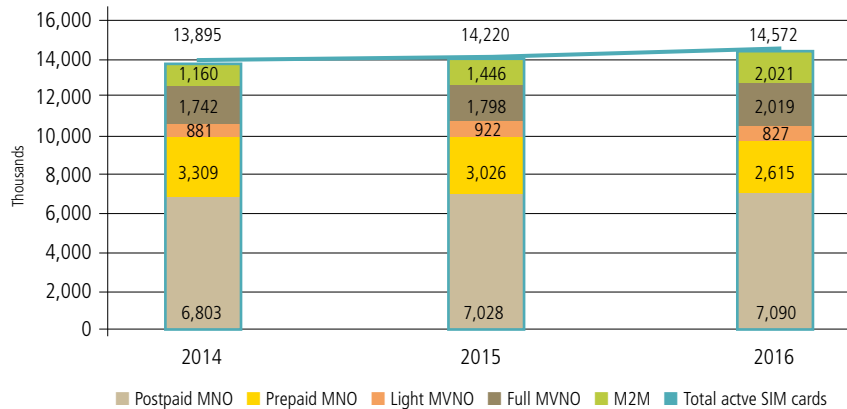
Proximus keeps a market share between [40-50] % of the total turnover generated by the electronic communications and television, despite a slight decrease of 0.5 percentage point. On the residential electronic communications market, the increase of the market share of Telenet (+0.6 % to [20-30] %) and Orange, which launched a broadband TV pack over the cable (+0.1 % to [20-30] %), shows a slight increase in competition.

On the non-residential market, the challenger Telenet wins 0.6 percentage point in market share. Despite a decrease of 1.4 percentage point, Proximus stays the most important operator with [60-70] %.



Turnover generated by electronic communications + television and market shares

MOBILE MARKET

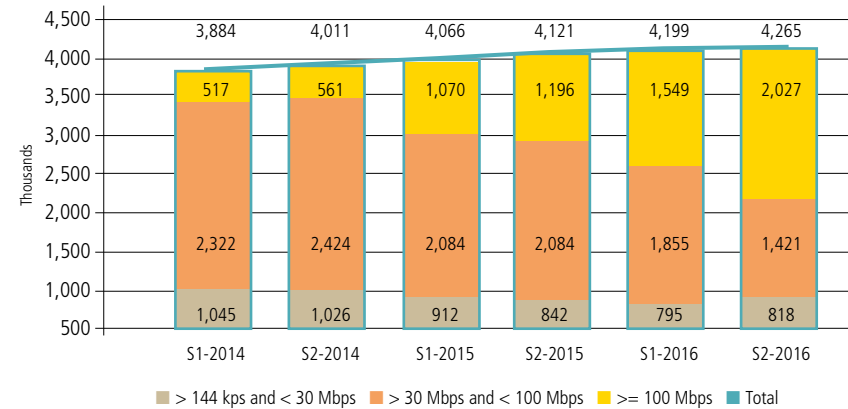


Number of active SIM cards

By the end of 2016, 14.572 million SIM cards were active in Belgium, 2.021 million of which being machine-to-machine SIM cards. The other 12.551 million SIM cards for voice and data are distributed among the 3 mobile network operators (77 %) and the MVNOs (23 %). Their volume decreases by 1.7 %, contrasting with the major growth on the M2M segment: +39.7 % in 2016.

FIXED BROADBAND

Broadband keeps on gaining ground, with a volume increase of 3.5 % to 4.265 million broadband lines. Proximus keeps a share of 46 %, identical to that at the end of 2015, despite an increase in competition. On the residential broadband market, the share of operators who do not have their own network grows by 0.6 percentage point to 2.7 % due to the regulated opening up of the cable. On the non-residential market, cable operators gain market shares by 0.9 percentage point to 35.5 %, whereas Proximus' share drops by 0.6 % to 58.7 %.



Evolution of the number of fixed broadband lines per speed category

An increasing number of households own an ultra-fast fixed broadband line. 81 % of fixed broadband lines offer a speed of at least 30 Mbps, earning the first place in the European ranking and largely exceeding the European average of 37 %.

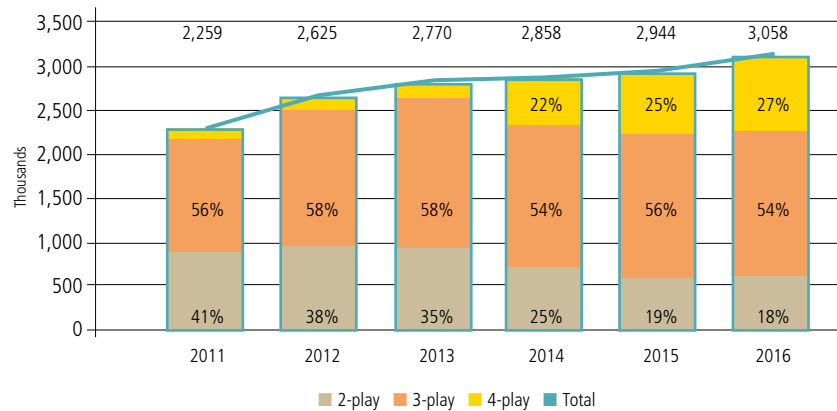
In Belgium, fixed broadband lines with a speed of at least 100 Mbps represent 47.5 % of the total number of lines, which corresponds to a penetration of 43 % of the Belgian households.



BUNDLED OFFERS

In contrast with the growth of fixed broadband, the use of traditional fixed telephony and SMS is continuing a downward trend. The fixed telephone voice traffic volume drops by 7.2 % to 8.9 billion minutes on an annual basis. This is also the third decrease in a row for SMS messages: -4.5 % to 23.46 billion messages sent.

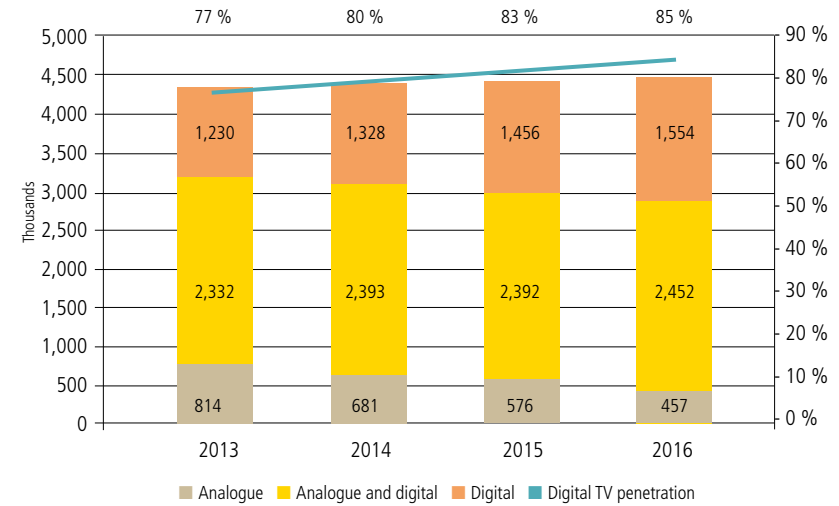
Quadruple play became more and more important in 2016 through the introduction of new converging bundled offers combining fixed and mobile: Wigo (Telenet) and Tuttimus (Proximus). In total, there are 100,384 new quadruple play subscriptions. However, competition happens mainly on the level of triple play offers which represent 54 % of the total of bundled offers (3,058,175).



Evolution of the number of residential bundled offers per x-play

Television continues to be an important driving factor for the growth of bundled offers. By the end of 2016, digital television was included in 2.86 million residential bundled offers: 106,260 more than in 2015.

The total number of subscribers to digital television reaches the 4 million threshold and represent today 90 % of the total number of television connections.



Number of TV connections per technology

1.2.3 Postal sector

The Belgian postal sector totals, regarding the offer, more than 700 postal companies, most of them having a small size. In 2015, bpost, the main operator, also the universal postal service provider, walked away with a majority stake (60% to 70%) of the sector turnover, while the seven main postal operators generated 97% of the turnover. Meanwhile, we notice that the market concentration in the postal sector declines, which can be interpreted as a very slight increase of competition. We also notice a decrease of the bpost staff and an increase among the other market players.

There are two conflicting trends:

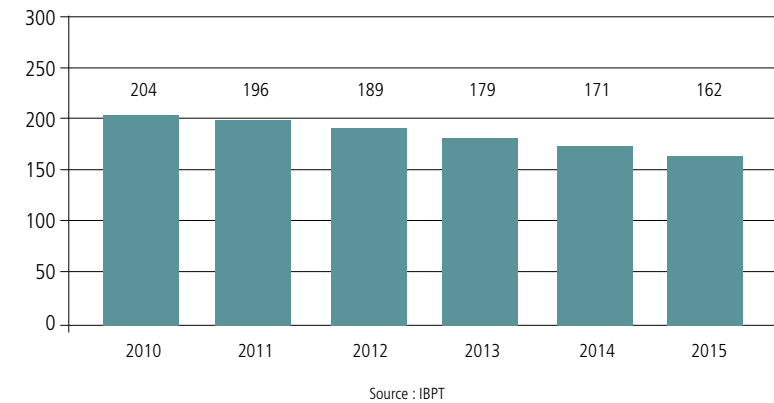
- On the one hand, the number of parcels per capita increased from 8 in 2010 to 12 in 2015. This market is characterised by a higher degree of competition: apart from bpost, numerous main operators are active, such as UPS, DHL, DPD, FedEx, GLS, TNT and PostNL.
- On the other hand, we see, year after year, a volume decrease in the letter post market due to the substitution towards other forms of electronic mail. Expressed in number of letter post per inhabitant on an annual basis, we see a drop from 204 items in 2010 to 162 in 2015. bpost remains the main player in this market segment, with a dominant share in volumes and turnover, leaving a much smaller share to the only postal operator holding a licence on the Belgian market, i.e. TBC post.

Despite the downwards trend of the volume on the letter post market, it should be noted that the sector resists relatively well to these volume drops by developing innovative services and by responding to users' specific needs, for instance regarding parcel deliveries generated by the e-commerce. As a result, the global turnover of the postal sector climbed from €2.22 billion in 2010 to €2.39 billion in 2015.

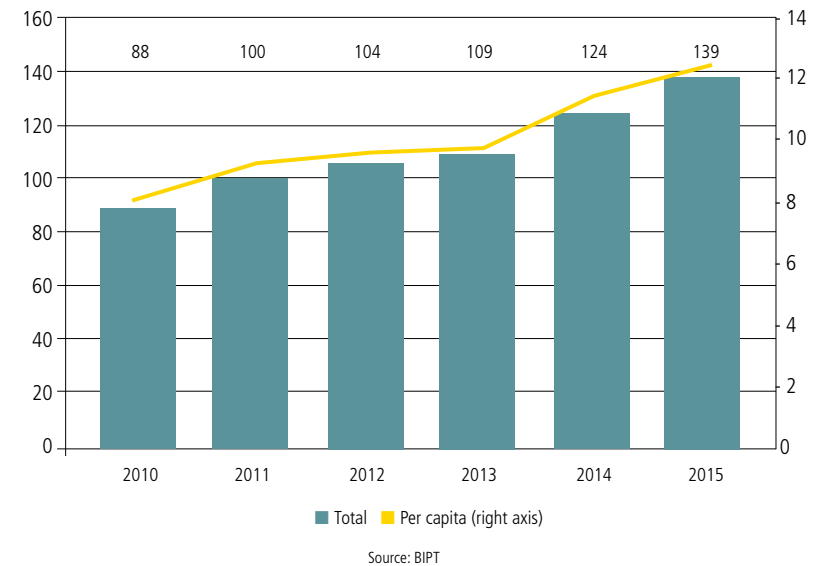
EVOLUTION OF LETTER POST AND PARCEL VOLUMES

Between 2010 and 2015 the letter post volume dropped by 20.8%. During that same period the parcel volume increased by 57.5%.

Evolution of the volume of letter post per capita per year



Evolution of the parcel volume (in million units) and per capita (in units) per year



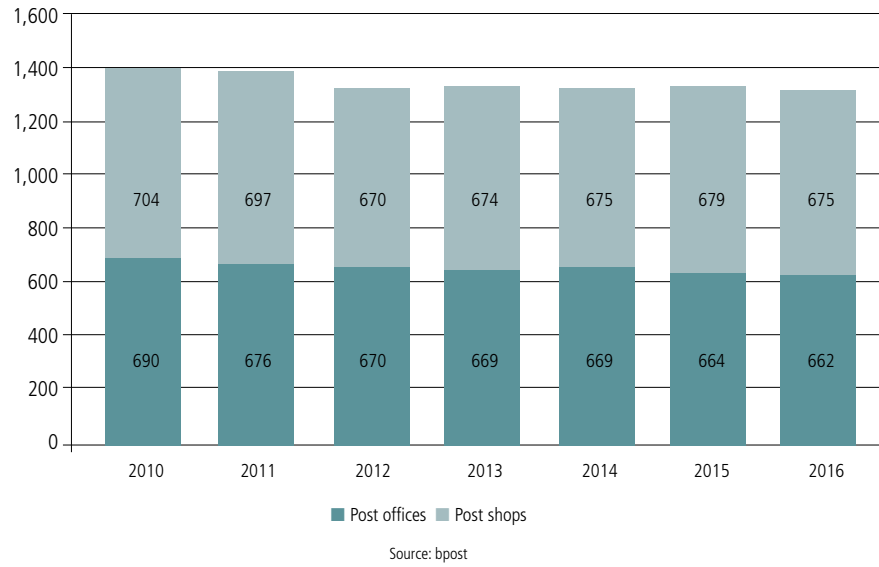
Per inhabitant, the volume of parcels delivered per year increased in 2015 to reach 12. Per capita, a parcel is sent or an express service is used every month, on average.



ACCESSIBILITY OF POSTAL SERVICES

By the end of 2016, a total of 1,343 bpost branches (post offices or postal points) spread all over the territory provided postal services. The total number of service points has practically remained stable since 2012. A decrease of 54 service points was observed between 2010 and 2012. The network includes still 13,236 red letterboxes spread all over Belgium.

Evolution of the total number of bpost's service points

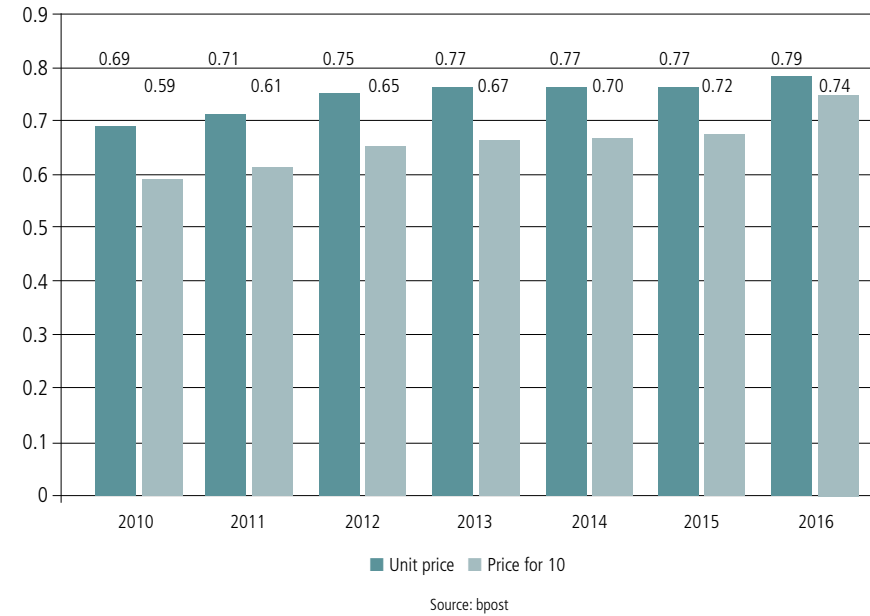


PRICE OF THE STANDARD DOMESTIC LETTER

In 2016, sending a letter in Belgium cost €0.79 (€0.74 when purchasing 10 stamps). The unit price has increased by 2.6 % compared to 2015. In 2016 however, bpost's request regarding the tariffs for the small users basket in 2017 was turned down by BIPT.

Since 2010, the unit price of a standard domestic letter has increased by 14.5 %, while the price for 10 units has increased by 25 %.

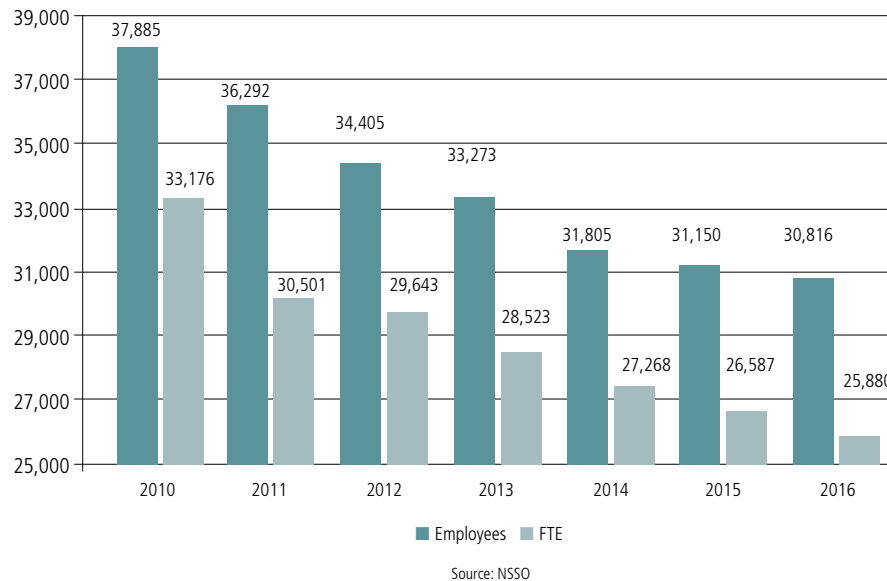
Evolution of the price of the standard domestic letter (EUR)



EMPLOYMENT

In 2016, the postal sector employed 30,816 people directly. Once again, this number has decreased since last year (-1 %). Since 2010, the number of postal sector workers decreased by 18.7 %. This decrease is even more remarkable when expressed in terms of full-time equivalents (FTE): -22 % compared to 2010. The downward trend of the number of jobs is due to a decrease of the staff of the universal service provider, while employment among alternative operators slightly increased.

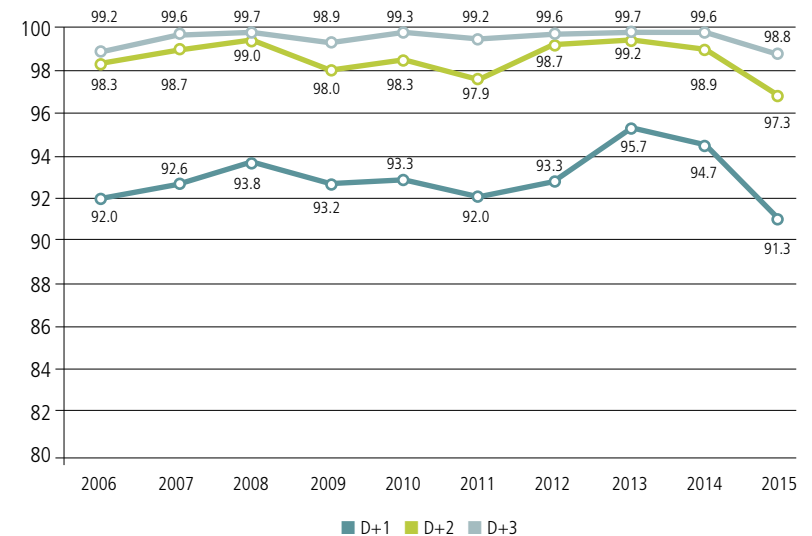
Staff evolution (each 30 June) in the postal sector



QUALITY

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

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



The quality of Prior single piece mail dropped to its lowest level in 10 years. This is also the first time bpost went under the quality standard, which increased from 90 % to 93 % in 2014.





2

REPORT ON THE ACTIVITIES IN 2016

Readers will find a synoptic table summarising the results of the 2016 operational plan in Annex A, page 54.

Here is a brief overview of the various activities development.

One of BIPT's tasks is to effectively organise healthy competition and maintain market access; the projects discussed below are an illustration thereof.

2.1. IMPLEMENTATION OF THE 2015 POSTAL OBSERVATORY

BIPT has compiled the economic key figures relating to the postal sector for 2015, bringing together the market data collected from 22 postal operators, versus only 17 in the previous edition. The purpose of expanding the scope is to enable the publication of statistical data that are as representative as possible of the Belgian postal market as a whole. The players represent 87.5 % of the total turnover generated by the postal sector.

The concentration inside the Belgian postal market remained high in 2015: the four main providers represent a common market share of 87.4 % (versus 91.4 % in 2010).

In 2015, letter post, including addressed publicity mail, represented 53 % of the total turnover of the postal sector. The parcel and express delivery segment accounted for 42 % of revenue, home delivery of press to subscribers representing 5 %. The revenues generated by items of correspondence represented €1.244 billion in 2015, versus €1.281 billion in 2014 (-2.9 %).

Concerning the parcel and express delivery segment, the volume increased annually by approximately 11 % between 2010 and 2015. In 2015 too, the volume grew by 12.4 % to 139 million items. Per capita, one parcel is sent per month, on average.

Finally, after several years of increase, investments in the postal sector dropped in 2015 to € 90 million (€106 million in 2014), which corresponds to 3.7 % of the recorded turnover.

2.2. ANALYSIS OF BARRIERS TO E-COMMERCE DEVELOPMENT

In recent years, the e-commerce sector has developed substantially in Belgium, as elsewhere in Europe⁸. The growth of e-commerce clearly strengthens the market of (postal) packages and parcels delivery, in Europe as in Belgium. However, according to Eurostat, the development level of e-commerce in Belgium is inferior to that in the neighbouring countries⁹. BIPT wanted thus to obtain a detailed vision of the situation on the Belgian market of (postal) packages and parcels delivery in the context of e-commerce activities. On 10 October 2016, BIPT launched a consultation as well as a study (in cooperation with KPMG) to gain a better understanding of the situation on the market, to identify possible barriers to the development of e-commerce in Belgium and recommendations to address them.

⁸ According to a study of Copenhagen Economics, an average annual growth of 15 % has been noted in recent years on the European e-commerce market. The share of e-commerce in the overall European expenditure increased by more than 50 % between 2007 and 2015.

⁹ In the Eurostat table entitled "Internet Purchases by Individuals" (2016), Belgium scores 46 %, versus 64 % for Germany, 52 % for France, 63 % for the Netherlands, 69 % for the Grand Duchy of Luxembourg and 78 % for the United Kingdom.



2.3. MONITORING OF COST ORIENTATION OF PRODUCTS BELONGING TO THE UNIVERSAL POSTAL SERVICE

According to the Act of 21 March 1991, the tariffs for each of the services that are part of the universal service provision delivered by the universal service provider must be cost oriented. In its decision of 21 September 2015 regarding the analysis of bpost's tariff proposal for full rates per piece for the year 2016, BIPT informed that it could only perform a brief verification of the cost orientation principle. In 2016, BIPT conducted a more detailed study on the cost orientation of products of the small user basket in order to ensure there is no cross-subsidisation between these products, and to ensure that the interests of the users of these products were part of bpost's price setting strategy. On 7 October 2016, BIPT transmitted to bpost a draft decision on the analysis of bpost's tariff proposal for the full rates per piece for the year 2017, in order to collect the operator's remarks on the project by 21 October 2016. On 22 December 2016, BIPT transmitted to bpost for comments a second draft decision, modified in order to take account of bpost's remarks on the first draft decision.

2.4. MARKET ANALYSIS: MARKET 1 OF VOICE CALL TERMINATION ON FIXED INDIVIDUAL NETWORKS (FTR)

The market of voice call termination on fixed individual networks (Fixed Termination Rates – FTR) is regulated by the market analysis decision of 2 March 2012, imposing a series of obligations upon all call termination services providers, such as a symmetrical call termination rate. On 25 August 2016, BIPT adopted a decision fixing new call termination rates via a cost model based on the purely incremental costs "BU-LRIC", in accordance with the EU Recommendation of 7 May 2009. Based on the new method, the termination rates applied since 1 November 2016 have decreased significantly (0,092 eurocent/minute, versus an average of about 0.7 eurocent/minute previously). On 17 October 2016, 3 Starsnet registered an action for suspension¹⁰ and annulment of the decision before the Brussels Court of Appeal.

2.5. MARKET ANALYSIS: MARKET 2 OF MOBILE TERMINATION (MTR)

This market was the subject of BIPT's decision of 29 June 2010 which imposed maximum termination rates (Mobile Termination Rate - MTR) and a system of symmetrical termination compensation based on a pure LRIC cost model as from 1 January 2013. Annulled on 24 September by the Brussels Court of Appeal for lack of a prior

¹⁰ On 30 November 2016, the Brussels Court of Appeal rendered a judgement rejecting 3 Starsnet's request for suspension. On 15 March 2017, the Market Court annulled BIPT's decision due to a procedural defect (absence of notification of the decision fixing the fixed termination rates to the Belgian competition authority).

consultation of the media regulators, the annulled decision remained in effect until 30 June 2015. Meanwhile, BIPT adopted a renewal decision on 6 May 2015. On 14 September 2015, a draft decision concerning the new market analysis of voice call termination on individual mobile networks was submitted for consultation. In 2016, the draft decision and underlying cost model were modified so that the draft decision could be transmitted to the Belgian competition authority, then to the Belgian media regulators before being notified to the Commission in 2017.

2.6. MARKET ANALYSIS: MARKET 2: FIXED CALL ORIGINATION

We consider here the wholesale market of call origination on the public telephone network provided at a fixed location. Call origination consists in the conveyance of communications from the calling final customer to another network. BIPT has started the analysis to determine if this market should be further regulated or not, and thus if the obligations imposed upon players on this market should be removed, maintained or modified. We can conclude from these works that it was wise to combine the analysis of this market with the analysis of the market of access to the fixed telephone network (which was also removed from the list of relevant markets in the 2014 Recommendation). A national consultation on this document will be launched in the course of 2017.

2.7. MARKET ANALYSIS: MARKETS 3A, 3B AND 18: WHOLESALE ACCESS AND BROADCASTING TO FIXED NETWORKS

These three markets cover wholesale access to fixed networks: the local access market, the central access market and the market for broadcasting transmission services. In preparation for the market analysis, a survey was conducted among the consumers, and the operators' answers to a qualitative questionnaire were processed. Finally, BIPT conducted a comparative study concerning market definitions and the obligations imposed in the EU Member States. By the end of 2016, a consultant was also appointed to study various economic aspects such as the wholesale substitutability between cable and DSL, the impact of services delivered by OTTs. In 2016, a large part of the retail market description was drafted. Due to the complexity of the economic and technical aspects, the drafting of the draft decision is expected to continue in 2017.

2.8. DEVELOPMENT OF A PRICE SQUEEZE DEMONSTRATION TOOL

In 2007, BIPT had adopted guidelines for the evaluation of price squeeze. In the light of the developments that had taken place, it appeared necessary to review these guidelines and to equip ourselves with a tool detecting possible price squeezes among SMP operators. In 2016, calculation modules for the detection of price squeeze concerning products provided via Proximus' DSL network on residential and small enterprises markets were completed, as well as modules concerning tariff plans marketed by cable operators. Developing the calculation module for the professional market took more time than expected, also due to the complex character of the market and the offers provided in this segment. This model will be achieved in 2017 and, after the project completion, BIPT will also finalise the guidelines.

2.9. UPDATE OF THE CABLE OPERATORS' REFERENCE OFFERS CONCERNING MODEM COMPATIBILITY

The market analysis decision of 1 July 2011 on the broadcasting market imposed the obligation upon cable operators to publish a reference offer detailing the technical and operational aspects to access their networks. An audit was conducted regarding the procedures the operators must follow before getting the authorisation to use their modems and decoders on the cable operators' networks. The interested stakeholders had the opportunity to learn the result of this analysis.

2.10. FIXING THE ONE-TIME FEES

One-time fees are once-only payments for work done by Proximus on its network for the benefit of alternative operators within the framework of the reference offers BRUO, BROBA and WBA VDSL2 (e.g. line installations or migrations). These payments being based on different cost models and fixed by various BIPT's decisions, the ongoing evolution of the market demands a review thereof.

In the course of 2016, Proximus and BIPT cooperated to review these payments, which brought Proximus to propose a new cost model. After a first exploratory analysis of the cost models proposed by Proximus, it was decided, the complexity being higher than expected, to split the OTF (One-Time Fees) project into two branches: a sub-project regarding technical data and a sub-project regarding accounting and financial data. In the framework of the sub-project "Technical data", BIPT chose to appoint an external consultant to assist it in carrying out this task. A call for tenders with European publicity was published in September 2016. The sub-project "Accounting and financial data" will also be carried out by a consultant. Once these two projects are finalised, BIPT will incorporate the results in one cost model.

2.11. APPLICATION OF BEREC'S¹¹ ANALYSIS CONCERNING OVER-THE-TOP (OTT) PLAYERS

In these different market analyses too, BIPT, in consultation with the sector and in the best interests of the sector, took account of the possible disruptive effect OTT players can have on the competitive conditions. Moreover, BIPT closely followed BEREC's works regarding OTTs, in particular when they concern OTT players who are operators. BIPT presented BEREC's conclusions to the telecommunications sector. These were formalised in a report on 29 January 2016.

2.12. ZERO RATING: BIPT ANALYSED THE OFFERS AUTHORISING THE UNLIMITED USE OF A NUMBER OF APPS

On 17 October 2016, Proximus put on the market a new range of products developed in cooperation with its customers and other respondents, and based on their expectations. The next day, the Minister of Digital Agenda, Telecom and Postal Services asked a series of questions, concerned that the zero rating of certain applications included in the operator's new products would lead to a market distortion. Zero rating is commonly defined as a practice through which an Internet access provider applies a zero tariff for the data traffic linked to a specific application or a specific cost category of applications (and data are not deducted from a data consumption limit within the Internet access service). BIPT analysed the operator's offers and came to the conclusion that:

1. Proximus does not discriminate (under the European Regulation regarding an open Internet) between the customer's favourite application and the remaining data traffic when the data volume included in the data allowance is used up;
2. Nothing indicates at the moment that zero rating apps applied by Proximus compromise the Internet users' rights to consult freely information and contents, to distribute and use them, and to provide applications and services of their choice. However, BIPT decided to continue to monitor the numbers related to Proximus's offers and the use of apps and will continue to monitor the operators' behaviour concerning the open access to the Internet.

¹¹ The Body of European Regulators for Electronic Communications.



2.13. ELABORATION OF THE NOTIFICATION PROCEDURE FOR THE MEDIA DEPARTMENT OF THE BILINGUAL REGION OF BRUSSELS-CAPITAL

For some time, the Act of 20 March 1995 on the electronic communications networks and services and the audiovisual media services in the bilingual Brussels-Capital Region is being recast. In the future, it is planned that a system of a simple declaration for audiovisual media service providers will replace the current authorisation. The draft bill, after being examined by the Consultative Committee, was submitted to the Council of State, which gave its opinion on 28 September 2016. After modifications following the remarks, the draft bill was introduced to the Chamber of Representatives¹².

BIPT manages the scarce resources, such as the numbering space. BIPT manages it (see below) but examines its use on a prospective and strategic perspective.

2.14. ADAPTATION OF THE NUMBERING PLAN TO THE LONG-TERM EVOLUTIONS ON THE MARKET

In 2016, BIPT continued the modernisation of the current Royal Decree on the numbering space. Major advances were achieved in 2016 concerning a new draft Royal Decree on numbering. The aim is to continue the modernisation of the regulatory framework in five operational themes (M2M (Machine to Machine) communication, routing numbers, number blocks with "orphan status"¹³, nomad VoIP services, procedure for assigning SMS short numbers), and in three strategic themes (introduction of more flexibility in the granting of E.212 mobile network codes, more flexible use of Calling Line Identity (CLI¹⁴), extraterritorial use of numbering resources). Several written and oral consultations took place without reaching a consensus on these themes. This is why we decided to look for an ad hoc solution within the existing regulatory framework for a series of principle files occurring in 2016. Due to the publication of a new draft electronic communications code in September 2016, on which BIPT adopted a more detailed view regarding numbering, it is logical, in view of the possible direct impact on the regulation on numbering, to expect the European regulation to be stable before the publication of a new regulatory framework on numbering. Moreover, the requests that do not fall under the scope of normal operation have been closed. The consultation of the sector has been postponed as there should be a prior consultation first.

¹² The Parliament examined the draft in 2017: the adoption in committee and the vote in plenary meeting happened on 20 April 2017 and the promulgation by the King on 5 May 2017.

¹³ The "orphan status" concept is based on the observation that a number bloc was not allocated to a party due to circumstances but still includes exported numbers actively used by end-users.

¹⁴ Caller identification.

2.15. PLACE OF THE ECALL SERVICE IN THE NUMBERING PLAN

From 31 March 2018, all new vehicles will have to be equipped with eCall¹⁵ as standard. Apart from European regulation, a series of standards have been developed to that end. An aspect that had not yet been addressed at this level is the potential impact on the numbering domain. That is why BIPT prepared a consultation, assessed in cooperation with the FPSs Mobility and Transport, Public Health, Food Chain Security and Environment, the FPS Internal Affairs and the federal police. The aim of the future consultation is to create favourable conditions so that, through the most appropriate numbering resources, the eCall service can be rolled out on the Belgian market in a coherent manner.

2.16. FRAUDULENT USE OF NUMBERS

In the fight against the fraudulent use of international E.164 resources such as ping calls¹⁶, BIPT created a working group in cooperation with the sector in order to detect fraud, share information and take measures such as blocking certain international E.164 numbers. Thanks to this cooperation, the number of complaints dropped down significantly. And, due to the international character of the fraud, BIPT took measures to address the problem transnationally. BIPT became thus project leader of the study "The role of E.164 numbers in international fraud and or misuse of electronic communications services" of the ECC's working group "Numbering and Networks"¹⁷. The aim of this study is to create a set of recommendations in order to establish a European common anti-fraud policy.

2.17. INTERNATIONAL COORDINATION

Inside CEPT (European Conference of Postal and Telecommunications Administrations), BIPT continued to closely follow the activities of the working group "Numbering and Networks" of the Electronic Communications Committee (ECC). In 2016, the ECC adopted the Recommendation 16(01) on third-party access to number

¹⁵ eCall is a European initiative, included in the Directive 2010/40/EU "Intelligent transport systems", requiring your vehicle to be equipped with an automatic security system (via sensors, among other things) that will alert rescue services in case of an accident. As soon as the sensors detect a collision, the system automatically calls the emergency number 112, certain data are sent (the so-called minimum set of data) and a voice channel is opened with the public safety answering point (PSAP). A manual connection can also be established with a PSAP by a person inside the vehicle pressing a special eCall button.

¹⁶ These are very short calls only to incite the person called to call back the caller, who uses a high-priced (international) number.

¹⁷ The Electronic Communications Committee (ECC) is one of the three groups, with the CERP (European Committee for Postal Regulation) and the Com-ITU (Committee for ITU Policy) forming the European Conference of Postal and Telecommunications Administrations (CEPT).

portability data, the Recommendation 16(02) on extra-territorial use of E.164 numbers, and a report on the evolution of the uses of Calling Line Identity (CLI). Significant progress was made regarding the granting and managing principles of E.212 mobile network codes. Analyses on the Soft SIM¹⁸ technology have begun.

The radio spectrum and in particular the radio frequencies are part of the important scarce resources managed by BIPT. The wider public uses radio waves every day, without thinking nor realising that a careful planning and a coordination with numerous stakeholders are the foundations of a smooth and efficient usage.

2.18. VALUE OF THE PUBLIC MOBILE BANDS

BIPT appointed an independent consultant to study the problematic of one-time fees and the regulation on public mobile systems in order to draft recommendations concerning the determination of parameters and rules for the granting procedure to implement on a national level. Analysys Mason realised the study and BIPT published it on 25 January 2016. According to this report¹⁹, the value of mobile bands amounts to €700 million in twenty years (2021-2041 period). This element is important for the modifications of Article 30 of the ECA which determines the maximum price for a possible auction.

2.19. ASSIGNMENT OF THE 700 MHz BAND

Part of the 700 MHz band, 30 MHz duplex precisely, was identified for public mobile communications. BIPT prepared a draft Royal Decree fixing terms for obtaining and exercising the authorisations for these 30 MHz duplex. In 2016, a first version of the draft was submitted to the Minister responsible for telecommunications. A public consultation on this draft should be organised in 2017. The purpose is to organise an auction of the 30 MHz duplex in 2018 or 2019.

BIPT also prepared a draft modification of the Act on electronic communications in order to determine the amount of the unique fee for the 700 MHz band. This unique fee is the starting price during the auction procedure.

The use of the rest of the 700 MHz band must be discussed. The potential applications are the following: PPDR (Public Protection and Disaster Relief), SDL (Supplemental Downlink for Mobile), M2M (Machine-to-machine) or PMSE (Programme Making and Special Events).

¹⁸ Dematerialisation of the SIM card, replaced by a set of software and data functioning like a real SIM card, without needing to install a physical card inside the device.

¹⁹ Study regarding the value of spectrum for public mobile systems.

2.20. CONSULTATION CONCERNING THE USE OF THE 870-876 MHz AND 915-921 MHz FREQUENCY BANDS

The 870-876 and 915-921 MHz frequency bands are currently unused in Belgium. In the future, two types of applications could be authorised in these frequency bands: GSM-R²⁰ and the short-range devices, including for the Internet of Things. The purpose of the consultation was to measure the interest, in Belgium, for these two types of applications. Some European countries such as Germany, Luxembourg and Switzerland granted authorisations to rail operators in the unpaired frequency bands 873-876 MHz and 918-921 MHz, sometimes called "GSM-R extended band". In Belgium, Infrabel has already expressed its interest for these bands to BIPT. Since 2010, the European industry reported several requests for supplementary spectrum in the UHF band, in order to meet the evolution of the short-range devices use. The 902-928 MHz frequency band has been identified, by the ITU Radio Regulations, to be used by industrial, scientific and medical (ISM) applications, in Region 2²¹ according to ITU. In this context, this band is already intensely used by short-range devices on the whole of the American continent. It is also used by short-range devices in some countries in the Asia-Pacific region. The access to the 915-921 MHz frequency band in Europe would be a significant step towards global harmonisation.

2.21. CONSULTATION ON THE COEXISTENCE BETWEEN 4G OPERATORS IN THE 2,500-2,690 MHz BAND AND RADARS IN THE 2,700-2,900 MHz BAND

In 2011, BIPT adopted a decision to ensure coexistence between aeronautical radars of Belgocontrol and of the Ministry of Defence in the 2,700-2,900 MHz frequency band on the one hand and the use of the 2,500-2,690 MHz band by 4G operators on the other hand. This decision of 2011 contained a number of transitional measures, which have expired, making an update essential.

2.22. THE 3.4-3.8 GHz BAND

On 1 August 2016, BIPT launched a consultation on its draft decision regarding the extension of the user rights of Broadband Belgium. On 31 March 2016, the user rights of b.lite BVBA and Mac Telecom SA in the 3.5 GHz and 10.5 GHz frequency bands were transferred to Broadband Belgium BVBA. As the transferred user rights are valid until 25 April 2019 and could be extended over 5 years by BIPT, Broadband Belgium asked BIPT to extend its user rights until 25 April 2024. However, the RSPG²² estimated that the 3,400-3,800 MHz band is

²⁰ GSM-R is a variant of standard GSM, specifically developed for railway applications. GSM-R is part of a broader framework called ERTMS (European Rail Traffic Management System). This system aims to remove technical barriers to the interoperability of railway networks.

²¹ Region 2 consists of the Americas, Greenland and a few islands in the eastern Pacific Ocean.

²² Advisory group on radio spectrum policy established by Decision 2002/622/EC of the Commission of 26 July 2002 establishing a Radio Spectrum Policy Group.



vital for the introduction of 5G in Europe, even before 2020. According to the RSPG, this band could put Europe at the forefront of 5G deployment. This band however is not the only one allowing the introduction of 5G. BIPT must establish the adequate framework allowing existing players in Belgium, in this case Broadband Belgium, to safeguard the substantial investments that have been made. BIPT must also promote the introduction of 5G in Belgium. A balance must be found between safeguarding the investments of Broadband Belgium and helping the introduction of 5G. By the end of 2016, no decision had been taken about the extension request.

2.23. 2G AND 3G LICENCES AFTER MARCH 2021

Four years before the licences expire, it was useful and necessary to clarify the situation after 2021 and to consider the renewal of 2G and 3G licences. BIPT submitted recommendations to the government concerning the granting mechanisms via a draft Royal Decree. The conditions in terms of coverage, capacity and other regulatory parameters such as the spectrum cap (in order to preserve competition) were updated. It was vital to adapt the unique and annual fees to the trends on the market, to the ever increasing need for frequencies and to the increasing number of investments. In 2016, BIPT submitted consequently to the Minister a draft revision of Article 30 of the ECA on the rights of use for radio frequencies to operate a network and provide mobile electronic communications public services.

2.24. LEGISLATIVE CHANGES

The Royal Decree of 28 October 2016 amending the annexes to the Royal Decree of 18 December 2009 came into effect on 1 January 2017 for Annex 1 on fees, and on 12 December 2016 for Annex 2 on authorisation exemptions. It introduced a 20 % decrease of the fees for point-to-point connections, as well as new frequency exemptions for certain categories of microphones.

2.25. INDOOR COVERAGE

The coverage obligations imposed upon mobile operators only concern the coverage outside buildings. Until now, there have been no indoor coverage obligations. BIPT regularly received complaints from companies or local public bodies concerning the effects of lock in²³. Moreover, architects and builders asked more and more questions about measures to take in order to enhance indoor coverage. In March 2016, BIPT published a communication on the subject and organised afterwards a consultation with mobile operators, Beltug, Agoria and the construction sector.

²³ A lock-in effect happens when users want to reconsider operators-specific solutions. In numerous cases, the user is confronted to infrastructures installed by the operator and to the cost of migration to another operator.

One of the objectives is to draft the technical recommendation for the multi-operators DAS²⁴ systems that should preferably be installed in every new building.

It is essential to monitor the use of the radio spectrum in order to ensure the safety of the different categories of users. BIPT exercises ongoing control in order to track down and eliminate possible interferences. The know-how of these technical specialists is as invaluable in other circumstances.

2.26. MONITORING OF INTERFERENCES ON GNSS SIGNALS

In recent years, the use of Global Navigation Satellite Systems (GNSS) such as GPS, Galileo, Glonass and Compass consistently grew. GNSS receivers are not only used for their positioning function, but also for timing and synchronisation. As a result, many other systems became dependent on the availability of GNSS signals for proper functioning. At the same time, there is mounting concern regarding the impact of jammers on GNSS signals. Groups of users such as Belgocontrol or the Competent PRS²⁵ Authority (CPA) voiced concerns about possible interferences on GNSS frequencies. BIPT has launched a project on the monitoring of interference signals on the GNSS frequencies. The programming has started and the section managing the collection of data is completed. The remaining task is to implement the code in order to analyse the data. Eventually, BIPT will access in real time the extent of signal degradation as recorded by the permanent reference stations existing in Flanders and Wallonia. On the other hand, the measuring vehicles of NCS (National Spectrum Monitoring) will be equipped with a mobile sensor to track down and eliminate interferences.

2.27. ENHANCING THE QUALITY OF MOBILE NETWORKS COVERAGE AT BORDERS IN THE BELGIAN PROVINCE OF LUXEMBOURG

In order to ensure the highest degree of transparency regarding the mobile access networks coverage, the identification of white spots in the border areas and the enhancement of broadband Internet access, BIPT collaborated with the ILR, the "Institut Luxembourgeois de Régulation". In the course of 2016, measuring campaigns took place in the Province of Luxembourg. They helped develop a measuring method that was used during a third operation, launched in October and November 2016. Once the analyses are done, a report and recommendations will be established regarding the issue of mobile networks coverage in border areas and how to enhance it. There are two reasons to the fact that the coverage quality is lower than elsewhere:

²⁴ Distributed Antenna System; an indoor system or DAS is a network of antennas installed inside the building and connected to a central hub via cables.

²⁵ PRS: Public Regulated Service. In the Galileo project, the PRS is an encrypted navigation service destined to authorised government services and to sensitive applications requiring a high continuity. The "Autorité nationale de sécurité" is the Belgian CPA.

- Belgian operators do not use the full potency of their spectrum, taking into account the frequency bands shared with their counterparts in the Grand Duchy of Luxembourg;
- The lower density of masts in these less populated areas.

BIPT is also committed to understanding the end-users, anticipating uses and their developments and safeguarding the interests of users. To do so, BIPT performs studies, develops specific information tools, informs users and carries out inspections in order to monitor the respect of legal provisions protecting their rights.

2.28. NATIONAL PRICE COMPARISON

A comparative study concerning the price of telecom products on the Belgian residential market was conducted, by analysing the active tariff plans on 1 March 2016 in BIPT's tariff simulator www.besttariff.be. For the different market segments (postpaid and prepaid mobile services, fixed telephony, fixed Internet and triple play offers), the cheapest tariff plan of each operator was compared for specific standard user profiles, while taking the promotions into account.

- For a low to medium use of **triple play** (fixed telephony + Internet minimum 30 Mbps + television), taking promotions into account, a monthly price difference of more than €20 between the cheapest tariff plans (from €48 to €70) was noted. For triple play consumers wishing a more intense use of Internet (minimum 50 Mbps), taking promotions into account, the monthly price difference between the cheapest tariff plans exceeds €10 (from €59 to €70).
- A price difference of €17/month (from €8 to €25/month) was noted between the 15 cheapest tariff plans in the comparison for a medium use of **postpaid mobile telephony** (120 call minutes, 100 SMS and 50 MB). For a medium use of **prepaid** mobile telephony (100 call minutes and 150 SMS), the price difference exceeds €20/month (from €8 to €29/month).
- Concerning **fixed telephony**, the operator's choice also allowed to make significant savings given that, taking promotions into account, the monthly price difference between the cheapest tariff plans for a medium use during off-peak hours or at weekends amounts to nearly €10 (from €29 to €39/month).

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

BIPT's survey gives a picture of the Belgian telecommunications market seen through the eyes of Belgian consumers in 2016 and is based on the results of a written and online survey carried out among users aged between 15 and 74. Over 75 % of the respondents are rather satisfied with the service provided by their operator and a bit less satisfied with the prices charged; on the whole they trust the quality of billing, the information received from their operator as well as the respect of their rights. However, six respondents out of ten consider they are badly informed of their rights regarding telecommunications. The price of an offer remains the main criterion²⁶ (44 %) to choose an offer, but consumers make little use of tariff comparison tools to choose an operator and too few of them know about BIPT's simulator www.besttariff.be.

2.30. INTERNATIONAL PRICE COMPARISON OF THE TELECOMMUNICATIONS SERVICES ON THE RESIDENTIAL MARKET

On 13 December 2016, BIPT published its fifth comparative study concerning the residential prices of telecom products in Belgium and the neighbouring countries, based on 20 consumption profile. In total, 715 tariff plans active in August 2016 in six countries (Belgium, the Netherlands, France, Germany, Luxembourg and the United Kingdom) have been analysed.

- Concerning **postpaid mobile telephony**, the prices of the Belgian tariff plans remained stable since 2015, but Belgium fell in the ranking as prices in the neighbouring countries declined further, except in France. The price differences between countries are less and less marked and Belgium got a medium score for all the profiles.
- Concerning **prepaid mobile telephony** (40 % of mobile callers in Belgium), Belgium kept its middle place. Prepaid bundled offers including data were cheaper than a year before. However, bundled offers without data, but with call minutes grew further. As in previous years, the United Kingdom was often the cheapest country, and France remained in general the most expensive.
- The price level for **mobile Internet (standalone)** has stabilised since 2015 and Belgium remained relatively expensive compared to the other countries of the study.
- For **fixed broadband (standalone)**, Belgium reached a good score, although the comparison is only possible with two other neighbouring countries.
- The average price level of **triple play** (fixed telephony + Internet + television) remained on average rather expensive, or even expensive in Belgium, compared with other countries, France being once again the cheapest country.

²⁶ The content of the offer is the second criterion for choosing an offer.



- Considering **quadruple play** offers (fixed telephony + Internet + television + mobile telephony), Belgium lost one place in the ranking compared to its neighbouring countries in the 30-100 Mbps speed category.
- Finally, concerning **fixed telephony (standalone)**, the ranking remained rather stable compared to the year before. Belgium has become less competitive compared to the previous year for the profile “the lightest”, becoming the second most expensive country. Belgium is rather expensive for the medium use profile and rather cheap for the profiles characterised by a more intense use.

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

On 14 July 2016, BIPT published its third comparative study concerning the price of telecom products on the Belgian non-residential market, compared to prices applied in Germany, France, the United Kingdom and the Netherlands. As usual, BIPT compared the price for fixed and mobile telephony as well as the price for fixed and mobile Internet for a series of user profiles (individual professionals and SMEs) representative of the telecom services consumption by Belgian companies.

- The companies using more mobile communications were generally in a disadvantageous position in the ranking, in particular because the Belgian prices for mobile data were relatively high compared to the prices applied in neighbouring countries. This was particularly obvious in the ranking of mobile professionals (i.e. mostly working on the move).
- Concerning **fixed telephony**, which still remains an important part of numerous professional services, Belgium performed relatively well at superior consumption levels. The availability of packs at attractive rates for international communications offered by a number of operators in Belgium benefited to companies having a high consumption of international communications.
- Concerning **fixed broadband**, Belgium holds a rather good position for individual professionals, whereas for SMEs, the rates for fixed broadband services are less competitive in Belgium than in the other countries.
- **Multiplay**²⁷ was not the cheapest way to purchase services for individual professionals in Belgium, except for the local individual company. In the other countries of the study, multiplay often allows savings compared with the purchase of individual services. This study also analysed the cost of two types of pure bundled offers²⁸. For these services, the Belgian operators were more expensive than in the other countries where that type of offers was available.

²⁷ Multiplay is a combination of two or more communications services, to which individual services can be added if the bundled offer does not cover all the needs of the company.

²⁸ A double play offer (fixed broadband + fixed telephony), on the one hand, and a triple play offer (fixed broadband + fixed telephony + mobile telephony), on the other hand.

2.32. TARIFF SIMULATOR

Operational since 2009, the tariff simulator helps to enhance market transparency, by presenting several hundreds of active tariff plans via its four modules (fixed, mobile, Internet, bundled offers). The simulator has been monitored and improved continually. In 2015, following the analysis of the questionnaire published in 2014 in order to collect opinions on the evolution of the tool, BIPT started drafting the specifications for the future changes of this major project. In the course of 2016, the specifications were published (with European publicity) and just one application was received.

2.33. IMPROVING THE TRANSPARENCY IN TERMS OF NETWORK COVERAGE (ATLAS)

The Atlas project is twofold: on the one hand, representing mobile coverage and, on the other hand, representing fixed coverage, based on information provided by the operators. The coverage maps of mobile networks are operational and available to the public since 15 July 2015; they have been updated every quarter ever since. On 25 April 2016, BIPT presented the fixed broadband networks coverage in Belgium. These maps indicate the percentage of dwellings that can be connected to the broadband access service in each municipality section according to the different download speeds. According to these maps, 99.9 % of the dwellings in Belgium today have access to a fixed 1Mbit/s connection. As far as high speed (30 Mbit/s) is concerned, Belgium has an estimated coverage percentage of 93.5 % of the dwellings and for very high speed (100 Mbit/s) the estimated coverage rate is of 91.1 % of the dwellings.

2.34. QUALITY BAROMETER

In 2008, then in 2015, BIPT adopted decisions imposing on operators providing fixed and mobile telecommunications services the obligation to publish certain quality indicators on their own websites. In its decision of 15 July 2015, BIPT selected nine indicators considered as particularly useful and relevant.

In 2016, BIPT and the operators cooperated to reach a common definition of the indicators, in order to perform the measurements in an objective manner. Based on the operators' information, BIPT audited their measurement systems in order to ensure that the communicated results were effectively honest, objective and compliant with the definition of the indicators. On 13 October 2016, BIPT published its quality barometer online, allowing an easy comparison between operators according to eight aspects: compliance with the announced deadline, complaints about the initial functioning, percentage of failures and malfunctions, repair time for failures or malfunctions, response time of the operator's customer assistance services, percentage of problems solved after a single contact, complaints concerning billing and mobile networks coverage.

2.35. MEASURING THE QUALITY OF MOBILE NETWORKS

BIPT reflected on the way to measure the quality of mobile networks user experience. Indeed, project Atlas provides information on the availability of a mobile network, but the coverage alone does not inform the user of the qualitative characteristics of mobile networks. Three measurement methods of service quality are conceivable:

1. maps of coverage prediction (it is more the service availability that is measured than its quality),
2. drive tests (which measure the quality of the experience in the user's environment),
3. measurements realised in crowdsourcing, based on the participation of the users themselves. BIPT met with the operators in order to determine a common approach on the way to carry out the measurements.

BIPT decided then to prepare the publication of separate maps per service (voice and SMS or data) with possibly several levels of coverage (very good, good or limited), to launch a drive tests project on a national scale with a common measuring method and to launch a crowdsourcing application in order to measure the coverage of white spots.

2.36. FACILITATING CHANGING OPERATORS OR PROVIDERS OF FIXED SERVICES: TELEPHONE, INTERNET AND/OR TELEVISION ("EASY SWITCH" PROJECT)

Early 2016, BIPT hosted an interoperator working group in order to create and to agree between them on processes and communications vital to a simple, predictable, rapid and synchronised process in case of a change of fixed operator or operator offering a bundled offer. This was prescribed in the summary report of the work done in the "Easy Switch" project of 10 March 2015. On 9 March 2016, the working group issued a document receiving variable support from a series of operators. After consulting the private office of the Minister for Telecommunications, BIPT proceeded then to the drafting of a draft final regulation, which includes some elements of the working group's document. This evolved in a draft Royal Decree and a draft ministerial order submitted by BIPT to the private office of the Minister for Telecommunications at mid-May 2016. The Royal Decree was promulgated on 6 September 2016 and published in the Belgian Official Journal of 22 September 2016. The operators have analysed the document in order to prepare their teams (IT, sales,...) in view of its entry into force for 1 July 2017.

2.37. REFORM OF THE GEOGRAPHICAL ELEMENT²⁹ OF THE UNIVERSAL TELECOM SERVICE

In 2015, BIPT pleaded in favour of the introduction of a designation system by stage of the provider of the geographical element concerning electronic communications across the whole territory. There would only be a designation if, in one or more determined geographical areas, the fixed geographical element of the universal service is not adequately provided to anyone reasonably requesting it or if there is such a risk. According to this system, the designation would be limited to these areas. At the same time, a reform of the technical requirements was needed. BIPT included its proposals in a draft bill, which was submitted to the strategic cell of the private office of Minister De Croo.

2.38. ENHANCEMENT OF THE USER-FRIENDLINESS OF THE RADIO INTERFACES SECTION ON THE WEBSITE

By the end of April 2016, BIPT introduced on its website a presentation mode of radio interfaces, improving accessibility to information, through a more efficient redistribution and categorisation of the large amount of information. The layout has been reviewed in order to present existing documents in a more synoptic manner, to give visitors an easier access to the document they are looking for.

2.39. QUALITATIVE ADAPTATIONS OF BIPT'S WEBSITE

BIPT worked on its website in order to improve the quality of the user's experience. Several items have been taken into account:

- Performances were slightly improved by increasing the memory of the web server; at the same time, an impact study on the performance of the software components update on the web server was conducted;
- The replacement of the search engine by another solution was impossible due to its integration level in the website;
- The compliance of the website with the requirements of the AnySurfer label has not started. AnySurfer first performed a diagnosis of the failings. The compliance possibilities were then analysed. It was found that BIPT

²⁹ Article 70, § 1 of the ECA lays down that: "The fixed geographical element of the universal service consists in the provision across the whole territory, to anyone reasonably requesting it, independently of their geographical location, 1° of the basic public telephone service at a fixed location, as defined in the annex, 2° of a connection to a public communication network at a fixed location allowing end-users a) to make and receive local, national and international telephone calls, b) to exchange facsimile communications and data communications, c) to have a functional Internet access, d) to have the possibility, in the event of non-payment of the telephone bill, of being called by another subscriber, with the exclusion of reversed charge calls, and the possibility to make emergency calls, e) to have a technical assistance service meeting the specifications set in Article 116, paragraph 2." (free translation).



did not own the necessary resources internally to adapt its website by itself. Moreover, designing a new website is the best way to get the label. By the end of 2016, the "Usability" cell of Smals was commissioned to draft a list of useful recommendations for the future.

2.40. DEVELOPMENT OF ELECTRONIC FORMS FOR LICENCE APPLICATIONS FOR PRIVATE RADIO COMMUNICATIONS

In 2016, BIPT renewed the forms to request licences for private radio communications. Until then, many of these forms had to be filled in by customers, then sent back to BIPT which encoded the information manually. This time and resources consuming process could perpetuate or even create errors. In the course of 2016, the application forms were replaced by electronic versions to fill in and sign electronically.

2.41. SECURING ACCESS TO THE AUTOMATED VERSION OF SOCIAL TARIFFS

Put into production in 2015, the more automated version of the social tariffs computer application (STTS) consults, via the Crossroads Bank for Social Security (CBSS), several authentic sources of data concerning handicap or revenues. This allows to inform more directly the operator examining the request of a customer whether or not the latter meets the requirements to benefit from a discount. In order to comply with the requirements of the CBSS on the identification of the people requesting such a discount, it was necessary to improve access security. In 2016, BIPT coordinated the activities of the CBSS and Smals in this perspective, but the completion of the project has been postponed to 2017.

2.42. PUBLICATION OF PRACTICAL AND COMPREHENSIVE INFORMATION ON FREQUENCIES THAT MAY BE USED WITHOUT LICENCE

According to their specific usage, certain frequency bands are licence-exempt. However, some bands allow different usages; for instance, the 2.4 GHz band is dedicated to Wi-Fi but also to control scale models remotely. Generally, the information on the national frequency table or in the various interfaces are not clear enough for the public at large. BIPT strives then to provide comprehensive information on the used frequencies and on the (un)authorised equipment. In 2016, a database was created and the access interface was finalised.

2.43. POSTAL SECTOR: MONITORING THE OBSERVANCE OF THE REGULATORY FRAMEWORK

In application of the postal regulatory framework, BIPT must fulfil a number of obligations every year:

- monitoring the observance of delivery times by bpost;
- certification of the analytical accounts of bpost;
- monitoring the observance of their obligations by holders of a licence allowing the delivery of items of correspondence;
- report on the observance of their obligations by postal service providers.

Delivery times were the object of the decision of 10 October 2016: as the legal quality standard for the delivery of domestic priority single piece mail was not observed in 2015, BIPT imposed for the first time a corrective measure to bpost in the form of a mandatory investment in order to improve quality. The operator reacted by submitting a project, examined by BIPT before approval via its opinion of 13 December 2016.

Discussions with bpost about the classification of specific products (as a commercial service, public service or universal service) slowed down the adoption of the decision on the accounting separation of the analytical accounts of bpost.

On 21 October 2016, BIPT adopted a communication on the monitoring of the postal service providers.

On 5 December, BIPT published its report regarding the monitoring of TBC-Post's observance of its licence conditions after three years of activity.

2.44. POSTAL SECTOR: STUDY ON CUSTOMER SATISFACTION AND REVIEW OF THE CUSTOMER SATISFACTION SURVEY

Every three years (2006, 2009, 2013), BIPT conducts a survey on the postal customer's perception, behaviour and wishes. The report on the survey could not be published before end 2016 and will be the subject of a communication early 2017.

On 30 November 2016, the Opinion of the BIPT Council on the 2015 improvement plan and the 2016 action plan following the customer satisfaction survey for the year 2015 was published. BIPT noted that bpost realised measurements to assess the satisfaction of its customers. The improvement programme of bpost has produced encouraging results and some indicators have reached very high scores. However, there are still areas for improvement and, generally speaking, BIPT suggests bpost to improve in priority the indicators with a score inferior to 80 % (this concerns for instance the accessibility of post offices and the convenience of receiving a registered item).

2.45. MONITORING OF AMORTISATION SCHEDULES (IN CASE OF JOINT SALE)

Article 108, § 1, of the ECA requires operators to join an amortisation schedule to the contract in case of a joint sale including a subscription and a discounted device (smartphone, tablet, TV, ...) so that, in the event of an early termination of the contract, the consumer knows exactly the outstanding amount to pay the operator. In 2016, BIPT conducted monitoring operations: do these schedules exist? Are they attached to the contract? Does the content (duration, straight-line basis) comply with the law? Does the preset value of the device match with its market value? All the operators providing this type of offers have been monitored. BIPT noticed that, in the visited points of sale, the amortisation schedules were present in most cases. The legal duration of 24 months was not exceeded and the straight-line basis (the same amount is deducted each month) was respected. In some cases, the preset value of the device turned out to be rather high. However, we cannot conclude that these relatively high prices and amortisation amounts could prevent customers from switching to another operator. As a consequence, BIPT concluded after the monitoring that the legislation is observed.

2.46. MONITORING THE PUBLICATION OF INFORMATION SHEETS AND THEIR CONTENT

In 2016, BIPT monitored the respect of the Royal Decree of 15 December 2013 determining the content of the information sheets, referred to in Articles 111, § 2, of the ECA and 5, § 2, of the Act of 15 May 2007. The operators must provide the consumers with a comparable, comprehensive and up-to-date sheet per tariff plan, wherever operators provide services, for instance in their commercial premises or on their online sale platform. The sheets of 31 operators were reviewed in January and February. The few imperfections that were noticed, were omissions and were quickly remedied. In April and May, the availability of sheets in the points of sale of five major operators were also monitored. Three of the five operators did not sufficiently conform with the obligations and were notified in writing in this respect. In 2017, BIPT will ensure that they fully comply with the obligations.

2.47. PUBLICATION OF THE CONSUMERS' ACTUAL CONSUMPTION

Despite its decision of 14 October 2009 concerning the provision of information to enable consumers to make an independent evaluation of the cost of alternative usage patterns, BIPT has noticed that consumers were rarely well informed regarding their actual consumption of fixed and mobile telephony, and Internet. The developments of the ECA and the expansion of possibilities of the tariff simulator call for a total replacement of the 2009 decision. Adopted on 16 August 2016, the new decision requires operators to give end-users the necessary information about their actual consumption. Consumers will then be able to use this information on their usage profiles to consult the tariff simulator. To that end, operators must provide information on a continuous reference period of 3 months in an accessible, clear and directly usable way (to avoid consumers doing a recalculation).

2.48. IMPACT STUDY ON CONSUMER PROTECTION RULES

In 2016, BIPT conducted a study listing the provisions protecting consumers in the legislation and the regulation on electronic communications. The actual impact of these measures on consumers has been reviewed, as well as the costs borne by the sector and the work of the regulator. BIPT could then list the recommendations to the interested parties: the legislator, the operators and the consumers. This document will be finalised and published in 2017.

2.49. REFORM OF SOCIAL TARIFFS

Following the judgement of the Court of Justice of the European Union of 11 June 2015, the Constitutional Court confirmed in its judgement of 3 February 2016 (judgement No 15/2016) that special tariffs and the financing rules provided for in the Universal Service Directive applied only to the universal services cited in the directive. This directly excludes the mobile communications services from the scope of the universal service and rejects funding social reductions on mobile telephony and mobile Internet via a compensation fund financed by operators. The legislative activities to modify the ECA went on in 2016.



2.50. ADAPTATION OF BIPT COUNCIL DECISION OF 28 MARCH 2013 CONCERNING THE PUBLICATION BY OPERATORS OF INFORMATION ON PRODUCTS AND SERVICES FOR DISABLED USERS

The 2014 survey on accessibility of the web pages of operators for disabled people as well as a round-table with organisations for people with disabilities in 2015 showed that the accessibility of web pages within the meaning of BIPT's decision fell short, but also that organisations for people with disabilities insisted that the websites of the operators (at least concerning the important information for consumers (tariffs, promotions, general terms and conditions, etc.) should be made accessible to disabled people. Given the conclusion of the analyses made during the qualitative adaptations of its own website (see below), BIPT has logically decided to put this project on hold.

2.51. MONITORING THE 070 NUMBERS

Since 1 July 2015, the operators are now obliged to send a warning message regarding the tariff applied to calls to 070 numbers. In 2016, BIPT monitored the respect of this obligation among eight operators with active 070 numbers on their networks. With two exceptions, all the reviewed 070 numbers contained a preliminary tariff message. In terms of content, all the messages did not always comply with the prescriptions, for instance: no announcement that a fee applies to the call after the beep, no warning concerning the fact that an extra fee will be charged in case of calls from abroad, etc. BIPT informed the operators of these failures and will ensure that the messages will be sent correctly as of 2017.

2.52. PRICE MONITORING OF PRODUCTS BELONGING TO THE UNIVERSAL POSTAL SERVICE

BIPT monitored the observance of tariff principles that apply to the universal service via an ex ante monitoring of the "small user basket"³⁰ for the 2017 tariffs (via a price cap system) and a monitoring of the general tariff principles (affordability, transparency, uniformity, non-discrimination, cost orientation). The discussions with bpost took more time than expected, the draft decision on the application of a price cap and the legal provisions for the small users tariffs could not be finalised before the end of 2016. Bpost has not been authorised to increase said tariffs in 2017, pending the closure of that procedure.

³⁰ The small user basket is composed of following services: domestic priority single piece mail; domestic non priority single piece mail; domestic single piece registered items; domestic single piece parcels; incoming cross-border priority single piece letter post.

Guaranteeing network security and protecting critical infrastructures has never seemed so necessary given the events that took place in 2016. BIPT assists in the resolution of the issues arising in that domain by closely collaborating with the sectors operators and all the relevant government services.

2.53. NOTIFICATION OF SECURITY INCIDENTS

The ECA requires the undertakings providing public electronic communications networks or publicly available electronic communications services to immediately notify BIPT of a breach of security or loss of integrity that has a significant impact on the operation of networks or services. The Decision of the BIPT Council of 1 April 2014 that lays down the circumstances in which such a notification is required as well as the way it is expected to be done was being revised. A draft decision replacing the decision of 1 April 2014 has been prepared. Due to the events of 22 March 2016 and the consecutive missions BIPT had to complete, adjustments have been made to the document.

BIPT attended the meeting of the "Article 13bis" working group (Directive 2009/140/EC of the European Parliament and the Council of 25 November 2009) which aims to exchange good practices between the regulatory bodies concerning network security. The annual communication of security incidents to the Commission (by way of ENISA³¹) was also fulfilled.

2.54. DETERMINATION AND DESCRIPTION OF THE MINIMUM REQUIRED MEASURES TO SAFEGUARD THE SECURITY OF NETWORKS AND SERVICES AS WELL AS THAT OF THE PERSONAL DATA PROCESSED WITHIN THE FRAMEWORK OF THOSE SERVICES AND NETWORKS

The undertakings that provide public electronic communications services and networks must take technical and organisational measures to safeguard the security of those networks and services, as well as that of the personal data that are treated within the framework of those services and networks. Before the events of 22 March 2016, BIPT intended to specify a minimum set of measures in order to ensure a harmonised execution of these obligations by the relevant undertakings. Then, the problems brought to light by the terrorist attacks changed the orientation of the ongoing analysis towards possible solutions to the weaknesses that have been exposed. During the second semester 2016, discussion on the transposition of the EU directive "NIS"³² showed that consulting the other economic sectors will be necessary in view of the divergent visions and approaches.

³¹ European Network and Information Security Agency.

³² Directive (EU) 2016/1148 of the European Parliament and of the Council of 6 July 2016 concerning measures for a high common level of security of network and information systems across the Union.

2.55. ELECTRICITY SWITCH-OFF - SERVICE CONTINUITY IN TERMS OF TELECOMMUNICATIONS

The large-scale National Electricity Shortage Emergency Plan of the FPS Internal affairs provides that power cuts should happen by fragmentation in rotating geographical areas. Such measures can have a significant impact on the service continuity of electronic communications. A working group has been set up including BIPT, the sector and the other authorities concerned. They focus their efforts on the mobile networks and services (of which the terminal equipment are the least dependent on power cuts) and particularly on the accessibility of emergency services for the first areas without power. In the course of the year, as the situation is deemed not much critical by the high-voltage electricity transmission system operator, the analyses regarding the electricity switch-off of several sections have been postponed, while operators were asked to provide information. The final report should be finalised in 2017.

In 2016, BIPT took actions concerning its internal improvement for a better effectiveness and efficiency. Since its creation, BIPT has the ambition to be and remain an attractive and rewarding employer. It strives to achieve its objectives in different ways, as shown by following paragraphs.

2.56. INTERNAL OPERATIONAL PLAN

BIPT endeavours to be an effective and efficient organisation, and to remain an attractive employer. Several projects³³ to improve its own organisation were brought together in an internal operational plan. By the end of 2016, 69 % of the KPIs³⁴ had been achieved.

2.57. EFFICIENT COMMUNICATION WITH ALL STAKEHOLDERS

Throughout the year, the Communication Department of BIPT endeavoured to ensure a good communication concerning the Institute's activity with stakeholders via the strategic plan, the operational plan and the annual report.

2.58. FOLLOWING-UP THE EXECUTION OF THE 2016 OPERATIONAL PLAN

After each quarter, the execution of the different objectives of the operational plan was evaluated by the relevant services and was the subject of a report, submitted each quarter to the Council. After the first and the third quarters, the evaluation of the operational plan was presented to all BIPT's personnel. Information was sent to the Consultative Committee on Telecommunications each quarter. A meeting with the stakeholders was organised to present the evaluation of the project fiches which constitute the 2016 operational plan.

³³ Those projects contribute to improving the organisation's efficiency. On the one hand there is the introduction of Business Planning Management and Notification (BPMN), the improvement of the processes by means of internal monitoring and governance, IT activities and on the other hand, also promoting well-being and the development of the co-workers, or contributing to the Institute's sustainability.

³⁴ Key Performance Indicators, they allow to evaluate the achievement of targeted results.

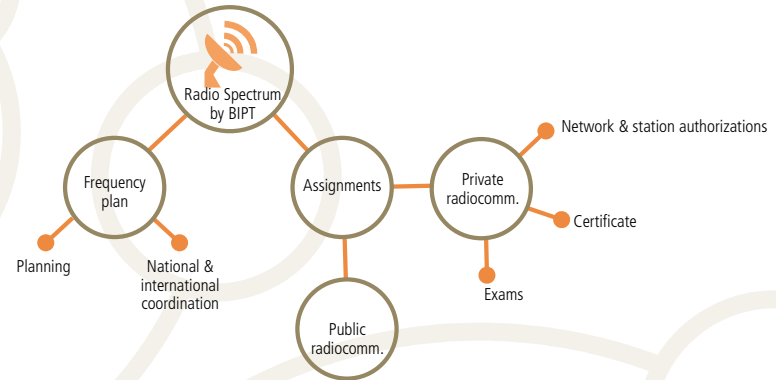






3.1. ELECTROMAGNETIC SPECTRUM MANAGEMENT, LICENCES AND FREQUENCIES

The management and the monitoring of the radio spectrum fall within the brief of BIPT. BIPT then assigns and grants frequencies to “radio users”, whether via licences for the use of private radio communications or user rights for public radio communications (i.e. for operators).



The granting of licences for the use of private radio communications is divided into three ranges of activities relating to the authorisation of stations and networks, the certificates to use certain stations and the qualifying examinations to use certain stations.

3.1.1. Frequency management

This task encompasses both the daily management of frequency assignments and coordinations, and the long-term policy on frequency plans and readjustments.

The main achievements of the Frequency Management Department within the Assignments Department in 2016 are the following:

| | |
|--|------------|
| Number of files dealt with for mobile services (HCM Agreement) - Number of coordinations | 2016 |
| Coordinations asked by Belgium | 118 |
| Incoming coordinations from France | 332 |
| Incoming coordinations from the Netherlands | 28 |
| Incoming coordinations from Germany | 45 |
| Incoming coordinations from Luxembourg | 0 |
| Incoming coordinations from the United Kingdom | 48 |
| Total | 571 |

3

REPORT ON THE OPERATIONAL
FACTS OF THE OPERATIONAL
SERVICES

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

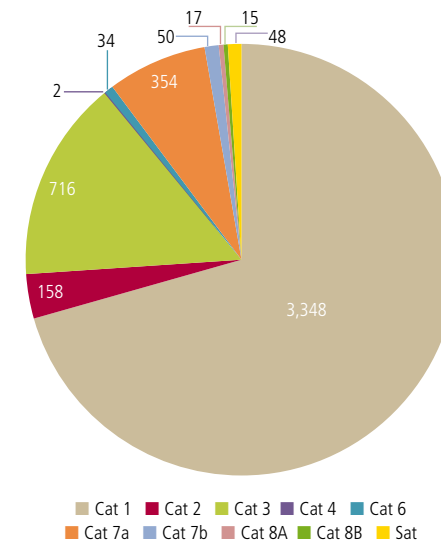
This cell is also responsible for coordinating frequencies for satellite links (ground stations, satellite communication networks, etc.) and radio relay links as well as for the correspondence with the ITU Radio communications Office.

3.1.2. Licences for private radio communications networks and individual stations

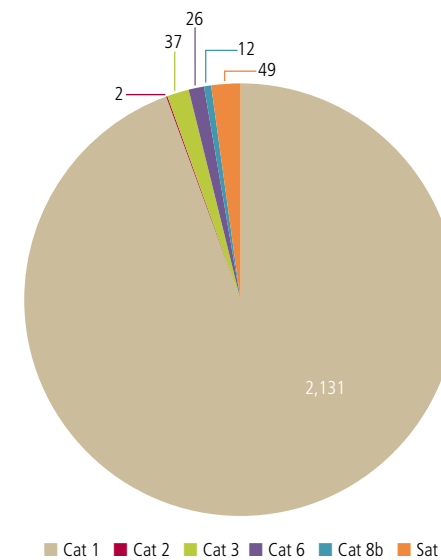
The following table includes the total number of licences granted on 31 December 2016 in the different categories of individual stations or private radio communications networks, as listed in the Royal Decree of 18 December 2009 on private radio communications and user rights for fixed networks and trunk networks, as well as licences issued by virtue of the Royal Decree of 16 April 1998 concerning ground satellite stations.

| Number of licences for private radio communications networks and individual stations | | Permanent | Temporary |
|--|--|-----------|-----------|
| 1st category | Private mobile networks | 3,348 | 2,131 |
| 2nd category | Fixed networks (radio-relay links) | 158 | 2 |
| 3rd category | Mobile radio communications networks established by public bodies for medical and social aid | 716 | 37 |
| 4th category | Jammers installed in penal institutions | 2 | 0 |
| 6th category | Other radio communications networks (radars, demonstrations, tests...) | 34 | 26 |
| 7th A category | General holder's licences | 354 | 0 |
| 7th B category | Individual holder's licences | 50 | 0 |
| 8th A category | Fixed networks established by operators | 17 | 0 |
| 8th B category | Trunk networks | 17 | 0 |
| Satellites | Satellite networks | 48 | 49 |

Permanent professional authorisations

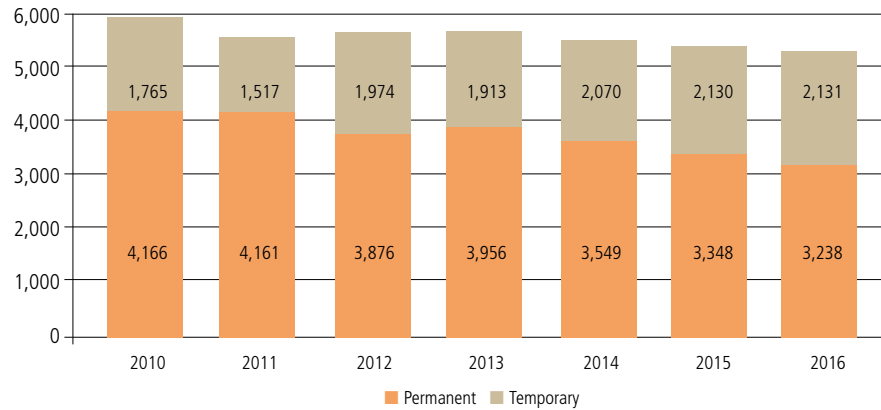


Temporary professional authorisations



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

Authorisations of the first category



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

Authorisations of the third category



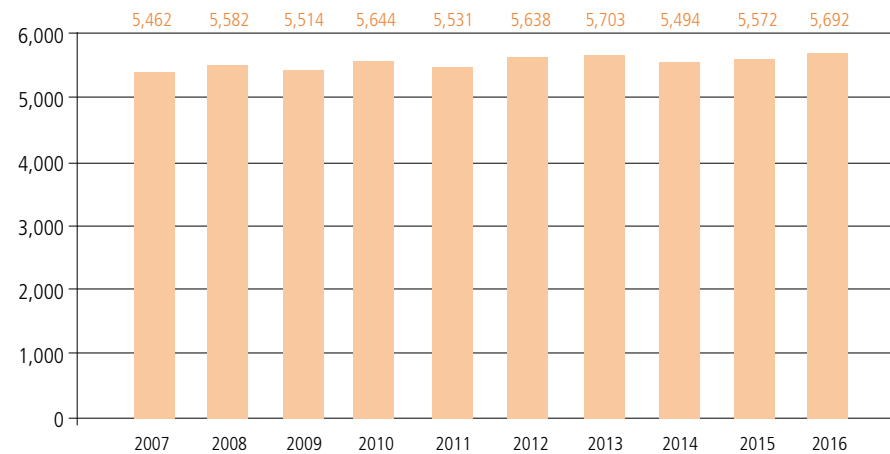
On the other hand, the number of temporary licences is increasing; more and more people who used their mobile phone during events find out that it is easier to have direct communications via walkies-talkies type solutions.

3.1.3. Radio amateurs (5th category)

For radio amateurs, the 5,692 licences consist of 5,556 licences for private individuals or radio-clubs and 136 licences for automatic stations without staff.

23 temporary authorisations for special call signs have been delivered by BIPT, allowing radio amateurs associations to celebrate various events. As a reminder, in 2014, radio amateurs had been allowed to replace the ON prefix of their call sign by the OP prefix during each November until 2018 in commemoration of the First World War. The number of radio amateurs remains rather stable, radio amateurs ceasing their activity being replaced by new people having passed the examinations.

Authorisations of the 5th category



3.1.4. Test authorisations

Test authorisations were granted to 3Starsnet, Orange Belgium, Proximus and Telenet Group for LTE and 4G tests.

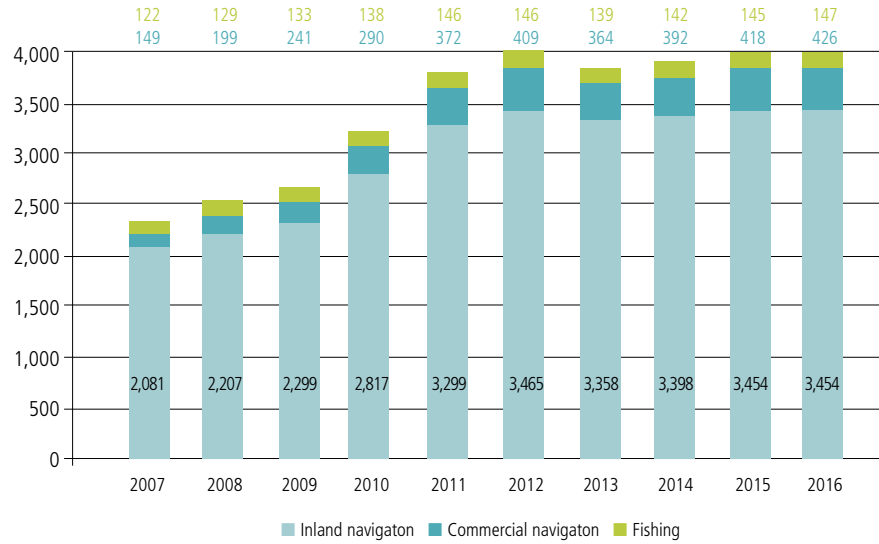
As for 5G, authorisations were granted to Ericsson and Proximus.

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

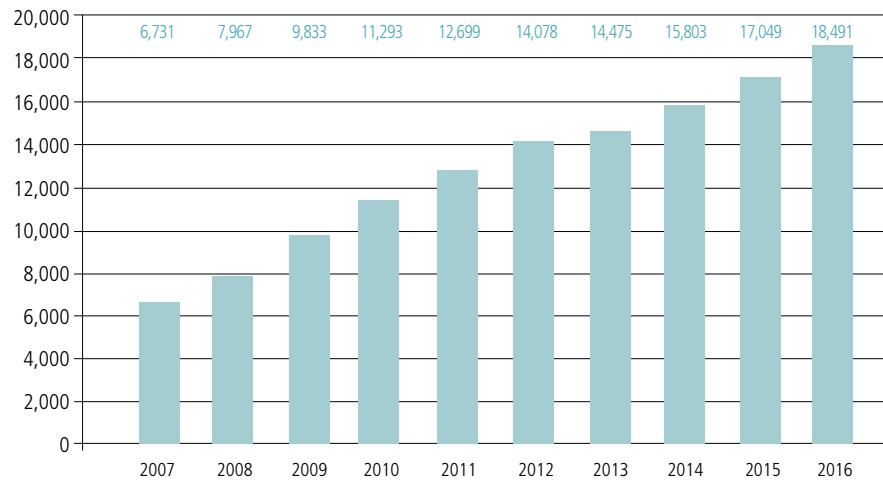
3.1.5. Maritime licences

In 2016, the total number of ship station licences amounted to 22,518, distributed among 18,491 yachts, 3,454 commercial inland navigation vessels, 426 ocean-going ships and 147 fishing boats.

Professional maritime licences



Pleasure sailing

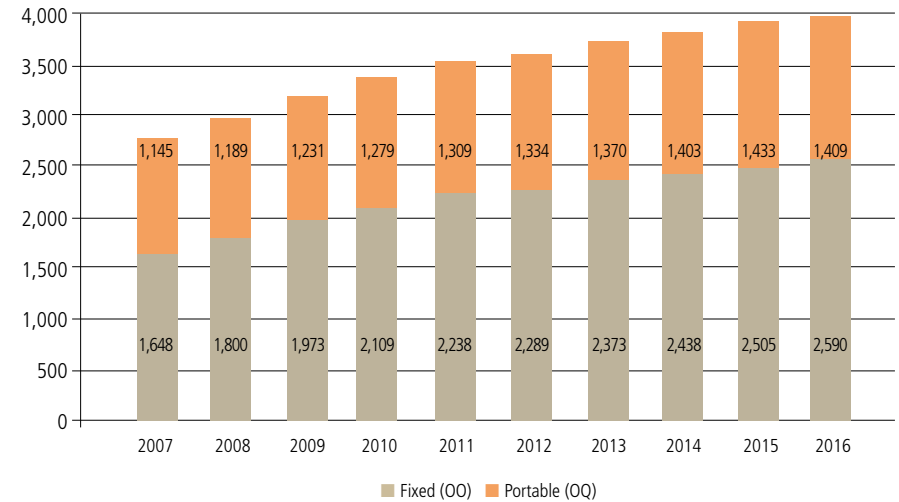


The continued rise of the number of ships is mainly due to the increased number of foreign people who choose to sail under the Belgian flag.

3.1.6. Aeronautical licences

Currently, 3,999 licences for aeronautical stations are managed by BIPT: 2,590 for installations on board aircraft and 1,409 for portable stations. The decline in the number of portable licences can be explained by the new rules on the use of call signs by microlight pilots decreed in collaboration with the Directorate General of Air Transport.

Aeronautical licences



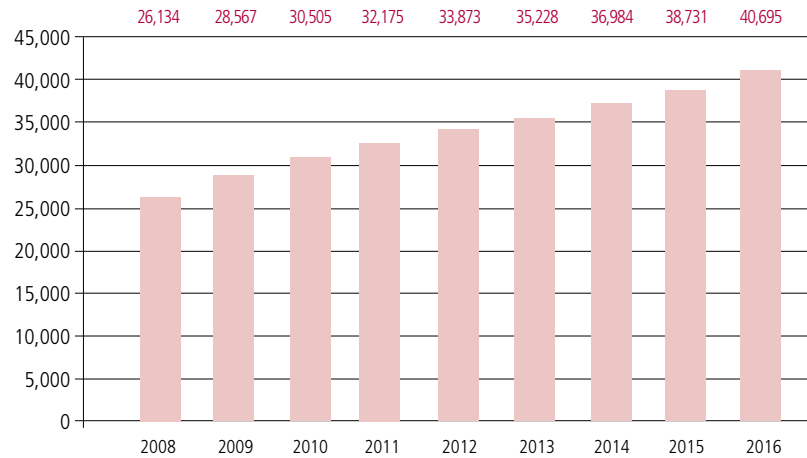
3.1.7. Maritime certificates

In 2016, BIPT issued and renewed a total of 8,078 certificates to use a maritime radio station. Those are divided into 6,632 renewals and 1,964 new certificates.

40,695 persons currently hold a certificate to use a ship station.



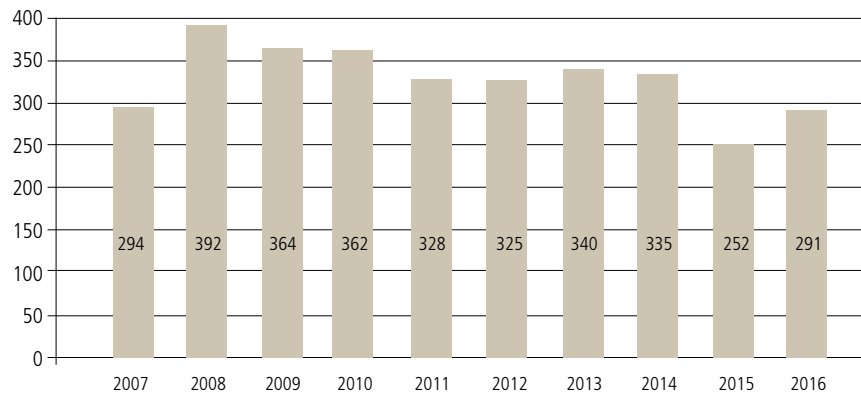
Evolution of the number of operator certificates



3.1.8. Aeronautics

In 2016, BIPT issued 292 certificates for the use of an aircraft station on the basis of examinations organised by the FPS Mobility and Transport or the Belgian Air Force.

Aeronautical licences



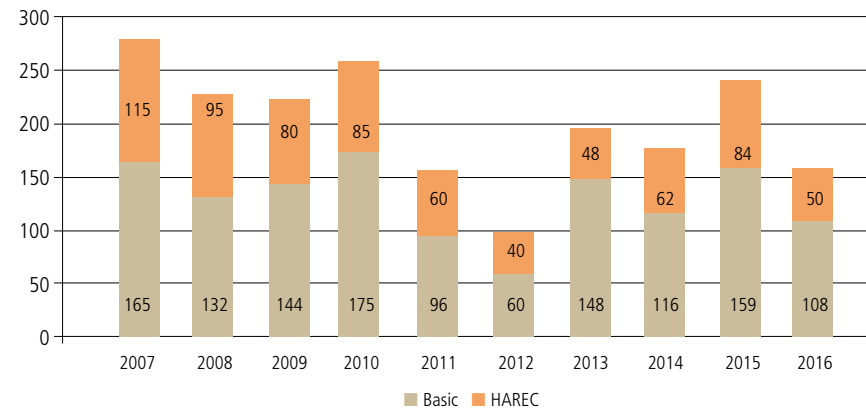
In 2016, 7,812 persons held a certificate to use an aircraft station.

3.1.9. Radio amateur examinations

In 2016, the number of registrations for the examination allowing to obtain a basic certificate amounted to 108 and there was a 77.78 % success rate. There were 50 candidates who took the HAREC exam ("Harmonised Amateur Radio Examination Certificate"). There was a 58 % success rate.

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

Radio amateur examinators



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

3.1.10. Examinations for maritime radio communications

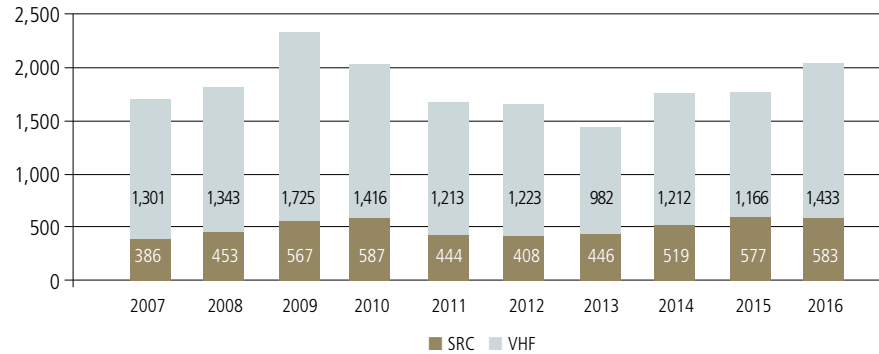
VHF and SRC (Short Range Certificate) examinations

In 2016, the VHF exam attracted 1,433 candidates, 1,310 of whom passed. 583 candidates took the SRC exam, with a 88.85 % success rate.

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

3.2. MANAGEMENT OF ELECTRONIC COMMUNICATIONS SERVICES OPERATORS

VHF and SRC examinatons

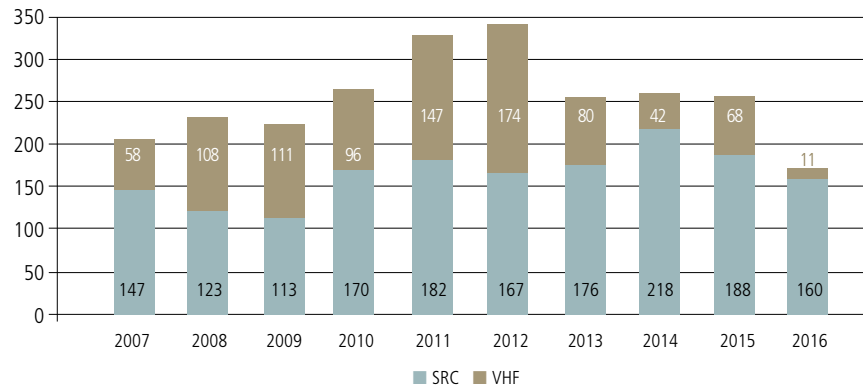


The drop in the number of candidates for the VHF exam and the increase for the SRC exam is due to the fact that more and more amateur yachtsmen at sea want to equip their ship with rescue devices linked to the GMDSS system (VHF-DSC, EPIRB etc.).

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

Concerning the GOC and ROC examinations, the number of candidates in 2016 respectively amounted to 160 candidates, 132 of whom were successful, and to 11 candidates, 4 of whom were successful.

GOC and ROC exams



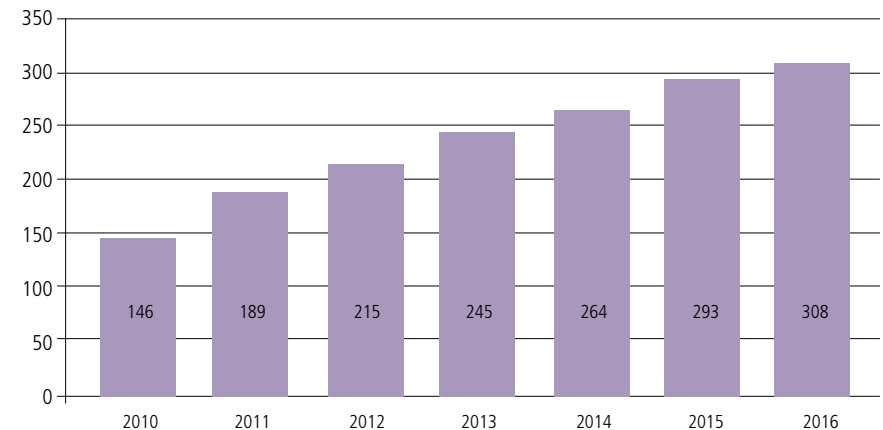
The constant decline in the number of candidates for the ROC exam is due to the low difference in complexity between the GOC and ROC exams, which incites candidates for navigation at sea to take the GOC exam.

Several operational services of BIPT are exclusively dedicated to operators and focus for instance (1) on the notification and the quality of the operator, (2) on sharing the radio sites, and (3) on the addressing, essentially in terms of numbering.

Notifications and quality of the operator

Since the entry into force on 1 January 2014 of the decree of 25 April 2013 amending the decree of 7 March 2007 on the notification of electronic communications services and networks, there is no more distinction between an operator providing a public telephone service and a voice service. These two notions have been replaced by the concept of "electronic communications service". Tariffs have been adapted and divided into groups according to the turnover generated from electronic communications. A bundled notification regarding several services or networks has been submitted.

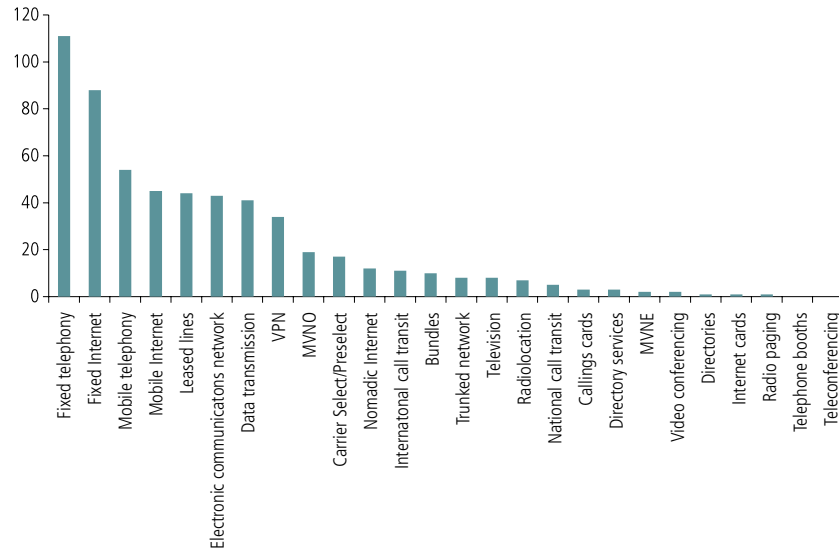
Evolution of the number of electronic communications operators



In 2016, there were 43 new operators, 192 modifications and withdrawals.



Services provided and number of operators providing those services



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

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

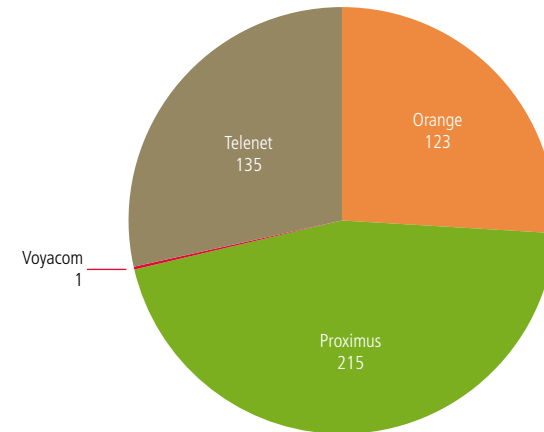
Both mobile and fixed data transmission are on the move; indeed, nowadays, all online content is accessible from a fixed access point and while travelling. The emergence of new dynamics in the production and hosting of content, and the roll-out of new-generation networks (3G, 4G) strongly favour that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

Finally, we observe the increasing importance of MVNOs (virtual operators).

3.3. SHARED USE OF ANTENNA SITES

Measures have been taken in order to prevent the construction of more antenna sites than necessary. Article 26 of the ECA provides a mandatory consultation via a Letter Of Intention (LOI). Before applying for an urban planning permit, each operator has to enquire about the other operators' interests in a common usage of a site. These operators are free to join the project or not. A report of this consultation is sent to the participating operators in electronic form within one month. The ASBL RISS³⁵ (www.riss.be) monitors then the practical realisation and the coordination of the exchange of information between the operators involved. The overview below shows the number of consultations submitted in 2016. In case of a positive answer, an antenna site is shared by two or more operators.

Number of LOIs submitted per operator



BIPT's website displays the deployment of antenna sites (www.sites.ibpt.be). The status of each site (permit application / operational) is updated monthly.

³⁵ Radio Infrastructure Site Sharing.


3.4. INSPECTIONS ENSURING AN INTERFERENCE-FREE SPECTRUM

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

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

| NCS interventions - Cases created between 1 January and 31 December 2016 | |
|--|-------|
| Interference cases | 392 |
| Preventive checks of professional users | 1,080 |
| Number of major events inspected (concerts, sporting events...) | 53 |
| Check of broadcasts (local radios) | 10 |

3.4.1. Monitoring the market of radio equipment and telecommunications terminal equipment

 Radio equipment and telecommunications terminal equipment can only be put on the market if they are in line with the European Directive 1999/5/EC of the European Parliament and the Council of 9 March 1999 on radio equipment and telecommunications terminal equipment and the mutual recognition of their conformity (R&TTE directive). According to this directive, the appropriate CE marking has to be affixed on all radio equipment and telecommunication terminal equipment, on their packaging as well as on the accompanying documents. The CE marking always consists at least of the letters CE.

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

3.4.2. Market monitoring

In 2016, 497 monitoring visits were made, mainly in stores and several public contracts were examined as well. About ten exhibitions were visited to discover new trends and to take this opportunity to inform exhibitors in time. It was sometimes necessary to take repressive measures, as shown by the seizures described in the table below.

| Equipment seized or refused during checks in 2016 | |
|---|---------------|
| Bluetooth applications | 8,197 |
| Smartwatches | 2,020 |
| Remote controls | 1,613 |
| Professional transmitters/receivers | 480 |
| Radio controlled toys | 471 |
| GSM apps (smartphones / trackers / tablets) | 427 |
| Drones | 99 |
| Repeaters | 25 |
| Radar detectors | 18 |
| Jammers ³⁶ | 14 |
| Other | 1,643 |
| TOTAL | 15,007 |

10,370 non-compliant radio devices were refused entry into Europe. Postal items containing radio equipment are also frequently checked: in 2016, 151 visits were made at customs services. Many of the items inspected contain devices bought on the Internet – directly from the manufacturer or via auction websites. In many cases the equipment does not comply with the legal requirements and is seized. The fact that numerous devices not bearing the CE mark (such as GSM devices or tablets) are proposed through these auction sites remains of major concern.

A report shall be drawn up for each violation found. In 2016, 473 initial reports were made. Since 13 June 2016, products can be put on the market under the scheme of the RED directive³⁷ (Radio Equipment Directive), which replaces the directive R&TTE 1999/5/EC. A transitional period is foreseen until 12 June 2017 for radio equipment. In the course of 2016, the agents tasked with the market surveillance did not notice products marketed under this directive.

³⁶ Jammers do not comply with the European regulation and, as a consequence, cannot bear any CE marking. In Belgium, importing, marketing, holding or using them is prohibited.

³⁷ 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.



3.5. OPERATIONAL MANAGEMENT OF THE NUMBERING PLAN

BIPT manages the numbering space, which includes tasks such as the allocation, reservation, withdrawal, transfer and monitoring of the use of the numbering capacity (monitoring policy). The Institute always intervenes in case of inappropriate use. In 2016, 4,096 number blocks were assigned. There were 35 allocations, 16 modifications, 205 reservations and 8 withdrawals.

Monitoring of DNS Belgium

BIPT fulfilled its task of monitoring DNS Belgium, the registry office for “.be” Internet domain names. DNS Belgium has accepted to follow the 2016 BIPT’s recommendations on the tariff increase. In 2017, the wholesale prices will remain the same as in 2016. BIPT carried out a study of its potential role of sectoral lead for the digital infrastructure sector³⁸ within the framework of the Directive 2016/1148 of 6 July 2016 concerning measures for a high common level of security of network and information systems across the Union.

³⁸ Registers, registration agents and Internet exchange points.





4

REPORT OF THE HORIZONTAL DEPARTMENTS

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

4.1. THE REGISTRY

The Registry includes the Council Secretariat, which assists the Council as a college, the Delivery Department, which processes the incoming and outgoing mail, and the Organisation Management/Internal Monitoring Department, which is responsible for the organisational management, the coordination of the implementation of the internal monitoring and of the process management. In 2016, the department worked to simplify and automate in accordance with the strategic axis "administrative efficiency" of the Strategic Plan.

Regarding the simplification, the Registry took part in the LEAN exercise³⁹ and simplified several of its procedures.

Regarding the automation, the Registry, in collaboration with the IT Department among others, continued to take part in the extension and optimisation of the electronic document management system. The department is in charge of proposing, guiding, testing and implementing the adjustments wanted. The department also organised several informative workshops for the system users.

Since the promulgation of the Royal Decree of 19 April 2014 establishing the internal regulations of the BIPT Council, the Registry has been verifying its correct implementation, both as regards operating rules and deadlines for the publication of decisions and opinions.

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

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

Organisation Management and Internal Monitoring

Regarding the internal management, the Registry continued its activities on the cascade strategy, which has been introduced, as much as possible, down to the individual objectives level. The operational goals are efficiently followed up via the quarterly reporting. The result is presented internally to the staff and to the (groups of) stakeholders, such as the Parliament, the Consultative Committee on Telecommunications, the platform telecom operators and the postal sector. Moreover, the Registry publishes directives, tips and tricks on transverse subjects.

³⁹ The "Lean management" theory aims to improve the level of service provision while reducing costs, thanks to efficient process management.

4.3. THE TRANSLATION DEPARTMENT

Regarding the internal monitoring, a maturity analysis was carried out, allowing to identify action items concerning internal monitoring and communication. They will be progressively carried out.

Concerning the "quality" aspects, several departments of BIPT were involved in the first LEAN project, a philosophy that has been communicated internally. The new action plans (like the previous ones) were followed each quarter or semester. The works on the integrity policy and its publication via the Internet continued. In collaboration with different players for integrity, the major integrity risks for the organisation have been considered, and, as far as necessary, short and medium-term action items have been established. In this respect, several services have been analysed and recommendations have been made.

In 2016, regarding organisational management, the focus was put on three important BIPT processes: the procurement process, the management of decisions, opinions and communications, and, finally, the process of customer management and the management of licence applications for radio amateurs. The latter formed the priority axis of 2016: the objective is to standardise the processing of these clients within BIPT, to link client management to authentic sources (National Register and Crossroads Bank for Social Security), as well as to generalise and integrate the application processes in a new computer programme. These activities will be pursued in 2017.

4.2. THE COMMUNICATION DEPARTMENT

In accordance with the strategic axis "Dialogue and communication", BIPT pursued its efforts to ensure a qualitative communication with the stakeholders and the media. Eighteen press releases have been sent and published on the BIPT website and three press conferences have been held to inform the public of BIPT's actions and explain these. Each request for information coming from a journalist has been channelled through the spokesman and treated in as much detail and as quickly as possible. All information needs received by e-mail or telephone have been answered or redirected to the appropriate persons, be it within BIPT or another institution. Always in order to inform the interested parties, BIPT has updated and added new content to its LinkedIn and Twitter accounts, managed by the Communication Department, but also to its website.

If the daily maintenance of the website and the publication of two internal newsletter issues represent a part of the department's efforts in terms of internal communication, in fact, the department works on it throughout the year through the review, the adaptation and the publication of messages of the organisation to its agents.

Thanks to its very specialised know-how built over the years, the Translation Department delivers quality service to the whole organisation. To that end, the department uses among other things a specific module of the electronic document management system to handle translation requests.

Its tasks include:

- Translating multidisciplinary texts (general, economic, legal and technical topics) in four languages (English, French, Dutch and German);
- Quality control: review of the internal and external websites and a considerable number of publications (letters, e-mails or internal notes, press releases, opinions, (market analysis) decisions, consultations...);
- Linguistic advice.

Moreover, the department regularly collaborates with the Communication Department, for instance concerning BIPT's activity on social media.

4.4. THE IT DEPARTMENT

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

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

In 2016, the IT Department supported the following projects:

1. The electronic document management system: launching a study in view of the technical and functional evolution of the tool, such as the simplification of the management, the electronic signature or the archiving;
2. the tariff simulator: the launch of a new public tender with a view to developing the tool further;
3. A CRM⁴⁰ project, which aims to centralise the customers present in the various applications of BIPT, covered the radio amateurs aspects; a study and a major part of the developments took place in 2016;
4. The radio communication licences: the launch of electronic invoicing inside BIPT, the launch of a stickers system to identify the equipment used by our customers.

⁴⁰ CRM: Customer Relationship Management; computer programme focusing on the management of the customer relationship.



4.5. HUMAN RESOURCES, PERSONNEL AND TRAINING DEPARTMENT

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

Recruitments at levels A and C

New employees were hired in 2016; they either had an administrative experience or a technical profile. Three technicians joined the monitoring centres and two engineers joined the NetSec (Network Security) Department. Examinations were organised in order to grant the capacity of criminal investigation officer to BIPT's agents tasked with monitoring. Fourteen technical employees passed the tests; the results were announced in a Royal Decree promulgated on 1 September 2016.

Level A missions

In November 2016, the Council attributed three coordination missions for a duration of four years. These missions do not only meet a functional need in the Assignment, Monitoring and Postal Market Pools and Departments; they also represent opportunities for level A agents to build their careers.

Promotion to level A and level B

The successful candidates of the promotion exams to level A were known in January 2016, and three agents were promoted on 1 April 2016. A promotion exam to the grade of Administrative Head of Department was also organised and the last test took place in December. The first successful candidate will be promoted in the near future, the others will be added to a pool list.

Adaptation of the workforce

On 17 May 2016, the Royal Decree amending the Royal Decree of 27 April 2016 laying down the organisational staff numbers of the Belgian Institute for Postal Services and Telecommunications was published in the Belgian Official Journal. Its main objective is to turn level C or D functions into functions of a higher level. This way BIPT wants to be able to better anticipate competency needs that are becoming more and more specialised and which are required for executing the various tasks of BIPT, as much as possible within the same budgetary cost price.

Well-being

In 2016, several action items that had been defined in 2014 following the satisfaction survey were carried out. Particular attention was paid to the communication on the policy and the general action, for instance via two information sessions where the Council presented the realisations of the operational plan to the personnel. Each quarter, a workshop or a debate with the executive was organised to support them in the exercise of their duties.

Several team building activities were also organised to give expression to the values of BIPT and strengthen interpersonal relations. Finally, a multipurpose room has been fitted in order to relax for a little while, to rest, read a newspaper or a book, or just to have a chat with colleagues.

Training

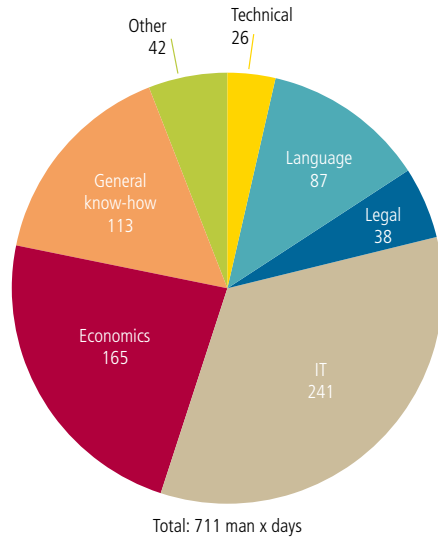
The most significant training actions in 2016 were:

- A big scale training of the personnel to improve its use of Excel (the last trainings on the subject go back to the year 2000);
- An action intended for certain economists and legal co-workers in order to help them develop their knowledge of competition law;
- Some actions within the framework of the development of the department heads' competencies, such as the training on giving and receiving feedback.
- Finally, several workshops were organised, with internal or external speakers, in order to broaden the personnel's general knowledge.

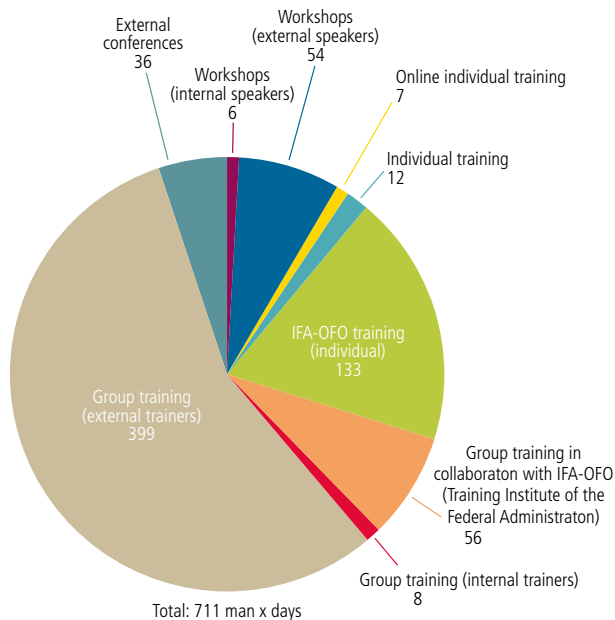
In addition to these activities, the Training Department has always ensured to give the most appropriate answer to each identified training need, whether it concerns a person, a department or a function inside BIPT. Regarding the form, a wide range of training actions has been set up to fulfil those needs. In total, 711 days x persons in training were organised in 2016, which represents 3.2 days x persons per full-time equivalent.

The two charts below show the distribution of the number of days x persons, one according to the training area, and the other according to the type of training action.

Number of equivalent man-days depending on the training domain



Number of equivalent man-days depending on the training action



4.6. INTERNATIONAL RELATIONS DEPARTMENT

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

BIPT as a regulator

The IRG, BEREC and the ERGP

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

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

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

1. proposing a forum for discussion and exchange of ideas and expertise between its members and other experts of the sector;
2. encouraging the consistent application of the European regulatory framework regarding electronic communications networks and services in all Member States, as well as the development and the consolidation of the internal market for electronic communications networks and services in Europe;
3. preparing and publishing documents, reports, presentations, analyses and other studies regarding the evolutions in the sector, the regulation and the strategies;



4. monitoring the application of common opinions by the NRAs in order to promote transparency and ensure the efficiency of the framework for and the permanent development of the best practices regarding regulation;
5. developing, preparing and/or contributing to the documents, reports, analyses and studies;
6. organising an open dialogue between the members, market players and consumers.

BEREC's goal consists in:

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

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

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

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

In 2016, BEREC closely followed the Commission proposals regarding the implementation of "roam like at home" (RLAH⁴¹) from June 2017, according to which extra fees cannot be charged for voice or data traffic, wherever the user is in the European Union.

⁴¹ Through the RLAH mechanism, the customer can use his mobile phone when travelling in an EEA country the same way he uses it in his own country, without roaming fees. However, operators have means to fight against possible abuses.

On 31 August 2016, BEREC published its guidelines regarding net neutrality which will serve as a guide during the review of the concept by the NRAs.

BEREC also continued to closely follow the progress made in the DSM⁴² project, which is one of the ten political priorities of the European Commission. According to BEREC, the major point of the DSM is the review of the regulation regarding electronic communications. On 14 September 2016, the European Commission published its propositions in view of an Electronic Communications Code which brings a new framework, for instance, for the access regulation, the protection of the consumer, the spectrum, the universal service and the institutional framework. In December 2016, BEREC formulated a common high-level opinion on this subject so that the positions and ideas of the European national regulators are taken into account in the continuation of the European decision-making process inside the Council and the Parliament.

ERGP

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

The main tasks of the ERGP are:

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

BIPT participates in five working groups and a task force having worked on the following topics:

1. "*Regulatory accounting and price regulation*";
2. "*Implementation and evolution of the USO*⁴³";
3. "*End-user satisfaction and monitoring of market outcomes*";
4. "*Cross-border parcel delivery for e-commerce purposes*";
5. "*End-to-end competition and access regulation*";
6. "*ERGP Medium Term Strategy*" (Task Force).

⁴² Digital single market.

⁴³ Universal Service Obligation.

BIPT and ANACOM, the Portuguese regulator, together conduct the "End-user satisfaction and monitoring of market outcomes" working group's activities. In 2016, this group published two external ERGP reports: "*ERGP Report on quality of service, consumer protection and complaints*" and "*ERGP Report on core indicators for monitoring the European postal market*". This group has also written and published two Flash reports.

Moreover, BIPT was one of the drivers of the very first "medium term strategy" of the ERGP for the 2017-2019 period. This strategy has been adopted by taking the stakeholders' input into account. In this respect, The ERGP organised a stakeholder workshop on 30 June 2016 in Bulgaria in order to debate on the document with all the interested parties. This stakeholder forum workshop was led by the president of the BIPT Council. It was also possible to give written input.

The medium-term strategy of the ERGP is built on three vertical strategic pillars:

1. Promoting a sustainable universal service;
2. Encouraging a competitive European internal postal market;
3. Involving and protecting end-users.

The strategic pillars reflect the concepts of the postal directive: ensuring a sustainable universal service, contributing to the development of an internal postal market, including the promotion of competition and the protection of end-users.

Moreover, the medium-term strategy of the ERGP also includes a horizontal axis in order to improve the effectiveness and efficiency of the ERGP.

On the basis of the ERGP strategic plan, a 2017 operational plan was submitted for consultation in December 2016. The final version of the 2017 operational plan will be published in 2017.

International activities of BIPT as a representative of the Belgian State

Universal Postal Union (UPU)

BIPT represented Belgium in the Council of Administration of the Universal Postal Union as an observer. In 2016, BIPT continued to focus on the development of the postal regulation within the UPU.

In 2016, BIPT concluded the activities of the working group "UPU reform" formulating, on the one hand, a concrete proposal to adapt the working method of the UPU in order to improve the effectiveness, the efficiency and the transparency of the Union's functioning, and, on the other hand, a concrete proposal modifying the structures of the UPU via a two-step method.

In 2016, the Universal Postal Congress took place, like every four years. The Universal Postal Congress is the supreme authority of the UPU. It gathers the plenipotentiaries of 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 international postal

exchanges. Between two Congresses, the Council of Administration (CA) made up of 41 Member countries and the Postal Operations Council (POC), made up of 40 Member countries, carry on the Union's works.

BIPT carefully prepared the Universal Postal Congress which took place in Istanbul from 20 September to 7 October 2016. This Congress gathered more than 2,000 participants, among whom about fifty Ministers during the ministerial conference.

BIPT played a very active part during the whole event. The Belgian regulator was vice-president of Commission 3 (general policy issues and management of the works of the Union) and had to assist and support South Africa which led this Commission with the management of the issues, for instance, on reforms of the UPU, the Integrated Product Plan (aiming to unify the rules on letters and parcels), and the further opening of the postal union to other postal operators. Moreover, BIPT was also rapporteur concerning the proposals on reforms of the UPU, and was a member of the Congress office, the central body tasked with the daily general coordination of the Congress.

The intervention of BIPT was required to reach a consensus between the regions of the world regarding the reforms of the UPU. After almost a week of negotiations, a final consensus was finally proposed by Turkey, South Africa and Belgium. The compromise concerning the institutional reforms of the UPU regarding the working methods was approved by acclamation during the plenary meeting of 3 October 2016.

BIPT has been elected with a large majority to the Council of Administration and the Postal Operations Council. It will then be able to see to it that the necessary reforms of the UPU are implemented, as approved by the Congress, and will ensure that the interests of Belgium and Europe as a whole are protected.

Finally, Belgium and Kenya have been appointed by the new members of the Council of Administration to ensure the common vice-presidency of the new Commission 2 of the Council of Administration, devoted to "USO, Regulatory Affairs and Postal Regulation".

CERP, European Committee for Postal Regulation

BIPT also took part in the CERP's activities. CERP commits itself to ensuring a good coordination between its members and strives for the respect of the "acquis communautaire". BIPT attended the plenary meeting in Tbilisi (Georgia), during which the members of the CERP prepared the Congress of the UPU from a European perspective. During this plenary meeting, BIPT assumed the role of moderator of the forum on "Regulatory Challenges concerning the 26th UPU Congress". The Georgian vice-minister of Economy and the deputy director general were among the forum panelists.



Postal Directive Committee and other activities of the European Commission⁴⁴

BIPT continued to follow the developments in the context of the implementation of the Postal Directive and attended two meetings organised by this Directive's Committee. On these two occasions, BIPT gave presentations on the activities of the UPU and the ERGP.

CEN, the European Committee for Standardisation

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

COCOM

BIPT participated in the works of the COCOM (Communications Committee) as an expert. The regulator provided mostly technical information regarding the draft implementing regulation setting the implementing rules laying down detailed rules on the application of fair use policy and on the methodology for assessing the sustainability of the abolition of retail roaming surcharges and on the application to be submitted by a roaming provider for the purposes of that assessment.

Council working groups

BIPT answers the specific technical questions of the Permanent Representatives to the European Union within the framework of the electronic communications and postal services.

Organisation for Economic Co-operation and Development (OECD)

BIPT took part to the WPCISP⁴⁵, through which members of the OECD (mainly regulators) think about the global trends of digital economy. The results of the ministerial conference on "The Digital Economy: Innovation, Growth and Social Prosperity" that took place in 2016 were central to the reflections and served as the basis of the 2017-2018 operational plan.

4.7. THE LEGAL DEPARTMENT

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

Preparation of the electronic communications regulation

In the course of 2016, BIPT was working to improve legislative and regulatory texts, relating to both electronic communications and postal matters. Several regulatory texts were adopted to implement the ECA and the Act of 17 January 2003 on the status of the regulator of the Belgian postal and telecommunications sectors.

The publications at the legislative level were:

- The Act of 4 March 2016 modifying, as regards the administrative fines, the Act of 17 January 2003 on the status of the regulator of the Belgian postal and telecommunications sectors (M.B. 29 March 2016);
- The Act of 29 May 2016 on data collection and storage in the electronic communications sector (M.B. 18 July 2016);
- The Act of 1 September 2016 modifying Article 127 of the Act of 13 June 2005 on electronic communications and Article 16/2 of the Organisation Act of 30 November 1998 of the intelligence and security services (M.B. 07 December 2016);
- The Act of 7 December 2016 inserting Article 106/1 into the Act of 13 June 2005 on electronic communications (M.B. 19 December 2016);
- The Act of 25 December 2016 changing the legal status of detainees and the monitoring of prisons and pertaining to various provisions⁴⁶ regarding justice (M.B. 30 December 2016).

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

- Royal Decree of 25 March 2016 on the making available on the market of radio equipment (M.B. 11 May 2016);
- Royal Decree of 27 April 2016 laying down the organisational staff numbers of the Belgian Institute for Postal Services and Telecommunications (M.B. 17 May 2016);
- Ministerial order of 31 August 2016 amending the ministerial order of 12 November 2009 fixing the level of detail of the basic invoice regarding electronic communications (M.B. 22 September 2016);
- Royal Decree of 6 September 2016 on the migration of fixed line services and bundles in the electronic communications sector (M.B. 22 September 2016);

⁴⁴ DG for Internal Market, Industry, Entrepreneurship and SMEs.

⁴⁵ Working Party on Communication Infrastructures and Services Policy.

⁴⁶ Including the formal amendment replacing "Court of Appeal" by "Market Court".

- Royal Decree of 28 October 2016 amending the annexes to the Royal Decree of 18 December 2009 on private radio communications and user rights for fixed networks and trunk networks (M.B. 02 December 2016);
- Royal Decree of 8 November 2016 modifying the Royal Decree of 9 January 2003 on the terms and conditions of the legal collaboration obligation in case of judicial requests on electronic communications, as regards the tariffs for the collaboration (M.B. 22 December 2016);
- Royal Decree of 27 November 2016 on the identification of the end-user of mobile public electronic communications services provided by means of a prepaid card (M.B. 07 December 2016);
- Ministerial Order of 19 December 2016 authorising the identification method proposed by Telenet Group in accordance with Article 19, §1, subparagraph 2, 2° of the Royal Decree of 27 November 2016 on the identification of the end-user of mobile public electronic communications services provided by means of a prepaid card (M.B. 12 January 2017);
- Ministerial Order of 19 December 2016 authorising the identification method proposed by Scarlet Belgium in accordance with Article 19, §1, subparagraph 2, 2° of the Royal Decree of 27 November 2016 on the identification of the end-user of mobile public electronic communications services provided by means of a prepaid card (M.B. 12 January 2017).

Preparation of the postal regulation

The Postal market department of BIPT has as one of its tasks to evaluate the opportunity to adapt the legal and regulatory postal framework to the market evolutions.

Given that (1) since its adoption, more than 25 years ago, the Act of 21 March 1991 on the reform of certain economic public companies has undergone numerous changes (2) following these successive amendments, the Act of 21 March 1991, in that it regulates the postal sector, lacks consistency, BIPT saw fit to prepare a draft bill exclusively dedicated to postal services. Moreover, an update of the secondary regulation will start as soon as the main guidelines of the postal law are known.

Dispute coordination and legal support

Dispute coordination

The BIPT Legal Department is responsible for the coordination of legal appeals mainly concerning the decisions adopted by BIPT. BIPT is also regularly asked to follow-up the differences involving the Belgian State and concerning telecommunications or postal services. According to the procedures, exchanges can also take place between BIPT and other state, federal or European authorities.

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

A number of these appeals were the subject of decisions taken in 2016, namely:

1. On 10 March 2016, the Brussels Court of Appeal delivered an annulment judgement of the BIPT Council Decision of 20 July 2011 on bpost's conventional tariffs for the year 2010.
In 2011, bpost introduced before the Brussels Court of Appeal an action for annulment of the Decision of the BIPT Council of 20 July 2011, condemning bpost to pay a fine for the violation of the (Postal) Act of 21 March 1991 for infringement of the principle of transparency and non-discrimination. Via an interlocutory judgement on 12 June 2013, the Court of Appeal asked several preliminary questions to the Court of Justice of the European Union (CJEU) regarding the interpretation of Article 12 of the Postal Directive. In its judgement of 11 February 2015, the CJEU answered that Article 12 must be interpreted as not precluding a system of quantity discounts per sender, such as the "per sender" tariff model of bpost. In its judgement of 10 March 2016, the Court of Appeal considers itself as bound by the interpretation of Article 12 of the Directive 97/67 given in the judgement of the CJEU of 11 February 2015, which is considered clear. The Court of Appeal concludes that regarding the quantity discounts, a non-discrimination principle should be followed the same way the CJEU does in its judgement of 11 February 2015. The Court of Appeal follows the guidance of the CJEU, which considers in its judgement of 11 February 2015 that the intermediaries and the senders of bulk mail are not in the same situation regarding the objective of stimulating the demand pursued by bpost with its "per sender" tariff model. So bpost did not violate the principle of non-discrimination by setting up the per sender model.
2. On 29 June 2016, the Brussels Court of Appeal delivered an annulment judgement of the CRC decision (Conference of regulators in the electronic communications sector) of 18 December 2014 renewing and correcting the Decision of the CRC of 1 July 2011 on the analysis of the broadband markets.
The decision was annulled based on the fact that it had not been notified to the Belgian competition authority and the European Commission, especially since three years had passed between the annulment of the decision (July 2011) and the renewal decision (December 2014).
3. On 2 November 2016, the Brussels Court of Appeal delivered an annulment judgement of the BIPT Decision of 10 December 2013 regarding the review of the BRUO, BROBA and WBA VDSL2 reference offers (BRxx 2012). This decision was annulled based on the fact that it had lost its legal basis due to the annulment of the decision of 1 July 2011 on the analysis of the broadband markets, and of the renewal decision of December 2014. The Court stresses that the passage of a period of three years after a first decision requires a new decision that will take account of all the relevant data concerning the new market circumstances.
4. On 14 December 2016, the Court of Appeal rendered a judgement pronouncing the deletion of the appeal lodged by Telenet Tecteo Bidco against the letter of BIPT of 27 June 2014 regarding the unique fee for the use of the 900 MHz and 1,800 MHz frequency bands, the claimant having expressed its discontinuance which was accepted by BIPT. This concludes the proceedings.



B. BIPT's Legal Department also followed up new appeals, all of which were introduced in 2016:

1. On 29 July 2016, Skype Communications SARL introduced before the Brussels Court of Appeal an action for annulment of the Decision of the BIPT Council of 30 May 2016 imposing an administrative fine on Skype Communications SARL for non-compliance with Article 9, §1 of the Act of 13 June 2005.
2. On 17 October 2016, 3 Starsnet introduced before the Brussels Court of Appeal an action for suspension and annulment of the Decision of the BIPT Council of 25 August 2016 on wholesale tariffs for call termination on the public telephone network provided at a fixed location.
On 26 October 2016, Proximus introduced an action annulment of the same decision, and voluntarily intervened in the action of 3 Starsnet.
Orange Belgium intervened voluntarily in the actions of 3 Starsnet and Proximus.
On 30 November 2016, the Court of Appeal rendered a judgement rejecting 3 Starsnet's request for suspension. The claimant adduced no conclusive evidence that the contested decision would cause serious damage that is difficult to repair while the appeal against this decision was pending before the Court.
3. On 28 October 2016, Proximus introduced before the Brussels Court of Appeal an action for suspension and annulment against the BIPT decision regarding the approval and publication of the specifications "One Time Fees" and "Isla Repair" No 2016/APA/OTF.

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

Legal support of the BIPT acts

The legal department is associated with the whole decision-making process coming from BIPT's different services, in particular regarding market analyses and the implementation of decisions.

The department also delivers opinions or analyses at its own initiative or in answer to internal requests. For example the service is associated with the award of public contracts from BIPT and with the general follow-up of public procurements.

4.8. THE BUDGET AND ACCOUNTING DEPARTMENT

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

The department's main task consists of:

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

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

Its main tasks are:

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

In particular, the financial management of BIPT wishes also to undertake steps leading to a more automatic link between the procurement policy and, more generally, between the financial commitments on the one hand and their financial monitoring, on the other hand.



5.1. BIPT AND THE OFFICES OF THE OMBUDSMEN

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

BIPT ACCOUNTS - 2016

| REVENUES | EUR | EXPENSES | EUR |
|--|-------------------|----------------------------|-------------------|
| Repayments | 284,921 | Staff | 23,627,047 |
| Licence and monitoring fees for private radio communications | 23,526,100 | Functioning | 5,184,71 |
| Public licence fees | 42,008,072 | Investment expenditure | 1,053,110 |
| Post | 2,901,593 | Coordination organisations | 1,699,410 |
| Miscellaneous | 20,142 | Treasury | 10,000,000 |
| Services performed for third parties | 20,859 | CF/RT | 2,414,642 |
| TOTAL | 68,761,687 | TOTAL | 43,978,380 |

ACCOUNTS OF THE OFFICE OF THE OMBUDSMAN FOR THE POSTAL SECTOR - 2016

| REVENUES | EUR | EXPENSES | EUR |
|--|------------------|----------------------------|------------------|
| Repayments | 0 | Staff | 1,415,758 |
| Services performed for third parties (sector contribution) | 1,740,812 | Functioning | 300,134 |
| | | Investment expenditure | 2,014 |
| | | Coordination organisations | 300 |
| TOTAL | 1,740,812 | TOTAL | 1,718,206 |

ACCOUNTS OF THE OFFICE OF THE TELECOMMUNICATIONS OMBUDSMAN - 2016

| REVENUES | EUR | EXPENSES | EUR |
|---|------------------|----------------------------|------------------|
| Repayments | 94,466 | Staff | 1,840,502 |
| Services on behalf of third parties (sector contribution) | 2,348,812 | Functioning | 399,483 |
| Other | 0 | Investment expenditure | 57,504 |
| | | Coordination organisations | 300 |
| TOTAL | 2,443,278 | TOTAL | 2,297,789 |

5.2. ANNUAL ACCOUNTS OF THE UNIVERSAL SERVICE FUNDS

No universal fund was activated.



6.1. SITUATION OF THE 2016 OPERATIONAL PLAN

6

SEXES
ANZA

| The strategic axis "Innovation" Supporting the arrival of increasingly innovative services for consumers | |
|---|--------------------|
| Adaptation of the numbering plan to the long-term evolutions on the market | Project is ongoing |
| Analysis of barriers to e-commerce development | Project is ongoing |
| 2G and 3G licences after March 2021 | Project is ongoing |
| Assignment of the 700 MHz band | Project is ongoing |
| Monitoring of interferences on GNSS signals | Project is ongoing |

| The strategic axis "Competition and investments" Promoting a sustainable framework for competition and investments | |
|---|--------------------|
| Publication of a 2015 postal observatory | Project completed |
| Market analysis: Market 1 of voice call termination on individual fixed networks (FTR) | Project is ongoing |
| Market analysis: Market 2 Market analysis of mobile termination (MTR) | Project is ongoing |
| Market analysis: Market 2 fixed call origination | Project is ongoing |
| Market analysis: Markets 3a, 3b and 18: wholesale access and broadcasting to fixed networks | Project is ongoing |
| Market analysis: Market 4 high quality wholesale access to undertakings | Project is ongoing |
| Development of a price squeeze demonstration tool | Project is ongoing |
| Update of the cable operators' reference offers concerning modem compatibility | Project is ongoing |
| Fixing the One-time fees | Project is ongoing |
| Elaboration of the notification procedure for the Media Department of the bilingual region of Brussels-Capital | Project completed |
| Facilitating changing operators or providers of fixed services: telephone, Internet and/or television ("Easy Switch" project) | Project completed |
| Application of BEREC's analysis concerning Over-The-Top (OTT) players | Project completed |

| Strategic axis "Reliability" Ensuring a reliable and high-quality digital environment | |
|--|--------------------|
| Improving the transparency in terms of mobile network quality | Project is ongoing |
| Electricity switch-off - Service continuity in terms of telecommunications | Project is ongoing |
| Enhancing the quality of mobile networks coverage at borders | Project is ongoing |
| Determination and description of the minimum required measures to safeguard the security of networks and services as well as that of the personal data processed within the framework of those services and networks | Project is ongoing |
| Notification of security incidents | Project is ongoing |

| The strategic axis "Information" Contributing to improving information for consumers | |
|--|--------------------|
| Quality barometer | Project completed |
| International price comparison of the telecommunications services on the residential market | Project completed |
| International price comparison of the telecommunications services on the non-residential market | Project completed |
| Publication of practical and comprehensive information on frequencies that may be used without licence | Project is ongoing |
| Enhancement of the user-friendliness of the radio interfaces section on the website | Project completed |
| National price comparison | Project completed |
| Publication of the consumers' actual consumption | Project completed |
| Tariff simulator | Project is ongoing |
| Monitoring the observance of the regulatory framework | Project completed |
| Study on customer satisfaction and review of the customer satisfaction survey | Project completed |
| Monitoring of amortisation schedules | Project completed |
| Monitoring the publication of information sheets and their content | Project completed |
| Impact study on consumer protection rules | Project is ongoing |
| Survey on the perception of the market functioning | Project completed |

| The strategic axis "Involvement" Encouraging social involvement and social inclusion | |
|---|--------------------|
| Reform of the geographical element of the universal telecom service | Project is ongoing |
| Price monitoring of products belonging to the universal postal service | Project is ongoing |
| Monitoring of cost orientation of products belonging to the universal postal service | Project is ongoing |
| Reform of social tariffs | Project is ongoing |
| Adaptation of BIPT Council Decision of 28 March 2013 concerning the publication by operators of information on products and services for disabled users | Project is on hold |

| The strategic axis "Dialogue" Having a continuous dialogue | |
|--|--------------------|
| Efficient communication with all stakeholders | Project completed |
| Following-up the execution of the 2016 operational plan | Project completed |
| Qualitative adaptations of BIPT's website | Project is ongoing |
| Participation to the national and international consultative bodies | Project completed |

| The strategic axis "Good performance" Being an attractive employer and a well-performing regulator | |
|--|--------------------|
| Securing access to the automated version of STTS | Project is ongoing |
| Development of electronic forms for licence applications for private radio communications | Project completed |
| Internal operational plan | Project completed |



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

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

Since mid-2011, BIPT has been reminding **Skype** of the obligation of notification as foreseen by Article 9, §1 of the ECA and asked it to comply with it. Skype answered that it was not bound by this obligation of notification, as it does not provide, according to the undertaking, any electronic communications service. In 2013, BIPT established that Skype had still not complied and issued a new reminder. Skype dismissed it, maintaining its position. The undertaking then sent its arguments to BIPT in the course of 2014. BIPT received and heard Skype early 2015 and once more in 2016. BIPT deemed once again that the SkypeOut service did constitute an electronic communications service, complying with the legal components:

- the service is normally provided for remuneration;
- it consists wholly or mainly in the conveyance of signals;
- via electronic communications networks.

Provided for usage in Belgium by Skype in its own name or for its own account, the SkypeOut service should have been subject to a declaration since 1 October 2013. As a consequence, BIPT imposed a €223,454 fine on Skype.

On the initiative of its Consumer Department, BIPT decided to impose a €10,000 fine on **EDPnet** for failure to comply on multiple occasions with Article 111/3, §§ 1 and 3 of the ECA. The Article lays down that the consumer may terminate his permanent contract free of charge (or his fixed-term contract for a period exceeding six months) at a time chosen by him. In many cases, EDPnet did not take account of the termination date set by the subscriber. Moreover, it turned out that EDP had charged a termination fee to certain customers without any legal basis.

6.3. LIST OF BIPT COUNCIL PUBLICATIONS IN 2016

DECISIONS

| Date | Title |
|------------|--|
| 29/11/2016 | Decision on radio interfaces B27-01 to B27-06 and E27-02 |
| 10/10/2016 | Decision on monitoring mail delivery times for the year 2015 for domestic priority single piece mail, domestic non priority single piece mail, domestic single piece registered items, domestic single piece parcels and incoming cross-border priority single piece letter post |
| 06/10/2016 | Decision repealing the decision of the BIPT Council of 10 December 2013 regarding the review of the BRUO, BROBA and WBA VDSL2 reference offers (BRxx 2012) |
| 28/09/2016 | Decision imposing an administrative penalty upon Scarlet Belgium NV for non-compliance with Article 108, § 2, of the Act of 13 June 2005 on electronic communications |
| 25/08/2016 | Decision on wholesale tariffs for call termination on the public telephone network provided at a fixed location |
| 23/08/2016 | Decision imposing an administrative penalty upon EDPnet for non-compliance with Article 111/3, §§ 1 and 3, of the Act of 13 June 2005 on electronic communications |
| 16/08/2016 | Decision on the information operators provide to the consumers on their user profile |
| 26/07/2016 | Decision concerning the granting to NV PSA Antwerp of an authorisation for the operation of a public radio communications network with shared facilities according to the Tetra standard |
| 26/07/2016 | Decision concerning the granting to Ford WERKE GmbH of an authorisation for the operation of a public radio communications network with shared facilities according to the Tetra standard |
| 20/07/2016 | Decision on the request for transfer of use rights from Gigaweb to Gridmax |
| 30/05/2016 | Decision imposing an administrative penalty upon Skype Communications SARL for non-compliance with Article 9, § 1, of the Act of 13 June 2005 on electronic communications |
| 12/02/2016 | Decision regarding the listing and classification of products and services provided by the universal service provider for the year 2014 |
| 13/01/2016 | Decision on monitoring mail delivery times for the year 2014 for domestic priority single piece mail, domestic non priority single piece mail, domestic single piece registered items, domestic single piece parcels and incoming cross-border priority single piece letter post |

CONSULTATIONS

| | |
|------------|---|
| 22/12/2016 | Consultation on the draft decision regarding the coexistence of the 4G operators in the 2,500-2,690 MHz band and the radars in the 2,700-2,900 MHz band |
| 14/12/2016 | ERGP - Public consultation regarding the "ERGP Work Programme 2017" |

| Date | Title |
|------------|--|
| 22/12/2016 | Consultation on the draft decision regarding the coexistence of the 4G operators in the 2,500-2,690 MHz band and the radars in the 2,700-2,900 MHz band |
| 14/12/2016 | ERGP - Public consultation regarding the "ERGP Work Programme 2017" |
| 07/12/2016 | Consultation concerning the use of frequency bands 870-876 MHz and 915-921 MHz |
| 24/11/2016 | Consultation on the draft decision of the BIPT Council of 22 November 2016 on radio interfaces B01-01 to B01-36, B04-01 to B04-16, B11-01 to B11-07, B13-01 to B13-05 and B17-01 to B17-03 |
| 08/11/2016 | Consultation on the draft decision of the BIPT Council of 4 November 2016 on radio interfaces A01-01 to A01-05, A02-01 to A02-05, A03-01 to A03-09, A04-01 to A04-03 and A05-01 to A05-03 |
| 14/10/2016 | Consultation on the terms for the use of IPV4/CGN |
| 10/10/2016 | Consultation on the Belgian market of (postal) parcels delivery in the context of e-commerce activities |
| 01/08/2016 | Consultation about the draft decision of the BIPT Council concerning the extension of the user rights of Broadband Belgium |
| 19/07/2016 | Consultation on the draft decision of the BIPT Council on radio interfaces B27 and E27 - UWB type LT2 |
| 18/07/2016 | Consultation on the options in the ETSI norms to be respected by the operators within the framework of their collaboration with the legal authorities and the intelligence and security services |
| 12/07/2016 | ERGP - Public consultation on the "ERGP Medium Term Strategy 2017-2019" – The deadline for written input regarding the ERGP discussion document is postponed to 18 July 2016 |
| 08/07/2016 | BIPT draft guidelines - Principles to be applied for margin squeeze tests (third consultation round, module for major business users) |
| 29/06/2016 | Consultation concerning a draft decision about the communication of the speed of fixed and mobile broadband connections |
| 17/06/2016 | Review of the broadband and broadcasting markets 2016 |
| 08/06/2016 | Consultation of the draft decision on the user rights of Inmarsat Ventures Ltd for the complementary ground components |
| 29/03/2016 | Consultation at the request of the Vice-Premier and Minister of Digital Agenda, telecom and postal services on the identification of the end-users of prepaid cards |
| 24/03/2016 | Consultation regarding the decision of the BIPT council concerning the information provided by operators to consumers and end-users in order to enable them to make an independent evaluation of the cost of alternative usage patterns (Article 111, § 3, of the Electronic Communications Act) |
| 02/03/2016 | BIPT draft guidelines - Principles to be applied for margin squeeze tests (second consultation round) |

| Date | Title |
|------------|--|
| 12/02/2016 | Consultation at the request of the Vice-Premier and Minister of Digital Agenda, Telecom and Postal Services on the draft bill pertaining to various provisions regarding electronic communications |
| 08/02/2016 | Consultation at the request of the Vice-Premier and Minister of Digital Agenda, Telecom and Postal Services on the draft Royal Decree replacing the Royal Decree of 9 January 2003 on the terms and conditions of the legal collaboration obligation in case of judicial requests on electronic communications |

COMMUNICATIONS

| | |
|-------------|--|
| 220/12/2016 | Communication regarding the monitoring of the universal telecommunications service 2015-2016 |
| 05/12/2016 | Report on the verification of the licence obligations of TBC-Post after three years of activity (21 May 2013) |
| 30/11/2016 | Communication regarding the Belgian postal services observatory for 2015 |
| 24/10/2016 | Communication on the results of the study into elasticities of postal products on the Belgian postal market |
| 21/10/2016 | Communication on BIPT's monitoring in 2016 of the postal service providers |
| 14/06/2016 | Communication concerning the list of postal operators having been granted an individual licence |
| 01/06/2016 | Communication at the request of the Vice-Premier and Minister of digital agenda, telecom and postal services on the identification of the end-users of prepaid cards |
| 21/04/2016 | Communication on the verification of the transparency of the Internet traffic management measures in 2015 - Verification of the observance of Article 113, § 5, of the Act of 13 June 2005 on electronic communications |
| 19/04/2016 | Communication regarding the declaration of conformity of bpost's cost accounting system for the year 2014 based on the reports drawn up by the Supervisory Board at bpost |
| 17/03/2016 | Communication on the results of the consultation regarding the issue of indoor coverage |
| 25/01/2016 | Communication regarding the results of the Analysys Mason study on the value of the spectrum for public systems |
| 19/01/2016 | Communication regarding the Belgian postal services observatory for 2010 to 2014 |
| 18/01/2016 | Communication on registered postal items |
| 13/01/2016 | Communication on the BIPT follow-up audit of the external BELEX monitoring system of bpost for monitoring the delivery times of domestic priority and non-priority single piece letter post items, and of the internal monitoring system of bpost for domestic registered items and single piece letter postal parcels |
| 19/01/2016 | Communication regarding the Belgian postal services observatory for 2010 to 2014 |
| 18/01/2016 | Communication on registered postal items |



| Date | Title |
|------------|--|
| 13/01/2016 | Communication on the BIPT follow-up audit of the external BELEX monitoring system of bpost for monitoring the delivery times of domestic priority and non-priority single piece letter post items, and of the internal monitoring system of bpost for domestic registered items and single piece letter postal parcels |

OPINIONS

| | |
|------------|--|
| 13/12/2016 | Opinion regarding the bpost investment project aiming to increase the quality of the priority single-piece letter post items |
| 30/11/2016 | Opinion on the 2015 improvement plan and the 2016 action plan following the customer satisfaction survey for the year 2015 |

PRESS RELEASES

| | |
|------------|---|
| 13/12/2016 | Belgium generally maintains an average price level compared to its neighbours |
| 06/12/2016 | Postal observatory BIPT 2015 |
| 03/11/2016 | Scarlet fined by BIPT due to faulty communication about tariff changes |
| 13/10/2016 | BIPT publishes a telecommunications services quality barometer |
| 10/10/2016 | BIPT requests that bpost rectifies the inadequate compliance with the delivery times |
| 31/08/2016 | BIPT publishes the results of its annual survey on the telecom users' perception |
| 30/08/2016 | BIPT imposes a decrease of the termination rates for fixed networks in Belgium |
| 15/07/2016 | Skype fined by BIPT regarding the SkypeOut telecom service |
| 14/07/2016 | BIPT publishes a study benchmarking the telecom product prices on the business market |
| 06/07/2016 | The Brussels Court of Appeal annuls a CRC decision on the analysis of the broadband Internet markets |
| 16/06/2016 | A new boost for the electronic communications sector in 2015 |
| 08/06/2016 | The ERGP - Public consultation on the "ERGP Medium Term Strategy 2017-2019" by means of a discussion document |
| 06/06/2016 | BEREC seeks views on guidelines to implement new net neutrality rules |
| 25/05/2016 | BIPT publishes a summary of consumer rights regarding electronic communications services |
| 19/05/2016 | BIPT publishes a comparison of the cheapest telecom tariffs on the Belgian residential market |
| 29/04/2016 | New roaming tariffs as from 30 April 2016 |
| 25/04/2016 | BIPT publishes an "Atlas" of the fixed broadband access coverage |
| 19/02/2016 | Electronic communications network regulators give their final approval of the revised cable access tariffs |

6.4. GLOSSARY

| | | |
|---|---|--|
| BCA: Belgian Competition Authority | HCM: Harmonised Calculation Method | TTS: Social Telephone Tariff |
| BEREC: Body of European Regulators for Electronic Communications | IP: Internet Protocol | UHF: Ultra High Frequency |
| BROBA: Belgacom Reference Offer Bitstream Access | IRG: Independent Regulators Group | ITU: International Telecommunication Union |
| BROTSoLL: Belgacom Reference Offer for Terminating Segments of Leased Lines | ITU: International Telecommunication Union | UPU: Universal Postal Union |
| BRUO: Belgacom Reference Unbundling Offer | KPI: Key Performance Indicator | VHF : Very High Frequencies |
| CA: Council of Administration | LEGBAC: Limited Exploratory Group on Broadcasting to Aeronautic Compatibility | VoIP : Voice over IP |
| CBSS: Crossroads Bank for Social Security | LL: Leased Line | VRM : Vlaamse Regulator voor de Media |
| CCPS: Consultative Committee on Postal Services | LOI: Letter of Intention | WBA : Wholesale Broadband Access |
| CEPT: European Conference of Postal and Telecommunications Administrations | M.B.: Moniteur belge | |
| CERP: European Committee for Postal Regulation | M2M: Machine to Machine | |
| CJEU: Court of Justice of the European Union | MTR: Mobile Termination Rate | |
| CLI: Calling Line Identity | NCS: National Spectrum Monitoring Department | |
| COCOM: Communications Committee | NGA: Next Generation Access | |
| CPA: Competent PRS Authority | NGLL: Next Generation Leased Lines | |
| CRC: Conference of Regulators of the electronic communications sector | NGN: Next Generation Network | |
| DAS: Distributed Antenna System | NRA: National regulatory authority | |
| DECT: Digital Enhanced Cordless Telephone | OTT: Over-The-Top | |
| DG: Directorate General | PMSE: Programme Making and Special Events | |
| DSL: Digital Subscriber Line | PPDR: Public Protection and Disaster Relief | |
| DSM: Digital Single Market | PRS: Public Regulated Service | |
| ECA: Act of 13 June 2005 on electronic communications | PT: Project Team | |
| ECC: Electronic Communications Committee | R&TTE: Radio and Telecommunications Terminal Equipment | |
| ECS: European Committee for Standardisation | RED: Radio Equipment Directive (directive 2014/53/EU of 16 April 2014) | |
| ERGP: European Regulators Group for Postal services | RISS: Radio Infrastructure Site Sharing | |
| ETSI: European Telecommunications Standard Institute | RLAH: Roam Like At Home | |
| FPS: Federal Public Service | ROC: Restricted Operator's Certificate | |
| FTR: Fixed Termination Rates | RSC: Radio Spectrum Committee | |
| Ftth: Fiber to the Home | RSPG: Radio Spectrum Policy Group | |
| GMDSS: Global Maritime Distress and Safety System | SDL: Supplemental Downlink for Mobile | |
| GNSS: Global Navigation Satellite Systems | SMS: Short Message Service | |
| GOC: General Operator's Certificate | SPF : Service public fédéral | |
| GSM: Global System for Mobile communications | SRC: Short Range Certificate | |
| HAREC: Harmonised Amateur Radio Examination Certificate | STTS: Social telephone tariffs service | |
| | TC: Technical Committee | |



6.5. USEFUL ADDRESSES

BELGIAN COMPETITION AUTHORITY

City Atrium,
Rue du Progrès 50 - 1210 Brussels
Tel. 02 277 52 72
Fax: 02 277 53 23
info@bma-abc .be
<https://www.belgiancompetition.be/en>

FPS ECONOMY, SMES, SELF-EMPLOYED AND ENERGY

City Atrium C - Rue du Progrès 50 - 1210 Brussels
Tel. 0800 120 33
Fax 0800 120 57
info.eco@economie.fgov.be
<http://www.economie.fgov.be>

CONSULTATIVE COMMITTEE ON TELECOMMUNICATIONS

Ellipse Building - Building C
Boulevard du Roi Albert II 35 - 1030 Brussels
Tel. 02 226 87 58
Fax: 02 223 88 77
piet.steeland@bipt.be
<http://www.cct-rct.be>

CONSULTATIVE COMMITTEE ON POSTAL SERVICES

Ellipse Building - Building C
Boulevard du Roi Albert II 35 - 1030 Brussels
Tel. 02 226 87 65
Fax: 02 223 88 77
aurelie.seghers@bipt.be
www.ccsp-rcp.be

OFFICE OF THE TELECOMMUNICATIONS OMBUDSMAN

Boulevard du Roi Albert II 8 boîte 3 - 1000 Brussels
Tel. 02223 06 06
Fax 02219 77 88
plaintes@mediateurtelecom.be
www.ombudsmantelecom.be

OFFICE OF THE OMBUDSMAN FOR THE POSTAL SECTOR

Boulevard du Roi Albert II 8 boîte 4 - 1000 Brussels
Tel. 02 221 02 30
Fax: 02 221 02 44
info@smspo.be
www.smspo.be

CONSEIL SUPÉRIEUR DE L'AUDIOVISUEL

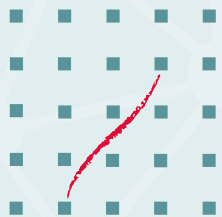
Boulevard de l'Impératrice, 13 - 1000 Brussels
Tel. 02 349 58 80
Fax: 02 349 58 97
info@csa.be
www.csa.be/

MEDIENRAT DER DEUTSCHSPRACHIGEN GEMEINSCHAFT BELGIENS

im Ministerium der Deutschsprachigen Gemeinschaft Belgiens
Gospertstraße 1 - 4700 Eupen - Belgien
Tel. 087 59 63 00
Fax: 087 55 28 91
info@medienrat.be
<http://www.medienrat.be/>

VLAAMSE REGULATOR VOOR DE MEDIA

Koning Albert II-laan 20 – bus 21 - 1000 Brussels
Tel. 02 553 45 04
Fax: 02 553 45 06
vrm@vlaanderen.be
<http://www.vlaamseregulatormedia.be>



B I P T

**BELGIAN INSTITUTE FOR
POSTAL SERVICES
AND TELECOMMUNICATIONS**

Ellipse Building
Bd. du Roi Albert II, 35
1030 Brussels
Tel.: 02 226 88 88
Fax: 02 226 88 77
info@bipt.be