

B I P T

# ANNUAL REPORT 2018

ELECTRONIC COMMUNICATIONS | POSTAL SERVICES | SPECTRUM MANAGEMENT | MEDIA IN BRUSSELS | NETWORK SECURITY



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# MESSAGE OF THE COUNCIL

In adopting its Strategic Plan 2017-2019, BIPT asserted its ambition to improve in a sustainable manner the situation of the users and players in the sectors concerned, by generating a dynamic supporting investments and innovation. As the three-year cycle comes to an end, it is time to critically review what we have achieved. At the time of writing, we can consider that this ambition is about to be realised. The regulator has created a stable and predictable frame of reference allowing economic agents to roll out new services and propose new offers at more attractive prices than before to users. It is up to BIPT to use all the resources available to it to allow the targeted improvement. However, it is up to the economic agents to use the developed possibilities. In the telecoms sector, we have observed an increase in investments for three years in a row, leading them to a historically high level. Information tools available to private and professional users allow them to make informed choices. BIPT also fostered innovation, what resulted in, among other things, the awarding of test licences for 5G services, a substantial increase in the mobile data consumption, or the new possibility for emergency and rescue services to use 3G and 4G networks. However, this cycle also ends with the disappointment that we were not able to organise the 5G auction, particularly due to the lack of a long awaited political agreement.

In 2018, BIPT celebrated its 25th anniversary. Above all, 2018 was a milestone year for several actions aiming at providing a framework to the market over the next few years to make the regulator's strategic vision a reality: ensuring that the user has a choice of powerful and trustworthy communications at the best possible terms and conditions in a competitive environment.

In that context, a key decision was adopted on 29 June 2018 within the Conference of telecommunications and

media regulators (which also includes the media regulators of each language community: the CSA, the Medienrat and the VRM). The aim of that decision is to maintain and improve competition on the market via the opening of the fixed networks – cable, VDSL and fibre. Without this regulation, BIPT thinks the market would, with time, be directed towards a duopoly where only fixed network operators would remain active via fixed-mobile converging services. The fibre deployment as announced by Proximus at the end of 2017 was specifically taken into account within the framework of market-opening measures (access to fibre is also included in the regulation) without affecting the deployment project, and this with a view to supporting investment. Furthermore, the project includes specific remedies which could enhance the technical and commercial independence of alternative operators vis-à-vis the regulated operators regarding the developments of their offers for consumers. In order to complete this major project, an access price has yet to be set (temporary prices were imposed). Within this framework BIPT organised on 13 December 2018 a consultation regarding the cost models for the access to the cable operators' networks and to Proximus' FTTH network. These cost models should allow regulators to set new wholesale tariffs for the access to different networks in 2019.

Other significant decisions regarding market regulation were made. The Decision of 20 November 2018 regarding the analysis of the fixed call termination market decreased a maximum termination rate to 0,116 cent/minute. Termination (either fixed or mobile) remains a monopolistic service for which regulation is necessary in order to avoid excessive (wholesale) prices at the expense, in the end, of the consumer. In December 2018, BIPT however decided to put an end to the regulation of wholesale services allowing the development of alternative offers for fixed telephony. BIPT found that this

regulation regarding fixed telephony was obsolete, given that the market is primarily focused on the broadband offer and bundles. Besides, the European Commission removed these markets from the list of relevant markets concerning which the national regulators must carry out an analysis.

The mobile market was also full of activities. Besides the preparation of the regulatory framework regarding the auction of several frequency bands, including the 5G auction, BIPT conducted and published two studies at the government's request. The first one concerns the issue of a potential fourth mobile network operator, particularly the impact on the consumer's welfare, the market access conditions and the long-term effects. The second one concerns the impact of the radiation standards in Brussels on the deployment of 5G. Given the expected increase in data traffic and the desired deployment of 5G, BIPT recommended a standard over 14.5V/m and up to 41.5V/m in order to get gradually closer to the European standard allowing to guarantee the capacity and quality of mobile networks. BIPT's conclusion is exclusively based on the impact of the standard on the deployment of the different mobile technologies.

On the mobile side, BIPT examined how to improve the indoor mobile coverage. The findings of a consultant concerning passive infrastructure sharing were also published, given the importance of network sharing in the context of 5G.

BIPT also fully played its role as a watchdog by imposing, among other things, an administrative fine upon an operator for breaching the user identification obligation in the context of the sale of prepaid cards. Finally, BIPT published a document to help critical infrastructure operators prepare their security plan as defined in the Act of 1 July 2011.

Concerning postal regulation, BIPT chaired the ERGP, the European regulators group for postal services.

In the national market, BIPT noticed that the legal quality standard for the delivery of traditional items of domestic correspondence was not achieved in 2016 nor in 2017. The compulsory investments imposed on bpost to that end by BIPT will have to lead to an improvement of the quality of service. Furthermore, BIPT had to approve the tariff increases proposed by bpost for 2018 and 2019 given that the

Postal Act of 26 January 2018 de facto deprived BIPT of any prior control on the observance of the cost-orientation obligation for the products included in the "small users basket". These are subject to a price cap formula which is now ineffective and concerning which BIPT made substantial reservations.

This short overview of BIPT's achievements does not reflect the day-to-day activities carried out by its personnel to which the Council expresses profound gratitude for the outstanding work.



*Axel Desmedt*



*Jack Hamande*



*Luc Vanfleteren*



*Michel Van Bellinghen*



BIPT

## A. 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 to ensure that they are used as efficiently as possible. It also "policing 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 for the Brussels-Capital Region and ensures that the operators in that 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.

## 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 ECA<sup>1</sup> provides that BIPT must ask the BCA's opinion<sup>2</sup> on the draft decisions regarding market analyses. BIPT, the FPS Economy, SMEs, Self-employed and Energy and the two mediation bodies<sup>3</sup> are

natural partners in the field of the promotion of the users' interests. Together with the media regulators of the Flemish (VRM), French (CSA) and German-speaking (Medienrat) Communities, BIPT forms the CRC: the Conference of regulators in the electronic communications sector. BIPT also provides the secretariat for two consultative committees (the Consultative Committee on Postal Services and the Consultative Committee on Telecommunications).

- At the European level, BIPT fully cooperates with numerous bodies. Among these, the European Commission<sup>4</sup>, 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 in or closely follows the activities carried out at the Universal Postal Union (UPU) and the International Telecommunication Union (ITU).  
More information on these European and international activities can be found on page 49 and following.

## DEMOCRATIC CONTROL

BIPT is an independent body according to the Act of 17 January 2003 on the status of the regulator. Of course, BIPT conducts its activities in full transparency and in strict compliance 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

1. Act of 13 June 2005 on electronic communications.

2. The BCA is composed of the Investigation and Prosecution Service (investigation service) and the Competition College. In 2018, BIPT submitted three draft decisions to the BCA (draft decision regarding the analysis of the fixed call termination market, draft decision regarding the analysis of the broadband and television broadcasting markets and draft decision regarding the analysis of the access and call origination markets (fixed telephony)).

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

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

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.
- The decisions of the Belgian Institute for Postal Services and Telecommunications may be the subject of full remedy actions brought before the Market Court whose decision shall be in the form of an interim order. The Court may suspend BIPT's decisions and annul them with retroactive effect. As such, an appeal against a decision has no suspensive effect, even if the Court may, by a provisional decision, suspend, in whole or in part, the implementation of the decision up to the date of delivery of the judgement.

#### *Complaint handling regarding the functioning of BIPT*

BIPT attaches great importance to the quality of its services and has a complaint coordinator. In 2018, six messages were not characterised as admissible complaints regarding an action of BIPT. A total of 15 admissible complaints were thus received and analysed. Seven of them concerned the procedure regarding the granting of a social telephone tariff, three complaints concerned the User Department, three complaints concerned the Radio amateurs Department within the Assignments Pool, one complaint fell under the competence of the Telecom Market & Media Department and the last complaint concerned the organisation of the exams for an efficient use of radio frequencies. All the messages were answered by the complaint coordinator, in close cooperation with the staff members of the relevant departments. No complainant felt the need to contact the federal ombudsman, who only had to deal with two unfounded claims for 2018.



## B. MISSIONS, VISION, VALUES AND STRATEGIC AXES

These concepts were defined in the Strategic Plan 2017-2019, the draft of which was submitted for [consultation](#) from 10 to 28 April 2017. To draw up this document, the BIPT Council invited stakeholders and met many of them, such as postal and telecommunications operators, service providers, but also the representatives of the users, employees and companies, institutional players and naturally BIPT's staff. The [final version of the document](#) was then published on BIPT's website on 24 May 2017. In 2018, BIPT will have to repeat this exercise to get a new road map (2020-2022).

### MISSIONS

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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.

As a regulator, BIPT naturally serves society and the sectors it regulates. Therefore, the definition of its missions is all the more important as it defines the value it can add to society. Several articles of the ECA deal with the activities of BIPT.

Electronic communications, postal services and media in the Brussels-Capital Region are BIPT's main fields of activity. In each of them, its actions are based on the following principles:

1. fostering healthy competition and maintaining market access;
2. contributing to the development of an internal market of efficient networks and services;
3. protecting the users' interests while taking account of social inclusion, a high level of protection, clear information and transparency;
4. managing scarce resources such as radio frequencies and numbering resources;
5. ensuring network security.

### VISION OF THE FUTURE

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The vision enables an organisation to project itself in what it seeks to be, or to express 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 guarantee that the user has a choice of powerful and trustworthy communications at the best possible terms and conditions in a competitive environment."*

#### *Powerful communications*

BIPT welcomes and supports investments in all (postal, electronic communications) networks, innovative services and technologies aiming at allowing users to have access to high-quality services at competitive prices in our country.

#### *Trustworthy communications*

Each communication between users must be trustworthy for them, including in terms of protection of each user's privacy. BIPT also controls the reliability of information provided to users by the operators.

#### *At the best possible terms and conditions*

BIPT wishes that services are offered at affordable and competitive prices, with a high quality, and that they are available and accessible to all

#### *In a competitive environment*

In a liberalised market for electronic communications and postal services, BIPT wishes users to benefit from various infrastructures and a wide choice of services and products providers. BIPT is convinced that a sustainable competitive landscape increases investments in advanced and innovative services and technologies. BIPT also wishes to promote the creation of such landscape via a regulatory framework.

### VALUES

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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.

- **Independence:** BIPT has always had a critical attitude towards all stakeholders. The regulator's independence ensures its credibility towards

the market players as well as all stakeholders. Independence enables stakeholders to deal with a regulator whose actions are stable and predictable over time, while being able to adapt to the changing conditions on the market. This independence is also reflected in a critical attitude towards external pressure and an ongoing questioning of the relevance of its actions, their effects and the perception they create. It is also reflected in the ethical behaviour and the sense of responsibility of the staff, which must make critical thinking a habit. BIPT must ensure it can defend and keep its independence. In this context, the specific status and the financial autonomy represent the best guarantees so that BIPT can carry out its mission efficiently in total independence.

- **Reliability:** as an expertise centre, BIPT wishes, when adopting a position, to be a reliable and competent partner for all stakeholders. This reliability is supported on the inside by the professionalism, teamwork and agility of BIPT. The professionalism promoted by BIPT is meant to be multidisciplinary and combines technical, economic and legal expertise in the field of electronic communications, postal services and media. BIPT seeks to react quickly and with agility to the situations that arise and to the often very fast technical and economic developments on the market; its employees' flexibility and internal and external collaboration are essential. BIPT adapts its structures and its working method whenever necessary. Although BIPT is composed of departments, the priority is given to a project-based collaboration that is as transversal as necessary between the departments, where a result-based management is a priority.
- **Transparency** is an important element that guarantees control over BIPT's action. Transparency is obtained via openness and visibility, both internally and externally, on the one hand, and dialogue and accessibility, on the other hand. Transparency also comes from the fact that all acts and decisions are appropriately motivated and are previously submitted for consultation as often as possible. Transparency and openness must be really close to an efficient and firm decision-making, allowing to intervene in a timely manner where necessary.

## STRATEGIC AXES

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The first BIPT Strategic Plan 2010-2013 was composed of eight strategic axes and the second plan 2014-2016 still included seven axes. When drawing up the third plan, we chose, after an analysis of the two previous plans, to keep on simplifying and clarifying the structure. The strategic objectives were combined in three axes including the external projects, whereas a fourth axis gathers the internal projects to improve the efficiency and the functioning of BIPT.

The strategic axes guiding the work of BIPT and of its employees are the following:

1. **Competition:** promoting sustainable competition and investments;
2. **Users:** contributing to providing them with transparent information and promoting social inclusion, and ensuring a reliable environment;
3. **Scarce resources:** managing scarce resources;
4. **Efficient functioning:** remaining available and being an attractive employer.

For more details on the subject, the reader is referred to the [Strategic Plan 2017-2019](#) as well as to the annual [operational plans](#) of BIPT.

## C. KEY FIGURES

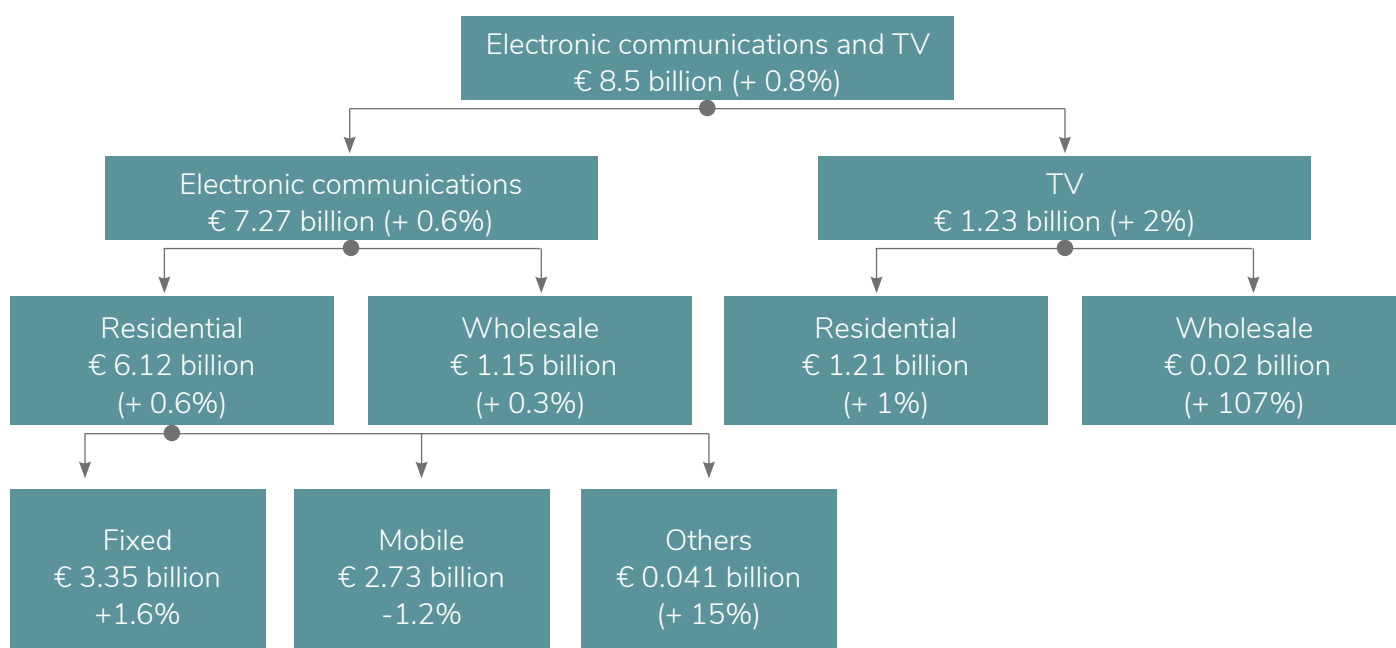
### 1. Electronic communications sector

#### TURNOVER

With a slight increase in the national turnover (+ 0.6% to a total of € 7.265 billion), the cost of investment in the electronic communications sector rose by 3.4%

in 2018 to €1.735 billion. As a percentage of the electronic communications turnover, investments increased from 23.2% to 23.9%.

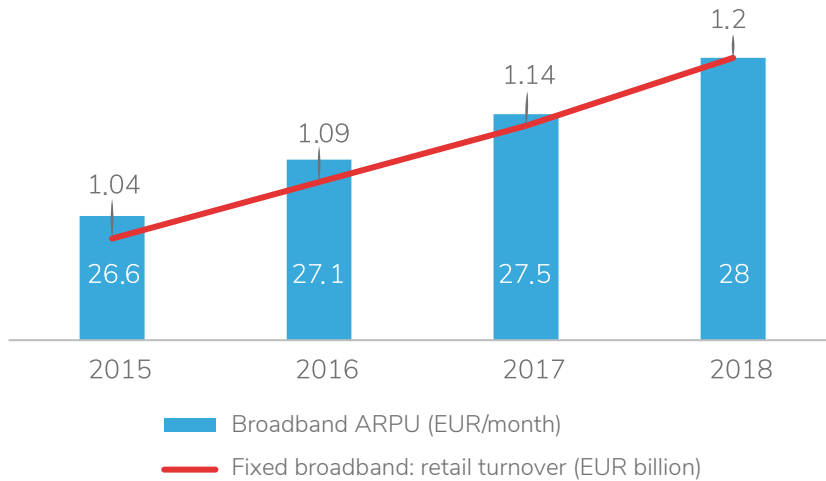
**National turnover generated by electronic communications and TV in 2018, retail and wholesale markets (source: BIPT)**



The turnover growth is due to increasing retail revenues generated by the sale of equipment (+ 10%), television (+ 1%) and fixed Internet and data. The turnover generated by fixed broadband and television grew by 5%, influenced by a volume increase (+ 2.8% to a total of 4.502 million fixed broadband lines), in combination with a revenue increase per fixed broadband line (+ €0.5/month to reach €28 in the residential market).

The growth of the ARPU reflects the choice of fixed broadband subscribers to purchase products with higher download speeds (90% have a speed  $\geq$  30 Mbps versus 88% in 2017) and the positive inflation of Internet access services (+ 3% variation after a one-year interval).

## Turnover generated by fixed broadband and the ARPU in euros/month (source: BIPT)



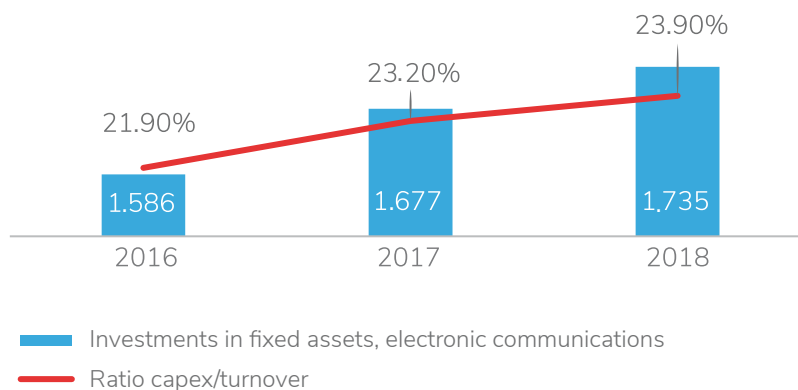
## INVESTMENTS

Investment data shows a growth of the capital intensity in the electronic communications market: on a year-on-year basis, investment grew by 3.4% to a total of €1.735 billion. This represents about 23.9% of the electronic communications turnover in 2018. It allows Belgium to stand well above the European average on that matter.

Telenet completed the upgrade programme of the mobile infrastructure in mid-2018. Concerning the fixed infrastructure, the modernisation (Grote

Netwerf) will be completed by mid-2019. Proximus invested in the Titan transport network which will gradually replace the existing IP network carrying almost all of the voice, data, television and mobile traffic of residential and professional customers<sup>5</sup>. This should lead to a ten times higher data capacity. Investments are also made in the access network via the deployment of optical fibre. The development of the project "La fibre en Belgique"<sup>6</sup> started in early 2017 and led to the launch of the deployment in 9 cities in 2018.

## Investments in fixed assets, electronic communications + TV (source: BIPT)

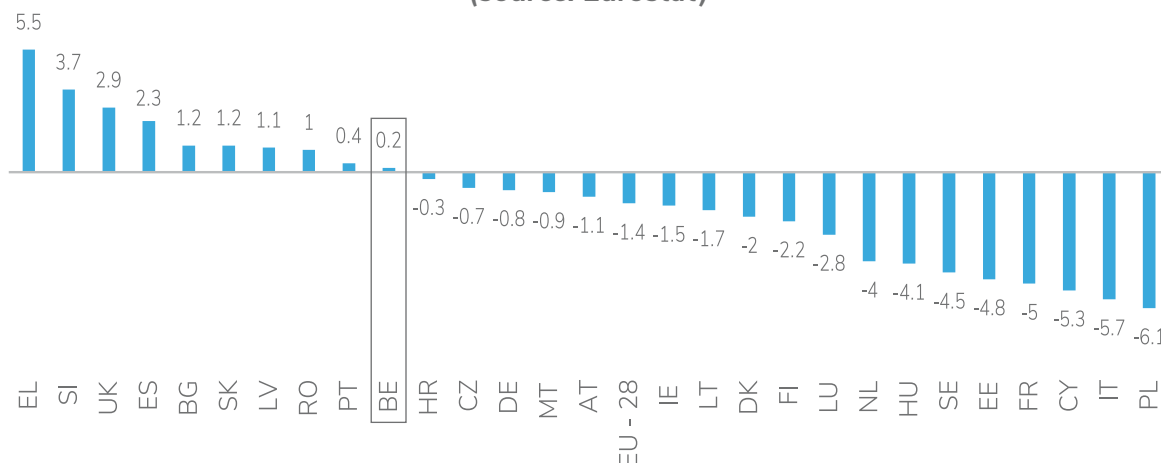


<sup>5</sup> Proximus press release of 27/08/2018: Proximus increases tenfold the capacity of its transport network – the backbone of voice, data and TV services  
<sup>6</sup> The project includes a €3 billion investment over 10 years for the deployment of optical fibre in Belgium in order to reach at least 85% of undertakings and over 50% of households.

Inflation data for the subcomponent «communications» of the harmonised index of consumer prices<sup>7</sup> show that in 2018 the consumer prices for communication services in Belgium increased by an average of 0.2% on an annual basis. In 19 of the 28 EU Member States, consumers experienced a decrease in the

communication services prices in 2018. In Belgium, inflation remained positive in 2018, even if we can observe a lower price increase compared to 2016 and 2017, when the annual price change amounted to 2.2% and 2.1% respectively.

**Annual price change in percentage of the consumer prices for communication services 2017-2018**  
(source: Eurostat)

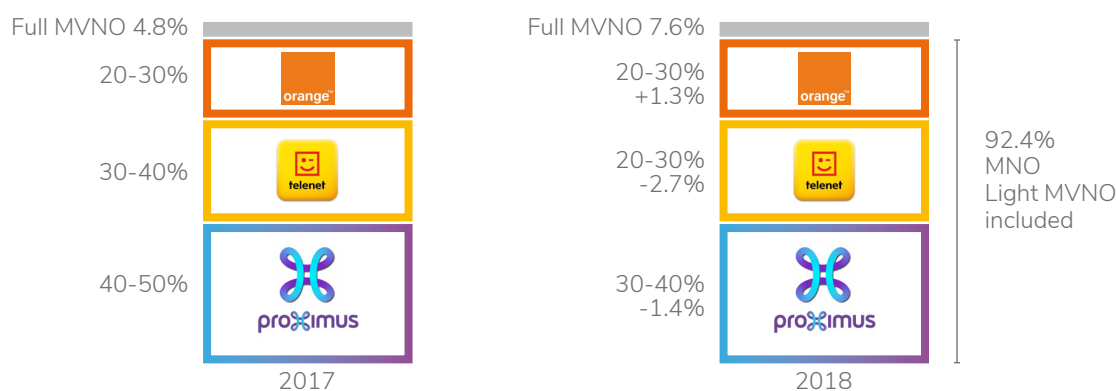


## MOBILE SERVICES

The volume of active SIM cards increased by 1.2% in 2018 to 14,383,151 units. Only machine-to-machine cards are contributing to the growth: + 282,028 to a total of 2,466,416. The volume of other active SIM cards decreased by 0.4% to 11,916,735. The share of postpaid services increased to 76.1% (+1.7 percentage point).

Net additions in the mobile market are in favour of Orange. As the first operator to launch a mobile offer with unlimited data in 2018, Orange is the only network operator to experience an increase in the number of SIM cards. Proximus experiences a drop in the number of additional SIM cards, which is translated by a drop in the market share, from [40-50]% to [30-40]%. Telenet also loses market shares: -2.7%.

**Market shares in the mobile market, mobile operators, light MVNOs included (source: BIPT)**



The growth of the market share of full MVNOs from 4.8% to 7.6% marks the start of Medialaan as a full MVNO.

<sup>7</sup> A comparison of the price of telecommunication products does not take account of the other causes of price differences, such as the service quality and the additional services offered.

## MOBILE VOICE

The volume of outgoing voice traffic of customers of Belgian mobile network operators and MVNOs, roaming not included, grew by 1.6% in 2018, to 16.7 billion minutes. The international roaming traffic grew by 21.6% to 1.1 billion minutes during the same year, partly due to the abolition of the roaming surcharge since 15 June 2017.

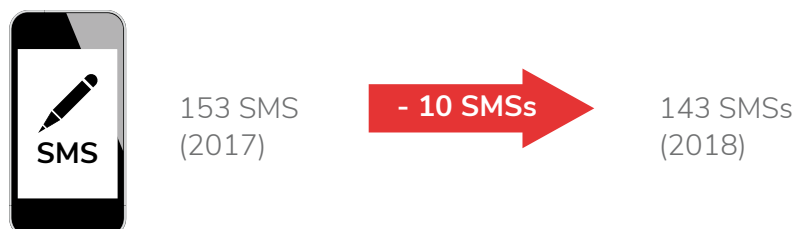
The monthly average consumption per active SIM card (roaming included) increased from 118 to 124 minutes.



The average monthly data consumption per active data SIM card grew by 692 MB, to 1.86 GB.



The monthly average SMS volume decreased from 153 to 143.



Finally, concerning television, the figures of the survey on ICT usage by households show that Belgian households watch more and more television content via the Internet: 24% of Belgian Internet users used commercial streaming services such as

Netflix in 2018, versus 12% in 2016. The traditional way of watching television, via an analogue or digital subscription, remains popular: in 2018, traditional TV connections increased.

## 2. Postal sector

On the supply side, the Belgian postal sector includes over 700 postal companies, the majority of which are of a very small size. In 2017, bpost, the main postal operator, which is also the universal postal service provider, still represented the majority (60% to 70 %) of the sector turnover, while a group of four main postal operators represented 83.5 % of the turnover. We have also noticed that the market concentration in the postal sector keeps on declining, revealing the growing share of the parcel segment, which is more competitive, within the sector.

Concerning trends, we are still observing two conflicting currents:

- On the one hand, the number of parcels per person increased from 8 in 2010 to 18 per year in 2017. This market, which is indeed composed of relatively homogeneous segments (B2B, B2C and C2X) is characterised by a relatively high number of players: besides bpost, other major players are active such as UPS, DHL, DPD, FedEx, GLS, TNT and PostNL.
- On the other hand, we still see a volume decrease in the letter post market due to the substitution towards various forms of electronic mail. Expressed in number of letters per inhabitant on

an annual basis, we see a drop from 204 items in 2010 to 143 in 2017. bpost remains the main player in this market segment leaving a much smaller share to competition (less than 1%). Since 20 December 2018<sup>8</sup>, Glejor, like TBC-Post, has also been granted an individual licence.

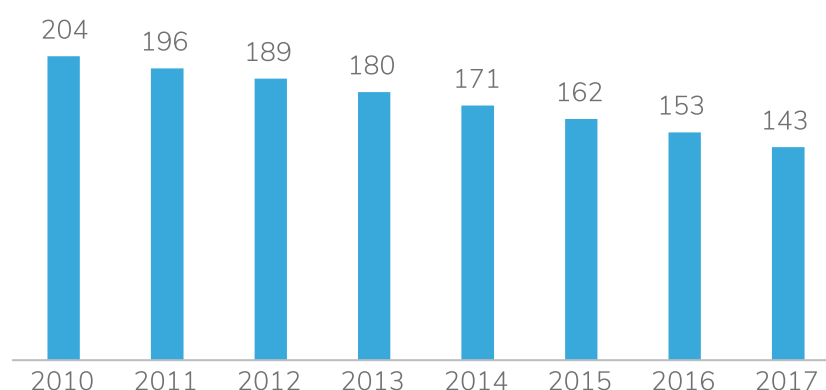
These developments led to a crucial milestone in the postal sector in 2017: for the first time, the parcel and express segment generated higher incomes than the letter post segment.

Thus, despite the downward trend of volumes in the letter post market, the sector is progressing relatively well thanks to the dynamism of the parcel market. Furthermore, the increased competition and the growth expectations in this segment stimulate operators to develop innovative services and to respond to the specific needs of users, for instance regarding e-commerce. The postal sector turnover grew from €2.22 billion in 2010 to €2.6 billion in 2017. Thanks to the parcel market dynamism, the postal sector achieved in 2017 its highest growth since 2010 (creation date of BIPT's postal observatory).

### EVOLUTION OF LETTER POST AND PARCEL VOLUMES

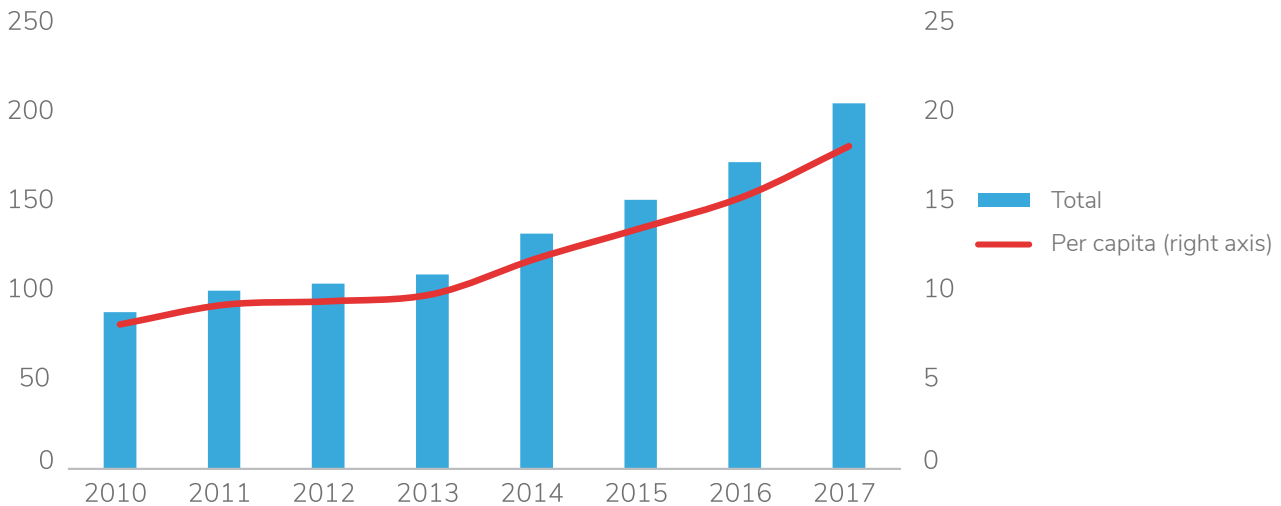
Between 2010 and 2017, the letter post volume fell by 30 %. In 2017, we count 143 mail items per year per inhabitant.

**Evolution of the quantity of letter post per inhabitant per year**



<sup>8</sup> Communication of 22 December 2018..

### Evolution of express services and parcels volumes in total (in million units) and per inhabitant (in units) per year

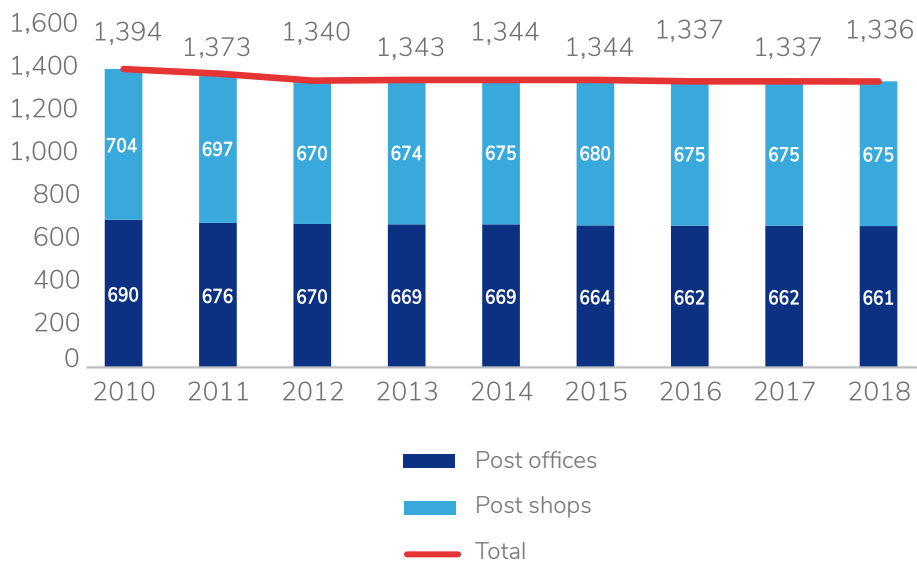


Per inhabitant, the quantity of parcels delivered per year increased in 2017 to reach 18 items. On average per inhabitant, more than one parcel and express service is sent each month.

### ACCESSIBILITY OF THE POSTAL SERVICES

At the end of 2018, a total of 1,336 bpost branches (post offices or postal points) spread all over the territory provided postal services. The total number of postal service points of the universal service provider has slightly decreased since 2010 but still meets the conditions set by the postal legislation and the 6th management contract between bpost and the Belgian State. Furthermore, bpost's network includes postal service points without staff (12,646 red post boxes, as well as 179 "Cubees" (parcel lockers)) spread all over Belgium.

### Evolution of the number of bpost postal service points

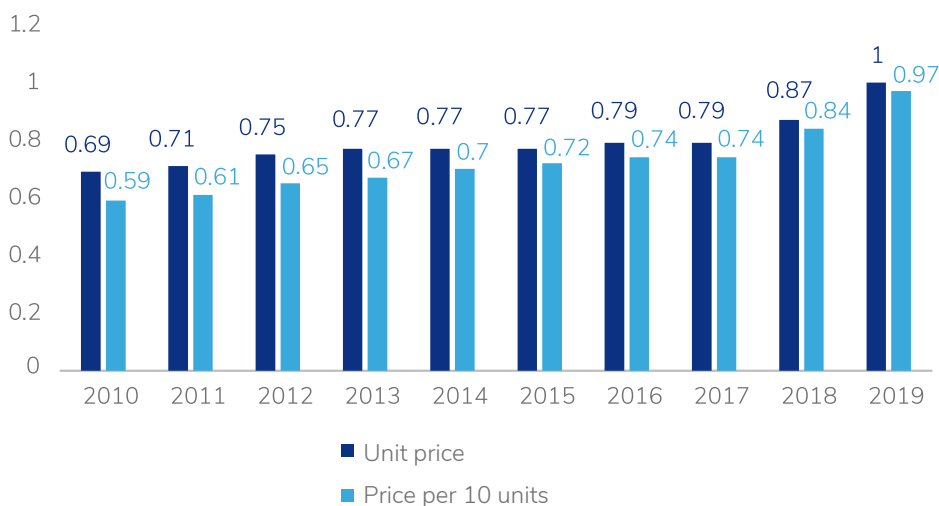


The alternative operators also provide a wide network of access points, with a cumulative total of 6,652 points. Since late 2017, the location of all the access points of all postal operators (with the indication of the operating hours, clearance hours, accessibility, etc.) is easily accessible via BIPT's website or via [www.postalpoint.be](http://www.postalpoint.be).

## PRICE OF THE STANDARD DOMESTIC LETTER

In 2018, sending a letter in Belgium cost €0.87 (€0.84/unit when purchasing 10 stamps). The unit price increased by 10.1% compared to 2017, while inflation amounted to 2.3% in 2018<sup>9</sup>. In 2019 also, we observe an increase in the unit price by 14.9%. However, BIPT considered that the new price cap formula that is applicable since 2018 is not adequate to ensure an efficient monitoring of the affordability and cost orientation principles<sup>10</sup>.

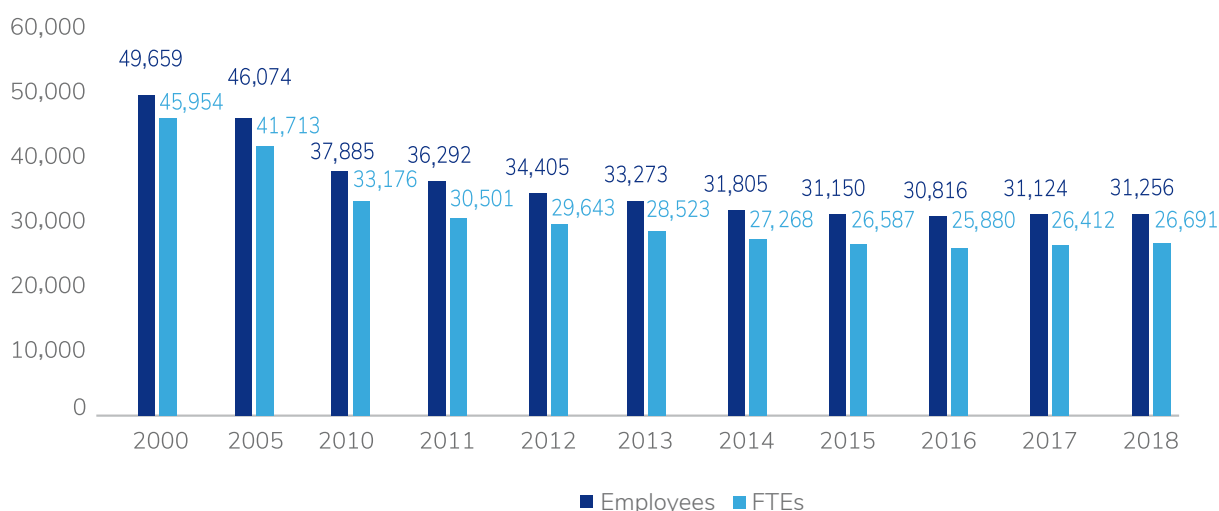
**Evolution of the price of a standard domestic letter (EUR)**  
(Source: bpost)



## EMPLOYMENT

The renewed dynamism in the sector can also be observed in the level of employment. After years of decrease, employment in the postal sector rose for the second year in a row (+0.4%). In 2018, the postal sector directly employed 31,256 people, which represents a decrease by 17,5% compared to the workforce in 2010. This decrease is particularly striking when expressed in full-time equivalents (FTEs): -19.5 % compared to 2010. Yet, the number of FTEs also increased (+1.1%) in 2018 compared to the previous year.

**Evolution of the personnel (on 30 June) in the postal sector**  
(Source: NSS0)

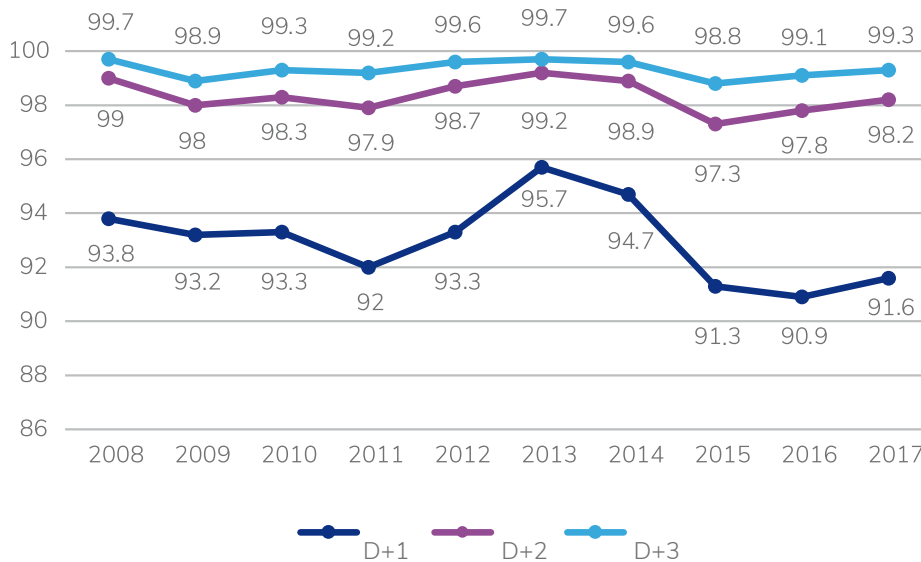


<sup>9</sup> BNB statbel.

<sup>10</sup> [Decision of 23 November 2018](#); see also the [Opinion of 19 October 2017](#) on the bill regarding postal services.

**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. They make it possible to calculate the number of letters delivered in time, i.e. already one day after the posting of the letter before the time of the last collection.

**Percentage of single piece priority mail delivered in time by bpost (between 2008 and 2017)**



The quality of the delivery of priority single piece mail stays under the standard set by Article 34, 2°, of the Royal Decree implementing Title IV of the Act of 21 March 1991. Concerning D+1, for the third year in a row, bpost is under the quality standard<sup>11</sup>, which increased from 90% to 93% in 2014.

BIPT expects efforts from bpost to respect the delivery times of priority single piece mail.

<sup>11</sup> Decision of the BIPT Council of 1 February 2019 on monitoring mail delivery times for the year 2017.

## 2 REPORT ON THE ACTIVITIES IN 2018

The operational plan implements, year after year, BIPT's strategic plan. The annual report gives an account of this execution. Readers will find a synoptic table showing the actions that were undertaken within the framework of the 2018 operational plan in Annex A of this document. In this section, we summarise the carried out activities as well as two projects that were undertaken at the government's request: I° a report on the impact of a fourth mobile operator and, II° a study on the impact of the radiation standards in Brussels on the deployment of mobile networks.

**1. In a letter received on 15 June 2018**, Vice-Premier Alexander De Croo requested BIPT to draw up a report describing the situation concerning the well-being of consumers in the Belgian telecommunications market. In its report, BIPT proposed two options to the government. The first one proposes to maintain a Belgian market with three players. The level of competition is lower than in a market with more than three players, but the market would remain competitive, with no possibility of regulatory intervention. In the second option, a fourth operator would enter the Belgian mobile market. However, BIPT's study finds that there are conflicting reports on the level of investment per operator – increase or decrease – to expect in case of entry of a fourth operator. The study also reports that the increase in the number of mobile operators is not a trend that has been observed in Europe in recent years, on the contrary. Besides, the regulator does not have any guarantee concerning the sustainability of a four-operator market, as different scenarios could occur. A market with four operators who have their own networks requires enough radio spectrum. BIPT's report also analyses the technical possibility to assign spectrum in the existing and new bands to a fourth operator, as well as the potential consequences of such an assignment in the short and long term. Additional spectrum will be available via an auction procedure and, even with a fourth player, the new available bands will increase the quantity of spectrum for the existing players. Finally, BIPT highlights that the potential entry of a fourth player is just an option which should be left at the discretion of the market. If, in the end, no one shows any interest, the existing operators will keep the whole spectrum. If a fourth operator enters the market and then decides to withdraw, the increased competition due to its presence will still have played its role.

**2. Concerning the radiation standards in the Brussels-Capital Region,** the Vice-Premier and Minister in charge of telecommunications requested BIPT to make recommendations concerning the modifications to be made to the standards in Brussels in order to meet the future needs of the telecommunications sector. One month later, the Minister of the Environment asked BIPT to give her an opinion on the existing radiation standards in Brussels. BIPT responded to these requests in its study of 12 September 2018 on the impact of the radiation standards in Brussels on the deployment of mobile networks. In that study, BIPT only determined the necessary conditions regarding the radiation standards with a view to the desired development of the fifth generation of mobile networks (5G) in order to ensure their optimal functioning. In Belgium, the radiation standards vary from one region to the other, and comparing them is not an easy task. However, it is certain that the three regions each apply radiation standards that are stricter than the ones indicated in the recommendations of the ICNIRP (International Commission for Non-ionising Radiation Protection) and of the European Union. Complying with these strict radiation standards means for the mobile networks to lose flexibility during the roll-out of the network, particularly in terms of optimal location of sites. Furthermore, the operators must limit the radiated power of their antennas, what has an impact on coverage and on the quality of the service provided to users. Mobile networks (2G, 3G, 4G) are already saturated in the context of the current standard in Brussels. As a consequence, the closer the standards in Brussels will get to the European standards, the better the capacity and the quality of the mobile networks will be ensured.

**The Strategic Plan 2017-2019 defined four strategic axes, the first one being competition. The purpose of the actions below is, on the one hand, to promote sustainable competition and investments, and, on the other hand, to foster innovation.**

## IMPROVING SUSTAINABLE COMPETITION AND INVESTMENTS

### 1. Monitoring of the electronic communications market

On 12 June 2018, BIPT published its annual report on the evolution of the telecommunications market. Based on the contribution of the main players in these markets, the document regroups information that is, among other things, used within the framework of the decisions adopted by BIPT (particularly those concerning the market analyses). The key figures in this document come from the same source.

### 2. Publication of a 2017 postal observatory

Having complete and reliable data on the postal market allows to better understand it and to try to improve its development. BIPT publishes its postal observatory to ensure, as much as possible, transparency, to increase market knowledge and to monitor trends in the light of a European benchmarking. The 2017 indicators were published under the form of a communication adopted on 23 November 2018.

### 3. Market analysis on the wholesale access to broadband and broadcasting networks

On 29 June 2018, the CRC (Conference of regulators in the electronic communications sector) adopted its decision on the analysis of the broadband and television broadcasting markets.

That document concludes that Proximus, Telenet (including SFR) and Nethys continue to have significant market power in the relevant wholesale markets (i.e. the sale of services among operators) and that their networks - including optical fibre in the case of Proximus - must remain open to competitors. In doing so, the CRC wished to amplify a positive dynamic : users may choose among more providers and operators are encouraged to compete by reducing the prices, improving their service quality and / or launching new services. The decision also imposed decreases in wholesale tariffs as of August 2018, and improved the access conditions in several ways

(for instance by granting more rights to alternative operators regarding installations at the customers' premises). Finally, the CRC introduced the possibility to differentiate the regulation based on geography, according to the circumstances, in order to ensure a balance between promoting competition, on the one hand, and promoting investments, on the other hand. The new networks deployed in the white or "grey" spots (i.e. territories with no NGA network or only one NGA network with a minimum speed of 30 Mbps) are exempted from regulation.

#### **4. Review of the market for high quality wholesale access at a fixed location**

The market for high quality wholesale access at a fixed location (i.e. leased lines and similar products) was the subject of a BIPT Decision of 8 August 2013. In the context of that review, BIPT focused on the optical fibre connection of undertakings and on the technological developments since the latest analysis, while taking account of the differing intensity of competition depending on the geographical areas. BIPT surveyed non-residential users and alternative operators to have a better understanding of how the market works. Based on that, BIPT produced a draft decision that will be submitted for consultation in spring 2019.

#### **5. Closing of the analysis of access and call origination on fixed telephony**

On 27 December 2017 a consultation was launched concerning retail access to fixed telephony and call origination on fixed networks<sup>12</sup>. In its Decision of 7 December 2018, BIPT decided to stop imposing on Proximus to offer Carrier Select (CS) and Carrier Preselect (CPS) services<sup>13</sup> to its competitors, given the significant decrease in importance<sup>14</sup> of these services in the market. BIPT also decided to stop regulating the wholesale call origination market which is currently characterised by greater competition: to have access to value added services (news, games...) users are increasingly turning to (paid or free) services provided over the Internet (by means of an application or an online conversation service) or their mobile phone.

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12 Call origination is a wholesale service allowing an undertaking operating a non geographic number (e.g. a 0900 number) to receive calls from all users, regardless of their operator.

13 These services allowed users to choose their operator, either per call (CS) or automatically (CPS).

14 In 2018, these CS and CPS services concerned less than 3% of all the fixed telephone lines. Requests of users to be able to separate access and calls are very limited.

Therefore, BIPT removed the existing obligations imposed on Proximus on that market. As a reminder, none of these markets is in the recommendation of the European Union on the relevant markets to be regulated.

#### **6. Closing of the analysis of the fixed termination market (FTR)**

An operator has de facto a monopolistic position on the termination of calls to its own numbers, given that it is the only one able to terminate calls to these numbers. That is the reason why BIPT adopted a decision setting the fixed termination rates (FTR). These are the wholesale rates a fixed telephony operator charges to other operators (fixed, mobile, foreign) when they terminate a call originating from their fixed network. These tariffs are regulated by BIPT to prevent operators from overcharging, what could lead to a tariff increase for end-users. BIPT analysed the market and adopted its final decision on 20 November 2018: the main obligation consists in imposing an FTR<sup>15</sup> that is inferior to the rate in the previous market analysis and an access obligation based on the IP interconnection for all SMP operators. Furthermore, Proximus must publish a reference offer approved by BIPT for the provision of fixed call termination on its network based on a new technology: IP interconnection.

#### **7. Decision regarding the cable operators' reference offers**

As the CRC Decision on the analysis of the broadband and television broadcasting markets was published on 29 June 2018, the timing of the adaptations to be made by the cable operators to their reference offers was disturbed. The cable operators had six months from the entry into force of the Decision of 29 June to send their amendment proposals. This project will thus be concluded in 2019.

#### **8. Fixing the One-Time Fees**

In the context of a reference offer, the One-Time Fees are once-only payments payable by alternative operators for work done by an operator on its network: e.g. installation of additional lines, migrations or

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15 Call termination rates are set, in line with the European recommendation, at the level of the costs strictly related to the provision of the call termination service for an efficient fixed operator in Belgium. To that end, BIPT uses a pure LRIC (Long Run Incremental Cost) cost model, calculating the costs based on future long-term incremental costs.

deactivations. According to the CRC Decision of 29 June 2019 on the analysis of the broadband and television broadcasting markets, the One-Time Fees must be cost-oriented. This fee must be calculated for the different infrastructures in Belgium: copper, cable and optical fibre. Concerning copper, BIPT received the report of the consultant in September 2017. Concerning cable and optical fibre, BIPT also decided to hire a consultant to develop a cost model for these networks.

## 9. Cable and FTTH cost models

Pursuant to the Decision of 29 June 2018 on the analysis of the broadband and television broadcasting markets, Proximus and the cable operators Telenet, Brut el  and Nethys must apply, from case to case, cost oriented prices or fair prices<sup>16</sup> for wholesale access to their networks. These obligations will be monitored by means of a cost model reflecting the costs of an efficient operator and by taking utmost account of the cost calculation method recommended by the European Commission. As a consequence, on 13 December 2018, BIPT launched a consultation regarding the different cost models (cable and fibre), in order to collect the sector's reactions on the methodology and the values used within the framework of these cost models. The final decision should be published in 2019.

## 10. Determining the weighted average cost of capital (WACC)

The weighted average cost of capital (WACC) is a crucial value as it is used to calculate the wholesale tariffs in the context of numerous decisions. As the latest BIPT decision on this subject was taken on 26 February 2015, a revision of the WACC was required. BIPT selected a consultant to assist it and, on 13 September 2018, BIPT launched a national consultation regarding its draft decision. In 2019, BIPT will present the draft decision to the media regulators and the Belgian Competition Authority, and will notify it to the European Commission before its final adoption.

16 See point 3. (Market analysis on the wholesale access to broadband and broadcasting networks).

## SPURRING INNOVATION

### 11. Report on the monitoring in Belgium of the Net Neutrality Regulation

On 28 June 2018, BIPT published its annual report regarding the monitoring activities carried out from 1 May 2017 to 30 April 2018. It is noteworthy that:

- Zero rating practice<sup>17</sup> was monitored, without any reason to intervene;
- By the end of the period covered by the report, BIPT had collected detailed information on the use of the DPI (Deep Packet Inspection) from the main Belgian network operators and will remain vigilant given the entry into force of the GDPR;
- Net neutrality is the subject of very few complaints, to which BIPT responded in accordance with the legal framework and the BEREC guidelines.

No case of service or application blocking was observed in Belgium. The volumes of mobile data included in the access providers' offers are increasing, meeting the increase of the mobile data traffic and ensuring that end-users can still choose among a wide variety of services and applications, irrespective of the services and applications included in the zero-rating practices.

### 12. Supporting e-commerce from a postal perspective


In January 2018, BIPT published an opinion pointing out avenues for reflection concerning the possible measures to implement the recommendations contained in the KPMG study<sup>18</sup> on the Belgian market for parcel delivery in the context of e-commerce activities. A list of ten resolutions can be found at the end of the document.

Long before the delivery of a product ordered on an e-commerce website, the provision of more information to the end-user, to the e-retailer and to the postal operator will allow to prevent possible unpleasant surprises. In 2018, BIPT published on its website the rights and duties of each of these players and the best practices.

Finally, the website giving an overview allowing the user to find the access points of the different postal service providers on one map was upgraded: the upgrades are under section 20. (Online overview of the postal points).

17 Zero rating is the practice of not charging or counting a service or an application within the consumption volume counted by the operator.

18. This study was also published on [BIPT's website](#).



The second strategic axis concerns users. BIPT wants to provide them with transparent information and to promote social inclusion. At the same time, BIPT strives to ensure a reliable environment.

## CONTRIBUTING TO PROVIDING TRANSPARENT INFORMATION TO CONSUMERS AND PROMOTING SOCIAL INCLUSION

### 13. National price comparison of electronic communications services

This fifth version of the national price benchmarking reflects and translates the observed developments on the market, as well as its likely evolution. Consumers still too often feel bitterness concerning the high telecommunications prices in Belgium, particularly compared to neighbouring countries. However, as the case may be, there are potential cost savings, if we compare the prices of the different operators. Based on the tariffs observed in October 2018, BIPT compared 20 consumption profiles, each service being compared both individually and in a bundle. Out of the 20 profiles, BIPT demonstrated that an informed consumer could save an average of €320/year, irrespective of the profile. The biggest savings opportunities concern mobile triple play bundles<sup>19</sup>.

### 14. Tariff simulator for electronic communications services

Operational since 2009, this online tool helps consumers compare the operators' tariffs and identifying the offers that are best suited to their actual needs. In 2018, BIPT carried out the IT developments allowing the consumer to automatically use his/her actual consumption data as recorded by his/her operator. There are other significant developments such as the possibility to input family bundles (i.e. packs including several mobile subscriptions), the possibility to compare side-by-side up to 5 plans of your choice or the accessibility of the website from different types of devices (computer, tablet, smartphone). The IT infrastructure was also updated. By the end of 2018, the test procedures started internally; they paved the way for tests that will be carried out with the operators in 2019.

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<sup>19</sup> Bundles including the Internet, mobile telephony and television.

Based on the information received via the simulator, the consumer can decide to change operator, which is now easier thanks to the introduction of the Easy Switch procedure<sup>20</sup>. As mentioned above, comparing tariffs may lead to significant savings. Unfortunately, we see that very few people know about BIPT's simulator; this will be a focus point for 2019.

## 15. Quality barometer of the electronic communications services

BIPT collects data showing the performance of the main operators concerning several points such as connection and installation times, repair of failures and malfunctions, the number of billing complaints, the quality of mobile telephony services and the efficiency of customer support services. By comparing the values of these indicators, the consumer can get a better idea of the quality of the offered service. The indicators were updated in early July 2018. Meanwhile, BIPT developed a new website presenting the information regarding networks (in terms of outdoor and indoor availability, geographical coverage and quality measurement). [This site](#) was launched in early 2019.

## 16. Monitoring the observance of Articles 122 and 133 of the ECA

In 2014, BIPT assessed the operators' compliance with Articles 122 and 123 of the ECA regarding the processing of location and traffic data. The following year, BIPT raised the awareness of a few operators concerning some of their practices, which were contrary to both provisions. A new control of the respect of the obligations laid down by Articles 122 and 123 of the ECA started in 2017, with the review of the terms and conditions of the operators; it went on and came to an end in 2018. BIPT will analyse the possible developments in 2019.

## 17. Survey on the perception of the functioning of the electronic communications market

On 6 September 2018, BIPT published the results of its annual survey conducted among 1,214 consumers aged between 15 and 74. The use of certain new telecommunications services has rapidly increased in recent years, such as the use of mobile Internet (which rose from 51% in 2016 to 67% in

2018). The sending of messages via an application<sup>21</sup> was adopted this year by 85% of the consumers, versus 68% in 2016. Skype and FaceTime are the most popular applications to make calls through the web (resp. 17% and 14%); Facebook Messenger and WhatsApp are barely used to make phone calls (resp. 2% and 3%). In 2018, 28% of the respondents watched Internet television. Concerning satisfaction, consumers are generally moderately satisfied with the tariff of the different services (bundles, fixed telephony, mobile telephony, Internet) of their operators. The provision of services, the respect of the consumers' rights, the information provided by the operators and the invoicing reliability get a slightly higher score.

## 18. Monitoring of the universal service

On 18 December, BIPT adopted its report regarding the monitoring of the universal telecommunications service in 2018. Only one universal service obligation is currently in force. It concerns the social tariff element which, under certain conditions, allows users to benefit from social tariffs specific to fixed telephony and the Internet. However, BIPT also monitors the impact of the abolition of the universal service obligation regarding payphones, directories and directory enquiry services on end-users. The Institute also monitors the availability of a functional Internet access and follows the evolution of the price and of the quality of service. BIPT concluded that the removal of the universal service obligations concerning payphones, universal directories and directory enquiry services did not have a negative impact on the level of protection afforded to end-users within the framework of the universal service, particularly given the available alternatives on the market.

## 19. Reform of social tariffs

BIPT is in charge of checking that the customers requesting the social tariff from their operators meet the legal requirements to obtain it. Article 22 of the Annex to the Act of 13 June 2005 on electronic communications provides details concerning these requirements. Given that the content and the funding of the social tariffs are likely to change, BIPT took steps with the parties involved in order to draw up concrete proposals to amend the law. However, the legislative and regulatory initiative is a parliamentary and royal competence and, as a consequence, BIPT alone cannot initiate such a procedure. BIPT keeps its

<sup>20</sup> It is based on a unique identifier which must appear on bills.

<sup>21</sup> Facebook Messenger, WhatsApp or Skype for instance.

technical expertise at disposal. Let's highlight a figure appearing in the survey on the perception of the functioning of the market: 33% of the respondents from the group with the lowest income indicated not knowing what a social tariff is.

## 20. Online overview of the postal points

The website [www.postalpoint.be](http://www.postalpoint.be) provides the general public with an overview of the wide Belgian postal point network and particularly of the closest postal point. In 2018, BIPT wanted to check if that tool was sufficiently effective and to determine the necessary optimisations. A new version of the website will be launched in early 2019 with new features.

## 21. Revision of the secondary regulation in the light of the new Postal Act and the developments in the sector

The revision of the secondary regulation was made necessary by the adoption of the new Postal Act enacted on 26 January 2018 and published on 9 February. The technical developments and the changes in the uses are also excellent reasons. In 2018, BIPT continued its critical review of the current secondary regulation with a view to adopting implementation orders of the Postal Act. Draft decrees on (i) postal services, (ii) private mailboxes and parcel boxes are currently being drafted. In addition, the Royal Decree on the calculation of the net cost of the universal service obligations of the universal postal service provider and laying down rules regarding the payment of the State intervention was adopted upon the BIPT Opinion of 20 December 2018. It was published in the Belgian Official Gazette on 31 December 2018 and came into force on 1 January 2019. The text aims at developing a correct methodology to calculate the net cost and verify this calculation, while taking account of the postal directive and the best practices of the European Commission in this domain.

## 22. Satisfaction survey of bpost's customers

For the years 2016 and 2017, BIPT verified the results of the annual satisfaction survey of bpost's customers as well as the action plan drafted by the operator to improve what needs to be improved. Two opinions were drafted by BIPT in that context in 2018<sup>22,23</sup>. Each of these opinions is based on different documents: presentations given by bpost, the report containing the satisfaction measurements, the analysis of the improvement plan of the previous financial year and the improvement plan for the following financial year. BIPT notices that the approach developed by bpost in 2012 to improve the quality of its work has led to improvements. The results of the measurement of the customers' general satisfaction remain stable and the queue times at the counters have improved. In 2017, the satisfaction rate concerning parcels was of 94% for private individuals and of 95% for undertakings (concerning domestic parcels). The satisfaction rate regarding the sending of a parcel abroad is of 86% for private individuals and 89% for undertakings.

## 23. Monitoring the measurement of the satisfaction of bpost's customers

Within the framework of its monitoring task regarding the management contract between the State and bpost, BIPT organised in 2018 a verification of the methodology used by bpost to measure the satisfaction of its customers. The findings were subdivided in three priority levels : high, medium and low. Following the 13 questions verified by the survey, 8 recommendations were made (3 with a high priority and 5 with a medium priority). Based on the reports concerning the year 2018, the satisfaction survey will be modified, in particular concerning the satisfaction regarding the speed of service at the counter, the distribution of the results for the residential customers and the small companies, the definition of satisfied customers, complaint handling and the customer service, the handling of external qualitative data, an additional verification of the internal quality of bpost and the reliability of the samples.

BIPT requested a detailed action plan from bpost concerning the remedies the undertaking will apply concerning the pending issues. BIPT will closely monitor the action plan in 2019 to ensure that bpost takes the necessary measures. If necessary, BIPT will carry out a follow-up monitoring in 2019 to check if the pending issues have been correctly solved.

22 Opinion of the BIPT Council of 16 April 2018 on the 2016 improvement plan and the 2017 action plan following the customer satisfaction survey for the year 2016

23 Opinion of the BIPT Council of 17 December 2018 on the 2017 improvement plan and the 2018 action plan of bpost following the customer satisfaction survey for the year 2017

## 24. Compliance audit regarding the measuring instruments to define delivery times

The fifth management contract and the secondary legislation laid down that the delivery times must be measured, under BIPT's supervision, according to the European standards CEN EN 13850:2012<sup>24</sup> for priority items, on the one hand, and CEN EN 14508:2003+A1:2007<sup>25</sup> for non-priority items, on the other hand. Between June and November 2018, an audit verified the compliance of bpost's measurement systems with the provisions of these standards. The audit<sup>26</sup> concluded that certain parts of bpost's processes did not fully comply with the requirements laid down in the European standards or in the protocol concluded between bpost and BIPT concerning domestic single piece registered items and domestic single piece parcels. This concerns for instance the following pending issues: an insufficient formalisation of the statistical project, an insufficient formalisation of the conducted data validation, infringed requirements related to the workload of the panel or increased risk of identification of the panellist. As a consequence, bpost was requested to draw up a short-term action plan to adopt the remedies for the observed defects.

## 25. Monitoring the price of products included in the universal postal service

In its Decision of 21 March 2017 regarding the analysis of bpost's tariff proposal for full rates per piece for the year 2017, BIPT rejected the operator's tariff increase as these tariffs did not comply with the legal obligation of cost orientation, which is contrary to the European and Belgian postal legal framework for universal postal services. It is under the new Postal Act which entered into force on 10 February 2018 that bpost announced an average tariff increase of 7.32%, on 1 March 2018. The new Postal Act lays down that the cost-orientation and affordability principles must be verified together via a new price cap formula. BIPT had to approve these increases, but expressed strong reservations regarding the efficiency of that price cap formula (risk of harm to the cost orientation principle and doubt concerning its capability to verify the tariff affordability). On 23 November 2018, BIPT had to approve the tariff increases requested by bpost

24 Postal services – Quality of service – Measurement of the transit time of end-to-end services for priority mail and first class mail.

25 Postal services - Quality of service - Measurement of the transit time of end-to-end services for single piece non-priority mail and second class mail.

26 The results were published in the BIPT Communication of 8 January 2019.

coming into force as of 1 January 2019. BIPT keeps a general jurisdiction to monitor ex post the compliance with the postal tariff regulation.

A licence coming into force on 1 January 2019 was granted to bpost on 14 December 2018. It should be noted that pursuant to Article 29 of the Postal Act, bpost was considered to hold a licence until 31 December 2018. BIPT granted bpost, from 1 January 2019, an individual licence regarding all the letter post services included in the universal service the operator requested, i.e. the collection, sorting, transport and delivery of items of correspondence included in the universal service.

## 26. Monitoring the observance of the 6th management contract between the State and bpost

In accordance with Article 14, § 1, 6°, of the Act of 17 January 2003 on the status of BIPT, the Institute has been charged with the general task of monitoring the observance of the management contract between the State and bpost. The following tasks included in the management contract must particularly be monitored: the accessibility and continuity of the postal points, the operating hours, the queue times, the interaction with customers, etc. BIPT monitoring teams carried out field verifications in 134 post offices and 137 postal points. The results of these campaigns executed in May 2018 were then analysed and reported in a draft communication, the final version of which will be published in 2019.

## 27. Monitoring the observance of the postal regulatory framework

Pursuant to the postal regulatory framework, BIPT must carry out each year a number of missions, the main ones being monitoring bpost's observance of the delivery times, certifying bpost's analytical accounts, monitoring the observance of their obligations by holders<sup>27</sup> of a licence allowing the delivery of items of correspondence and a report on the observance of their obligations by postal service providers. bpost and TBC-Post provided BIPT with the information allowing it to conduct its checks. In 2018, BIPT drew up its draft decision<sup>28</sup> regarding the delivery times in 2017; during the last three years BIPT observed

27 Arranged by registration date : TBC-Post, bpost, Glejor BVBA.

28 The final version of the document was adopted on 1 February 2019. bpost is requested to make additional efforts to ensure the regularity and reliability of the service throughout the year.

the lowest results over the last ten years<sup>29</sup>. On 30 November, BIPT adopted the decision on the declaration of conformity of bpost's costs accounting system for the year 2015.

The year 2018 was also marked by the entry of a third operator on the market for items of correspondence included in the universal service (in addition to bpost and TBC-Post). A postal licence was granted to Glejor BVBA on 20 December 2018 for the delivery of (non-registered) letter post in the following cities and municipalities: Dilsen, Dilsen-Stokkem, Stokkem, Elen, Lanklaar, Rotem and As.

## **28. Updating the radio interfaces pursuant to the requirements of Directive 2014/53 (Radio Equipment Directive - RED)**

Radio interfaces are crucial documents for economic operators as they provide information on the applicable technical standards. As a direct consequence of the fact that the radio frequency universe is in continuous development, the work on interfaces is a never-ending task. In 2018, BIPT launched several public consultations regarding the interfaces B01 (9, 19, 35, 37 and 38), B04-15, B06-24, B07-04, B16-01 and B17 (04 and 05) and the abolition of the radio interface B12-05, the interfaces C01 (01 to 10), C02 (01 to 08), C03 (01 to 04), C04 (01 to 09) and C05 (01 and 02), the interfaces I01-01, I01-02 and I01-03, and the modification of the radio interfaces D03-01 and D03-02 and the abolition of the radio interface B01-24. The corresponding decisions were then adopted in 2018: on 3 May (concerning B interfaces), 25 October (C interfaces) and 20 November (interfaces I, D03 and B01-24).

The radio interfaces for digital radio-relay links operating in the frequency bands between 1 and 86 GHz (E-series radio interfaces) were determined by the BIPT Decision of 30 July 2018.

## ENSURING A RELIABLE ENVIRONMENT

### **29. Improving transparency in terms of mobile network coverage**

The mobile coverage maps indicate that on average 98% of the territory has a basic 4G coverage. In the past, the maps indicated the possibility, at a given point, to use mobile telephony (voice and SMS) or data services, but only outdoors. To solve the fact that these maps imperfectly reflected coverage in the field, BIPT decided to publish new ones, showing several layers of coverage. In 2018, BIPT prepared this development in cooperation with the sector, particularly by refining the choice of the test paths and by simplifying the validation method.

### **30. Improving transparency in terms of mobile networks quality**

The first maps of BIPT showed the availability of a signal (or its absence) in a binary way. However, the quality of service at a given point depends on numerous parameters<sup>30</sup> the impact of which casts doubt on the correctness of the maps. The publication of maps showing three levels of coverage (basic, good and very good) allows to increase the reliability of the mapped information. The decision to develop and to launch a smartphone application also meets the need to better confront the maps with reality. Private persons can download and install this participative application. It will request their authorisation to take measurements. Then, the results will be sent to BIPT in order to complete and refine those which are already available. Furthermore, BIPT has always acknowledged that information on the consumer's quality of experience is a necessary complement to the information on coverage. As a consequence, BIPT conducted a series of measurements on the road: the study of the quality of experience on mobile networks carried out in 2018 allowed to compare the three networks based on 17 indicators, such as voice quality, video streaming quality and the time to download a webpage.

<sup>29</sup> See the section with the key figures of the postal sector; you will find the graphic showing the percentage of priority single piece mail on page 17....

<sup>30</sup> The distance from the antenna, the quality of the mobile device, the presence of interference, the network load during the connection, being indoors or outdoors, etc.

### **31. "White spots" pilot project**

For some time now Belgium has been close to meet the objectives of the 2020 Digital Agenda for Europe. To reach the objective of 100% coverage at 30 Mbps, Belgium must still ensure that the citizens of certain municipalities located in rural areas can also benefit from a broadband Internet access before 2020. The accurate coverage maps and the mobile application allow to reduce the size of the areas without broadband. In order to foster investments in these under-served areas, a modification of the regulation has been implemented, as well as actions reducing the deployment cost of networks. In 2018, BIPT provided its technical expertise in the context of each request that was sent to it, with the objective to help eradicate the areas with poor connectivity.

### **32. Inspection of the operators' critical infrastructures**

The BIPT inspection team carries out controls pursuant to the Act of 1 July 2011 on the security and protection of critical infrastructures within the electronic communications sector. In early 2018, BIPT published a document aiming at helping critical infrastructure operators to draw up their security plans. Furthermore, each critical infrastructure designated as such was inspected during that year. Several aspects related to security were reviewed and recommendations based on detailed reports indicating the findings were communicated to the operators concerned, who took duly note of them. This type of inspection will be conducted again in 2019, in parallel with the follow-up of the previous reviews.

### **33. Notification of security incidents by operators**

BIPT is the competent authority for the monitoring of the security of the telecommunications sector. In its Decision of 1 April 2014, BIPT had laid down the instructions to implement the operators' obligation to notify BIPT of any breach of security or loss of integrity that has had a significant impact on the operation of networks or services. BIPT then modified these notification thresholds in its Decision of 14 December 2017. Incident notifications complying with the conditions of the 2017 decision were communicated by operators in 2018. Incidents are systematically followed up and recommendations are made if necessary. These activities will also be carried out in 2019.


It should also be noted that three exercises were organised in 2018 in order to implement and improve the crisis procedures.

### **34. Enhancing the quality of mobile networks coverage at borders**

BIPT and the ILR (Institut Luxembourgeois de Régulation) have been cooperating since 2017 in order to reach a greater transparency concerning the coverage of mobile access networks, the identification of white spots in the border areas shared with the Grand Duchy of Luxembourg and the improvement of the access to broadband Internet. In 2018, the coverage problems in the cross-border area (which runs over fifteen kilometres on both sides of the line) were identified. For end-users, the problems have practically vanished since the entry into force of the European roaming regulation. BIPT and the ILR will give their recommendations to the operators concerned in 2019. This will be followed by new measurements and the analysis of the recorded results.

### **35. Researching and resolving interference disrupting the functioning of mobile operators' networks and weather radars**

BIPT's agents of the National Spectrum Monitoring (NCS) Department have been trained to act in order to stop any harmful radio interference (see page 40 and following for more information). The agents of the NCS apply a 24/7 duty service in order to react immediately if need be. Among the regular victims of such incidents, there are, on the one hand, the mobile telephony operators and, on the other hand, the weather radars (there are four of them in Belgium). Most of the time, devices incorrectly using frequencies (such as DECT 6.0 phones imported from the United States) or the presence of defects in the software or in the parts of radio devices are the cause of nuisances reported to BIPT. Besides searching and eliminating interferences, BIPT's agents are raising awareness throughout the year among the hardware retailers and points of sale in order to ensure the observance of the technical requirements of the marketed hardware.



**The third axis is dedicated to scarce resources and their optimal management. Radio frequencies and numbering space determine the deployment of technologies and services. In this context, regulation must serve as a facilitator and structure markets.**

### **36. Adaptation of the numbering plan to the long-term evolutions in the market**

The numbering plans are continuously reviewed and adapted to foster innovation in the electronic communications market. In 2017, based on the responses to the consultation regarding the numbering aspects of the eCall services<sup>31</sup> and their analysis by BIPT, the Institute prepared a draft decision to amend the M2M decision<sup>32</sup> regarding numbering to allow the use of the 077 series for eCall and the "Connected Car" applications, as well as a draft Ministerial Order authorising the extraterritorial use of E.212 and E.164 numbering resources for eCall, M2M applications and "Connected Car" applications. A circular letter of 6 October 2017 was then adopted by the Minister responsible for telecommunications. BIPT's decision of 10 January 2018 laid down the numbering plan regarding IoT<sup>33</sup> and eCall communications. This process also led to the Ministerial Order of 29 May 2018 allowing an exception<sup>34</sup> for eCall to the principle in Article 8 of the Royal Decree of 27 April 2007 on managing the national numbering space and the grant and withdrawal of number user rights. Furthermore, BIPT devoted much attention to the proactive fight against fraud or abuse where numbers are involved. So the regular consultation with the sector on this matter continued and information was exchanged, what led to blocking certain international

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31 eCall is a European initiative included in the Directive «Intelligent transport systems». Each vehicle is equipped with an automatic safety system (via sensors, among other things) alerting the emergency services in the event of an accident. As soon as the sensors detect a collision, the system automatically calls the emergency number 112, certain data are sent and a voice channel is opened with a public safety answering point. A person inside the vehicle in distress can also establish a manual connection with such an answering point by using a special button. All new car models will have to be equipped with the eCall technology as of 31 March 2018 pursuant to Regulation (EU) 2015/758 of the European Parliament and of the Council of 29 April 2015.

32 M2M: Machine to Machine.

33 IoT (or Internet of Things) means a communication service involving the automatic transfer of data between the equipments or applications, either with little or no human interaction, or within the framework of a voice communication between a limited and previously determined set of connections.

34 The extraterritorial use of E.164 and E.212 numbers and of supranational numbering resources of the ITU for eCall in Belgium is authorised. The 077 series of E.164 numbers has been chosen as the national solution for IoT and eCall services.

numbers. BIPT also organised, in cooperation with the ECO<sup>35</sup>, the international workshop "The Role of E.164 Numbers in International Fraud and Misuse of Electronic Communications Services" in order to increase the priority given to this subject at the European level.

**Concerning the emergency services** in 2018, BIPT, within the framework of its ongoing mission, examined interferences, faulty routings and other incidents notified or observed in the field of electronic communications and which have an impact in the functioning of emergency services, and solved these issues or did so to implement a remedy when necessary. BIPT is a member of the Belgian federal steering group on the introduction of the pan-European eCall system in Belgium. Thanks to its technical know-how, BIPT provided advice within this group concerning electronic communications issues. BIPT also monitored the use of the Advanced Mobile Location (AML) used in mobile networks since 1 July 2017. The AML is an application used on mobile phones allowing to improve the location of mobile emergency calls. Since then, experience has shown that this application is appreciated by emergency services providing on-the-spot assistance as it helps them to respond more quickly to emergencies. Previously, this application was only running on devices with the Android operating system, but in 2018 other manufacturers allowed the installation of the AML on their mobile devices.

### **37. Publication of a communication on the introduction of 5G**

5G differs from 4G due to the following technical specifications: 1. high-speed mobile connections with a maximum speed (up to 20 Gbps as peak capacity and 100 Mbps for each user); 2. a faster (1 ms) latency (response time); 3. a massive number of connected objects (up to 1,000,000 objects per square kilometre). These are thus economic and social sectors which can be digitised and interconnected. BIPT thought that Belgium should be leading the way in Europe and did what was necessary to make the 3400-3800 MHz band available, bearing in mind that the 700 MHz, 1,5 GHz and 26 GHz bands are also of strategic importance. BIPT covered the issue in its Communication of 10 September 2018.

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<sup>35</sup> European Communications Office: permanent office assisting the CEPT.

### **38. Refarming of the aeronautical bands in 8.33 kHz**

The frequency band between 108 and 137 MHz is reserved for aviation for short and medium-distance communications between pilots and the personnel of ground-based stations. The European Regulation No 1079/2012 had imposed a channel spacing of 8.33 kHz instead of the current 25 kHz. This reduced spacing allowed to create new frequency assignments in the band from 117,975 to 137 MHz. The migration should be completed by 1 January 2019. In 2018, BIPT started by defining a new licence model, then started to update the administrative data of each granted licence. Finally, awareness-raising actions were carried out in close collaboration with the Directorate General of Air Transport and the FPS Mobility and Transport so that all the parties concerned correctly apply the current provisions.

### **39. Preparation of the multiband auction**

In 2018, BIPT actively participated in the discussions concerning the draft bill amending Article 30 of the Act of 13 June 2005 on electronic communications, the draft Royal Decree on radio access in the 900 MHz, 1800 MHz and 2 GHz frequency bands and the draft Royal Decrees on radio access in the 700 MHz, 1400 MHz and 3600 MHz bands.

The 2G and 3G authorisations of Proximus, Orange Belgium and Telenet Group are valid until 15 March 2021. The 2G (900 MHz and 1800 MHz) and 3G (2 GHz) frequency bands will no longer be assigned from that date. User rights must also be granted for the 5G bands on 700 MHz and 3600 MHz. BIPT found that an auction should be organised in 2019. These Royal Decrees and legislative changes were approved by the federal government in July 2018, but the drafts got stuck at the level of the consultative committee.

However, BIPT did everything in 2018 to prepare in the best possible way the organisation of the auction for the licences regarding the 2G and 3G frequency bands, the 700 MHz band, the L band (1.5 GHz) and the 3400-3800 MHz band. Based on specifications, a consultant was appointed to ensure the technical and operational support of the auction procedure.

### **40. Review of the GSM-R Decision**

On 30 June 2015, BIPT adopted a decision regarding the GSM-R network ensuring the coexistence between Infrabel's GSM-R<sup>36</sup> network and the public mobile networks: a list of provisions was set

in order to prevent possible interference between both infrastructures. As these provisions must remain applicable until 31 July 2019, BIPT started reviewing the implementation of its 2015 decision with a view to adopting a new decision in 2019. A complication arises from the fact that the RSPG found that Member States can assign an extension band up to 2 times 3 MHz (873-876/918-921 MHz) to the GSM-R system, whereas the 874-876 MHz and 915-921 MHz frequency bands are candidates to RFID<sup>37</sup> and IoT applications. However, the 874,4-880 MHz and 919,4-925 MHz sub-bands were reserved for the successor of GSM-R. The case will have to be completed before the deadline set by BIPT in its Decision of June 2015.

**The fourth and last strategic axis concerns the functioning of BIPT. The objectives are to ensure an accessible environment by communicating in a transparent and accessible manner with all the stakeholders and to be an attractive employer to develop the talents that are already present and to attract new ones.**

## ENSURING AN ACCESSIBLE FUNCTIONING

### 41. New BIPT website

The Communication Department pursued work on the update of BIPT's website. In 2018, the Department focused on the central question of defining the architecture of the information. The answers to this central question largely determine the navigability, the ergonomics and the user-friendliness of a website. Some of these answers were given by groups of users who arranged the subjects covered by the website according to their own logic. In parallel, several departments of BIPT reviewed the content they produce from the perspective of professional users. Designed to give a maximum of practical answers to the real questions of its visitors, the website will be programmed and created in 2019.

### 42. Maritime Radio Department and Aeronautical Radio Department

At first, BIPT planned to improve the customer satisfaction of the Maritime Radio Department and Aeronautical Radio Department thanks to the integration of these processes in its digital office project. In 2018, the resources intended to that end first had to be reallocated to problems arising from the integration of the processes of the Radio amateurs Department. Important lessons were learnt from these issues and a new approach to integrate the operational processes was defined. The integration of the processes of the Maritime Radio Department and Aeronautical Radio Department will benefit from it.

Finally, the Royal Decree of 18 December 2009 on private radio communications and user rights for fixed networks and trunk networks was updated by the Royal Decree of 14 December 2018. The most significant changes introduced by this new version were taken into account.

### 43. Review of the maritime radio examinations

BIPT also wished to review and update the maritime radio examinations, among other things via the

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<sup>36</sup> GSM-R is a variant of the GSM standard, specifically developed for railway applications. Via its Decision of 17 June 2009, BIPT assigned all the 876-880 MHz and 921-925 MHz (i.e. 19 GSM-R channels) frequency bands to Infrabel.

<sup>37</sup> Radio-Frequency Identification.

review of the examination regulations as well as of the examination questions for pleasure sailing, with a special focus on the VHF and SRC<sup>38</sup> exams. In 2018, the work logically started with the consultation of the maritime sector and of the training centres, which were actively involved in the work. Then, based on the collected information, the SRC exam questions were reviewed and updated. By the end of 2018, the process concerning the VHF questions was still ongoing.

#### **44. Participation in the national and international consultative bodies**

For information on the activities in that domain, please see page 49 and the following where the activities of BIPT's International Relation Department are reported.

#### **45. ERGP Chair**

As reported on page 50 and the following, BIPT chaired the ERGP in 2018. The ERGP Chair encourages the coordination of all the activities of the group.

#### **46. Functioning of the Consultative Committee for Postal Services**

BIPT provides secretarial duties for the Consultative Committee for Postal Services (CCPS). Its objective is to represent the postal sector and to render opinions on its own initiative or at the request of the competent minister or of BIPT. The CCPS also serves as an information platform for all the stakeholders within the postal sector. In this context, the CCPS rendered an opinion on the universal service management contract and on the reform of the secondary legislation following the new Postal Act which came into force on 26 January 2018.

### **BEING AN ATTRACTIVE EMPLOYER**

#### **47. Internal operational plan**

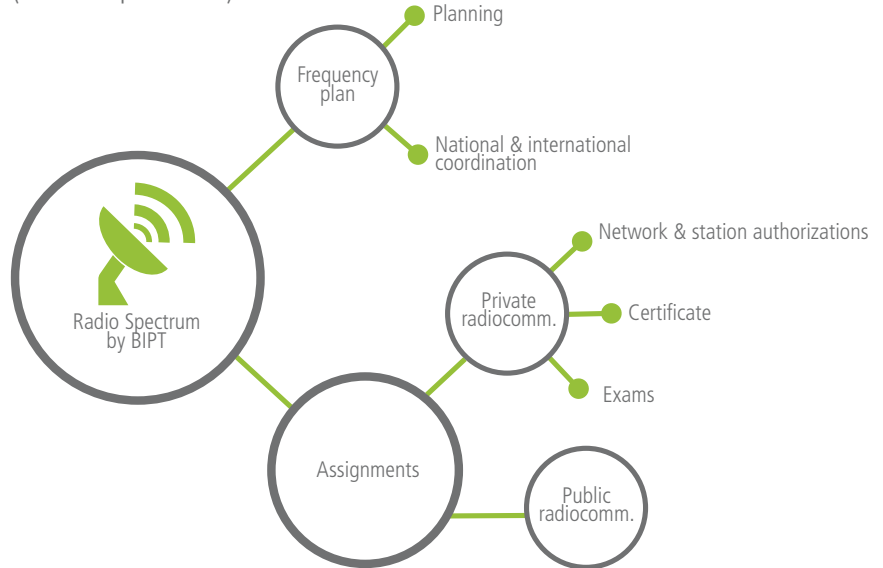
BIPT endeavours to act as an effective and efficient organisation, and to remain an attractive employer. An internal operational plan is drafted based on projects aiming at improving the functioning. Such as for the annual operational plan, each project is handled in a card describing the goal(s) pursued and is monitored on a quarterly basis.

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<sup>38</sup> Short Range Certificate.

### 3.1. ELECTROMAGNETIC SPECTRUM MANAGEMENT, LICENCES AND FREQUENCIES

The management and the monitoring of the radio spectrum fall within the brief of BIPT. As a consequence, the Institute 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 2018 are the following:

Number of files dealt with for mobile services (HCM Agreement). Number of coordinations	2018
Coordinations asked by Belgium	mobile : 222 fixed : 81
Incoming coordinations asked by France	66
Incoming coordinations asked by the Netherlands	69
Incoming coordinations asked by Germany	56
Incoming coordinations asked by Luxembourg	0
Incoming coordinations asked by the United-Kingdom	49
<b>Total</b>	<b>543</b>

BIPT is not responsible for the frequency planning of broadcasting stations, but its Frequency Management Department processes the daily coordination requests and is responsible for the implementation of international agreements (Stockholm 1961, Geneva 1975, Geneva 1984, Wiesbaden 1995, Chester 1997, Maastricht 2002) as well as the LEGBAC<sup>39</sup>

agreement (compatibility between FM broadcasting and air navigation).

This department 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 Radiocommunication Bureau.

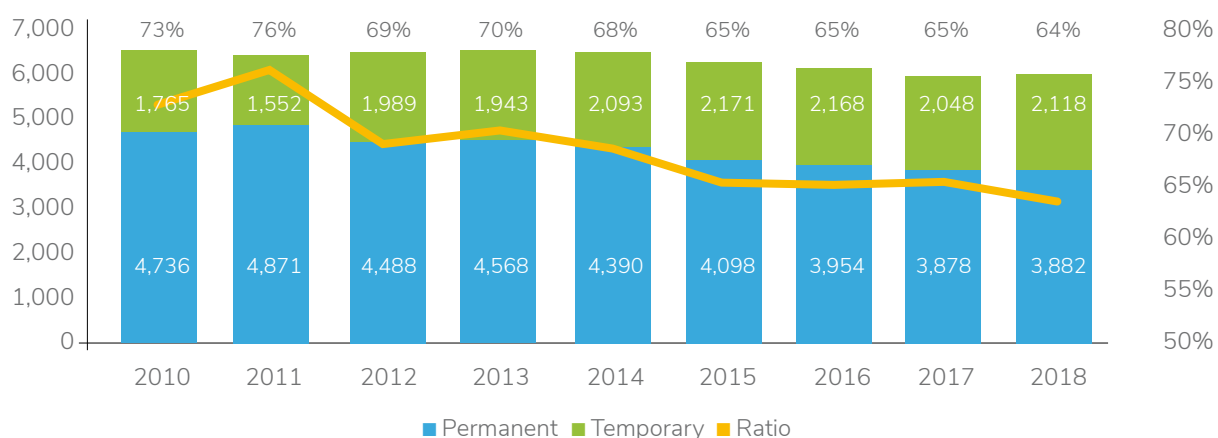
### 3.1.2. Licences for private radio communications networks and individual stations

The following table includes the total number of licences granted on 31 December 2018 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
1 <sup>st</sup> category	Private mobile networks	3,167	2,208
2 <sup>nd</sup> category	Fixed networks (radio-relay links)	126	6
3 <sup>rd</sup> category	Mobile radio communications networks established by public bodies for medical and social aid	715	10
4 <sup>th</sup> category	Jammers installed in penal institutions	1	0
6 <sup>th</sup> category	Other radio communications networks (radars, demonstrations, tests...)	71	
7 <sup>th</sup> category	General holder's licences	64	0
	Individual holder's licences	350	0
8 <sup>th</sup> category A	Fixed networks established by - MNOs	3	0
	- operators	4	0
8 <sup>th</sup> category B	Trunk networks	17	0
Satellites	Satellite networks	73	

#### Annual evolution of the number of files concerning private mobile networks (1<sup>st</sup> and 3<sup>rd</sup> categories)



39 LEGBAC : Limited Exploratory Group on Broadcasting to Aeronautic Compatibility.

Two opposed trends are neutralising the evolution of the number of files concerning private mobile radio communication networks. On the one hand, we notice the decrease of permanent files, which can be explained by the use of cellular networks or

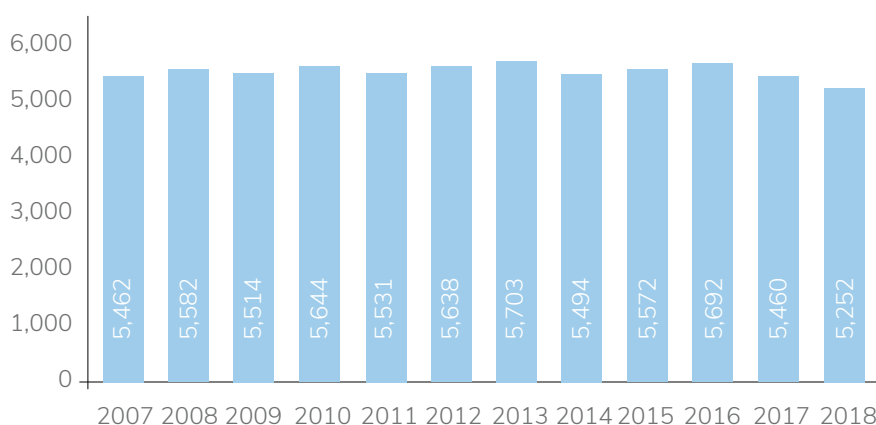
DECT<sup>40</sup> systems which are not subject to licensing. On the other hand, the user friendliness of the push-to-talk solution increases the number of temporary files.

### 3.1.3. Radio amateurs (5<sup>th</sup> category)

For radio amateurs, the year 2018 was characterised by a decrease of 5% in the number of station authorisations. This reflects the anticipation of the operator certificate for radio amateurs<sup>41</sup>, introduced on 1 January 2019 by a new version of the Royal Decree of 18 December 2009.

In order to improve the quality of all the departments and to take account of the future challenges, the update of the IT tools that started in 2017 was finalised in the department in 2018.

**Authorisations of the fifth category**



### 3.1.4. Other (test) authorisations

Authorisations to conduct 5G tests were issued to Huawei and Telenet.

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.

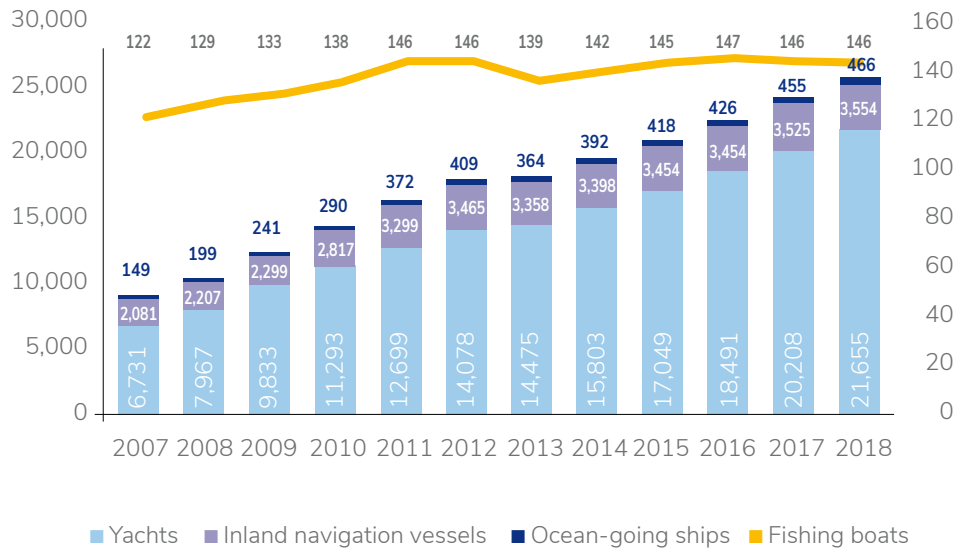
### 3.1.5. Maritime licences

In 2018, the total number of ship station licences amounted to 25,821, distributed among 21,665 yachts (84%), 3,554 commercial inland navigation

vessels (14%), 466 ocean-going ships (2%) and 146 fishing boats (< 1%). Fixed stations (i.e. shore stations) are assimilated to the 1<sup>st</sup> or 3<sup>rd</sup> category.

<sup>41</sup> Previously, a licence at your own name was necessary to operate a station. For example, every member of a family living under the same roof had to have a licence for the same station. Since the introduction of the certificate, each member of that family will have to have its personal operator certificate, and only one of them will have to obtain a licence for the station.

### Annual evolution of the number of maritime radio licences



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

Moreover, given that these licences are not subject to an annual fee, few holders inform BIPT when they cease their activity..

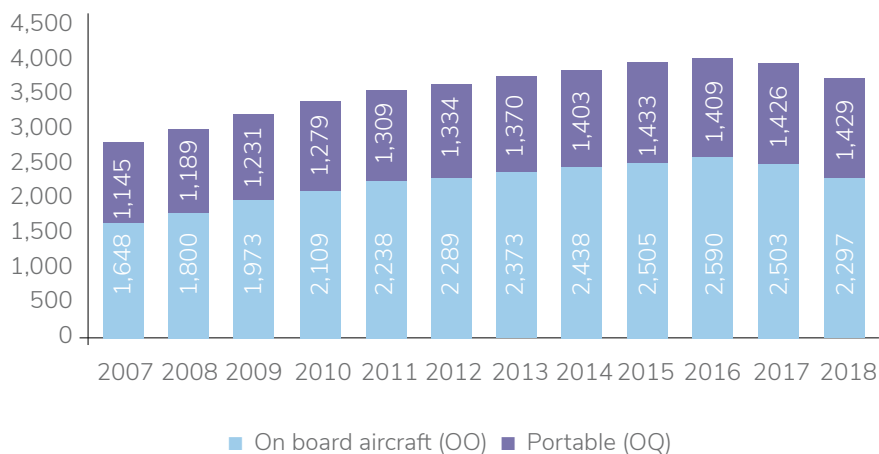
### 3.1.6. Aeronautical licences

BIPT manages 3,726 licences for stations operating on frequencies reserved to air navigation: 2,297 for installations on board aircraft (62%) and 1,429 for portable stations (38%). Fixed stations are assimilated to the 1<sup>st</sup> or 3<sup>rd</sup> category.

The refarming of the aeronautical bands, which started in 2017, continued in 2018. This operation results

from Article 4.5 of the Implementing Regulation (EU) No 1079/2012 of the Commission of 16 November 2012, which imposes 8.33 kHz channels instead of the current 25 kHz channels. The decrease in the number of licences is also attributable to verifications conducted to revoke the licences for deregistered aircraft.

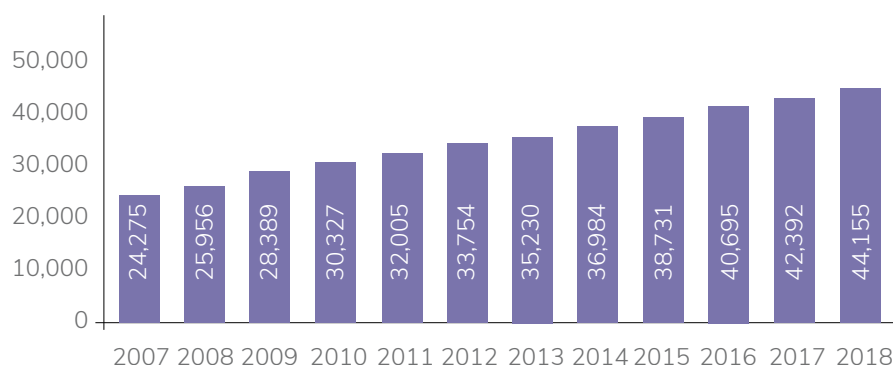
### Annual evolution of the number of aeronautical radio licences



### 3.1.7. Maritime radio certificates

In 2018, 44,155 persons (+1,763) held a certificate to use a maritime radio station on board vessels.

Annual evolution of the number of maritime radio certificates



### 3.1.8. Aeronautical certificates

8,381 persons (+277) hold now a certificate to operate an aircraft station, of which 277 were issued by BIPT in 2018 based in examinations organised

by the FPS Mobility and Transport or the Belgian Air Force.

Annual evolution of the number of aeronautical radio certificates

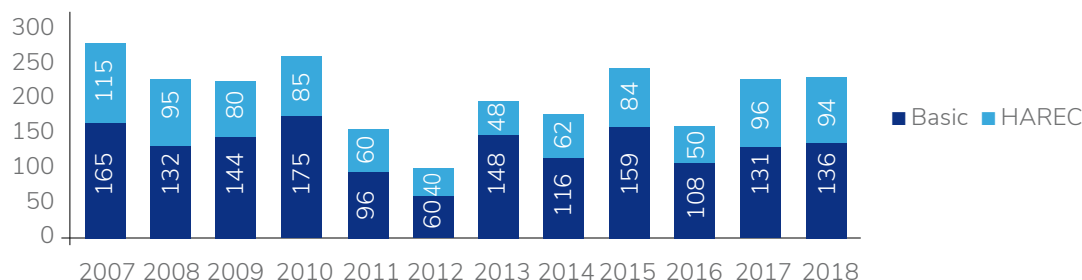


### 3.1.9. Radio amateur examinations

Obtaining the HAREC (Harmonised Amateur Radio Examination Certificate) certificate requires an advanced knowledge of radio technique: 96 candidates sat the examination and 50% passed. 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/her hobby in the signatory countries of this agreement.

Annual evolution of the number of participants in the radio amateur examinations



The basic certificate is relatively limited compared to the HAREC certificate, regarding frequencies as well

as authorised powers, but the examination is more accessible: 71% of the 136 candidates passed.

### 3.1.10. Maritime radio examinations

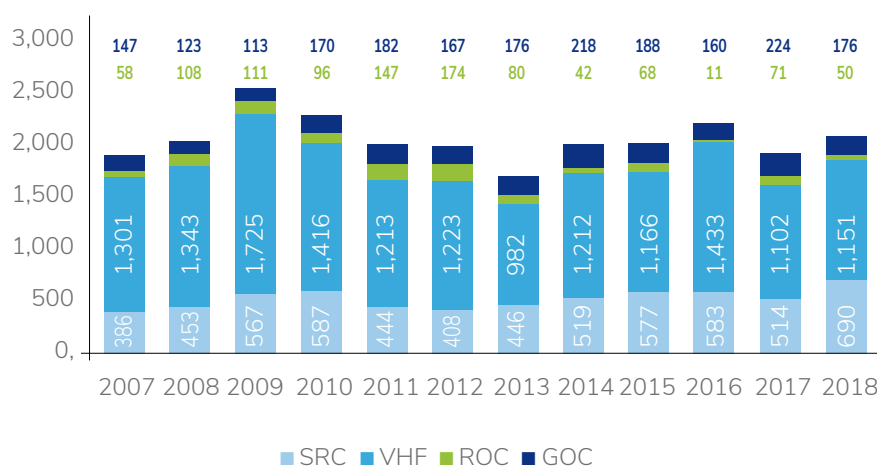
In 2018, over 2,050 candidates sat the maritime radio examinations organised by BIPT.

EXAM	Participants	Pass rate
VHF exam	1,151	89%
SRC exam	690	84%
ROC exam	50	72%
GOC exam	176	69%

The VHF exam is for inland navigation, unlike the SRC exam (limited GMDSS<sup>42</sup>), which is for pleasure

sailing at sea, and unlike the ROC<sup>43</sup> or GOC<sup>44</sup> exams mainly meant for sea-going professionals.

**Annual evolution of the participation in the maritime radio examinations**



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 wish to equip their ships with rescue devices linked to the GMDSS system for more safety.

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 professional navigation at sea to take the GOC exam.

42 GMDSS : Global Maritime Distress and Safety System.

43 ROC : Restricted Operator's Certificate.

44 GOC : General Operator's Certificate.

## 3.2. MANAGEMENT OF ELECTRONIC COMMUNICATIONS SERVICES OPERATORS

Several operational departments of BIPT are exclusively dedicated to operators and focus for instance (1) on the notification and the status of

operator, (2) on sharing the radio sites, and (3) on the addressing, essentially in terms of numbering.

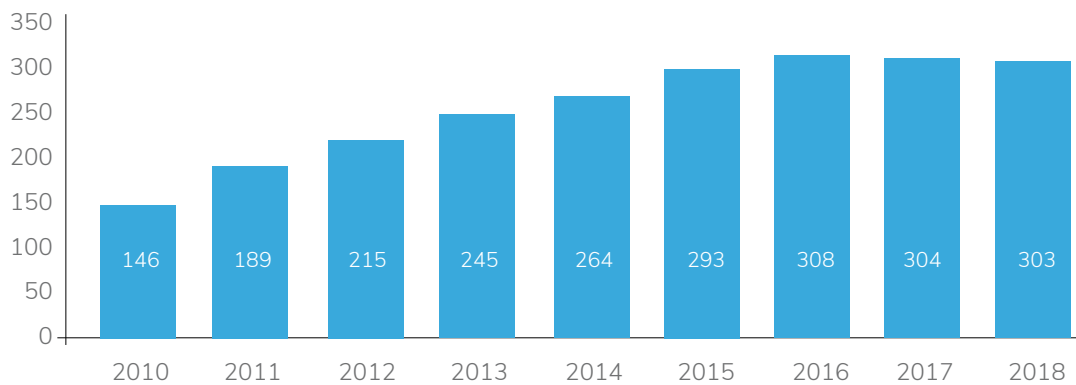
### 3.2.1. Notifications and status of operator

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 is also possible.

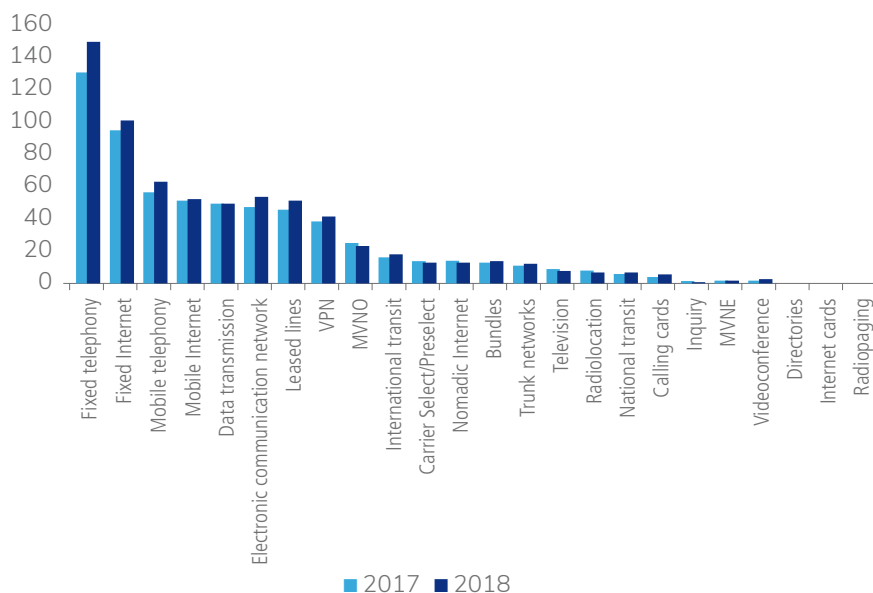
Furthermore, the Act of 31 July 2017 pertaining to various provisions regarding electronic communications made substantial changes to the status of operator which now makes reference to the notion of "provision of electronic communications services available to the public or of public electronic communications networks".

In 2018, the number of operators stabilised at 303 with a 10% turnover.

**Annual evolution of the number of electronic communications operators**



**Distribution of electronic communications services or networks**



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 the fixed network solutions.

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

### 3.3. NUMBERING

BIPT manages the numbering space, which includes tasks such as the allocation, reservation, withdrawal, transfer and monitoring of the use of the numbering capacity (via a monitoring policy).

All available information on the national numbering plan such as the lists of reserved and allocated numbers is published on BIPT's website.

In 2018, 4,197 number blocks and 3,287 blocs for SMSs were assigned. There were 437 allocations, 7 modifications, 167 reservations and 5 withdrawals

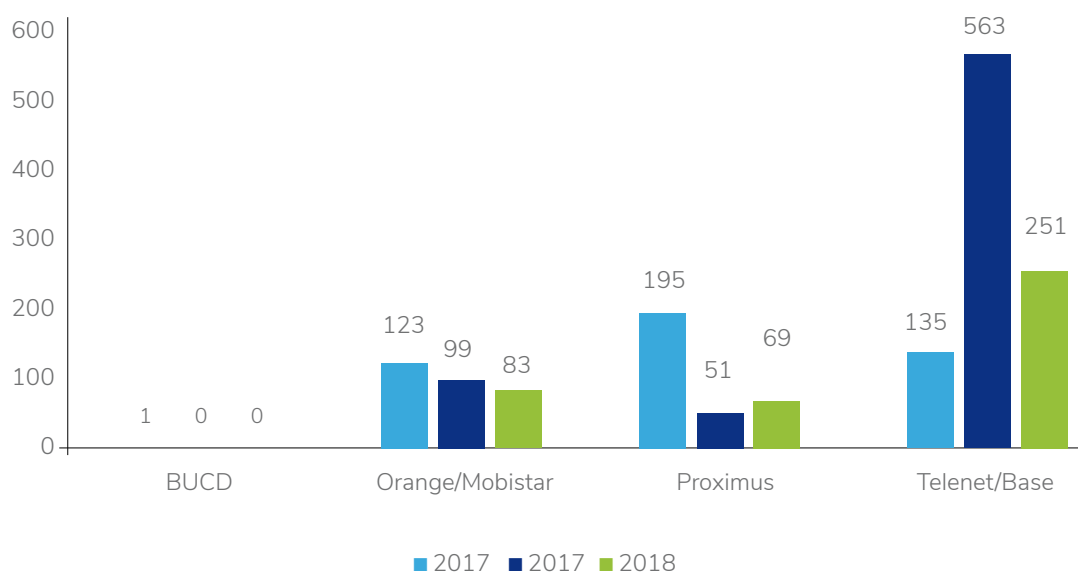
### 3.4. SHARED USE OF ANTENNA SITES

Regulatory measures allow to prevent the installation of more antenna sites than necessary. Article 26 of the ECA provides a mandatory consultation via a Letter of Intention (Lol). 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 no later than one month after. The ASBL RISS<sup>45</sup> ([www.riss.be](http://www.riss.be)) monitors then

the practical realisation and the coordination of the exchange of information between the operators involved.

The year 2017 was quite distinctive due to Telenet's activities which translated into a large number of Lols. In 2018, the rhythm significantly slowed down (-55%) but remained higher than for the two other operators.

**Number of Lols submitted per operator**



45 RISS : Radio Infrastructure Site Sharing.

## 3.5. INSPECTIONS ENSURING AN INTERFERENCE-FREE SPECTRUM

Within BIPT, the National Spectrum Monitoring Department (NCS) is responsible for policing the radio waves in the broad sense of the word.

### 3.5.1. Preventive checks

The preventive monitoring of radio spectrum users is an important mission of BIPT.

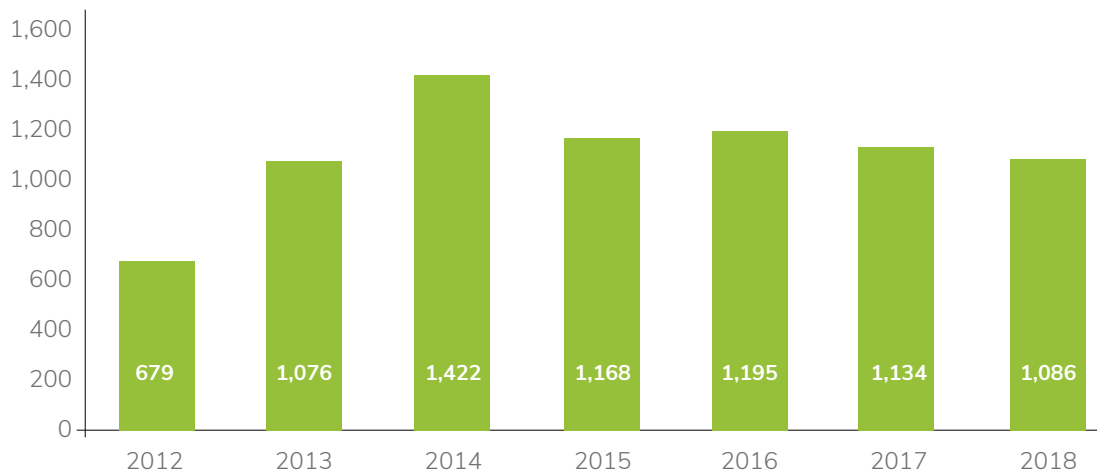
Except in exceptional circumstances, the NCS systematically monitors the private radiocommunications networks under the following circumstances:

- when a new authorisation is granted to a private network;
- when the structure of an existing network is modified (e.g. several base stations are added);
- temporary authorisations (e.g. for building sites).

This verification aims at examining whether the characteristics of the installed network match with what is indicated in the authorisation. The objective is two-fold:

1. prevent interference: a network that is not correctly configured is likely to interfere with a neighbouring network;
2. verify that, in the end, the customer will receive correct invoices.

Preventive checks



There are also *ad hoc* controls, for instance concerning networks that have not been checked for a long time, or systematic checks of a category of undertakings that are likely to use equipment subject to authorisation (such as rest homes, municipality authorities, taxi companies...).

Besides these checks, there are other miscellaneous controls:

- Monitoring campaigns where we verify, from one given geographic point, the received transmissions and cross-check these measurements with the licence database to identify possible unlicensed users;

- Four measurement campaigns were conducted in cooperation with ViaPass, within the framework of the possible use of GPS jammers by truck drivers trying to evade payment of the kilometre tax (three jammers were seized in 2018).



### 3.5.2. Monitoring during major events

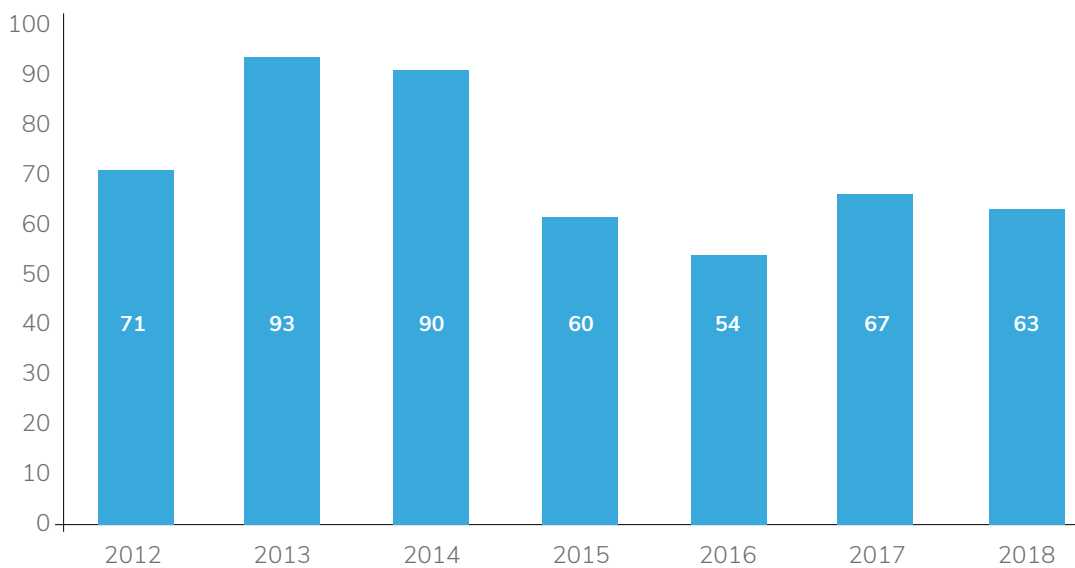
The importance of monitoring major (sporting, cultural...) events is proportionate to the importance of the events and their media coverage. Major events gather dozens or even hundreds of different users potentially from the four corners of the world, for whom the configuration of their radiocommunications equipment in compliance with the planning previously established by BIPT's Assignments Department is not

a priority. The risk of incorrect programming is thus high, what increases the probability of interference.

On-the-spot checks focus on two aspects:

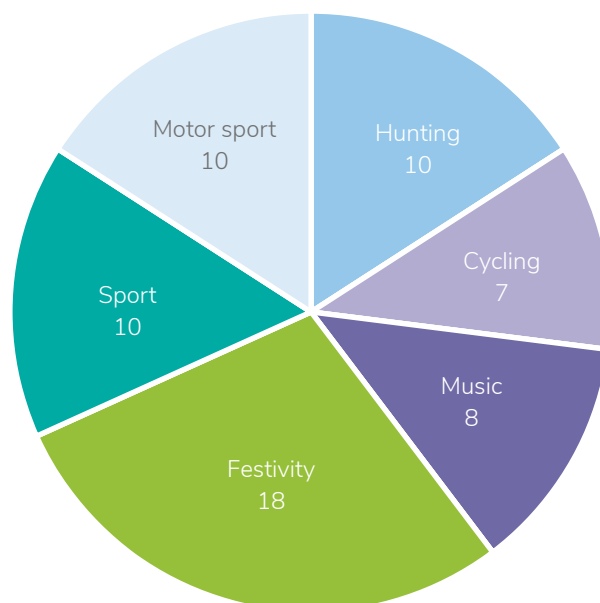
1. Verifying the compliance with (and the presence of) an authorisation;
2. Searching and immediately solving an interference during major events.

Monitoring major events



Among the 63 major events monitored in 2018: the 24h of Spa race, the Formula 1 Belgian Grand Prix, the Ivo Van Damme Memorial, the Coldplay concert,

the "Couleur Café" festival, the rally of Ypres, the NATO summit, the European Land Robot Trial event and the Dour festival.



### 3.5.3. Interferences

Radio interferences can hinder and stop the proper operation of radio transmitters or receivers. The NCS is responsible for measuring and solving problems affecting the radio spectrum.

Managed from BIPT's head office in Brussels, the NCS has five regional centres in order to cover the whole country as efficiently as possible.

**Number of interferences in 2018,  
per category of sources and per type of victim**

Source \ Victims	Victims															Totals
	Aeronautical	Broadcasting	Defence Systems	Fixed Links	Land Mobile	Maritime	Meteorology	Radio Astronomy	Satellite Systems (Civil)	Short Range Devices	Non Radio	Other	Vanished	Unknown		
					1							2	1	1	5	
Aeronautical	1	6					1					3	4	2	17	
Broadcasting		7									8	4	4	1	24	
Defence Systems															0	
Fixed Links															0	
Land Mobile	3	6		1	43					29	5	15	26	16	144	
Maritime						15							3		18	
Meteorology				1		1					1	1	1	1	6	
Short Range Devices	1	1		1						23	3	3	16	8	56	
Radio Astronomy															0	
Satellite Systems (Civil)		1							2						3	
Non Radio					1						2			1	4	
Other	1		3		1	1		1		1	7	6	8	7	36	
Vanished													1	1	2	
<b>Totals</b>	<b>5</b>	<b>2</b>	<b>23</b>	<b>0</b>	<b>3</b>	<b>46</b>	<b>17</b>	<b>1</b>	<b>1</b>	<b>2</b>	<b>53</b>	<b>26</b>	<b>34</b>	<b>64</b>	<b>315</b>	

■ Increasing number compared to 2017 ■ Decreasing number compared to 2017

(The categories come from the European table of frequency allocations (EFIS<sup>46</sup>))

The total number of interferences was 315 in 2018, versus 440 in 2017, i.e. a 29% decrease compared to the previous year and a 18% decrease compared to 2016. All the categories were impacted.

As in 2017, mobile networks (including the mobile operators' networks as well and the professional PMR networks) are the most affected by the interferences:

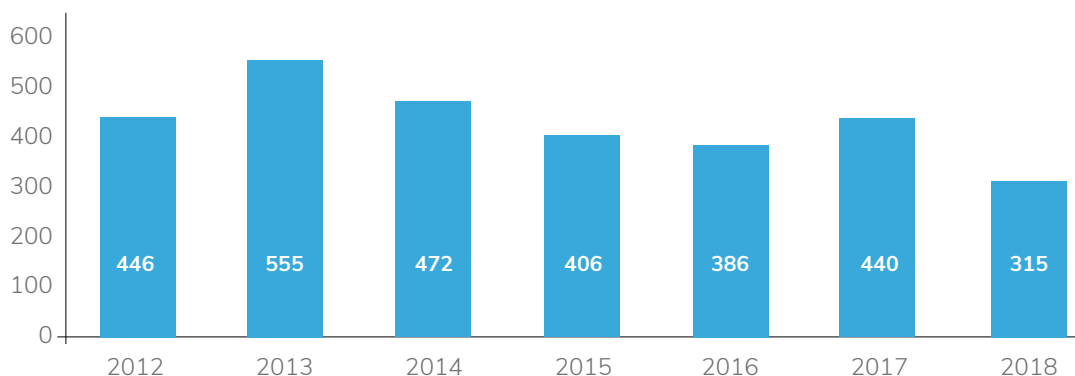
- 76% (109) affected mobile operators' networks, namely 35% of the total of interferences (versus 44% in 2017);
- 23 cases were caused by GSM repeaters (versus 47 cases in 2017);
- 21 cases were caused by DECT 6 devices (versus 52 cases in 2017);
- 11% of the interferences can be considered as critical; 5% concern aeronautical interferences and 6% concern maritime interferences. The figures remain substantially the same as in 2017.

20% of the sources of complaints disappeared before they could be identified. 41% of them affected mobile networks. Several factors can explain this figure:

- When the source of interference is located at a private individual's home and he/she is absent, an absence note is left in the mailbox. In some cases, this is enough to make the interference disappear;
- A temporary defect or bug in the network.

6 interferences (11 in 2017) affected weather radars. This phenomenon is well-known and mostly (or even exclusively) comes from Wi-Fi devices operating in the 5 GHz band, i.e. the same band as for weather radars.

**Evolution of the number of interferences**



### 3.5.4. Focal points

The highest priority is given to interference files. Interference jeopardising safety (maritime or aeronautical networks) are handled immediately (thanks to a round-the-clock duty service).

A high priority is also given to interferences affecting professional networks, particularly the mobile operators' networks.

### 3.5.5. Monitoring and supervision of the market for radio equipment and telecommunications terminal equipment

If the year 2017 was marked by the transition between the legislation based on the R&TTE directive and the RED<sup>47</sup> replacing it, 2018 was the year

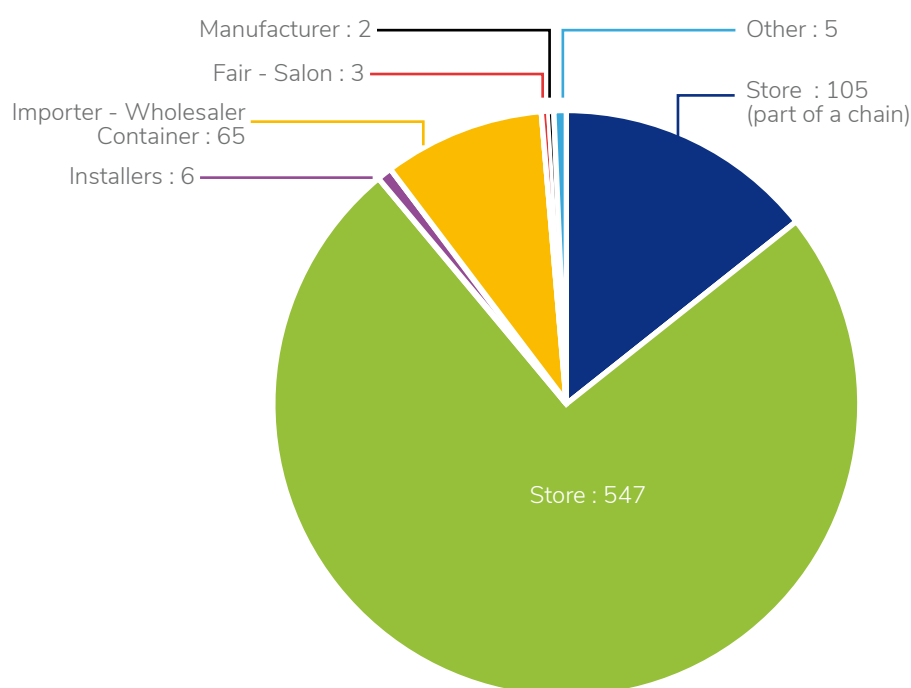
of the implementation of a more structured and thus more efficient monitoring.

<sup>47</sup> 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.

### 3.5.5.1. Shops, manufacturers, fairs

652 points of sale (shops, markets...) were controlled, 105 of which in large retail chains. We can add 65 checks on importers and wholesalers, 6 checks on

installers and 2 direct checks on manufacturers. The focus was on information rather than on repression.



### 3.5.5.2. Customs controls

There are two kinds of checks carried out in collaboration with the customs services:

1. Checks on mass importation.  
In that context, 97 containers, trucks, ships, etc. were checked, representing 42,575 products that are prohibited to import;
2. Checks on goods bought via the Internet (directly from the manufacturer or via a retail website).  
561 checks of that type were carried out. These checks happen in parcel sorting centres.

These checks generated 405 official reports for a total of 1,228 seized products.

Type	
Jammer	7
Audio/video transmitter/receiver	9
Mobile transmitter/receiver (radio amateur bands)	9
Microphone/ in-ear	9
Wireless audio connection	12
GSM Repeater	14
GSM GPS Tracker	18
Drone	22
Radar detector	36
Remote control	79
GSM	233
Portable transmitter/receiver (radio amateur bands)	731
Other	49
<b>TOTAL</b>	<b>1,228</b>

### 3.5.6. Maritime monitoring and activities

The Monitoring Pool includes a section with four people that are specialised in maritime monitoring and whose tasks mainly concern the management of maritime interference and the monitoring of the maritime radio licences.

#### 3.5.6.1. Handled cases

- Interferences:	20
- Checks:	274
- Others (monitoring, checks on training centres...):	5

#### 3.5.6.2. Number of days of monitoring with other services

- SPN (Navigation police <sup>48</sup> ) Gent	9 days
- SPN Antwerpen	9 days
- SPN Kust	7 days
- SPN Liège	5 days
- SPF Mobility	5 days

#### 3.5.6.3. Practical GMDSS exams

- GOC (General Operator Certificate) + ROC (Restricted Operator Certificate): 25 days.

#### 3.5.6.4. Participating in fairs and exhibitions

- International Boat Show Gent:	6 days
- NIBS (Nieuwpoort International Boatshow):	3 days

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<sup>48</sup> The Navigation police assumes a police function in the seaports and the main marinas, on the inland waterways and all the waters under Belgian jurisdiction.

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 set out objectives.

#### 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 2018, the department continued its efforts to simplify and automate in accordance with the strategic axis "administrative efficiency" of the Strategic Plan.

**Regarding automation**, the Registry continued to work on the extension and optimisation of the electronic document management system. The department is in charge of proposing, guiding, testing and implementing the adjustments. Furthermore, since 2015, the Registry uses an electronic voting system in accordance with 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, planning, notes, commitments and communication), organises the decision-making by electronic voting, reviews the responses to (pre)consultations and questionnaires, 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).

Finally, the Registry provides the secretariat for the Consultative Committee on Telecommunications.

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.

**Regarding the organisation management and internal monitoring**, the actions concerning the observed strategic risks were followed and reported. The action plans concerning the internal monitoring, the new focal points and the defaulting debtors were closely followed. The long-term actions regarding the main integrity risks were also followed and their reporting was completed by the end of 2018. The actions regarding the management of risks related to the integrity of priority departments were followed when necessary and a new analysis was carried out.

Several advices and recommendations were communicated within the

organisation, particularly advices on working in a more customer-oriented manner and two documents concerning project management.

Within the framework of the LEAN project, several workshops were organised in 2018 and we drafted an action plan including points highlighted by the participants.

**Regarding process management**, we continued to refine the methods and the programme of the Radio amateur Department. Also, the possibility to create citizens based on authentic sources, such as the National register, was added to the programme, significantly increasing data quality. Then, we prepared ourselves for the entry into force of the new Royal Decree, which required to significantly adapt certain processes and programmes.

Finally, we continued the digitisation strategy and we initiated the analysis with the users of three service levels in order to, for these citizens and undertakings as well, to start the digital era in the course of 2019. The principles and advantages of this programme are still the centralisation of all the clients (citizens and undertakings) in only one database and the implementation of uniform work methods in different departments.

## 4.2. THE COMMUNICATION DEPARTMENT

Ensuring an efficient and high-quality communication with stakeholders remained one of the department's priorities. The 2018 operational plan and the 2017 annual plan were presented to stakeholders and published; 19 press releases were published in order to explain the actions of BIPT. As usual, all the information requests coming from press bodies were redirected to BIPT's spokesman. The requests received by phone, mail or e-mail were handled as quickly as possible and redirected to the competent departments. In parallel to the work to renovate it, the website was constantly updated and the department made sure to relay the most relevant information on its [LinkedIn](#) and [Twitter](#) accounts.

As a support department, the Communication Department disseminated internal communications and assisted the operational departments via proofreadings and advices on the formulation of messages BIPT wishes to publish. The department also worked on the new version of the BIPT website. Finally, in close collaboration with the Purchase and Logistics Department, the celebration of the

25th anniversary of BIPT was organised in Brussels on 16 October 2018. Thanks to the distinguished speakers and the large turnout of high-quality people, the event was a great success.

## 4.3. THE TRANSLATION DEPARTMENT

The Translation Department assists all BIPT's agents and has acquired know-how over the years. To that end, the department uses a computer-assisted translation tool. Translation or revision requests are made via a specific module in the electronic document management environment. The department's tasks are, among others:

- Translating texts on general, economic, legal and technical topics in four languages (English, French, Dutch and German);
- Quality control: proofreading of external communications (website, press releases, consultations, market analysis decisions...) as well as numerous internal in-house publications (e-mails, internal notes, reports...) on request;
- Updating a terminology database specific to BIPT
- Linguistic advice.

## 4.4. THE IT DEPARTMENT

The department provides an end-to-end computer assistance in order to meet BIPT's IT needs. Its main tasks are the following: managing IT hardware and software, network maintenance, development and implementation of software solutions, managing IT projects.

The IT helpdesk helps users solve different software or hardware issues; it also ensures network management as regards servers, websites, the intranet, connections, security and databases. Moreover, it provides maintenance for the existing applications.

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

1. Analyses with a view to updating BIPT's website;
2. Upgrading and automation works on the tariff simulator;
3. Analyses with a view to migrating the current electronic document management tool to a more efficient solution;
4. Renewal of the LAN network;
5. Maintenance and improvement of security (updating the firewalls, implementing lessons learned from security audits);

6. Implementation, based on a joint initiative of BIPT and stakeholders such as Beltug, ORI<sup>49</sup>, Agoria, Techlink and the mobile operators, of an online tool allowing real estate and building companies to plan and implement high-quality multi-operator indoor radio infrastructures;
7. Launch of a new platform for the registration of operators' incidents and the registration of contact persons in the sector.

## 4.5. THE 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 was materialised in the projects below.

### 4.5.1. Recruitments at levels A and C

In 2018, the regulator hired seven new civil servants. Regarding level A, this concerned three civil engineers and one advisor with an economics background. Regarding level C, two new administrative members were hired, as well as a technician at the Ghent monitoring centre.

### 4.5.2. Promotion to level B

Following the retirement of a technical head of department and of an administrative head of department, two levels C were promoted that year to level B, as they were in the corresponding reserve of the promotion exam.

### 4.5.3. Review of the language ratio

Given that BIPT's language ratio expired in June after a 6-year period, a file regarding the update of the language ratio was compiled and submitted to the Standing Commission for Language Supervision for approval. The result was finalised on 30 May with the publication of a new Royal Decree laying down the language ratio at the BIPT, i.e. 54,32 % NL - 45,68 % FR.

### 4.5.4. Analysis of the psychosocial risks at work

Pursuant to the legislation on well-being at work, a risk analysis was conducted in May for the regulator. The results were submitted in autumn to the unions. 71.86% of the personnel participated in this analysis and a majority of the respondents (76%) gave a score between 6/10 and 9/10 regarding their general well-being. It was also decided to explain the results to all the staff and to launch a work group in collaboration with spmt Arista in order to formulate several concrete action points to handle a series of identified risks in more depth.

### 4.5.5. Training

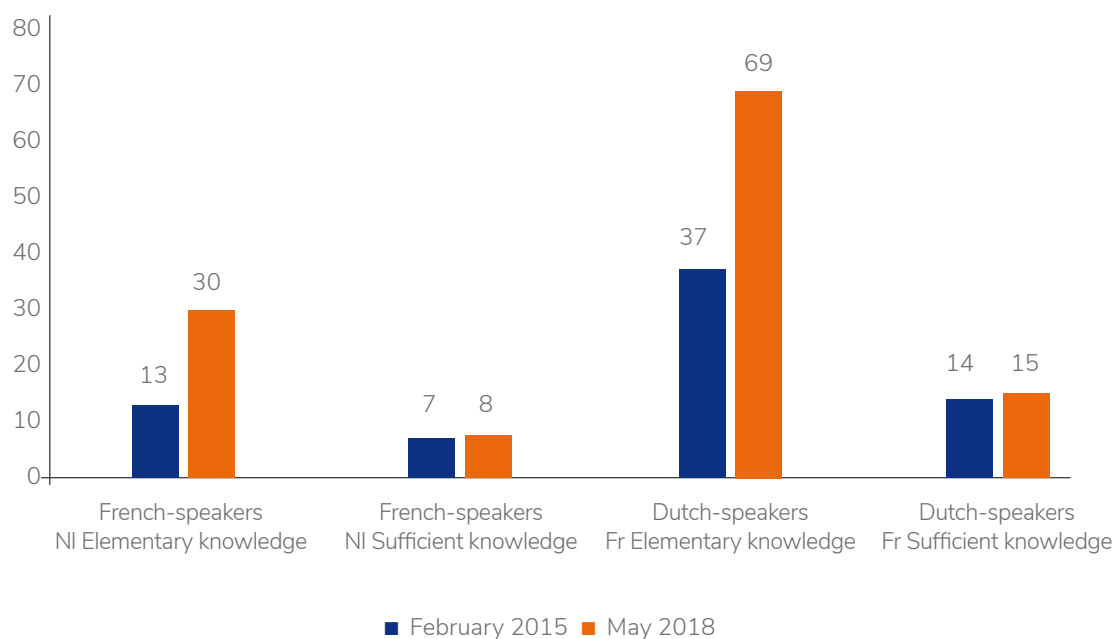
The most significant training actions in 2018 were:

- A large-scale project management training for all level A staff members;
- An awareness training concerning burn-out and bore-out for heads of department;
- An IT training specifically for the members of the IT Department;
- A technical training specifically for the engineers of the Market Department;
- A training action intended for certain economists, jurists or engineers in order to help them develop their knowledge of economic regulation;
- Finally, seven workshops with internal or external speakers, on various technical or administrative subjects..

On top of that, the "language plan", the aim of which is to encourage staff members to learn the second national language, was reviewed in order to include more training possibilities. This review encouraged several staff members to start or continue learning. It should be noted that this "language plan" is meeting some success since its start in 2015, as proven by the evolution of the number of bilingualism certificates in BIPT between 2015 and 2018.

<sup>49</sup> Organisation of engineering and consultancy agencies.

## Evolution of the number of bilingualism certificates in BIPT between 2015 and 2018



These training actions were complemented by numerous other smaller-scale actions, the policy of the department being to provide the most appropriate response to any identified training need, be it for one person, a department or a role inside BIPT. Furthermore, concerning the form, a wide range of

training actions was deployed to meet those needs, be it classroom training, conferences or online courses.

In total, 648 person-days in training were organised in 2018, which represents 3.0 person-days per full-time equivalent.

## 4.6. INTERNATIONAL RELATIONS DEPARTMENT

The general framework of the electronic communications regulation and, increasingly, the regulation of the postal services is being determined at the European level by way of directives, regulations, decisions and other recommendations. 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 implication 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. You will find below a summary 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.

### 4.6.1. BIPT as a regulator

#### THE IRG AND BEREC

The IRG's objectives are:

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.

BEREC's objectives are:

- 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 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.

BEREC created numerous working groups in which BIPT is actively involved. BIPT also participates in four plenary meetings organised each year (once per 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 2018, BEREC devoted a great deal of attention to the progress of the European project Digital Single Market (DSM)<sup>50</sup> which represents 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 proposals in view of an Electronic Communications Code which would bring a new framework, for instance, for the access regulation, the protection of the consumer, the spectrum, the universal service and the institutional framework.

Since 2018, BEREC has regularly rendered technical opinions for the member NRAs, and this to provide relevant expertise and concrete amendment proposals to the Member States negotiators within the working group of the European Council responsible for electronic communications issues during the dialogues of the European Council, Commission and Parliament. By the end of June, an agreement emerged concerning the code and the BEREC Regulation. Both texts were published on 17 December in the Official Journal of the EU. Member States have two years to transpose the code into their national legislation.

The 6th Stakeholder Forum of BEREC took place on 17 October 2018. The main topics were: stimulating new investment models and fostering innovation within a converging market.

## ERGP

The ERGP<sup>51</sup> 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 consultative body between the postal regulators and gives opinions to the European Commission in the field of postal services.

In 2018, BIPT assumed the chairmanship of the ERGP, and it is under the guidance of the Institute that the ERGP work programme 2018 was executed. Jack Hamande, member of the BIPT Council, acted as Chairman of the ERGP. The ERGP work programme 2018 is based on the medium-term strategy for the years 2017 to 2019.

The ERGP work programme 2018 is based on three strategic pillars (reflecting the concepts of the postal directive), i.e.:

1. Promoting a sustainable provision of the universal service;
2. Promoting a competitive EU postal single market;
3. Empowering and protecting end-users.

The document also includes a horizontal axis: ERGP effectiveness and efficiency. In 2018, concrete actions were taken to that end.

BIPT aimed at the achievement of two major objectives during its chairmanship of the ERGP: on the one hand, promoting transparency to stakeholders in the broadest sense of the term, particularly by organising two external ERGP workshops and by fostering written consultation during the works of the ERGP, and, on the other hand, achieving the ERGP's mission as a consultative body to the EC.

In that context, the first ERGP Stakeholder Forum was organised in Brussels on 20 September 2018

<sup>50</sup> Digital single market.

<sup>51</sup> [https://ec.europa.eu/growth/sectors/postal-services/ergp\\_en](https://ec.europa.eu/growth/sectors/postal-services/ergp_en)

under the title "When Digital Meets Postal – Evolution or Revolution?". Furthermore, an open external work-shop was organised on 28 November 2018 in Belgrade under the "The Postal Framework – Views from within and outside the EU". On 28 June, an internal ERGP discussion took place in Oslo with the heads of the national regulatory authorities concerning the future regulatory needs.

BIPT participated in the two plenary meetings which are organised annually (one per semester). Moreover, BIPT actively participated in five working groups and one task force which focused on the following topics:

1. *Future of Postal Regulation/Implementation and Evolution of the USO;*
2. *Regulatory Accounting and Price Regulation;*
3. *End-User Satisfaction and Monitoring of Market Outcomes;*
4. *European Cross-Border E-Commerce Parcels Delivery;*
5. *End-To-End Competition and Access Regulation;*
6. *ERGP Efficiency (Task Force).*

In 2018, these working groups produced eight reports (including seven external reports).

The working group "End-User Satisfaction and Monitoring of Market Outcomes" is co-led by ANACOM, the Portuguese regulator, and BIPT. The group released two external ERGP reports<sup>52</sup> and two external "flash" reports. These documents give a detailed overview with figures on the evolution of the European postal market.

In 2018, the ERGP work programme 2019<sup>53</sup> was adopted taking partially account of the written contributions collected during the consultation stage as well as a number of oral contributions of the stakeholders collected during the open ERGP Stakeholder Forum of 20 September 2018.

Finally, BIPT dealt with the execution of the ERGP communication plan 2018 which represented a new initiative of the ERGP for 2018. A new and modern graphic identity was defined. A Twitter account was regularly fed in order to mark the ERGP's presence, its activities and interests in the digital environment.

### 4.6.3. International activities of BIPT as a representative of the Belgian State

INTERNATIONAL TELECOMMUNICATION UNION (ITU)

In 2018, the PP-18, i.e. the Plenipotentiary Conference<sup>54</sup>, took place from 29 October to 16 November in Dubai (United Arab Emirates). Here is an overview of the main topics discussed at the PP-2018.

#### International telecommunication Regulations (ITR)

As intended, the possible organisation of a new WCIT (World Congress on Information Technology) to draft a new ITR Treaty<sup>55</sup> was one of the most difficult issues during the Congress. The WCIT determines the international telecommunications regulations (ITR) which serve as a binding treaty to promote the interconnection and interoperability of information and communication services. A large number of non-Western countries (such as Russia and China) wish to give the ITU a new role concerning the management of cybersecurity and critical Internet resources (such as domain names and IP addresses). Belgium and BIPT take the same position as the EU, i.e. not to give the ITU new competences regarding Internet governance: there are already satisfying organisations (ICANN<sup>56</sup>) and structures (IGF<sup>57</sup>, SMSI<sup>58</sup>...) in that domain.

En guise de compromis, la révision des ITR n'a pas. As a compromise, the revision of the ITR was not directly rejected, but was postponed to a next PP.

#### Cybersecurity

The discussion focussed on the revision of resolution 130: «Strengthening the Role of ITU in Building Confidence and Security in the Use of Information and Communication Technologies». Major oppositions were expressed during the conference. European countries are against an extension of the role of the ITU and wish to avoid the creation of parallel organisations. The Arab Group and the other non-Western countries want to include the global cybersecurity issues in the ITU's resolutions.

52 <https://ec.europa.eu/docsroom/documents/33143> & <https://ec.europa.eu/docsroom/documents/33141>

53 <https://ec.europa.eu/docsroom/documents/31643> & <https://ec.europa.eu/docsroom/documents/33027>

54 The Plenipotentiary Conference, the supreme body of the ITU, defines the organisation's road map for a period of four years.

55 55 International Telecommunication Regulations.

56 Internet Corporation for Assigned Names and Numbers.

57 Internet Governance Forum.

58 World Summit on the Information Society.

## Internet issues

The negotiations of the Council working group "Internet" are open to participation of members of the sector. Collaboration with ICANN is foreseen for purposes of information sharing. The ITU will also have observer status in the GAC<sup>59</sup>.

## Telecom/radio

No compromise was reached concerning a resolution regarding artificial intelligence, given the significant differences of opinion. However, an OTT resolution was approved.

## Nominations and elections to positions and bodies of the ITU

During the first week, the Conference elected the Secretary General, the Deputy Secretary General, the Standardisation Director, the Radio Director and finally the Development Director. On 5 November, 12 members of the Radio Regulations Board (RRB) and the 46 Member States of the Council were elected.

## UNIVERSAL POSTAL UNION (UPU)

In early September 2018, BIPT represented Belgium during the Extraordinary Congress of the UPU in Addis Ababa in Ethiopia. The Congress was convened in order to implement urgent reforms regarding the structure but also the financing of the Union, including the UPU's pension fund, on the one hand, and in order review, correct and, if need be, directly implement the works regarding the UPU's products and services (Integrated Product Plan or IPP) and the related terminal dues (Integrated Remuneration Plan or IRP), on the other hand.

BIPT also represents Belgium in the Council of Administration of the Universal Postal Union. In 2018, Belgium continued to focus on the development of the postal regulation within the UPU. As part of its role, BIPT can monitor and ensure the carrying out of the necessary reforms of the UPU, as approved during the 2016 World Congress, and continue to ensure the protection of Belgium's interests and those of Europe in general. Furthermore, Belgium devoted its attention to the proper administration of the UPU and to an adaptation of the UPU's funding model.

The Kenyan regulator and BIPT are both vice-chair of the Committee 2 of UPU's Council of Administration

which is dedicated to the universal service ("USO, Regulatory Affairs and Postal Regulation"), on the one hand, and to the coordination of the bi-annual forum dedicated to postal regulation, on the other hand.

In 2018, under the lead of the Belgian and Kenyan regulators, and in the presence of several internal and external experts, the stakeholders organised two open forums. In April 2018, there was an intense debate on "E-commerce, Universal Postal Service and towards New Financial Models for the Universal Postal Service", whereas in October 2018 the debate concerned "Assuring Data Protection and Privacy for the Postal Sector in a Digital and Interconnected World".

Moreover, since 2018, a group of experts of the Committee 2 of the CA has been studying, under the lead of Belgium, the market-distorting effects of the current terminal dues. At the same time, three groups of experts of the Committee "Physical Services and E-commerce" of the Postal Operations Council (POC) have been working on possible changes to the terminal dues system. The objective of these groups of experts of the CA and of the POC is to examine, during the first semester of 2019, which proposals could be developed in order to possibly allay the concerns of the United States concerning the current terminal dues system. These concerns are also shared by other countries. The purpose is to present possible solutions to the CA and the POC by April 2019.

## CERP: EUROPEAN COMMITTEE FOR POSTAL REGULATION

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

In 2018, the main mission of the Committee was to ensure the European coordination of the extraordinary congress of September 2018, as well as the European preparation of the bi-annual Council of Administration and Operations Council of the Universal Postal Union.

<sup>59</sup> Governmental Advisory Committee.

<sup>60</sup> DG for Internal Market, Industry, Entrepreneurship and SMEs.

## POSTAL DIRECTIVE COMMITTEE AND OTHER ACTIVITIES OF THE EUROPEAN COMMISSION<sup>60</sup>

BIPT continued to follow the developments in the context of the implementation of the Postal Directive and thus attended both of the meetings that were organised last year. As ERGP Chair for 2018, BIPT presented the execution of the ERGP work programme 2018. Furthermore, explanations were given concerning the main elements of two ERGP studies: "ERGP Report on Quality of Service, Consumer Protection and Complaints" and "ERGP Report on Core Indicators for Monitoring the European Postal Market".

## CEN: EUROPEAN COMMITTEE FOR STANDARDIZATION

BIPT took part in a plenary meeting of the technical committee CEN/TC<sup>61</sup> 331 - Postal services of the CEN (European Committee for Standardization). The CEN/TC 331 Committee harmonises the quality standards at a European level. This standardisation is an indispensable tool to guarantee interoperability between the various national networks and an efficient universal service in the European Union.

## RSPG (RADIO SPECTRUM POLICY GROUP) AND RSC (RADIO SPECTRUM COMMITTEE)

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

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

In 2018, the RSPG adopted the following recommendations:

- RSPG Second Opinion on 5G Networks (Strategic Spectrum Road Map Towards 5G for Europe) (30 January 2018);
- RSPG Opinion on the ITU-R World Radio-communication Conference 2019 (3 October 2018).

In 2018, the works of the RSC led to the adoption of Commission Implementing Decisions:

- Commission Implementing Decision (EU) 2018/637 of 20 April 2018 amending Decision 2009/766/EC on the harmonisation of the 900 MHz and 1800 MHz frequency bands for terrestrial systems capable of providing pan-European electronic communications services in the Community as regards relevant technical conditions for the Internet of Things;
- Commission Implementing Decision (EU) 2018/661 of 26 April 2018 amending Implementing Decision (EU) 2015/750 on the harmonisation of the 1452-1492 MHz frequency band for terrestrial systems capable of providing electronic communications services in the Union as regards its extension in the harmonised 1427-1452 MHz and 1492-1517 MHz frequency bands;
- Commission Implementing Decision (EU) 2018/1538 of 11 October 2018 on the harmonisation of radio spectrum for use by short-range devices within the 874-876 and 915-921 MHz frequency bands;
- Commission Implementing Decision (EU) 2019/235 of 24 January 2019 on amending Decision 2008/411/EC as regards an update of relevant technical conditions applicable to the 3400-3800 MHz frequency band.

## COCOM (COMMUNICATIONS COMMITTEE)

BIPT participated in the works of the COCOM (Communications Committee) as an expert.

## 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.

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

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<sup>61</sup> TC : Technical Committee.

## 4.7. THE LEGAL DEPARTMENT

### 4.7.1. Preparation of the electronic communications regulation

As in previous years, BIPT participated in the improvement of legislative and regulatory texts. 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.

**At the legislation level**, the ECA was modified by the Act of 26 March 2018 on the strengthening of the economic growth and the social cohesion (Belgian Official Gazette 30.03.2018).

The Act of 17 January 2003 on the status of the regulator of the Belgian postal and telecommunications sectors was amended by the Act of 26 January 2018 on postal services (Belgian Official Gazette 9.02.2018).

At the regulatory level, to implement the ECA, the following decrees were published:

- Royal Decree of 11 January 2018 regarding the appointment of the police service referred to in Article 126, § 2, 5°, of the Act of 13 June 2005 on electronic communications (Belgian Official Gazette 30.01.2018);
- Royal Decree of 23 February 2018 on the sending of a short text message in case of imminent danger or in the event of a major disaster (Belgian Official Gazette 22.03.2018);
- Ministerial Order of 29 May 2018 allowing an exception for eCall to the principle in Article 8 of the Royal Decree of 27 April 2007 on managing the national numbering space and the grant and withdrawal of number user rights (Belgian Official Gazette 12.06.2018);
- Royal Decree of 2 September 2018 laying down the notification conditions and the information transmitted to BIPT, pursuant to Article 33, §2, subparagraph 4, and §3, subparagraph 5, of the Act of 13 June 2005 on electronic communications (Belgian Official Gazette 7.09.2018);
- Royal Decree of 2 September 2018 on the automatic link between the consumption profile and the electronic tariff comparison application on the website of the Institute (Belgian Official Gazette 21.09.2018);
- Ministerial Order of 24 October 2018 laying down the specifications for the presentation of information regarding the Member States or the

geographical area within a Member State where there are restrictions on the putting into service or requirements concerning the authorisation for use referred to in Article 4, §10, of the Royal Decree of 25 March 2016 on the making available on the market of radio equipment (Belgian Official Gazette 5.11.2018);

- Royal Decree of 12 December 2018 determining the applicable obligations relating to the provision of premium rate services, referred to in article 116/1, § 2, of the Act of 13 June 2005 on electronic communications (Belgian Official Gazette 16.01.2019);
- Royal Decree of 14 December 2018 amending the annexes to the Royal Decree of 18 December 2009 on private radio communications and user rights for fixed networks and trunk networks (Belgian Official Gazette 27.12.2018).

Pursuant to the Act of 17 January 2003 on the status of the regulator of the Belgian postal and telecommunications sectors, the following decree was adopted:

- Royal Decree of 21 May 2018 laying down the Dutch/French language ratio at the Belgian Institute for Postal services and Telecommunications (Belgian Official Gazette 30.05.2018).

Finally, pursuant to the Act of 17 January 2003 on appeals and disputes settling arising from the Act of 17 January 2003 on the status of the regulator of the Belgian postal and telecommunications sectors, the following decree was adopted:

- Royal Decree of 26 January 2018 establishing the procedure for the settlement of disputes referred to in Article 4 of the Act of 17 January 2003 on legal remedies and the conciliation of differences with reference to the Act of 17 January 2003 on the status of the regulator of the Belgian postal and telecommunications sectors (Belgian Official Gazette 8.02.2018).

### Preparation of the postal regulation

One of the tasks of the Postal Market Department of BIPT is to evaluate the opportunity to adapt the legal and regulatory postal framework to the market developments. 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 and that (2)

following these successive amendments, the Act of 21 March 1991, in that it regulates the postal sector, lacked consistency, BIPT prepared a draft bill exclusively dedicated to postal services. The Act of 26 January 2018 on postal services was thus published on 9 February 2018. It contains the principal rules concerning postal services, it amends the above-mentioned Act of 21 March 1991 and ensures a partial transposition of the Directive 97/67/EC of the European Parliament and of the Council of 15 December on common rules for the development of the internal market of Community postal services and the improvement of quality of service, as lastly modified by Directive 2008/06/EC of the European Parliament and of the Council of 20 February 2008 amending Directive 97/67/EC with regard to the full accomplishment of the internal market of Community postal services.

### 4.7.3. Dispute coordination and legal support

#### DISPUTE COORDINATION

The BIPT Legal Department is responsible for the coordination of legal appeals mainly concerning the decisions adopted by BIPT. BIPT is also regularly asked to settle disputes 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.

The Legal Department continued finalising the appeals introduced the previous years. Some of these appeals were the subject of decisions taken in 2018, namely :

1. The Market Court delivered on 7 February 2018 an interlocutory judgement, referring four questions to the Court of Justice of the European Union for a preliminary ruling concerning the definition of the electronic communications service, as enacted by the Directive of 7 March 2002 on a common regulatory framework for electronic communications networks and services. The Market Court was seized of an application for annulment brought by the limited liability company under Luxembourg law Skype Communications against the BIPT Council Decision of 30 May 2016 imposing an administrative fine on Skype Communications for non-compliance with Article 9(1) of the Act of 13 June 2005. Skype contested that its SkypeOut service could

be considered as an electronic communications service, and thereby submitted to a notification to BIPT.

The Market Court found that the question as to whether SkypeOut falls within the scope of the definition of an electronic communications service could initially be answered in the affirmative, but stressed that the definitive answer depends on the definition of an electronic communications service within the meaning of the European Framework Directive (Directive 2002/21), so that all the Member States can benefit from a harmonised answer.

2. On 14 March 2018, the Market Court delivered a judgement annulling the BIPT Council Decision of 29 June 2016 on the user rights of Inmarsat Ventures Ltd for the complementary ground components. An action for annulment against this decision was lodged by Viasat UK in 2017. Inmarsat Ventures Ltd intervened voluntarily along with BIPT in the context of this action. The Market Court found that BIPT should have verified whether the complementary ground components submitted for its approval met the definition in Article 1, 2°, of the Royal Decree of 11 February 2013 and were an integral part of the satellite mobile telephony system developed by the operator chosen by the European Commission, and, more generally, whether the complementary ground components met the conditions set out in Article 8.3 of the Decision 626/2008/EC and are used in a network that is compliant with the European legislative framework. Moreover, the Market Court did not examine the other pleas for annulment of Viasat UK, and given that the annulment only concerned the motivation of the decision, BIPT adopted a new decision on 7 August 2018 going in the same direction, but with more detailed motives. That Decision of 7 August 2018 was also challenged by Viasat before the Market Court. A civil action was also brought before the Brussels Court of First Instance by Viasat UK in 2018 against Inmarsat Ventures Ltd, the Belgian State and BIPT, aiming at forbidding BIPT to make decisions based on the authorisation granted to Inmarsat Ventures Ltd to use the 2 GHz band in Belgium and requesting the annulment of this authorisation as of 13 June 2016. On 15 November 2018, the Brussels Court of First Instance delivered its judgement repealing Viasat UK's request for interim measures, as the substance of this matter must be handled in 2019.

3. On 11 April 2018, the Market Court delivered two judgements in the context of the actions for annulment lodged by Nethys and Brutélé against the Decisions of BIPT of 27 April 2017 imposing an administrative penalty upon them for non-compliance with Article 4/1 of the Ministerial Order of 12 November 2009 fixing the level of detail of the basic invoice regarding electronic communications.

The Market Court referred a question to the Constitutional Court for a preliminary ruling within the framework of these two appeals regarding the interpretation of Article 2, §2, 2°, of the Act of January 2003 on the status of the regulator of Belgian postal and telecommunications sectors.

The question is to determine whether, according to this article, the running of a 60-day period to lodge an appeal against a decision of BIPT starts from the notification of the decision, i.e. the sending of a registered letter, while the addressee is not yet aware of the decision or, if not, from the moment the addressee becomes aware of the decision.

4. On 26 April 2018, the Court of Cassation delivered a judgement rejecting the appeal lodged by Telenet against the judgement of the Court of Appeal of 12 November 2014 dismissing the actions for annulment against four decisions adopted on 1 July 2011 by the Conference of regulators in the electronic communications sector (CRC) regarding the analysis of the television broadcast market.

The Court of Cassation found that all the grounds against the judgement of 2014 had no legal nor factual basis, making the judgement final.

5. On 19 April 2017, the Market Court delivered a judgement annulling the BIPT Council Decision of 20 May 2014 imposing an administrative fine on Belgacom for non-compliance, in the context of the WBA VDSL2 reference offer, with the transparency obligation, following the appeal lodged by Proximus.

6. On 19 April 2017, the Market Court delivered a judgement annulling the BIPT Council Decision of 20 May 2014 imposing an administrative fine on Belgacom for non-compliance, in the context of the WBA VDSL2 reference offer, with the transparency obligation, following the appeal lodged by Proximus.

This concludes the proceedings.

BIPT's Legal Department also followed up new appeals, all of which were introduced in 2018:

1. On 12 June 2018, Citymesh lodged an action for annulment against the letter of BIPT of 2 February 2018 regarding the request to extend the 3.5 GHz licence for the municipalities of Werchter and Dranouter.

During the procedure, Citymesh extended its request against a similar letter of 7 August 2018. The Market Court rejected this appeal in a judgement of 19 September 2018.

While considering that these letters should be considered as decisions of BIPT since they prevent legal effects, thus having an impact on the subjective rights of Citymesh, the Market Court declared the appeals inadmissible as they were lodged too late.

2. In 2018, 3starsnet lodged an appeal with the Brussels Court of First Instance against the Belgian State and BIPT with a view to establishing the illegality of the Royal Decree of 4 April 2014 amending the Royal Decree of 27 April 2007 on managing the national numbering space and the grant and withdrawal of number user rights and amending the Royal Decree of 9 February 2011, and to be awarded damages.

The problem is the numbering of value added services of clairvoyance.

3. In August 2018, Brutélé, Nethys and Telenet lodged several appeals with the Market Court against four decisions of the Conference of regulators in the electronic communications sector of 29 June 2018.

These decisions concern the analysis of the broadband and broadcasting markets and the analysis of the broadcasting market in the Dutch-speaking, the French-speaking and the German-speaking regions. These four decisions were corrected by a corrigendum of 11 July 2018.

Each of these three operators also intervened voluntarily in the appeals lodged by the other two operators, and Orange Belgium also intervened voluntarily in all the appeals.

Procedural debates, related to the fact that Telenet, in the person of Liberty Global, also decided to challenge in the Court of the European Union in Luxembourg the validity of the European Commission comment letter of 25 May 2018 on the market analysis, and concerning provisional measures or a suspension of the challenged decisions, took place in the Market Court, which

delivered a judgement on 3 October 2018 suspending the pending proceedings brought before it as long as the Court of the European Union in Luxembourg has not delivered a judgement. Besides, the Market Court decided to gather all the appeals against the decisions of 29 June 2018.

BIPT's Legal Department also continued the implementation of the public contract awarded in 2014 for 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 departments, in particular regarding market analyses and the implementation of decisions.

The department also delivers opinions or analyses on its own initiative or in answer to internal requests. For example, the department 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 budget policy** aims at protecting the healthy financial structure of BIPT in a flexible and functional way, in order to be able to fulfil all the ongoing commitments and to quickly react to changing priorities. 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 safeguarding role;
- critical financial analysis of the projects with financial repercussions;
- possible necessary adaptation of 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 processes 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 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 BIPT's annual accounts.

The financial management of BIPT wishes also to ensure an automatic link between the procurement policy and the financial commitments, on the one hand, and their financial monitoring, on the other hand.

## 5.1. BIPT AND THE OFFICES OF THE OMBUDSMAN

The accounts of BIPT and the two Offices of the Ombudsman are given below. The Offices of the Ombudsman are independent bodies created to process the complaints of consumers regarding the operators of the sectors concerned. The role of the Institute is limited to provide personnel to those two bodies and to provide logistical support concerning purchases, accounting and budget.

### BIPT accounts - 2018

REVENUES	EUR	EXPENSES	EUR
Repayments	138,615	Staff	24,822,283
Licence and monitoring fees for private radio communications	20,661,632	Operation	8,191,809
Public licence fees	44,621,480	Investment expenditures	2,962,694
Postal services	2,884,089	Coordination organisations	1,700,782
Miscellaneous	17,232	Treasury	28,397,507
Services performed for third parties	11,136	CF/RT	2,150,381
<b>TOTAL</b>	<b>68,334,184</b>	<b>TOTAL</b>	<b>68,225,456</b>

### Accounts of the Office of the Ombudsman for the Postal Sector - 2018

REVENUES	EUR	EXPENSES	EUR
Repayments	--	Staff	1,656,505
Services performed for third parties (sector contribution)	1,907,013	Operation	133,072
		Investment expenditures	233
		Coordination organisations	300
<b>TOTAL</b>	<b>1,907,013</b>	<b>TOTAL</b>	<b>1,790,110</b>

## Accounts of the Office of the Telecommunications Ombudsman - 2018

REVENUES	EUR	EXPENSES	EUR
Repayments	96,968	Staff	2,018,014
Services on behalf of third parties (sector contribution)	2,482,833	Operation	372,600
Other		Investment expenditures	10,200
		Coordination organisations	300
<b>TOTAL</b>	<b>2,579,801</b>	<b>TOTAL</b>	<b>2,401,114</b>

### 5.2. ANNUAL ACCOUNTS OF THE UNIVERSAL SERVICE FUNDS

No universal fund was activated.

## A. SITUATION OF THE 2018 OPERATIONAL PLAN

### STRATEGIC AXIS «COMPETITION»

#### 1. Amélioration de la concurrence durable et des investissements

Monitoring of the electronic communications market	Card carried out
Publication of a 2017 postal observatory	Card carried out
Market analysis on the wholesale access to broadband and broadcasting networks	Card carried out
Review of the market for high quality wholesale access at a fixed location	Card not carried out
Closing of the analysis of access and call origination on fixed telephony	Card being carried out
Closing of the analysis of the fixed termination market (FTR)	Card carried out
Decision regarding the cable operators' reference offers	Card being carried out
<i>Fixing the One-Time Fees</i>	Card being carried out
Cable and FTTH cost models	Card being carried out
Determining the weighted average cost of capital (WACC)	Card being carried out

### STRATEGIC AXIS «COMPETITION»

#### 2. Spurring innovation

Report on the monitoring in Belgium of the Net Neutrality Regulation	Card carried out
Supporting e-commerce from a postal perspective	Card being carried out

### STRATEGIC AXIS «USERS»

#### 1. Contributing to providing transparent information to consumers and promoting social inclusion

National price comparison of electronic communications services	Card carried out
Tariff simulator for electronic communications services	Card being carried out
Quality barometer of the electronic communications services	Card being carried out
Monitoring the observance of Articles 122 and 133 of the ECA	Card carried out
Survey on the perception of the functioning of the electronic communications market	Card carried out
Monitoring of the universal service	Card carried out
Reform of social tariffs	Card not carried out
Online overview of the postal points	Card being carried out
Revision of the secondary regulation in the light of the new Postal Act and the developments in the sector	Card being carried out
Monitoring of the satisfaction survey of bpost's customers	Card carried out
Compliance audit regarding the measuring instruments to define delivery times	Card carried out
Monitoring the price of products included in the universal postal service	Card carried out
Monitoring the observance of the 6th management contract between the State and bpost	Card being carried out
Monitoring the observance of the postal regulatory framework	Card being carried out
Updating the radio interfaces pursuant to the requirements of Directive 2014/53 (Radio Equipment Directive - RED)	Card being carried out

**STRATEGIC AXIS «USERS»**  
2. Ensuring a reliable environment

Improving transparency in terms of mobile network coverage	Card being carried out
Quality of experience on mobile networks	Card being carried out
«White spots» pilot project	Card being carried out
Inspection of the operator's critical infrastructures	Card carried out
Notification of security incidents by operators	Card carried out
Enhancing the quality of mobile networks coverage at borders	Card being carried out
Researching and resolving interference disrupting the functioning of mobile operators' networks and weather radars	Card being carried out

**STRATEGIC AXIS «SCARCE RESOURCES»**  
Managing scarce resources

Adaptation of the numbering plan to the long-term evolutions on the market	Card carried out
Publication of a communication on the introduction of 5G	Card carried out
Assignments (Refarming of the aeronautical bands in 8.33 kHz)	Card carried out
Preparation of the multiband auction	Card being carried out
Review of the GSM-R Decision	Card being carried out

**STRATEGIC AXIS «EFFICIENT FUNCTIONING»**  
1. Ensuring an accessible functioning

New BIPT website	Card being carried out
Maritime Department and Aeronautical Department	Card being carried out
Review of the maritime radio examinations	Card being carried out
Participation to the national and international consultative bodies	Card carried out
ERGP Chair in 2018	Card carried out
Functioning of the Consultative Committee for Postal Services	Card being carried out

**STRATEGIC AXIS «EFFICIENT FUNCTIONING»**  
2. Being an attractive employer

Internal operational plan	Card carried out
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## B. 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.

1. On 9 January 2018, BIPT adopted a decision imposing a €3,169 administrative fine upon

Gridmax SPRL for non-compliance with the Decision of 17 August 2016 regarding its user rights in the 3.5 GHz frequency band for the provision of electronic communications service on the Belgian territory. As BIPT is indeed responsible for the management of the radio frequency spectrum and for fostering the efficient use of radio frequencies, BIPT considered it justified to

sanction the underutilisation of the frequencies assigned in the 3.5 GHz band.

2. During 2018, several shortcomings were observed on the part of Lycamobile. BIPT conducted checks in points of sale selling prepaid cards in order to verify if practices are compliant with the regulation on the identification of final users of prepaid cards. On 30 March 2018, BIPT first decided to impose provisional measures so that the undertaking takes measures to solve the observed shortcomings. As a consequence, Lycamobile had to block the points of sale where infringements were observed and deactivate<sup>62</sup> the SIM cards concerned and 44

points of sale were banned from activating a new prepaid card for an initial period of two weeks, which is renewable.

After the entry into force of these provisional measures, BIPT carried out new checks and several infringements were once again observed: activation of prepaid cards upon submission of an invalid identification document, failure to implement the imposed provisional measures and no correct monitoring system concerning the activation requests from points of sale. That is why BIPT decided to impose a €225,183 fine upon Lycamobile.

### C. LIST OF THE DOCUMENTS THAT WERE ADOPTED AND PUBLISHED IN 2018

DECISIONS	
Date	Title
7-12-2018	Decision - Analysis of the access and call origination markets for fixed telephony
3-12-2018	Decision on granting exclusive frequency bands for the use of radio relay links and the radio interface E18 (26 GHz band)
3-12-2018	Decision on the use of Internet of Things technologies in the frequency bands allocated to public mobile operators
30-11-2018	Decision regarding the listing and classification of products and services provided by the universal service provider for the year 2016
23-11-2018	Decision regarding the analysis of tariff increases for bpost's single-piece rates for the year 2019
20-11-2018	Decision on radio interfaces I01-01, I01-02 and I1-03, the modification of radio interfaces D03-01 and D03-02, and the abolition of radio interface B01-24
20-11-2018	Decision - Analysis of the fixed call termination market
25-10-2018	Decision on radio interfaces C01 (01 to 10), C02 (01 to 08), C03 (01 to 04), C04 (01 to 09) and C05 (01 and 02)
23-08-2018	Decision regarding operational problems in the context of access to the cable network of Telenet
7-08-2018	Decision on the user rights of Inmarsat Ventures Ltd for the complementary ground components
30-07-2018	Decision on the radio interfaces for digital radio-relay links
11-07-2018	Corrigendum relating to the CRC decisions of 29 June 2018 on the analysis of the broadband and television broadcasting markets
29-06-2018	Decision – Analysis of the broadband and television broadcasting markets
19-06-2018	Decision regarding the analysis of bpost's single-piece rates for the year 2018
15-06-2018	Non-confidential version of the Decision imposing measures provided for in Article 21 of the Act of 17 January 2003 on the status of the regulator of the Belgian postal and telecommunications sectors on Lycamobile in the context of the identification of the end-users of prepaid cards
11-06-2018	Decision on the granting to Entropia Critical Concept N.V. of a licence for the operation of a public measurement data transmission network

<sup>62</sup> The final users concerned could have their prepaid cards reactivated upon submitting a valid identification document..

28-05-2018	Decision on the technical and operational terms required to avoid harmful interference imposed upon the 700 MHz operators
19-05-2018	Decision on the possibility for Nethys to apply surcharges on the basis of Article 6d of Regulation (EU) No 531/2012 of the European Parliament and of the Council of 13 June 2012
3-05-2018	Decision on radio interfaces B01 (9, 19, 35, 37 and 38), B04-15, B06-24, B07-04, B16-01 and B17 (04 and 05) and the abolition of radio interface B12-05
30-03-2018	Decision imposing temporary measures upon Lycamobile in the context of the identification of prepaid card end-users
29-03-2018	Decision on the technical characteristics of directional aerials in mobile networks
15-03-2018	Decision on monitoring mail delivery times for the year 2016
29-01-2018	Decision regarding the declaration of conformity of bpost's cost accounting system for the year 2015 based on the reports drawn up by the Supervisory Board at bpost
10-01-2018	Decision relating to the determination of the numbering plan for IoT and Ecall communication
9-01-2018	Non-confidential version of the decision of 9 January 2018 imposing an administrative penalty upon Gridmax SPRL for non-compliance with the Decision of the BIPT Council of 17 August 2016 on the granting to Gridmax of user rights in the 3.5 GHz frequency band for the provision of electronic communications services on the Belgian territory
9-01-2018	Decision on the composition of the board referred to in the Royal Decree of 5 May 2006 regarding a conciliation procedure before the Belgian Institute for Postal Services and Telecommunications for the year 2018
4-01-2018	Decision on the granting to Citymesh of temporary user rights for the establishment and operation of a transmission installation in the Belgian exclusive economic zone in the North Sea

## CONSULTATIONS

Date	Title
13-12-2018	Consultation regarding the cable and FTTH cost models
07-12-2018	Consultation on the draft of the operational plan 2019
04-12-2018	Consultation on radio interfaces B01-39 to 41, B03-04 and B07-06
30-10-2018	Consultation regarding a preliminary draft Royal Decree amending the Royal Decree of 18 December 2009 on private radiocommunications and user rights for fixed networks and trunk networks
18-09-2018	Consultation regarding the draft decision on the organisation of several procedures for the grant of rights of use for frequencies
13-09-2018	Consultation regarding the draft decision regarding the cost of capital for operators with a significant market power in Belgium
10-09-2018	Consultation regarding the draft decision on the use of Internet of Things technologies in the frequency bands allocated to public mobile operators
19-07-2018	Consultation on radio interfaces I01-01, I01-02 and I1-03, the modification of radio interfaces D03-01 and D03-02, and the abolition of radio interface B01-24
18-07-2018	Consultation on the draft decision on granting exclusive frequency bands for the use of radio relay links and the radio interface E18 (26 GHz band)

25-05-2018	Consultation on the draft Royal Decree laying down the obligations applying to the provision of premium rate services, aimed at in Article 116/1, § 2, of the Act of 13 June 2005 on electronic communications
24-05-2018	Consultation on the preliminary draft royal decree amending the royal decree of 9 July 2013 on alert messages aiming at controlling the costs of electronic communications services
18-05-2018	Consultation of the draft decision on the user rights of Inmarsat Ventures Ltd for the complementary ground components
09-05-2018	Consultation on a preliminary draft of a Ministerial Order to establish the register referred to in Article 116/1, § 1, of the Act of 13 June 2005 on electronic communications
08-05-2018	Consultation on the draft decision on radio interfaces C01 (01 to 10), C02 (01 to 08), C03 (01 to 04), C04 (01 to 09) and C05 (01 and 02)
11-04-2018	Consultation on the draft bill pertaining to various provisions regarding electronic communications
23-03-2018	Pre-consultation PRIO - VoIP Interconnection Offer
29-01-2018	Draft decision on the technical and operational terms required to avoid harmful interference imposed upon the 700 MHz operators
12-01-2018	Consultation on the modification of profiles for the national and international comparison of prices for residential customers
08-01-2018	Consultation about the draft decision on the technical characteristics of directional aerials in mobile networks
05-01-2018	Consultation on the draft decision on radio interfaces B01 (9, 19, 35, 37 and 38), B04-15, B06-24, B07-04, B16-01 and B17 (04 and 05) and the abolition of radio interface B12-05

## COMMUNICATIONS

Date	Title
22-12-2018	Communication on the list of postal operators holding an individual licence
18-12-2018	Communication regarding the monitoring of the universal telecommunications service 2018
27-11-2018	National benchmarking of the telecommunications services rates in Belgium [Rates applied on 15 October 2018]
23-11-2018	Communication regarding the Belgian postal services observatory for 2017
13-11-2018	Communication regarding communication on board seagoing vessels in the frequency bands 457,5125-457,5875 MHz and 467,5125-467,5875 MHz
25-10-2018	Communication on the national roadmap for the 700 MHz band
19-10-2018	Summary of the contributions to the consultation on the modification of profiles for the comparison of prices for residential customers
12-09-2018	Study on the impact of the radiation standards in Brussels on the deployment of mobile networks
10-09-2018	Communication regarding the introduction of 5G in Belgium
13-08-2018	Communication at the request of the Minister of Telecommunications relating to the draft regulation on the multiband auction
26-07-2018	Communication on the shared use of infrastructure and spectrum
26-07-2018	Communication regarding the reserved spectrum, the spectrum caps and the coverage obligations for the multiband auction

28-06-2018	Annual report on the monitoring of net neutrality in Belgium
18-06-2018	Communication regarding mobile coverage and the use of wireless connections inside buildings
20-4-2018	Communication regarding the execution of an audit of the bpost customer satisfaction survey
4-04-2018	Communication regarding the frequency bands for wireless microphones and other PMSE equipment for use as of 1 January 2020

## OPINIONS

Date	Title
17-12-2018	Opinion on the 2017 improvement plan and the 2018 action plan of bpost following the customer satisfaction survey for the year 2017
21-09-2018	Opinion on the draft royal decree determining the applicable obligations relating to the provision of premium rate services, referred to in article 116/1, § 2, of the act of 13 June 2005 on electronic communication
25-06-2018	Opinion on the draft resolution of the Chamber of representatives of 16 July 2015 regarding the quality of postal services
21-06-2018	Opinion regarding the bpost investment project aiming to increase the quality of the priority single-piece letter post items
5-06-2018	Opinion regarding legislative proposal No 2936/1 amending the Act of 13 June 2005 on electronic communications as regards the upper use limit
19-05-2018	Opinion on the draft Royal Decree pertaining to the calculation of the net costs of the universal service obligations of the universal postal service provider and laying down the rules governing the payment of the public funding
25-04-2018	Opinion regarding the evaluation of the My Apps Space pilot project by Proximus in the light of Regulation (EU) 2015/2120 regarding net neutrality
16-04-2018	Opinion on the 2016 improvement plan and the 2017 action plan following the customer satisfaction survey for the year 2016
12-01-2018	Opinion regarding the recommendations from the KPMG e-commerce study

## PRESS RELEASES

Date	Title
20-12-2018	BIPT compares the tariffs for telecommunications services in Belgium
17-12-2018	BIPT deregulates two fixed telephony markets
13-12-2018	BIPT launches a consultation on the cost models for access to the cable operators' networks and Proximus's FTTH network
28-11-2018	BIPT approves bpost's increased postal rates for 2019
27-11-2018	Postal observatory 2017: The parcel market now surpasses the letter post market
23-11-2018	BIPT has adopted a new decision regarding the analysis of the market for fixed termination
22-10-2018	BIPT publishes a technical report on the impact of the current radiation standards in Brussels on the deployment of mobile networks
06-09-2018	BIPT's consumer survey shows a rapid evolution of the use of telecom services

12-07-2018	BIPT publishes a report on the impact of a fourth mobile operator
02-07-2018	BIPT imposes a fine on Lycamobile
29-06-2018	Telecom and media regulators adopt a decision for more competition and more choice in the broadband and broadcasting markets
20-06-2018	BIPT approves the postal tariffs increase of bpost in 2018 but expresses serious reservations
19-06-2018	BIPT publishes a communication regarding mobile coverage and the use of wireless connections inside buildings
12-06-2018	More than half of the Internet connections are ultra-fast lines above 100 MB
29-05-2018	The European Commission authorises the CRC to finalise the analysis of the broadband Internet and television broadcasting markets
02-05-2018	Notification by the CRC to the European commission of draft decisions regarding the broadband Internet and television broadcasting markets
03-04-2018	For the second consecutive year bpost does not meet the objective imposed regarding the delivery times for traditional letter post
02-03-2018	The Market Court refers the matter of Skype to the Court of Justice of the European Union
19-01-2018	The European Regulators Group for Postal Services chaired by the Belgian postal regulator BIPT in 2018

## D. GLOSSARY

ARPU: Average revenue per user  
B2B: Business-to-Business  
B2C: Business-to-Consumer  
BCA: Belgian Competition Authority  
BEREC: Body of European Regulators for Electronic Communications  
CBSS: Crossroads Bank for Social Security  
CEN: European Committee for Standardization  
CEPT: European Conference of Postal and Telecommunications Administrations  
CERP: European Committee for Postal Regulation  
COCOM: Communications Committee  
CRC: Conference of regulators of the electronic communications sector  
DAS: Distributed Antenna System  
DECT: Digital Enhanced Cordless Telephone  
DG: Directorate General  
DSM: Digital Single Market  
ECA: Act of 13 June 2005 on electronic communications  
EFIS: ECO Frequency Information System  
ERGP: European Regulators Group for Postal services  
GMDSS: Global Maritime Distress and Safety System  
GOC: General Operator's Certificate  
HAREC: Harmonised Amateur Radio Examination Certificate  
IRG: Independent Regulators Group  
LEGBAC: Limited Exploratory Group on Broadcasting to Aeronautic Compatibility  
Lol: Letter of Intention  
M.B. : Belgian Official Gazette  
M2M: Machine to Machine  
NCS: National Spectrum Monitoring Department  
NRA: National regulatory authority  
PMSE: Programme Making and Special Events  
R&TTE: Radio and Telecommunications Terminal Equipment  
RED: Radio Equipment Directive (Directive 2014/53/EU of 16 April 2014)  
RISS: Radio Infrastructure Site Sharing  
ROC: Restricted Operator's Certificate  
RSC: Radio Spectrum Committee  
RSPG: Radio Spectrum Policy Group  
SPN: Navigation police  
SRC: Short Range Certificate  
TC: Technical Committee  
UPU: Universal Postal Union  
VHF: Very High Frequencies  
VRM: Vlaamse Regulator voor de Media

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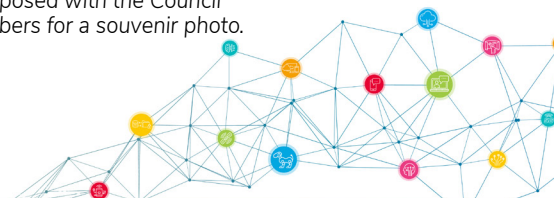


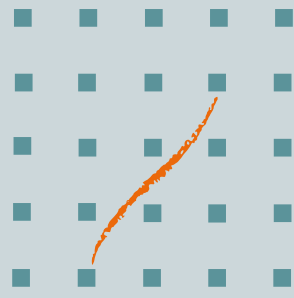
Yves-Alexandre de Montjoye,  
Assistant Professor and  
Head of the Computational  
Privacy Group,  
Imperial College London



Alexander De Croo,  
Deputy prime minister and  
minister of Development  
Cooperation, Digital Agenda,  
Telecom and Postal Services,  
drew some conclusions via video.

The speakers and the moderator  
then posed with the Council  
members for a souvenir photo.





BIPT

