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General autorisation *(update 15/01/22)*

Summary	<p>Access to the electronic communications market is free.</p> <p>Providing publicly available electronic communications services or public electronic communication networks can only be started after a notification submitted to the BIPT. However, this notification obligation is not applicable to the provision of number-independent interpersonal communications services.</p> <p>There is also no need for a notification when establishing a private network.</p> <p>A company that provides publicly available electronic communications services or public electronic communication networks is qualified as an "operator".</p>
Networks and services concerned	Publicly available electronic communications services and public electronic communication networks
Rights	<p>Following the notification, the operator in question may provide electronic communications services or networks and submit requests for the installation of resources, request and obtain access.</p> <p>This also leads to a number of rights which are described in other sheets of this vade mecum. In certain cases, the operators providing number-independent interpersonal communications services are not entitled to such rights.</p>
Obligations	<p>The operators providing number-independent interpersonal communications services are subject to fewer obligations than the other operators. The obligations are described in other sheets of this vade mecum.</p> <p>In itself the notification entails the obligation to pay a fee destined to cover the cost of that notification. In addition, in order to cover the file managing cost the operator who performs electronic communication activities has to pay annually to the BIPT an administrative fee, calculated on the basis of his turnover. During the first year of notification, the amount of this fee is calculated as a pro rata of the number of the remaining months of the year, the notification month being taken into account as a full month.</p> <p>The operator must also inform the BIPT of any modification to the data which were provided to the BIPT during the notification (administrative data, change in the service or network provision or termination of the activities).</p>
Legal framework	<p>ECA (Article 9) (notification obligation) and Art. 29 (administrative fee)</p> <p>Royal Decree of 7 March 2007 on the notification of electronic communications services and networks</p>
Contact the BIPT	Networks.services@bipt.be

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Obligations regarding network security

Provision of a 5G network *(updated on 20/12/23)*

Executive summary	Obligation to obtain ministerial authorisation before rolling out a 5G network and obligation to establish certain activities concerning the same network within the territory of the European Union.
Networks and services concerned	<ul style="list-style-type: none">- MNOs offering a 5G network;- Full MVNOs offering services based on a 5G network;- Certain private 5G network operators (see Security of networks and information systems BIPT).
Obligations	<p>Obligation to obtain ministerial authorisation before using a 5G network element provided by a vendor and before using a service provider for a 5G network.</p> <p>Obligation to establish certain 5G network activities within the territory of the European Union.</p>
Legal framework	<ul style="list-style-type: none">- Article 105 of the Act of 13 June 2005 on electronic communications (ministerial authorisation and MNO infrastructure within the territory of the EU);- Royal Decree of 16 April 2023 on the ministerial authorisation for the deployment of a 5G network;- Royal Decree of 23 October 2022 on sensitive areas;- Royal Decree of 18 April 2023 on the location requirements for 5G networks.
Contact the BIPT	info@bipt.be

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Access to emergency services (update 15/01/22)

Summary	<p>Emergency services have to be made accessible through their emergency numbers.</p> <p>When an emergency call arrives at the emergency services, the location data of the origin of the emergency call, are provided to the emergency services. The subscriber's name and first name have to be given to the emergency services offering help on the scene as well.</p>
Networks and services concerned	<p>Operators providing number-based interpersonal communications services allowing end-users to set up outgoing calls to a number of a national or international numbering plan.</p>
Obligations	<p>Operators providing number-based interpersonal communications services have to allow access to the emergency services through their emergency numbers, in case these services allow end-users to set up outgoing calls to a number of a national or international numbering plan.</p> <p>In the case of operators providing mobile number-based interpersonal communications services, this has to be possible via text messages as well.</p> <p>Upon delivering an emergency call to the emergency services offering help on the scene, the location data and the subscriber's name and first name have to be made available to the emergency services.</p> <p>For mobile operators and service providers this is done through the LBS system.</p>
Legal framework	<p>ECA, Article 107.</p> <p>Royal Decree of 2 February 2007 regarding emergency services implementing Article 107, § 1 and § 3, of the Act of 13 June 2005 on electronic communications and pertaining to various provisions regarding electronic communications for the emergency services.</p> <p>Royal Decree of 27 April 2007 providing for the supply of location data for emergency calls from mobile networks to emergency services in accordance with Article 107, paragraph 3, of the Act of 13 June 2005 on electronic communications.</p>
BIPT contact	<p>info@bipt.be</p>

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Messages to the population in case of imminent danger or major disaster *(update 15/01/22)*

Summary	When the authorities responsible for crisis planning or crisis management deem it necessary, they can warn the population in case of imminent danger or major disaster by means of a text message sent over public mobile electronic communications networks and services. Those authorities determine the content of the message and the geographical area in which the message is transmitted.
Networks and services concerned	Operators providing mobile number-based interpersonal communications services.
Obligations	<p>Operators providing mobile number-based interpersonal communications services are under the obligation to transmit immediately and as a priority the text message communicated to them in case of imminent danger or major disaster by the authorities responsible for crisis planning or crisis management to all the persons who can be reached at that moment over their networks and services and who are present in the geographical area described by the authorities.</p> <p>The content of the text message and the geographical area in which it has to be transmitted, are communicated to them over the BE-Alert platform of the National Crisis Centre, which belongs to the Federal Public Service of the Interior.</p>
Legal framework	<p>ECA, Article 106/1.</p> <p>Royal Decree of 23 February 2018 regarding the transmission of a short text message in case of an imminent threat or major disaster.</p>
BIPT contact	info@bipt.be

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Obligations regarding (personal) data and privacy

Obligations regarding personal data processing *(update 15/01/22)*

Summary	The processing of traffic data (including location data that can be regarded as traffic data) is only allowed in a limited number of cases and should meet strict conditions briefly mentioned below.
Networks and services concerned	Any operator providing electronic communication services
Obligations	<p>Operators delete traffic data relating to subscribers or end-users from their traffic data or make these data anonymous, as soon as they are no longer needed for the transmission of communication.</p> <p>Exceptions:</p> <p>A) cooperation laid down by law with:</p> <ol style="list-style-type: none">1° the criminal justice authorities;2° the Office of the Ombudsman for Telecommunications as for malicious calls;3° the intelligence and security services; <p>B) with the sole purpose of billing subscribers or making interconnection payments operators process and store the following data:</p> <ol style="list-style-type: none">1° calling line identification;2° the address of the subscriber and of the location of the connection, as well as the type of terminal equipment;3° the total number of units to charge for the calculation period;4° the identification of the line called;5° the type, starting time and duration of the call or the quantity of data sent;6° the date of the connection or of the service;7° other data regarding payments, such as advance payment, payment in instalments, disconnections and reminders. <p>In such cases before the processing, the operator informs the end-user whom the data relate to about:</p> <ol style="list-style-type: none">1° the kinds of traffic data that are processed;2° the precise purposes of that processing;3° the duration of processing. <p>The data processing is only allowed until the end of the period of contestation of the invoice or until the end of the period in which the payment can be exacted judicially.</p> <p>C) with the sole purpose of marketing their own electronic communications services, of establishing the user profile referred to in Article 110, § 4, first subsection, Article 110/1 and Article 111, § 3, second subsection of the ECA or of providing traffic data or location data services, operators are allowed to process the data only under the following conditions:</p> <ol style="list-style-type: none">1° The operator informs the subscriber or, as the case may be, the end-user whom the data relate to, prior to obtaining the latter's consent to the processing, of:<ol style="list-style-type: none">a) the kinds of traffic data that are processed;b) the precise purposes of that processing;c) the duration of processing.2° The end-user has prior to the processing given his or her lawful consent to the processing.3° The operator involved offers his subscribers or end-users free of charge the possibility to withdraw the consent given in a simple manner.4° The processing of the data involved remains limited to the actions and the duration needed to provide the traffic data or location data service concerned, to establish the user profile mentioned or for the marketing action concerned.

	<p>D) To track fraud if any. In case of a legal offence the data are communicated to the proper authorities.</p> <p>The data may only be processed by persons tasked by the operator with invoicing or traffic management, treatment of customer enquiries, fraud detection, marketing of proper electronic communications services or provision of traffic data or location data services.</p> <p>The processing is restricted to what is strictly necessary to carry out those activities.</p>
Legal framework	ECA , Articles 122 and 123
BIPT contact	info@bipt.be

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End-user identification *(update 20/12/23)*

Executive summary	An operator is required to identify subscribers to its electronic communications services (direct identification method), or at least to ensure that authorities are able to identify them (indirect identification method).
Networks and services concerned	All operators providing services to end users.
Obligations	<p>Article 127, § 10, of the ECA includes a complete list of the indirect identification methods allowed. The ECA does not include a list of direct identification methods allowed but does include a list of identification data and documents. The Royal Decree of 27 November 2016 on the identification of the end-user of mobile public electronic communications services provided by means of a prepaid card includes an exhaustive list of the direct identification methods. However, that list is only applicable for the identification of prepaid card users.</p> <p>Operators offering paid services may implement all identification methods (direct or indirect), except for the following indirect identification methods: the collection and retention of the IP address or a phone number. However, the identification via a telephone number is allowed for operators' Wi-Fi hotspots.</p> <p>The operators offering free services may only implement indirect identification methods.</p>
Legal framework	<p>ECA, Article 127</p> <p>Royal Decree of 27 November 2016 on the identification of the end-user of mobile public electronic communications services provided by means of a prepaid card</p>
Contact the BIPT	info@ibpt.be

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Data retention *(updated on 20/12/23)*

Executive summary	Operators must retain data relating to subscribers and metadata for the purposes of the authorities.
Networks and services concerned	All operators.
Obligations	<p>Operators must keep a certain number of subscriber data in a generalised and undifferentiated manner. The retention period varies depending on the data but is usually 12 months.</p> <p>Operators must also retain a certain amount of metadata for certain areas of the territory. The retention period depends on the area (six to twelve months). The NTSU (National Technical and Tactical Support Unit) department of the special units of the Federal police is responsible for communicating the map of the areas to be covered to operators.</p>
Legal framework	<p>ECA, Articles 126 to 126/3.</p> <p>Ministerial Order of 30 March 2023 implementing Article 126/3, § 1, of the Act of 13 June 2005 on electronic communications with a view to adopting the list of judicial districts and police zones subject to the obligation of retention and the period of retention.</p> <p>Royal Decree of 4 October 2023 on the data to be retained by the electronic communications operators for the authorities, pursuant to Articles 126 to 126/3 of the Act of 13 June 2005 on electronic communications, and the statistics on the communication of these data to the authorities.</p>
Contact the BIPT	info@bipt.be

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Cooperation with the judicial authorities and the intelligence and security services

(update 20/12/23)

Executive summary	An operator is required to provide data to the competent authorities in accordance with the applicable legal framework and to set up an internal "Coordination Cell". Operators are also expected to participate in the TANK project.
Networks and services concerned	All networks and services.
Rights	Obtaining compensation for collaboration with the judicial authorities and the intelligence and security services
Obligations	<ol style="list-style-type: none">1. Provide accurate data if requested by a Belgian authority, in accordance with the applicable legal framework;2. Set up an internal Coordination Cell to facilitate the transfer of information between the operator collecting it and the authority requesting it;3. For requests from judicial authorities and intelligence and security services, integrate with the NTSU's TANK exchange platform¹ and respond to requests via this platform. <p>A circular of the Minister of Telecommunications gives more information on the subject (see page Legal interception BIPT).</p>
Legal framework	<ul style="list-style-type: none">• ECA, Articles 127/1, 127/2 and 127/3• Articles 46bis, 88bis, 90ter and 90quater of the Code of Criminal Procedure;• Articles 18/7, 18/8 and 18/17 of the Organisation Act of 30 November 1998 of the intelligence and security services;• Royal Decree of 12 October 2010 determining the conditions of the legal collaboration obligation in case of requests on electronic communications by the intelligence and security services;• Royal Decree of 9 January 2003 determining the conditions of the legal collaboration obligation in case of judicial requests on electronic communications;• Ministerial Order of 9 July 2020;• Ministerial Order of 16 July 2020.
Contact the BIPT	info@bipt.be

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¹ The National Technical & Tactical Support Unit (NTSU) is a service of the Federal Police.

Network related obligations

Access and interconnection *(update 15/01/22)*

Summary	<p>Providing access consists in making network elements or associated resources available to another operator. Interconnection is a particular form of access. Operators may freely negotiate access and interconnection agreements. However:</p> <ul style="list-style-type: none">- Public network operators have an obligation to negotiate in good faith, with any operator requesting it, an interconnection agreement with a view to providing publicly available electronic communications services.- Operators identified as having significant market power may become subject to specific access obligations.
Networks and services concerned	<p>Fixed and mobile telephone networks, networks enabling the provision of access to the Internet and/or television, including networks and services intended for companies, are particularly concerned.</p>
Rights	<p>Operators have the right to negotiate access and interconnection agreements amongst themselves.</p> <p>As explained in point 11 of the communication of 13 December 2022 from the BIPT Council on the negotiation of interconnection agreements, the invoicing of costs for the realization of the interconnection itself is not compatible with the "eurorates" regulation.</p>
Obligations	<p>Operators must respect the confidentiality of the information which is shared in the context of the negotiation of an access agreement.</p> <p>Each access or interconnection agreement must be communicated in its entirety to the BIPT.</p> <p>Interconnection is a particular form of access enabling users to communicate with each other or access services provided by another operator. Any operator providing a public electronic communications network has an obligation to negotiate in good faith, with any operator requesting it, an interconnection agreement. Interconnection agreements help ensure end-to-end connectivity between users and/or service providers who are connected to different networks.</p> <p>The BIPT is empowered to intervene, either at its own initiative, or at the request of an operator, to promote appropriate access (for instance to ensure or establish end-to-end connectivity).</p>
Legal framework	<p>See in particular Articles 50 to 53 of the ECA.</p>
Contact BIPT	<p>info@bipt.be</p>

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Antenna site sharing *(update 15/01/22)*

Summary	<p>In order to protect the environment, public health and public security or for town and country planning purposes an operator has to make every effort to install his antennas as much as possible on pre-existing supports, such as building roofs, pylons, façades, etc.</p> <p>An operator who owns a support structure authorises in a reasonable and non-discriminatory way the shared use of the antenna site by other operators. This obligation also includes the supports owned by other persons than an operator, when the support of the site belongs to a person managing the site for the benefit of an operator, over which an operator can exercise a dominant influence...</p>
Networks and services concerned	Public electronic communication networks
Rights	<p>An operator has the right to be informed about another operator's intention to submit an urban planning permit for an antenna site and to make his wish (or refusal) known to participate in that antenna site project.</p> <p>An operator who participates in site sharing has a right to have access to the database of antenna sites, a public version of which is available at www.sites.bipt.be</p>
Obligations	<p>At least one month before submitting an application for an urban planning permit to the competent authorities regarding a certain antenna site or a substantial part regarding site sharing, each operator is obliged to inform all the other operators and the BIPT of his intention.</p> <p>In the month following the notification, the other operators send their intention of shared use of the antenna site concerned or a part of it to the first operator.</p> <p>Before applying for an urban planning permit, the first operator has to negotiate the technical and financial conditions of the shared use of the antenna site in question with the other operators and to conclude an agreement.</p> <p>After having concluded that agreement the operators concerned have to jointly submit to the competent authorities an application for an urban planning permit.</p> <p>A database of the antenna sites has been created and the costs thereof are borne by the operators.</p>
Legal framework	<p>ECA (Articles 25 to 27) Royal Decree of 2 April 2014 concerning antenna site sharing Communication of 30 November 2021 on the TowerCos' rights and obligations regarding antenna site sharing</p>
Contact the BIPT	freqradhaz@bipt.be

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How can the deployment costs of broadband be reduced?

(update 15/01/22)

Summary	With a view to reducing the costs for the deployment of broadband electronic communications networks, the regulation provides the following: <ul style="list-style-type: none">➤ A right to access the existing physical infrastructure (for instance ducts, poles or masts), including non-active networks from energy or other services, for operators wishing to roll out broadband networks;➤ The coordination of civil engineering works;➤ Faster, simpler and more transparent procedures for granting permits;➤ The equipment of new buildings and major renovations with high-speed physical infrastructure and access to indoor infrastructure (high-speed ready);➤ Dispute resolution procedures and single information points (SIPs).
Networks and services concerned	Public telecommunications networks
Rights	For the deployment of high-speed networks, every public telecommunications network operator has the following rights: <ol style="list-style-type: none">1. Access:<ul style="list-style-type: none">➤ Right to access the existing passive infrastructure of other network operators (e.g. telecommunications, water, electricity, gas and transport), under fair and reasonable terms and conditions, including in terms of price;➤ Right to deploy its network, at its expense, until the access point of the indoor infrastructure that is adapted to broadband;➤ Right to access the existing indoor infrastructure to deploy, when duplication is technically impossible or not economically viable.2. Work coordination: Right to negotiate agreements for the coordination of civil engineering works.3. Issuing authorisations:<ul style="list-style-type: none">➤ Authorisations are issued or denied within 4 months from the complete application; Any refusal must be justified based on objective, transparent, non-discriminatory and proportionate criteria;➤ Right to compensation for the damage suffered in case of non-compliance with the deadline.4. Transparency: right to receive, via the SIP or the network operator, the minimum information regarding:<ul style="list-style-type: none">➤ the existing infrastructure (location and layout, type and current usage, point of contact);➤ the civil engineering works, in progress or planned in the next 6 months;➤ the conditions and procedures for the issuing of authorisations.5. Dispute settlement body (DSB):<ul style="list-style-type: none">➤ Disputes concerning access requests between public telecommunications network operators can be settled by means of a dispute settlement procedure with the BIPT;➤ Disputes concerning access requests between public telecommunications network operators and other operators can be settled by means of a dispute settlement procedure with the DSB concerning network infrastructure.

Obligations	<p>For the deployment of high-speed networks, every network operator has the following obligations:</p> <ol style="list-style-type: none"> 1. Access: <ul style="list-style-type: none"> ➤ Obligation to provide access to its passive physical infrastructure under fair and reasonable terms and conditions; ➤ Obligation to accept any request for access to the access point and the indoor infrastructure from a public communications network provider. 2. Transparency: <ul style="list-style-type: none"> ➤ When this minimum information concerning the existing infrastructure is not available via a SIP, obligation to provide access to it within 2 months following the request; ➤ Obligation to provide, upon request, within 2 weeks, the minimum information regarding the civil engineering works, in progress or planned in the next 6 months. 3. Coordination of civil engineering works: <ul style="list-style-type: none"> ➤ Obligation for every network operator to accept any reasonable coordination request, under transparent and non-discriminatory terms, provided that (a) no additional costs, (b) no obstacle to the monitoring of the coordination of the work, (c) request submitted at least 1 month prior to the submission of the final project for the issuing of an authorisation.
Legal framework	<p>Access to the telecommunications network:</p> <ul style="list-style-type: none"> - Art. 28 and 28/1 of the ECA; <p>Access to the electricity and gas network:</p> <ul style="list-style-type: none"> - Art. 14/1 to 14/5 of the Act of 29 April 1999 on the organisation of the electricity market; - Art. 15/2 sexies to 15/2 decies of the Act of 12 April 1965 on the transmission of gaseous and other products by pipeline. <p>DSB:</p> <ul style="list-style-type: none"> - Cooperation agreement of 14 July 2017 between the Federal State, the Communities and the Regions within the framework of the transposition of directive 2014/61/EU; <p>Flemish Region:</p> <ul style="list-style-type: none"> - Decree of 14 March 2008 on the exchange of information concerning underground cables and ducts (KLIP Decree); - Decree of 4 April 2014 on the exchange of information concerning the occupation of the public domain in the Flemish Region (GIPOD Decree); - Decree of 25 April 2014 on the environmental permit; <p>Walloon Region:</p> <ul style="list-style-type: none"> - Decree of 12 April 2001 on the organisation of the regional electricity market; - Decree of 19 December 2002 on the organisation of the regional gas market; - Decree of 24 May 2018 on the deployment of broadband communications networks indoors; - Decree of 30 April 2009 on the information, coordination and organisation of work sites under, on and above roads and waterways; - Territorial Development Code. <p>Brussels-Capital Region:</p> <ul style="list-style-type: none"> - Ordinance of 3 May 2018 on work sites in roadways; - Ordinance of 26 July 2013 on access and exchange of information on underground cables, pipes and ducts.
Contact the BIPT	info@bipt.be

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Right to use the public land and properties *(update 15/01/22)*

Summary	Any operator of a public electronic communications network may make use of the public land and properties to install and carry out all works in connection therewith, having regard to their purpose and the legal and regulatory provisions governing such use. Installed cables, overhead lines and associated equipment remain the property of the public telecommunications network operator concerned.
Networks and services concerned	Public electronic communications networks
Rights	<ol style="list-style-type: none"> 1. No tax, fee, toll, charge or payment whatsoever may be generated by such right of use. As this rule is to be interpreted strictly, it does not constitute an obstacle to the taxation of other elements than the right of use as such². 2. Furthermore, the operator is entitled, free of charge, to a right of way for the cables, overhead lines and associated equipment in the public or private infrastructure situated on the public land. 3. The operator is entitled, free of charge, to attach fixed supports to walls and façades along the public way, make use of open and vacant ground, to span or cross properties without attachment or contact. 4. When branches or roots reasonably constitute an obstacle, the operator may require the owner or the beneficiary to shorten them. 5. The operator of electrical or other installations, located, above, in, against or on a public land or private property which, due to their proximity, the physical or technical characteristics or conditions of use, have or may have an adverse effect on the public electronic communications network, the people working on that network or the users of that network, must, at its own expense, take all necessary measures to prevent such adverse effect.
Obligations	<ol style="list-style-type: none"> 1. Prior to installing cables, overhead lines and related equipment in the public land, any operator of a public telecommunications network shall submit a location plan and system details for the approval by the authority responsible for the public land. 2. When the operator intends to install cables, overhead lines and associated equipment, to remove them or to work on them, it will seek an agreement concerning the location and how the works will be carried out, with the person whose property is to serve as support or which will be spanned or crossed. Failing such agreement, a clear description of the projected location and of the method by which the work is conducted will be sent by registered letter. 3. The execution of such work does not involve any dispossession. The owner or the beneficiary debtor of the easement maintains its right to conduct any other work on the private property, provided that (s)he does not take any measure which would solely seek to modify or move the cables, overhead lines and related equipment. 4. When the presence of a water, gas, electrical, radio transmission, television broadcasting, telecommunication installation or any other utility installation hinders the work on cables, overhead lines and related equipment, the operator shall bear the costs of the modification, upon request of the utility installation. 5. When carrying out the work, the operator shall restore the property in its original state without undue delay, except for the inevitable damage caused to a property when the operator carries out a work that is necessary for the connections of the owner or the beneficiary of the property.
Legal framework	<ul style="list-style-type: none"> - Art. 97 et seq. of the Act of 21 March 1991 on the reform of certain economic public companies - There are certain divergences at the regional level.
Contact the BIPT	info@bipt.be

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² Such as, for instance, taxes on the economic activity of telecommunications operators which is materialised on the municipal territory by the presence of GSM poles, masts, or antennas used in this activity (see Opinion No. 47.011/2/V of the Council of State of 5 August 2009 on the bill amending the Act of 21 March 1991 on the reform of certain economic public companies and aimed at allowing the collection of taxes related to GSM poles and antenna supports for the benefit of the municipalities).

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Radio equipment allowed on the internal market and for use in Belgium *(update 15/01/22)*

Summary	Products using radio waves for radio communications or radiodetermination should comply with all applicable European harmonisation legislation and especially the RED (2014/53/EU) before being placed on the market. Products that comply with this legislation can be recognised by the CE marking and the declaration of conformity that should accompany the product. For the use of such radio equipment restrictions may apply, which should be defined in the manual, such as a licence obligation, but the use may also be prohibited. The technical conditions for the use of the radio spectrum are laid down in radio interfaces, which, as far as Belgium is concerned, are published on the BIPT website.
Networks and services concerned	Any kind of equipment for networks using radio waves, both network and terminal equipment using technologies such as: 2G / 3G / 4G / 5G / NB-IoT/ LoRaWAN / ASTRID / radio-relay links / satellite communication / WI-FI / Bluetooth /...
Rights	Access to the EU market (EEA+CH+TR) for products, use of radio spectrum, protection against interference if provided for, protection (exclusive) rights if applicable
Obligations	Manufacturer : Article 4 Royal Decree 25 March 2016 Importer : Article 6 Royal Decree 25 March 2016 Distributor : Article 7 Royal Decree 25 March 2016 Articles 32 & 33 ECA (authorised equipment & forbidden equipment) Article 13/1 ECA (licence) Article 18 ECA (user rights) Article 36 ECA (right to be connected to a public electronic communications network) Article 38 ECA (publication interfaces public electronic communications services)
Legal framework	RED (2014/53/EU) Transposition into ECA (13 June 2005) + Royal Decree radio equipment on placing on the market of radio equipment (25 March 2016) ECA + Royal Decree 18 December 2009 on private radio communications and user rights for fixed networks and trunked networks
BIPT contact	info@bipt.be or equipment@bipt.be

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Consumer protection obligations

Terminal equipment *(update 16/01/25)*

<p>Summary</p>	<p>In the decision of 26 September 2023 regarding the identification of the network termination point (see definition Article 2, 20°, of the ECA) for broadband services the BIPT determines that the network termination point for fixed networks is located at point A.</p> <div data-bbox="360 667 1318 981" data-label="Diagram"> <p>The diagram illustrates the network termination point for fixed networks. A dashed box labeled 'Residence' contains a computer icon on the left, followed by a circle labeled 'C' and 'Router*', a rectangle labeled 'B' and 'Modem*', and a vertical line labeled 'A'. To the right of point A is a horizontal line labeled 'Connection' and 'Copper, coax, fiber'.</p> </div> <p>* Often the modem and router are integrated into a single device.</p> <p>This implies that modems and routers are part of the terminal equipment and therefore - if they comply with the legal conditions - can be chosen freely by end-users for broadband and VoIP services. TV set-top boxes, services based on the PSTN and ISDN technologies and services with higher quality levels and the terminal equipment associated with those services are excluded from that decision; therefore they cannot be chosen freely.</p> <p>The deadline for operators to make the necessary IT adjustments so that end-users can connect their own terminal equipment to the network is 1 November 2024.</p>
<p>Networks and services concerned</p>	<p>Publicly available electronic communications services and public electronic communications networks, excluding TV set-top boxes, services based on the PSTN and ISDN technologies and services with higher quality levels.</p>
<p>Rights</p>	<p>Starting from 1 November 2024 end-users are allowed to connect their own terminal equipment to copper, coax or fibre networks and to continue to use their services, except for the services mentioned above.</p>
<p>Obligations</p>	<p>Before 1 May 2024 operators must publish the characteristics of the network termination points and the technical specifications of the modems and routers. Wholesale operators must provide that information to their wholesale customers before 1 February 2024.</p> <p>Operators must update the specifications two months before the new services are launched.</p> <p>Operators are allowed to maintain both a "blacklist" (of types of terminal equipment found to be harmful) and a "whitelist" (of types of terminal equipment found to be compliant with the specifications), both of which must be published. Operators must clearly specify how terminal equipment will be added to the blacklist and how terminal equipment can be removed from the list.</p>

Legal framework	ECA (Article 2, 20° and Article 36) BIPT Council Decision of 26 September 2023 regarding the identification of the network termination point for broadband services
BIPT contact	info@bipt.be

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Supporting number portability and Easy Switch processes (29/09/2023)

Summary	<p>For the migration of services provided by means of a number of the Belgian numbering plan, the Belgian number portability (NP) process must be followed.</p> <p>Migrations of Internet services, television services and bundles of services, provided to consumers and professional end-users on the basis of a standard tariff plan, are subject to other migration rules, namely those of the 'Easy Switch' type³.</p>
Networks and services concerned	<p>Depending on the type of migration: see explanation above</p>
Rights	<ol style="list-style-type: none"> 1. The right to become a member of the non-profit organisation Number Portability in Belgium, which manages the central reference data base for NP in Belgium. 2. In case of an Easy Switch type migration: the right to have the subscriber explicitly declare that he does not wish to migrate by means of a mandate granted to his new operator (the recipient operator) 3. Right to claim a compensation of up to 5 euro for the refund of credit on a prepaid card, provided this is specified in the contract
Obligations	<p>Number portability:</p> <ol style="list-style-type: none"> 1. Rolling out interfaces with other parties involved <ul style="list-style-type: none"> - Compulsory affiliation to the central reference data base for number portability ("CRDC") - Pay regulated fees to the non-profit organisation Number Portability for the affiliation to the CRDC - Configure at least the onward routing functionality in the network - Meet efficiency rules regarding the roll-out of the number portability process. 2. Enable number porting also: <ul style="list-style-type: none"> - on Saturdays for simple portings - outside office hours for complex portings (if requested by the subscriber) 3. Compliance with timers for the (in)validation of the number porting request in the central reference data base and for performing the number porting oneself. <p>Migrations of Internet services, television services and bundles:</p> <ol style="list-style-type: none"> 1. Installations of the Easy Switch type must be identified by means of the unique number (including verification number) or a unique name. That number or name must be mentioned on the invoice, in the customer zone and in the mobile app (if available) and must be available via the customer service.

³ A migration of the Easy Switch type means a migration of a *single-play* Internet access service, a *single-play* broadcasting service or a *set of services at one and the same installation address* that includes at least an Internet access service or a broadcasting service (but possibly a fixed and/or mobile telephony service as well), requested by a customer having subscribed to a donor operator's residential tariff plan or a standard tariff plan for professionals. The latter plan means a tariff plan which was not negotiated 'on a bespoke basis' following a request for a bid.

	<ol style="list-style-type: none"> 2. In the case of Easy Switch, the donor operator must be capable of ending the contract the day following the termination notice by the recipient operator. Affiliation to the Inter-Operator Communication protocol is highly recommended in this context. The implementation of this protocol is based on IT specifications defined by the various operators. These specifications are managed by the BIPT. An operator requesting access to this must contact the BIPT. 3. As a recipient operator you must inform the customer, inter alia, of the progress of the migration (also of the fulfilment of the step referred to in point 2) and you must automatically pay compensation if the technician has not showed up at the agreed time and in case of a service interruption that lasted longer than one business day following the day of the incident. 4. It also has to be made possible to schedule an appointment with a technician in blocks of half a day, in the morning or in the afternoon.
<p>Legal framework</p>	<p>Number portability:</p> <ul style="list-style-type: none"> - Articles 11, § 7, 111/2, § 2, 111/3, § 1, of the ECA - Royal Decree of 2 July 2013 on the portability of the numbers of subscribers to electronic communications services <p>Migrations of Internet services, television services and bundles:</p> <ul style="list-style-type: none"> - Articles 111/2, 111/3, § 1, of the ECA; - Royal Decree of 6 September 2016 regarding the migration of fixed line services and bundles of services in the electronic communications sector
<p>BIPT contact</p>	<p>For Number portability: info@bipt.be For Easy Switch: easyswitch@bipt.be</p>

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Call blocking *(update 15/01/22)*

Summary	Upon request and free of charge end-users can have an operator block their calls to the following telephone number categories: erotic premium-rate numbers, all premium-rate numbers, numbers for games, list of international numbers established by the BIPT.
Networks and services concerned	Fixed and mobile telephony
Obligations	At least once a year operators must inform their end-users individually of the free possibility to have certain categories of numbers blocked.
Legal framework	12 DECEMBER 2005. - Ministerial Order establishing the categories of outgoing calls and categories of called numbers for which blocking must be offered free of charge to end-users.
BIPT contact	info@bipt.be

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Premium numbers *(update 15/01/22)*

Summary	<p>Premium rate services based on premium rate numbers are provided by means of very specific number series.</p> <p>A Royal Decree lays down rules regarding the transparency of tariffs, publicity, general terms and conditions, subscription to or suspension of a service, as well as rules regarding the settlement of disputes or the receiving of unsolicited premium SMS or MMS messages.</p> <p>A register has to be kept and updated.</p>																																								
Networks and services concerned	Electronic communications services (voice, SMS)																																								
Obligations	<p>The provision of premium rate services through premium rate numbers is subject to a triple regulation.</p> <p>1. First of all, the following the number series have to be used for the provision of those numbers:</p> <table data-bbox="320 837 1316 1305"> <thead> <tr> <th>Premium rate numbers</th> <th>Maximum tariffs</th> </tr> </thead> <tbody> <tr> <td>070</td> <td>€ 0.30/min.</td> </tr> <tr> <td>0900</td> <td>€ 0.50/min.</td> </tr> <tr> <td>0901</td> <td>€ 0.50/call</td> </tr> <tr> <td>0902</td> <td>€ 1/min.</td> </tr> <tr> <td>0903</td> <td>€ 1.50/min.</td> </tr> <tr> <td>0904</td> <td>€ 2/min.</td> </tr> <tr> <td>0905</td> <td>€ 2/call</td> </tr> <tr> <td>0906</td> <td>€ 1/min.</td> </tr> <tr> <td>0907</td> <td>€ 2/min.</td> </tr> <tr> <td>0909</td> <td>Flexible (per minute and/or call) but max. € 31 per communication</td> </tr> </tbody> </table> <table data-bbox="320 1346 1460 1742"> <thead> <tr> <th>Premium rate short numbers</th> <th>Maximum tariffs</th> </tr> </thead> <tbody> <tr> <td>2000 to 2999</td> <td>€ 1 for 1 SMS message sent and/or 1 SMS message received</td> </tr> <tr> <td>3000 to 3999</td> <td>€ 4 for 1 SMS message sent and/or 1 SMS message received</td> </tr> <tr> <td>4000 to 4999</td> <td>€ 31 for 1 SMS message sent and/or 1 SMS message received</td> </tr> <tr> <td>5000 to 5999</td> <td>€ 0.5 for 1 SMS message sent and/or 1 SMS message received</td> </tr> <tr> <td>6000 to 6999</td> <td>€ 2 for 1 SMS message sent and/or 1 SMS message received</td> </tr> <tr> <td>7000 to 7999</td> <td>€ 4 for 1 SMS message sent and/or 1 SMS message received</td> </tr> <tr> <td>9000 to 9499</td> <td>€ 2 per message for the subscription and per message received</td> </tr> <tr> <td>9500 to 9999</td> <td>€ 2 per message for the subscription and per message received</td> </tr> </tbody> </table> <p>2. Essential rules regarding the provision of premium rate services:</p> <p>The end-user has to be informed of the rates before the service is provided. The rates are thus announced at the start of each communication using a premium rate service.</p> <p>After ten minutes, the operator automatically disconnects the user of a 090X type of premium rate service if the service is charged by the minute.</p> <p>The operator has to obtain the customer's prior consent before providing a premium rate service. For the short SMS messages a confirmation procedure by means of a key and exchange of text messages is provided for in order to validate the mutual consent.</p>	Premium rate numbers	Maximum tariffs	070	€ 0.30/min.	0900	€ 0.50/min.	0901	€ 0.50/call	0902	€ 1/min.	0903	€ 1.50/min.	0904	€ 2/min.	0905	€ 2/call	0906	€ 1/min.	0907	€ 2/min.	0909	Flexible (per minute and/or call) but max. € 31 per communication	Premium rate short numbers	Maximum tariffs	2000 to 2999	€ 1 for 1 SMS message sent and/or 1 SMS message received	3000 to 3999	€ 4 for 1 SMS message sent and/or 1 SMS message received	4000 to 4999	€ 31 for 1 SMS message sent and/or 1 SMS message received	5000 to 5999	€ 0.5 for 1 SMS message sent and/or 1 SMS message received	6000 to 6999	€ 2 for 1 SMS message sent and/or 1 SMS message received	7000 to 7999	€ 4 for 1 SMS message sent and/or 1 SMS message received	9000 to 9499	€ 2 per message for the subscription and per message received	9500 to 9999	€ 2 per message for the subscription and per message received
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	<p>Each subscriber may at any given time suspend a premium rate service.</p> <p>An end-operator has to forward his subscriber's complaint to the premium rate service provider in case of a dispute. The premium rate service provider shall assume the financial burden in case of a justified compensation following a complaint, in default of which the number holder shall assume the provisional burden.</p> <p>In case of manifest abuse or fraud, the number holder shall block premium rate numbers at his own initiative.</p> <p>3. Finally, when an operator yields premium rate numbering capacity to a premium rate service operator (or when he himself provides it), the latter shall complete the premium rate number register held by the non-profit organisation Number Portability in Belgium.</p> <p>Only when the service provider has provided the data to the non-profit organisation Number Portability in Belgium for publication, in compliance with the terms laid down in the regulations mentioned above, the operator holding the number allows the putting into service of the premium rate number.</p>
<p>Legal framework</p>	<p>ECA, Article 116/1</p> <p>Royal Decree of 27 April 2007 on managing the national numbering space and the granting and withdrawal of number user rights.</p> <p>Ministerial Order of 15 January 2019 establishing the register referred to in Article 116/1, § 1, of the Act of 13 June 2005 on electronic communications.</p> <p>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</p>
<p>Contact the BIPT</p>	<p>info@bipt.be</p>

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Transparency and specifications in the contract *(update 15/01/22)*

<p>Summary</p>	<p>1. The Telecom Act lists the information to be mentioned in the (offer to conclude a) “telecom contract”.</p> <p>In case of Internet access contracts this list should be read in conjunction with the explanation that should be given according to the Net Neutrality Regulation.</p> <p>Information should be provided in a detailed and clear manner, generally on a durable data support.</p> <p>The BIPT keeps a more detailed card available.</p> <p>2. Certain information additionally has to be provided in a summary of the contract as well.</p> <p>In general, the summary has to be provided before concluding the contract.</p> <p>An implementing regulation of the European Commission determines which information has to be included in the contract summary.</p> <p>The contract summary has to be legible and has to be drafted as concisely as possible.</p>
<p>Networks and services concerned</p>	<p>Operators who conclude a contract with consumers or companies employing a maximum of 49 staff or charitable organisations employing a maximum of 49 staff, to provide publicly available electronic communications services.</p> <p>Are exempt:</p> <ul style="list-style-type: none"> - providers of transmission services for the provision of machine-to-machine services; and - operators employing a maximum of 9 staff, providing number-independent interpersonal communications services, provided that they notify the end-users in question about the exemption to provide the information required prior to the conclusion of the contract.
<p>Rights</p>	<p>In the context of individual negotiations, operators are allowed to come to the explicit agreement with companies employing a maximum of 49 staff or charitable organisations employing a maximum of 49 staff that certain information that has to be provided, is only included partially in or is omitted from the contract and/or that no contract summary is provided.</p>
<p>Obligations</p>	<p>1. The minimum specifications to be included in the (offer to conclude a) “telecom contract” are listed in Article 108, § 1, 1° up to and including 4° of the ECA.</p> <p>The specifications have to be provided in a clear and comprehensible manner.</p> <p>This has to be ensured by means of a durable data support, in compliance with the general consumer protection right.</p> <p>Only when that is not feasible, the operator may provide a link to a document based on which the information required can be easily downloaded. In that case the operator has to specifically draw the attention of the consumer or another end-user entitled to the contractual information to the importance of downloading that document.</p> <p>The BIPT keeps a more detailed card available, which emphasises the provisions from the list of Article 108, § 1, that are expressly linked with other provisions of the Telecom Act and the Regulation.</p> <p>2. In addition to this comprehensive list of information to be mentioned in the contract, a summary of the contract has to be provided as well.</p>

	<p>In the contract summary the emphasis is on the main information the consumer needs to compare the offers and to make an informed choice. In compliance with the applicable European Commission's Implementing Regulation, information has to be provided regarding:</p> <ul style="list-style-type: none"> a) your name, address and contact details, among which the contact details to lodge a complaint; b) the main features of the service; c) the respective prices for activating the service and the recurrent or consumption-related costs; d) the duration of the contract and the terms and conditions for renewal and discontinuation; e) the extent to which products and services are geared to disabled end-users; f) the speed of the Internet service and the legal means available when that speed is not attained. <p>The contract summary has to be provided prior to the conclusion of the contract. Only if, for objectively technical reasons, it is not feasible to provide the contract summary prior to the conclusion of the contract, the summary may be sent later (without any undue delay). In that case the contract is only valid when the consumer or the other end-user who is entitled to a contract summary, has confirmed his consent following the receipt of the summary.</p> <p>The summary has to be easily legible and has to be as concise as possible. For single play contracts, the summary is generally expected not to exceed the equivalent of a one-sided A4 page. When an Internet service or a publicly available number-based interpersonal communications service is combined with other services or with end-equipment, the printed summary is expected not to exceed the equivalent of three one-sided A4 pages.</p> <p>3. Without prejudice to the obligation to notify modifications at least one month beforehand, the operator has to update the contract each time changes are made to the obligatory information to be included.</p>
<p>Legal framework</p>	<ul style="list-style-type: none"> - ECA, Article 108, § 1 up to and including 4 - Regulation (EU) 2015/2120 of the European Parliament and of the Council of 25 November 2015 laying down measures concerning open internet access and amending Directive 2002/22/EC on universal service and users' rights relating to electronic communications networks and services and Regulation (EU) No 531/2012 on roaming on public mobile communications networks within the Union (Net Neutrality Regulation) - BIPT Council Decision of 2 May 2017 regarding the communication of the speed of a fixed or mobile broadband connection - Commission Implementing Regulation (EU) 2019/2243 of 17 December 2019 establishing a template for the contract summary to be used by providers of publicly available electronic communications services
<p>BIPT contact</p>	<p>info@bipt.be</p>

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Alert mechanism (« Bill Shock ») (update 15/01/22)

Networks and services concerned	All operators providing postpaid mobile telephony and mobile Internet
Obligations	<p>Operators have to send an alert message when the mobile use of the customer in question</p> <ol style="list-style-type: none">reaches the monthly allowance andreaches the limit set. The standard value for this limit equals the monthly allowance plus € 50. The subscriber is free to set different limits, namely the monthly allowance + € 0, + € 75 or + € 100. <p>This system of alert messages applies to the use in Belgium. It has nothing to do with the system of transparency and alert messages in the context of roaming. There is no obligation for operators to take into account the costs for premium rate numbers in this context.</p>
Legal framework	<ul style="list-style-type: none">• ECA, art. 112• Royal Decree of 9 July 2013 on the alert messages searching to curtail electronic communications services costs• Decision of the BIPT Council of 20 November 2012 on the list of limits operators have to offer their customers as stipulated in Article 112 of the Act on Electronic Communications
BIPT contact	info@bipt.be

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The telecom invoice: terms and conditions and mentions

(update 15/01/22)

<p>Summary</p>	<p>The provisions concerning the invoice lay down in quite general terms which consumption data must appear on the telecommunications invoice, on the one hand, and which additional information (in addition to the consumption) must be specifically mentioned on the invoice, on the other hand.</p>
<p>Networks and services concerned</p>	<p>Electronic communications services and networks</p>
<p>Rights</p>	<p>Right to determine the level of detail for a detailed invoice</p>
<p>Obligations</p>	<p>The provider of publicly available number-based interpersonal communications services and the providers of internet access services must send to the consumers and subscribers with a maximum of 9 employees:</p> <ul style="list-style-type: none"> • A basic detailed invoice, free of charge, at least every three months. • At the request of the end user, a free invoice with more details. This invoice provides a survey of the calls, internet consumption and of the calls to premium rate numbers (and mentions the existence of the register of premium rate numbers and how to access it). Consumers may, for instance, request that invoice when they do not agree with the amount charged. <p>The basic invoice must:</p> <ul style="list-style-type: none"> • Clearly refer to the tariff simulator, via a separate specific text in bold (Art. 110, § 4, 1^o) for the subscribers with a tariff plan for consumers; • Mention if the contract has been concluded for a definite or an indefinite period and, where appropriate, at what date a residual value is no longer payable for the terminal equipment that is linked to the subscription, or at what date a termination fee is no longer payable (fixed-term contract). This applies to invoices for consumers and subscribers with a maximum of 9 numbers. This information must be visible and legible. • The burden of proof in respect of these obligations is placed on the operators. • In case of provision of internet access, the facilities offered to keep an e-mail address once the contract has been terminated should be mentioned in a legible and explicit manner, at least once a year. • Each invoice must mention the Easy Switch number. <p>The basic invoice has to comprise two parts:</p> <ul style="list-style-type: none"> • the summary including the total amount to be paid for the period of the invoice; • the survey including: <ul style="list-style-type: none"> ○ the different service categories; ○ the number of times the unit rate for a similar type of service has been charged (for instance: 45 call minutes, 118 GB of data); ○ the total amount charged per service category; ○ the possible applicable discounts; ○ the total amount due. <p>Certain free numbers must not appear on the invoices (emergency numbers and numbers defined by the King).</p>

Legal framework	<ul style="list-style-type: none">- ECA, Article 110- Ministerial Order of 12 November 2009 fixing the level of detail of the detailed basic invoice for electronic communications (Basic invoice MO)- ECA, Article 121/3- Article 16 of the Royal Decree of 6 September 2016 regarding the migration of fixed line services and bundles of services in the electronic communications sector (Easy Switch RD)- Article 7.1 of Directive 2002/58/EC of the European Parliament and of the Council of 12 July 2002 concerning the processing of personal data and the protection of privacy in the electronic communications sector (Directive on privacy and electronic communications).
Contact the BIPT	info@bipt.be

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Non-payment of bills (update 15/01/22)

Summary	<p>In case a consumer does not pay his invoice, various protective measures apply, in a specific order:</p> <ul style="list-style-type: none">- A free written reminder- One or more possible paying reminders- A warning, followed by a shift-down to a minimum service- Finally, a notice of default followed by a complete suspension of the service provision
Networks and services concerned	Electronic communications services and networks
Rights	Provided that these conditions are complied with (save fraud and abuse), the operator (including the provider of an internet access service or of a publicly available interpersonal communications service) may reduce or suspend the service and charge for the restoration of the service as well as for certain reminders. To the arrears, interests for late payment may be added at the maximum statutory rates. These rules are applicable notwithstanding any legal provision to the contrary.
Obligations	<p>If the consumer did not pay his invoice, the operator has to warn him before suspending the service.</p> <p>The first written reminder is free. The costs for subsequent written reminders may not exceed 10 EUR.</p> <p>Attention: a reminder in the form of a text message sent by an operator also counts as a written reminder.</p> <p>The operator may also charge interests for late payment of the arrears to the consumer. These may not exceed the statutory rates.</p> <p>Before completely suspending the service, the operator of a telephony service has to provide the consumer with a restricted service without additional costs.</p> <ul style="list-style-type: none">• <i>If the operator provides a telephone number to the consumer</i> <p>In this case, the consumer has to be able to at least call the emergency services.</p> <p>Instead of this restricted service, a mobile telephony operator may also change the subscription into a prepaid card scheme.</p> <ul style="list-style-type: none">• <i>If the operator provides a fixed Internet service to the consumer</i> <p>This Internet service provider still has to provide access to an upload and download speed which is equally fast as the speed provided in case the Internet volume is used up.</p> <p>If no action is taken in that respect, the speed may be reduced to 256 kilobits per second.</p> <p>The restricted service constitutes a transitional phase. The operator may only continue this for as long as necessary to quickly collect the payment due.</p>

	<p>The operator may not switch down to a restricted service if the consumer contests an amount, provided that the consumer pays the non-contested part in due time.</p> <p>Finally, if the minimum service is already in place and a notice has been served, the unpaid service may be suspended:</p> <ul style="list-style-type: none"> - in the case of non-payment within the terms laid down in the notice; - save when the amount due is legitimately contested. <p>In order to restore a normal service following a suspension of service, the operator may charge a maximum amount of 30 EUR to the consumer.</p> <p>Finally, in case of fraud and persistent non-payment (example given a second non-payment following a previous suspension of service during the same year), the operator may suspend all services immediately.</p>
<p>Legal framework</p>	<p>ECA, Article 119</p>
<p>Contact the BIPT</p>	<p>info@bipt.be</p>

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Obligations to cooperate with the BIPT tariff simulator and other transparency obligations *(update 16/01/25)*

Summary	Operators enter their tariff plans into the BIPT tariff simulator. They also provide for a link and clickable button that allows the consumption data to be filled in automatically in the tariff simulator. Other transparency obligations are the specification of the most advantageous tariff plan on the invoice once a year, the publication of transparent information about the networks, services and tariffs, the provision of a secured customer page containing information about the user profile, the right to opt for another tariff plan at least once a year for free and the specification on the invoice of the identity of providers of premium-rate numbers.
Networks and services concerned	Any operator providing electronic communications services to private persons
Obligations	<p>Each operator introduces his tariff plans, i.e. the whole of tariffs, contractual and technical aspects constituting a commercial offer, as well as their modifications, into the tariff simulator, within a time frame that allows the Institute to validate the information and request any necessary adjustments. At the same time the operator provides the BIPT with a full description of the new tariff plan or modification thereof and an electronic reference to the existing web page or web page under construction where that tariff plan is described.</p> <p>Since 2020 operators also have to make it possible for a direct link to be created between the tariff simulator and the usage data on the customer page of the operator. That way the user gets a personalised calculation based on his real user profile. To that end the operator has to provide for a clickable button that is clear and user friendly and containing the following text: <i>"Look here whether better offers are available on the market."</i></p> <p>Other transparency obligations:</p> <ul style="list-style-type: none"> • Once a year, for each subscriber, operators mention the most beneficial tariff plan on a sustainable support. In the case of a tariff plan destined for consumers the user profile is also specified. • Operators inform subscribers about alternative tariff plans, free of charge, within 2 weeks at the most and taking into account the subscriber's user profile, the Internet speed desired and the options relating to television. • For consumers and end-users operators publish and/or disperse, per service and where necessary per tariff plan, comparable, adequate, up-to-date and transparent information about: <ul style="list-style-type: none"> - 1° their contact details; - 2° the description of their services, including all tariffs and costs, information on aftersales, contract duration and access to emergency services as well as rights and obligations regarding the termination of the contract and number portability; - 3° dispute settlement mechanisms; - This information is published in a clear, detailed and easily accessible manner. <ul style="list-style-type: none"> • Operators provide for a secured customer page on their websites. Consumers have to be able to consult this customer page free of charge after having entered a login and a password. The information about the user profile shared by the operator is based on the invoicing information for post-paid subscriptions and relates to an uninterrupted three-month reference period during the last six months. • Operators give every consumer the right to choose at least once a year and free of charge another tariff formula they offer.

<p>Legal framework</p>	<p>ECA, Art. 111, § 2 ECA, Art. 109 ECA, Art. 110/1 ECA, Art. 111, § 1 ECA, Art. 111/4 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; Ministerial Order of 30 August 2006 laying down the framework for the implementation of a software tool enabling the evaluation of the best-value offer for electronic communications services; Decision of the BIPT Council of 16 August 2016 on the information operators provide to the consumers about their user profile.</p>
<p>Useful information</p>	<p>http://www.besttariff.be/ https://www.bipt.be/consumers/publication/decision-of-the-bipt-council-of-16-august-2016-on-the-information-operators-provide-to-the-consumers-on-their-user-profile</p>
<p>BIPT contact</p>	<p>info@bipt.be</p>

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Social tariff for fixed telephony and/or fixed Internet: former regime *(update 16/01/25)*

Summary	<p>The new social tariff regime entered into force on 1 March 2024. The management of this new social tariff regime is ensured by the FPS Economy. It is the subject of the next information sheet.</p> <p>The former social tariff regime consists in the granting of discounts for fixed internet and fixed telephony.</p> <p>The former social tariff regime continues to exist. Beneficiaries of the former social tariff who applied before 1 March 2024 may keep their current discount. Since then, it is no longer possible to submit new applications for the former social tariff.</p>
Networks and services concerned	<p>The obligation to offer a social tariff applies to the fixed telephony and fixed internet services. As for mobile services, operators are not obliged to offer a social tariff but are allowed to if they so wish.</p> <p>The social tariff is granted by operators providing consumers with public electronic communications services with a turnover exceeding €50 million.</p>
Rights	<p>Operators are entitled to ask the BIPT for compensation if they feel that the provision of the social tariff represents an unfair burden.</p> <p>The BIPT determines whether the provision of the social tariff does indeed constitute an unfair burden. If so, it defines the compensation amount by calculating the net costs.</p> <p>The compensation is granted through the fund that was set up to that effect.</p>
Obligations	<p>Obligation to apply the following reductions for beneficiaries who submitted an application for the social tariff before 1 March 2024:</p> <ol style="list-style-type: none">Providing a connection to a public electronic communications network at a fixed location, at 50% of the tariff.A 40% discount, limited to €8.40 per month, on the subscription fee if applicable.A €3.10 discount per month on call charges
Legal framework	<p>ECA (Articles 74 and 74/1)</p> <p>ECA (Articles 22 and 38 of Annex 1 to the ECA)</p>
Contact BIPT	<p>info@bipt.be</p>

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Social tariff for fixed telephony and/or fixed Internet: new regime

Summary	<p>The new social tariff regime entered into force on 1 March 2024. The management of this new social tariff regime is ensured by the FPS Economy.</p> <p>This new social tariff consists in the introduction of a new fixed internet offer, including certain basic characteristics, and provided at a capped price.</p> <p>The former social tariff regime consists in the granting of discounts for fixed internet and fixed telephony, and will still remain. It is the subject of the previous information sheet.</p>
Networks and services concerned	<p>The new social tariff consists in the provision of a social internet offer enabling you to surf at a minimum speed of 30 Mbps and to benefit from a download volume of 150 GB. It costs €19 per month for fixed internet and up to a maximum of €40 per month for bundles.</p> <p>The operators required to provide this offer are operators with a fixed access network offering consumers a broadband internet access service at a fixed location and with a turnover of more than €50 million in public electronic communications services. These operators are only obliged to provide the social internet offer in the part of the territory where they have a fixed access network.</p> <p>Any other operator wishing to provide the social internet offer is required to notify the BIPT.</p>
Rights	<p>Operators are entitled to ask the BIPT for compensation if they feel that the provision of the social tariff represents an unfair burden.</p> <p>The BIPT determines whether the provision of the social tariff does indeed constitute an unfair burden. If so, it defines the compensation amount by calculating the net costs.</p> <p>The compensation is granted through the fund that was set up to that effect.</p>
Obligations	<p>Obligation to interconnect with the database of the FPS Economy, and to submit a request for verification of entitlement for each person requesting the new social tariff.</p> <p>Obligation to provide the social internet offer to persons who have applied for it and whose entitlement has been confirmed.</p>
Legal framework	<p>ECA (Articles 74 and 74/1) ECA (Articles 22/1 to 22/3 and 38/1 of Annex 1 to the ECA) Royal Decree of 20 September 2023 on the minimum conditions for offers benefiting from social tariffs</p>
Contact BIPT	<p>info@ibpt.be and info.eco@economie.fgov.be.</p>

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Financing of the Office of the Ombudsman for Telecommunications *(update 15/01/22)*

Summary	<p>Each year, the BIPT determines the amount of the mediation contribution for each company concerned.</p> <p>The amount corresponds to the amount of the financial means necessary for the operation of the Office of the Ombudsman, multiplied by a coefficient equal to each company's share in the turnover achieved by all companies concerned recorded during the previous year for the activities falling within the brief of the Office of the Ombudsman.</p> <p>The first bracket of 1,240,000 EUR of turnover of each company is not taken into account for the calculation of the contribution.</p>
Networks and services concerned	<p>The following entities are obliged to contribute to the financing of the Office of the Ombudsman:</p> <ul style="list-style-type: none">1° any operator in the sense of the ECA2° any person making, selling or distributing a directory in the sense of the ECA3° any person providing a directory enquiries service in the sense of the ECA4° any provider of electronic communications systems in the sense of the ECA5° any person providing encryption services to the public in the sense of the ECA6° any provider of other activities in the field of electronic communications in the sense of the ECA7° any provider of broadcasting and/or radio transmission services, provided that this concerns complaints of end-users about intermediary invoices, contractual provisions and the terms and conditions of the operator
Obligations	<ol style="list-style-type: none">1. Submit to the BIPT the turnover numbers, achieved during the previous year for each of the activities falling within the brief of the Office of the Ombudsman, by 30 June at the latest2. Pay the mediation contribution by 30 September at the latest, in the absence of which a statutory interest increased by 2% is due. This interest is calculated on the basis of the number of civil days of delay.
Legal framework	Articles 43bis and 45bis of the Act of 21 March 1991 on the reform of certain economic public companies
Contact the BIPT	info@bipt.be

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Intra-EU communications *(update 15/01/22)*

Summary	Calls and text messages to other EU Member States are currently subject to a regulation at a European level. From this regulation, which came into effect on 15 May 2019, ensue rights and obligations for the operators
Networks and services concerned	Fixed and mobile networks
Rights	<ol style="list-style-type: none">1. The operators have the right to request a derogation in order to be exempt from having to apply the price caps laid down in the regulation.2. The operators are entitled to offer "alternative" rates to their customers, which differ from those for which a price cap applies but are subject to conditions
Obligations	The operators have to comply with the following retail price caps: <ul style="list-style-type: none">- Calls: € 0.19/minute (excluding VAT)- SMS: € 0.06/SMS (excluding VAT)
Legal framework	Regulation (EU) 2015/2120 of 25 November 2015 as amended by Regulation (EU) 2018/1971 of 11 December 2018
Contact the BIPT	info@bipt.be

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Roaming services in the EEA (retail service) (update 16/01/25)

Summary	Belgian mobile operators who provide roaming services (i.e. calls, SMS messages and data, when the subscriber is outside the Belgian territory) must comply with the rules established by the European roaming framework. That framework lays down that mobile operators who provide roaming services must fulfil certain obligations (namely provide services based on "Roam like at home", meaning at the domestic price), but that they also have certain rights (whereby those operators are allowed to take measures to protect themselves against abusive usage). Those rights and obligations are listed below.
Networks and services concerned	All mobile operators
Rights	<ol style="list-style-type: none"> 1. Operators providing retail roaming services have the right to apply a fair use policy to protect themselves against abusive usage, such as permanent roaming. If a customer does not observe this fair use policy, operators have the right to apply roaming surcharges for that customer. However, those surcharges must not exceed the wholesale rates (see card below). 2. Operators providing retail roaming services have the right to submit a derogation application, in order to be allowed to apply roaming surcharges, apart from any fair use policy. Such an application can be submitted to the BIPT, if the operator is unable to recover the costs linked to the provision of services according to the "Roam like at home" mechanism. 3. Operators providing retail roaming services have the right to offer alternative rates, i.e. rates other than "Roam like at home", but they must meet a number of requirements.
Obligations	<ol style="list-style-type: none"> 1. The mobile operators must provide the roaming services at the domestic price, without applying surcharges, except for the surcharges laid down in case of non-compliance with a fair use policy, or in case of a derogation. 2. Provide the same quality of service as in the home country, provided the local networks allow for that technically speaking (e.g. 5G). 3. When applying a fair use policy the operators must inform the BIPT of that policy. In addition, the fair use policy must imperatively be indicated in the contracts concluded with the customers. 4. The operators must fulfil a number of transparency requirements, the main requirements being: <ul style="list-style-type: none"> • Sending a personalised SMS message to customers entering a country other than their country of origin. • Sending tariff information upon the customer's request and free of charge. • As to the data, introduction of a "<i>bill shock</i>" mechanism meant to block the usage of data above a certain limit (at least at the 50 euro and 100 euro limits) and in case the customer does not respond. • Sending a warning if the customer has reached 80% of that data usage limit. • Informing the customers about the types of services to why higher roaming rates may apply. • Providing information, by way of a free automatic message, about access to emergency services in case of roaming in another EU Member State. <p>More obligations can be found in the regulation.</p>
Legal framework	Regulation No 2022/612 of 6 April 2022. For more details: BEREC guidelines.
Contact BIPT	info@bipt.be

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Other obligations

Roaming services in the EEA (wholesale service) *(update 16/01/25)*

Summary	Belgian mobile operators who provide roaming services in the EEA (i.e. calls, SMS messages and data outside the Belgian territory) must comply with the rules established by the European roaming framework.
Networks and services concerned	Mobile network operators (MNOs)
Rights	<ol style="list-style-type: none">1. Operators who want to provide roaming services can ask access to the roaming services provided by another mobile operator. In principle, reasonable requests for access must be met.2. Operators who want to provide roaming services have the right to benefit from wholesale charges that do not exceed the amounts laid down in the regulation. Those amounts (exclusive of VAT) are currently as follows:<ul style="list-style-type: none">• calls: € 0.022/minute and from 2025 onwards € 0.019/minute;• SMS messages: € 0.004/SMS message and from 2025 onwards: € 0.003/SMS message;• data: 2024: € 1.55/GB, 2025: € 1.30/GB, 2026: € 1.10/GB and from 2027 onwards: € 1/GB. <p>Those maximum wholesale charges only apply when buying roaming services from an MNO. If an operator wishes to buy roaming services from an MVNO or reseller, extra markups can be charged.</p>
Obligations	<ol style="list-style-type: none">1. Mobile operators must meet reasonable requests for wholesale access to roaming services.2. Mobile operators must publish a reference offer regarding the provision of wholesale roaming services.3. Mobile operators must provide operators requesting access with a draft contract regarding that access no later than one month after the initial reception of the request.4. The wholesale access must be granted within a reasonable period of time not exceeding three months from the conclusion of the contract.5. Mobile operators receiving a wholesale roaming access request and undertakings requesting access must negotiate in good faith.6. Mobile operators providing wholesale roaming must observe the maximum charges set in the regulation (see 'Fees') -7. Operators must ensure that emergency calls also have access to user location data, so that emergency services can react better in emergency situations, even if the person is abroad.
Legal framework	Regulation No 2022/612 of 6 April 2022. For more details: BEREC guidelines.
Contact BIPT	info@bipt.be

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Numbering (update 16/01/25)

Summary	The BIPT reserves and grants blocks of numbers to operators. A number can contain information on the type of service (information of the brand on the proposed service), the location of the person called (geographical information), the operator used (distinction between operators) and the cost.
Networks and services concerned	Electronic communications networks, electronic communications services, public services and services of public interest, harmonised European applications or services, (commercial or non-commercial) services of great importance to society.
Rights	Obtaining and using numbering resources
Obligations	<p>The obligations depend on the type of numbers. These can be found in the various decisions and in the Royal Decree of 27 April 2007 on managing the national numbering space and the grant and withdrawal of number user rights.</p> <p>Number portability plays a central role in the telecommunications policy: a "number portability task force" has been created under the presidency of the BIPT.</p>
Legal framework	<p>ECA</p> <p>Royal Decree of 27 April 2007 on managing the national numbering space and the grant and withdrawal of number user rights</p> <p>Decision of 13 November 2019 on the extension of the supply of 0800 numbers</p> <p>Decision of the BIPT Council of 10 January 2018 relating to the determination of the numbering plan for IoT and Ecall communication</p> <p>Circular letter of 6 October 2017 regarding the extraterritorial use of foreign numbering means in Belgium - Implementation of 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 28 June 2007)</p> <p>Communication of 19 June 2012 regarding the non-introduction of the special number series 076 and 079 respectively for personal numbers and business numbers</p> <p>Communication of 2 December 2009 on the policy of the BIPT to ensure non-discriminatory access to short numbers for value-added SMS and MMS services</p> <p>Decision of 19 March 2008 on the establishment of subseries for the provision rate services on electronic communications networks as laid down in the Royal Decree of 10 October 2006</p> <p>Decision of 25 January 2022 on the allocation of a range of non-geographic numbers for non-interpersonal communications services across the European Union territory</p> <p>Guidelines Calling Line Identification (CLI) of 4 December 2020</p>
Contact BIPT	numbering@bipt.be

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CLI Spoofing (update 16/01/25)

Summary	<p>The Royal Decree of 12/05/2024 to combat international voice calls with spoofed Belgian telephone numbers (hereinafter "spoofing Royal Decree") lays down that international calls using a Belgian number made to Belgian numbers must be blocked. There is an exception for bona fide applications.</p> <p>Operators must take the necessary measures for geographical numbers (such as 02 numbers) as from 1 September 2024 and for mobile numbers as from 1 December 2024, in order to comply with this new rule.</p> <p>The purpose of this royal decree is to shut the door on spoofed calls made from abroad and received in Belgium, barring a few exceptions.</p>
Networks and services concerned	Electronic communications networks, electronic communications services, public services and services of general interest.
Rights	The royal decree aims to protect persons receiving a telephone call against spoofed call numbers.
Obligations	<p>Barring a few exceptions international incoming calls with Belgian telephone numbers must be blocked by the operators who receive those calls. A number of exceptions have been defined in this regard.</p> <p>In case of the following services it is still possible to receive calls from abroad on condition that the provider of that service meets a number of conditions and only with Belgian geographical numbers:</p> <ul style="list-style-type: none">• when using the Internet line to make calls through "nomadic numbers" (a telephone number you can use worldwide because it is not linked to a certain termination point but to a specific device – also called "nomadic VoIP services");• when using cloud-based dial-out conference services;• when using cloud-based customer support services;• when using cloud-based telephone direct marketing services. <p>Companies working with call centres and customer support services based on cloud applications will have to register their Belgian phone numbers with their operator and meet additional conditions to exclude spoofing as much as possible. For nomadic VoIP calls the nomadic use of telephone numbers has to be occasional compared to the use of those numbers for calls made from Belgium.</p> <p>Mobile operators have to carry out a roaming check to verify that a call does indeed originate from abroad. If not, such calls should be blocked.</p> <p>For further explanation: https://www.bipt.be/operators/spoofing-royal-decree.</p>
Legal framework	The Royal Decree of 12/05/2024 to combat international voice calls with spoofed Belgian telephone numbers
BIPT contact	numbering@bipt.be

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