



Belgian Institute for Postal Services  
and Telecommunications

**Communication of the BIPT Council  
of 28 June 2022  
on  
the Report on net neutrality monitoring in Belgium  
(period from 1 May 2021 - 30 April 2022)**

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## 1. Context and summary

1. Article 5, subsection one, paragraph two of Regulation (EU) 2015/2120 of 25 November 2015 laying down measures concerning open internet requires for the national regulatory authorities (hereinafter also referred to as "NRAs") to publish an annual report on their monitoring of this Regulation and their findings. The NRAs send those reports to the European Commission and to BEREC.
2. Concerning the period from 1 May 2021 - 30 April 2022, the BIPT adopted the Report contained in the Annex.
3. In this sixth annual report, the BIPT describes all activities it carried out in the field of net neutrality.
4. In the first place two publicly available opinions were submitted to the Belgian Chamber of Representatives' committees, on matters relating to the open internet.
5. In an opinion of 21 December 2021 to the committee in charge of the constitution and institutional renewal of the Chamber of Representatives, the BIPT pointed out that it sees no reason to embed a right to (access to) open and adequate internet in the Constitution.
6. Next, on 21 April 2022, the BIPT gave an opinion to the Chamber of Representatives' Committee for Economy, Consumer protection and Digital Agenda and at the request of the Minister of Telecommunications, regarding a parliamentary resolution for the recognition of internet access as a basic need.
7. That draft resolution included an idea to implement zero-rating for online public services and applications used by schools.
8. In that regard, the BIPT clarified, among other things, that, in light of the rulings by the Court of Justice, a legal basis should be developed for this and in particular that every measure taken in execution of the resolution would have a significant economic impact on the telecoms operators on the Belgian market (estimated in the millions of euro, per operator).
9. On 23 February 2022 the BIPT published national Guidelines providing more clarity regarding the term "unlimited internet" on the Belgian telecoms market. These described, among other things, the terms and conditions for the minimal data volumes, the FUP applied and the contractual transparency terms.
10. In the midst of these activities the BIPT also continued its monitoring of the compliance with the Regulation.
11. Initially this was done every quarter through analysing the figures regarding the data use for all mobile offers including a zero-rating component in order for the BIPT to have an insight in the evolution of the use of the zero-rated applications and to be able to intervene in due time to promote competition among the apps.
12. Following the rulings by the Court of Justice and the preliminary stance of BEREC (chaired by the BIPT in 2021), the nature of the BIPT's monitoring changed drastically: the BIPT

informally contacted the three Belgian ISPs having offers including some form of zero-rating to sound them out about their plans for conversion (to offers that would be compliant with the interpretation given by the Court of Justice) and the term for implementation of those plans.

13. The BIPT deemed the feedback it received by two out of the three ISPs contacted, acceptable. As for the third ISP, the BIPT informed him that the term for implementation he wished (2023), was too long.
14. Next during this reporting period, two forms of acceptable blocking of internet access were implemented under the supervision or technical coordination of the BIPT. Firstly, the attacks by the Flubot virus were stopped by preventing communication between the infected smartphones and the main servers. Furthermore, the sanctions against the Russian regime adopted by the EU following the invasion of Ukraine include the suspension of the broadcasting activities of Sputnik and RT/Russia Today. As regards the broadcasts via websites, it was agreed upon that the ISPs can implement the blocking through DNS Blocking.
15. During this reporting period the BIPT received 1 complaint relating to the interests strived after by the Open Internet Regulation.
16. Finally, by way of a drive test campaign the BIPT has collected data about the quality of experience on the mobile networks for the fourth year in a row. The BIPT also continued the development of the Atlas of the fixed and mobile coverage and examined its reliability through ad hoc measurements in the field.
17. By and large the BIPT is of the opinion that so far there are no major reasons for concern in Belgium as far as open internet access is concerned:
  - No cases of inadmissible blocking of services or applications in the network have been found.
  - As regards zero-rating, operators are converting the offers including this unacceptable practice, into offers that would be compliant with the rulings of the Court of Justice.
  - As for the options for end-users the data volumes included in the ISP offers have again increased, not only for mobile products but for the "fixed" internet as well in order to set off the increasing mobile data traffic.

## **2. Next steps**

18. The report will be submitted to the European Commission and BEREC.
19. It will be published on the BIPT website as well.

Axel Desmedt  
Member of the Council

Bernardo Herman  
Member of the Council

Luc Vanfleteren  
Member of the Council

Michel Van Bellinghen  
Chairman of the Council

**Annex: Report on net neutrality monitoring in Belgium (period from 1 May 2021 – 30 April 2022)**



Belgian Institute for Postal Services  
and Telecommunications

**Report  
on  
net neutrality monitoring  
in Belgium  
(period from 1 May 2021 - 30 April 2022)**

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## 1. General

### 1.1. Preliminary provision

1. This report is adopted by the BIPT.
2. On 2 June 2022, the BIPT sent its draft annual report regarding net neutrality monitoring in Belgium (period from 1 May 2021 - 30 April 2022) to the CSA, the VRM and the Medienrat. Because net neutrality also regards matters of content, the BIPT performs its monitoring function in cooperation with the regulators of audio visual media.
3. The CSA, the VRM and the Medienrat were more specifically invited to amend and/or complete the draft, with a view to its publication and submission to the European Commission and BEREC. This report takes account of that input.

### 1.2. Context of this report

4. Article 5, subsection one, paragraph two of Regulation (EU) 2015/2120 of 25 November 2015 laying down measures concerning open internet access and retail tariffs for regulated communication within the EU and amending Directive 2002/22/EC and Regulation (EU) no 531/2012<sup>1</sup> (hereinafter also referred to as "Regulation 2015/2120", "Open Internet Regulation" or simply "the Regulation") requires for the national regulatory authorities (hereinafter also referred to as "NRAs") to publish an annual report on their monitoring of this Regulation and their findings. The NRAs send those reports to the Commission and to BEREC.
5. This report is the report referred to in Article 5, subsection one, paragraph two of Regulation 2015/2120.
6. In accordance with the [BEREC Guidelines on the Implementation of the Open Internet Regulation](#)<sup>2</sup> (hereinafter also referred to as "the BEREC Guidelines" or simply "the Guidelines") this report will cover the period from 1 May 2021 up to and including 30 April 2022 and be delivered by 30 June 2022.
7. In conformity with Article 5, subsection one, paragraph one, of the Regulation the NRAs shall:
  - closely monitor and ensure compliance with Articles 3 and 4 of Regulation 2015/2120 and
  - promote the continued availability of non-discriminatory internet access services at levels of quality that reflect advances in technology.

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<sup>1</sup> *Official Journal*, no L 310/1, 26 November 2015, as amended by Regulation 2018/1971 of the European Parliament and of the Council of 11 December 2018, *Official Journal*, no L, 321/1, 17 December 2018.

<sup>2</sup> See no 182 of those Guidelines, published at

[https://berec.europa.eu/eng/document\\_register/subject\\_matter/berec/regulatory\\_best\\_practices/guidelines/9277-berec-guidelines-on-the-implementation-of-the-open-internet-regulation](https://berec.europa.eu/eng/document_register/subject_matter/berec/regulatory_best_practices/guidelines/9277-berec-guidelines-on-the-implementation-of-the-open-internet-regulation)

### 1.3. The provisions of the Regulation

8. The core provisions of Regulation 2015/2120 reported on are Articles 3 and 4.
9. These Articles read:

*"Article 3*  
***Safeguarding of open internet access***

*1. End-users shall have the right to access and distribute information and content, use and provide applications and services, and use terminal equipment of their choice, irrespective of the end-user's or provider's location or the location, origin or destination of the information, content, application or service, via their internet access service.*

*This paragraph is without prejudice to Union law, or national law that complies with Union law, related to the lawfulness of the content, applications or services.*

*2. Agreements between providers of internet access services and end-users on commercial and technical conditions and the characteristics of internet access services such as price, data volumes or speed, and any commercial practices conducted by providers of internet access services, shall not limit the exercise of the rights of end-users laid down in paragraph 1.*

*3. Providers of internet access services shall treat all traffic equally, when providing internet access services, without discrimination, restriction or interference, and irrespective of the sender and receiver, the content accessed or distributed, the applications or services used or provided, or the terminal equipment used.*

*The first subparagraph shall not prevent providers of internet access services from implementing reasonable traffic management measures. In order to be deemed to be reasonable, such measures shall be transparent, non-discriminatory and proportionate, and shall not be based on commercial considerations but on objectively different technical quality of service requirements of specific categories of traffic. Such measures shall not monitor the specific content and shall not be maintained for longer than necessary.*

*Providers of internet access services shall not engage in traffic management measures going beyond those set out in the second subparagraph, and in particular shall not block, slow down, alter, restrict, interfere with, degrade or discriminate between specific content, applications or services, or specific categories thereof, except as necessary, and only for as long as necessary, in order to:*

*(a) comply with Union legislative acts, or national legislation that complies with Union law, to which the provider of internet access services is subject, or with measures that comply with Union law giving effect to such Union legislative acts or national legislation, including with orders by courts or public authorities vested with relevant powers;*

*(b) preserve the integrity and security of the network, of services provided via that network, and of the terminal equipment of end-users;*

*(c) prevent impending network congestion and mitigate the effects of exceptional or temporary network congestion, provided that equivalent categories of traffic are treated equally.*

*4. Any traffic management measure may entail processing of personal data only if such processing is necessary and proportionate to achieve the objectives set out in paragraph 3. Such processing shall be carried out in accordance with Directive 95/46/EC of the European Parliament and of the Council. Traffic management measures shall also comply with Directive 2002/58/EC of the European Parliament and of the Council.*

*5. Providers of electronic communications to the public, including providers of internet access services, and providers of content, applications and services shall be free to offer services other than internet access services which are optimised for specific content, applications or services, or a combination thereof, where the optimisation is necessary in order to meet requirements of the content, applications or services for a specific level of quality.*

*Providers of electronic communications to the public, including providers of internet access services, may offer or facilitate such services only if the network capacity is sufficient to provide them in addition to any internet access services provided. Such services shall not be usable or offered as a replacement for internet access services, and shall not be to the detriment of the availability or general quality of internet access services for end-users.*

#### Article 4

### **Transparency measures for ensuring open internet access**

*1. Providers of internet access services shall ensure that any contract which includes internet access services specifies at least the following:*

*(a) information on how traffic management measures applied by that provider could impact on the quality of the internet access services, on the privacy of end-users and on the protection of their personal data;*

*(b) a clear and comprehensible explanation as to how any volume limitation, speed and other quality of service parameters may in practice have an impact on internet access services, and in particular on the use of content, applications and services;*

*(c) a clear and comprehensible explanation of how any services referred to in Article 3(5) to which the end-user subscribes might in practice have an impact on the internet access services provided to that end-user;*

*(d) a clear and comprehensible explanation of the minimum, normally available, maximum and advertised download and upload speed of the internet access services in the case of fixed networks, or of the estimated maximum and advertised download and upload speed of the internet access services in the case of mobile networks, and how significant deviations from the respective advertised download and upload speeds could impact the exercise of the end-users' rights laid down in Article 3(1);*

*(e) a clear and comprehensible explanation of the remedies available to the consumer in accordance with national law in the event of any continuous or regularly recurring*

*discrepancy between the actual performance of the internet access service regarding speed or other quality of service parameters and the performance indicated in accordance with points (a) to (d).*

*Providers of internet access services shall publish the information referred to in the first subparagraph.*

*2. Providers of internet access services shall put in place transparent, simple and efficient procedures to address complaints of end-users relating to the rights and obligations laid down in Article 3 and paragraph 1 of this Article. The requirements laid down in paragraphs 1 and 2 are in addition to those provided for in Directive 2002/22/EC and shall not prevent Member States from maintaining or introducing additional monitoring, information and transparency requirements, including those concerning the content, form and manner of the information to be published. Those requirements shall comply with this Regulation and the relevant provisions of Directives 2002/21/EC and 2002/22/EC.*

*4. Any significant discrepancy, continuous or regularly recurring, between the actual performance of the internet access service regarding speed or other quality of service parameters and the performance indicated by the provider of internet access services in accordance with points (a) to (d) of paragraph 1 shall, where the relevant facts are established by a monitoring mechanism certified by the national regulatory authority, be deemed to constitute non-conformity of performance for the purposes of triggering the remedies available to the consumer in accordance with national law.*

*This paragraph shall apply only to contracts concluded or renewed from 29 November 2015."*

10. For the purposes of the reporting Article 5(1), first subparagraph, second sentence of the Regulation is relevant as well. Under this provision, with a view to carrying out the tasks referred to in the first sentence of Article 5, subsection one, paragraph one, the NRAs "impose requirements concerning technical characteristics, minimum quality of service requirements and other appropriate and necessary measures on one or more providers of electronic communications to the public, including providers of internet access services".

#### **1.4. The BEREC Guidelines**

11. Based on Article 5.3 of Regulation 2015/2120 BEREC, the European umbrella organisation of NRAs, has adopted guidelines to implement the NRAs' obligations with a view to the consistent application of the Regulation. Those guidelines are the ones cited above, called "BEREC Guidelines on the Implementation of the Open Internet Regulation".
12. As regards the annual reporting by the NRAs, the Guidelines recommend the following:

##### "Annual reporting of NRAs

182. The reports must be published on an annual basis, and NRAs should publish their annual reports by 30th June for the periods starting from 1st May to 30th April. The first report is to be provided by 30th June 2017, covering the period from 30th April 2016 to 30th April 2017 (the first 12 months following application of the provisions).

183. As well as being published, the reports should be provided to the Commission and to BEREC. To enable the Commission and BEREC to more easily compare the reports, BEREC recommends that NRAs include at least the following sections in their annual reports:

- overall description of the national situation regarding compliance with the Regulation;
- description of the monitoring activities carried out by the NRA;
- the number and types of complaints and infringements related to the Regulation;
- main results of surveys conducted in relation to supervising and enforcing the Regulation;
- main results and values retrieved from technical measurements and evaluations conducted in relation to supervising and enforcing the Regulation;
- an assessment of the continued availability of non-discriminatory IAS at levels of quality that reflect advances in technology;
- measures adopted/applied by NRAs pursuant to Article 5(1)."

### 1.5. Update of the BEREC Guidelines on net neutrality

13. In [three rulings of 2 September 2021](#) the European Court of Justice stated that, in its view, the commercial practice of zero rating<sup>3</sup> is *in se* contrary to the provisions of the Open Internet Regulation.
14. The Court based its rulings on the principle of equal treatment of traffic, without discrimination or interference, laid down in Article 3(3), first subparagraph, of the Open Internet Regulation.<sup>4</sup>
15. As the rulings are based on this part of the Open Internet Regulation, an assessment of the practice's effects on the exercise of the end-users rights, by virtue of Article 3(2) of Regulation no 2015/2120, is no longer in order.
16. In essence, the 2020 version of the BEREC Guidelines recommend a thorough impact assessment based on Article 3(2) of the Open Internet Regulation.
17. Following the rulings, the BIPT, in its capacity of BEREC Chair in 2021, immediately initiated the necessary discussions and internal analyses within BEREC.
18. These resulted in a series of external BEREC communications in 2021, among which a call for input from the stakeholders in October 2021, the communication of BEREC's preliminary point of view and the announcement of an update of the BEREC Guidelines as regards zero-rating by mid-June 2022.
19. On 15 March 2022 BEREC submitted updated guidelines on zero-rating for [public consultation](#)<sup>5</sup> with a view to adopting a final new stance and assessment framework for zero-rating in June 2022.
20. The BIPT was intensively involved in this as well.

<sup>3</sup> In the case of zero-rating the Internet Service Provider does not take into account the data traffic of a specific application or category of applications for the general data limit implemented for the internet access service. This generally results in free data for this specific application or category of applications or in data to which a differentiated price applies.

<sup>4</sup> The Court, once again, confirming that this principle should not be by-passed by means of an agreement between an ISP and a consumer (or professional end-user, using an internet access service for access to information, content and applications and to use services). The Court already issued a ruling in that sense for the first time on 15 September 2020, namely in its judgement [Telenor Magyarország](#).

<sup>5</sup> [https://berec.europa.eu/eng/news\\_consultations/ongoing\\_public\\_consultations/9342-public-consultation-on-draft-berec-guidelines-on-the-implementation-of-the-open-internet-regulation](https://berec.europa.eu/eng/news_consultations/ongoing_public_consultations/9342-public-consultation-on-draft-berec-guidelines-on-the-implementation-of-the-open-internet-regulation)

## 2. Development of a national framework for net neutrality

21. During the period to which this report applies, the BIPT was asked for advice twice by a Committee of the federal Chamber of Representatives, about the draft documents submitted to it and aiming to develop a national legislative framework regarding the topics related to net neutrality.
22. Furthermore, the BIPT decided to issue **national guidelines** on the use of the label "unlimited internet" in the ISPs commercial communications and on the transparency requirements an ISP's possible Fair Use Policy has to meet.

### 2.1. The BIPT opinion of 21 December 2021 regarding the draft bills reviewing the Constitution with a view to adding the right to an open and/or neutral and/or adequate internet to Article 23, subsection three, of the Constitution

23. At the request of the Constitution and Institutional Renewal Committee<sup>6</sup> of the Chamber of Representatives, the BIPT formulated an [opinion](#)<sup>7</sup> on 21 December 2021 on two draft bills renewing Article 23, subsection three, of the Belgian Constitution.
24. On the one hand it regarded Bill no 145, submitted by Mr Christophe Lacroix (and other Representatives), to embed the principle of the internet networks' net neutrality. Concretely, that bill suggested to complete the economic, social and cultural rights that are guaranteed by virtue of Article 23, subsection three of the Constitution, with a provision regarding the right to a neutral and open internet access.<sup>8</sup>
25. On the other hand, the opinion looks into Bill no 2137, submitted by Mr Jan Briers (and other Representatives), with a view to extending the right to a life in keeping with human dignity with the right to adequate and neutral internet access.<sup>9</sup>
26. The BIPT's opinion established that the proposed right is already laid down in both European and national legislation offering sufficient guarantees to its feel.
27. The BIPT indeed felt that the EU framework provides for sufficient tasks, principles and goals guaranteeing that the internet remains open and encouraging the Belgian government to tackle remaining issues regarding the adequacy of the internet.

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<sup>6</sup> The work of the plenary meeting is prepared in the committees. Bills and proposals (draft bills and resolutions, proposals to set up an investigating committee, propositions for review of the Constitution) are presented, discussed and possibly amended and voted on.

<sup>7</sup> <https://www.bipt.be/operators/publication/opinion-of-21-december-2021-regarding-the-bills-reviewing-the-constitution-with-a-view-to-adding-the-right-to-an-open-andor-neutral-andor-adequate-internet-to-article-23-subsection-three-of-the-constitution>

<sup>8</sup> Bill no 145, submitted on 20 June 2019 in the Chamber of Representatives by Christophe Lacroix c.s. (PS). This draft adopts the proposal of Bill no 346, submitted on 30 September 2014 in the Chamber of Representatives by the same parliamentary party, which expired in the meantime.

<sup>9</sup> Bill no 2137, submitted on 10 June 2021 in the Chamber of Representatives by Jan Briers c.s. (CD&V). This draft adopts the proposal of Bill no 415, submitted on 7 October 2014 by the same parliamentary party, which expired in the meantime.

28. The BIPT for instance emphasised in its opinion that the **Open Internet Regulation** guarantees the equal and non-discriminatory treatment of the traffic when providing internet access services, as well as the related rights for end-users.
29. The BIPT among other things suggested that, based on this Regulation, Internet Service Providers (ISPs) treat all traffic equally, without discrimination, restriction or interference, and irrespective of the sender and receiver, the content accessed or distributed, the applications or services used or provided, or the terminal equipment used.
30. Next, the BIPT clarified a number of equilibriums and stipulations of the Open Internet Regulation. The BIPT for instance mentioned the possibility for ISPs to carry out reasonable operations on the internet traffic to give the end-users a qualitative experience. The BIPT emphasised, however, that these interventions have to be non-discriminatory and proportionate, they have to respect privacy and may only be implemented as long as necessary.
31. The BIPT also explained that more far reaching interventions on the internet traffic, such as slowing down or blocking, are only allowed
  - with a view to complying with European or national legislation or implementing measures (in conformity with Union law),
  - with a view to safeguarding the integrity and security of the network, the services provided and the end-users' terminal equipment as well as
  - with a view to preventing network congestion or limiting its temporary consequences.
32. In its clarification regarding these provisions of the Open Internet Regulation, the BIPT always explained which concerns in the explanatory memorandum of the bills the principles and guarantees of the Open Internet Regulation removed.
33. In its opinion, the BIPT also mentioned that other concerns expressed in the bills' explanatory memorandum have been resolved through the legal protection provided by the EU framework. In that context, the BIPT more specifically pointed to the rulings of the European Court of Justice<sup>10</sup> stating that the so-called zero-rating practice did not meet the above-mentioned obligation for equal treatment of the traffic without discrimination or interference (see also below, section 3.2).
34. In a different part of its opinion, the BIPT cited as well that the **European Electronic Communications Code**<sup>11</sup>, which has been transposed into Belgian law recently, contains relevant goals and regulatory principles, anticipating the motives of the bills' authors.
35. The BIPT for instance pointed out that the competent authorities and Member States have to adopt proportionate measures contributing to the accomplishment of general goals such as the freedom of speech and information, cultural and linguistic diversity and media pluralism, promotion of open innovation and protection of the interests of the citizens.<sup>12</sup>

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<sup>10</sup> ECJ, 2 September 2021, C-34/20, *Telekom Deutschland*; C-5/20, *Vodafone* (tethering) and C-854/19, *Vodafone* (roaming).

<sup>11</sup> Directive (EU) 2018/1972 of the European Parliament and of the Council of 11 December 2018 establishing the European Electronic Communications Code, Official Journal, 17 December 2018, no L, 321/36.

<sup>12</sup> The latter involves, among other things, ensuring widespread availability and take-up of very high capacity networks and of electronic communications services, monitoring the accomplishment of effective competition for optimal benefits in terms of choice, price and quality, guaranteeing a high common level of security for the

36. The BIPT also pointed to Articles 84 to 92 of the European Code and the principles laid down in them regarding the (geographical) availability - sufficient coverage - and affordability of the universal service.<sup>13</sup>
37. The BIPT also mentioned Article 100 of the above-mentioned Code providing for the obligation to respect the fundamental rights upon laying down the measures for access to or use of services and applications by end-users by means of electronic communications networks.
38. The BIPT emphasized that these articles and goals have been transposed in Belgian legislation and that consequently its compliance was and is subject to actual monitoring by the Belgian government and the competent authorities such as the BIPT.
39. As an illustration of the latter and regarding the right to open internet, the BIPT referred to its annual reports on its monitoring of the Open Internet Regulation and its findings regarding the openness of the internet in Belgium in general.
40. These annual reports show that there are no real reasons for concern in Belgium: no cases of services being blocked, few to no complaints about compliance with the Regulation per year, an annual increase of the data volume included in tariff plans, sufficient network capacity, enhanced transparency regarding traffic measurement and traffic management, monitoring and roll-out of means to measure the quality levels.<sup>14</sup>
41. In this context, the BIPT noted that this progress is also a dynamic given, the Belgian government and the BIPT continuously striving for progression regarding the minimum speed of internet access within the framework of the universal service, the increase of available network capacity (among other things by means of the further roll-out of fibre networks and 5G in the future), but also for the further development of tools such as the Atlas of the fixed and mobile coverage, maintaining and simplifying access to social tariffs as well as access for the end-users to sufficient data volume in the basic allowance, to name but a few examples.
42. The BIPT concluded that these guarantees, principles, goals and accompanying policy and monitoring measures meet the concerns stated in the Bills no 145 and 2137 regarding a full participation in society.<sup>15</sup>
43. Therefore, the BIPT did not see a reason to embed the right to (access to) open and adequate internet in the Constitution.

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end-user and paying attention to the needs of specific social groups (namely disabled end-users, end-users with special social needs or belonging to older age brackets).

<sup>13</sup> The universal service includes a minimum number of services, intended for all consumers at affordable prices.

<sup>14</sup> These are observations based on the situation and context in which the previous annual reports have been drafted.

<sup>15</sup> Among which reducing the digital divide, promoting cultural diversity, guaranteeing fundamental rights such as the freedom of expression, association and information and granting access to a worldwide market of internet services in which the consumer can make choices within a free market economy.

## **2.2. The BIPT opinion of 21 April 2022 on the Draft Resolution no 2284/001 on the recognition of Internet access as a basic need**

44. At the request of the Chamber of Representative's Committee for Economy, Consumer protection and Digital Agenda and at the request of the Minister of Telecommunications, the BIPT formulated an [opinion](#)<sup>16</sup> on 21 April 2022 on Draft Resolution no 2284/001 on the recognition of Internet access as a basic need (hereinafter "the Draft Resolution").
45. This [Draft Resolution](#)<sup>17</sup> was submitted by Mr Christophe Bombled in the Belgian Federal Parliament (together with other Representatives).
46. The Draft Resolution asks the Belgian Federal Government to adopt a set of measures, in light of the crucial nature of internet access for the social life.
47. The measures called for include the discussion of the introduction of generalised access (at zero-rate tariff) to a number of services considered to be essential, such as public services and applications the schools use.
48. In this regard the BIPT pointed out that zero-rating, implemented without statutory order, is, according to the rulings by the European Court of Justice<sup>18</sup>, contrary to the principle laid down in Article 3(3), first subparagraph of the Open Internet Regulation (EU) 2015/2120 on equal treatment of internet traffic.
49. In its opinion the BIPT pointed out the possibility to adopt national legislation based on the exception of Article 3(3), third subparagraph, sub a) of the Open Internet Regulation, for the proposed cases of zero-rating for online education and free online access to government services.
50. On a legal level, the BIPT recommended to give preference to imposing traffic differentiation after having exceeded the data limit or the limit set in the Fair Use Policy (FUP) instead of imposing a general free-of-charge system through legislation.
51. The BIPT also felt that the possible legal exception had best include a stipulation instructing to analyse whether the prices and volumes included have not evolved in such a way that traffic differentiation or zero-rating has become redundant after a couple of years.
52. Finally and last but not least, the BIPT urged to pay the necessary attention to the economic and technical implications of the implementation of the intention of the Draft Resolution's authors.
53. The BIPT did indeed emphasize in its opinion that the measure proposed would have a considerable economic impact on the operators who are active on the Belgian market, who would each (to a different extent) have to implement technical changes in their data management platforms.

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<sup>16</sup> <https://www.bipt.be/index.php/operators/publication/opinion-of-the-bipt-council-of-21-april-2022-on-draft-resolution-no.-2284001-on-the-recognition-of-internet-access-as-a-basic-need>

<sup>17</sup> Which can be consulted on the website of the Chamber of Representatives at <https://www.dekamer.be/FLWB/PDF/55/2284/55K2284001.pdf>

<sup>18</sup> See in particular the rulings of the European Court of Justice of 2 September 2021 in the cases C-854/19 *Vodafone (roaming)*, C-5/20 *Vodafone (tethering)* and C-34/20 (*Telekom Deutschland*).

54. These changes are necessary as the proposed zero-rating or traffic differentiation implies that each transported bit has to be identified to know whether a bit has to be transported or has to be allowed to pass free of charge despite the general data limit or limit set in the FUP having been reached.
55. In that context, the BIPT pointed out that on this day, not a single operator providing fixed internet has a system allowing to identify a bit in this manner. They would all have to invest in such an identification system. In light of the large amount of data traffic, the complex nature of the implementation and the management of the identification system, the BIPT pointed out that this cost could amount to millions of euros per operator.
56. The BIPT indicated that the situation is more nuanced as regards mobile services. The mobile network operators, Telenet, Proximus and Orange Belgium already have an identification system but that would have to be developed and adapted further. Other mobile operators such as Lycamobile, VOO, Mobile Vikings, Scarlet, ... who use these mobile networks, do not yet have an identification system and would therefore each have to develop one, at the accompanying costs.
57. Next, the BIPT pointed out that certain challengers on the market such as EDPnet who provide mobile and fixed internet services, would have to invest in 2 new identification systems, namely one per network. That could result in major costs for such operators.
58. Consequently, in its opinion, the BIPT urged to take careful consideration of the input of the telecom industry's sector federation in Belgium (which is what the Chamber of Representative's Committee asked as well) and that policy-makers would start up more in-depth discussions with the sector.
59. The drafting of the zero-rating part of the above-mentioned opinion, was preceded by a request for information from the mobile network operators.
60. The BIPT also processed the results thereof in a detailed (and non-confidential) note to the State Secretary for Digitisation, Mathieu Michel, who in 2021 launched the idea of zero-rating for platforms (initially intended) for online education.
61. This note was also delivered to the Minister of Telecommunications, Petra De Sutter.

### **2.3. Communication of 21 February 2022 regarding BIPT Guidelines for the provision of "unlimited" internet**

62. On 23 February 2022 the BIPT published [Guidelines](https://www.bipt.be/operators/publication/bipt-communication-regarding-guidelines-for-the-provision-of-unlimited-internet)<sup>19</sup> providing more clarity regarding the label "unlimited internet" in the operators' commercial communication. On 27 January 2022, the working group of the Conference of regulators of the electronic communications sector (CRC) addressed the "unlimited internet" issue. In early February 2022, the CSA, the VRM and the Medienrat were consulted on its draft guidelines and their contributions were taken into account.

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<sup>19</sup> <https://www.bipt.be/operators/publication/bipt-communication-regarding-guidelines-for-the-provision-of-unlimited-internet>

63. The Guidelines explain that telecom operators may only use the term “unlimited” for tariff plans, the data volume of which allows the vast majority of the customers access to the internet without speed restrictions.
64. For fixed internet, the BIPT felt that the limit should be set at a monthly data volume of at least **3 terabyte** (TB). In the case of mobile internet that is **300 GB**.
65. In light of the ever-increasing use of data, the BIPT also pointed out that the limits it sets in these Guidelines will also evolve accordingly in the future.
66. When an operator uses “unlimited” and similar terms in the names of his products and corresponding advertising, it may consequently be linked to a Fair Use Policy according to the BIPT’s Guidelines. **Under no circumstances** the FUP may entail that the “unlimited” internet access is **blocked** when the FUP threshold of at least 3 TB or at least 300 GB is reached for a fixed or mobile offer respectively. **Automatically charging extra costs** following the exceeding of the threshold is **not recommended** either. An automatic reduction of the speed following the exceeding of the threshold set for everyone, seems adequate here according to the Guidelines.
67. As is the case for the thresholds, there has to be transparency regarding the FUP, both prior to the conclusion of the contract, in the contract and on the website of the operator in question. Easily accessible, accurate and up-to-date information should be provided in a clear manner as to what exceeding the threshold means in practice for the end-user. The BIPT Guidelines provide practical instructions in this regard.

### 3. Monitoring of the Regulation by the BIPT

#### 3.1. Research into the offer of “unlimited internet” and the application of a Fair Use Policy on those products

68. The BIPT gave the providers of internet access services 6 months to translate the above-mentioned BIPT Guidelines into practice. Consequently, today there is no talk yet of measures having been adopted following the BIPT 's monitoring.
69. That did not prevent the BIPT from adopting a proactive attitude towards certain offers, launched following the publication of the BIPT Guidelines.
70. In March 2022, for instance, a bundle of telecom services was launched including an FUP of 500 GB per month for fixed internet. The BIPT pointed out to the operator involved that he advertised “unlimited surfing” for his bundle while applying such an FUP and that this constitutes a considerable deviation from the minimum threshold of 3 TB per month aimed at in the Guidelines.
71. The operator informed the BIPT that he commits to increase the surfing volume mentioned in the FUP of all his fixed internet products advertised as “unlimited” (whether or not part of a bundle) from 500 GB to 3 TB per month before the end of the 6-month term for adaptation.
72. In addition, the BIPT observed that certain operators, in preparation of the publication of the Guidelines or following the actual publication thereof, have already adapted their FUP and their communication regarding products advertised as “unlimited”, i.e. the label “unlimited” was removed and the exact threshold value of the FUP was communicated.
73. For instance, the brand hey!, launched by Orange in September 2021, does not offer a subscription commercialised as unlimited. In November 2021, Go Unlimited (FUP 40 GB) was then rebranded into Go Extreme with 60 GB that is not labelled as unlimited – albeit that the previous FUP (“continue to surf at 512 kbps”) was maintained. Following the publication of the Guidelines, BASE changed the name and data volume of BASE Unlimited (FUP 25 GB) to Based On You (70 GB).
74. The prominent brands who have not yet implemented the Guidelines as regards mobile offers are Telenet One (FUP 40 GB), Proximus Unlimited 5G (FUP 50 GB) and Mobile Vikings, which did double the FUP from 25 to 50 GB, but still advertises it as Mobile Vikings Unlimited. The FUP limit of Proximus Unlimited 5G (Premium), which goes back to early 2020, is already in compliance with the BIPT Guidelines.
75. Certain operators wonder how the Guidelines have to be interpreted in light of the specific characteristics of their products. In the context of such a request, regarding a mobile offer, the BIPT considered that the limit value of 300 GB has to be granted per SIM card (or per mobile number) if the operator wishes to use the label “unlimited”, independent of the way in which the mobile data are offered to the customer.

## 3.2. Zero-rating monitoring

### 3.2.1. General

76. In the case of zero-rating the Internet Service Provider does not take into account the data traffic of a specific application or category of applications for the general data limit implemented for the internet access service. This generally results in free data for this specific application or category of applications or in data to which a differentiated price applies.
77. In three rulings of 2 September 2021<sup>20</sup> the Court of Justice stated that the commercial practice of zero-rating is *in se*, in its view, contrary to the principle of equal treatment of traffic, without discrimination or interference, laid down in Article 3(3), first subparagraph of the Open Internet Regulation.
78. In the past, the NRAs monitoring consisted of assessing the impact that zero-rating had or would have on the end-user rights, laid down in Article 3(3), subparagraph one, of the Open Internet Regulation. That Article grants end-users the right to access the information and content of their choice, to share them and to use applications and services of their choice and offer these.
79. Especially when one or more factors recommended by BEREC for assessment, turned out negative and it was established that there had been a factual restriction of the end-users' choice and an undermining of the essence of the end-users rights, the NRAs were obliged to intervene.
80. The nature of the BIPT's monitoring consequently changed drastically following the Court of Justice's rulings of 2 September 2021.
81. In the period prior to the Court of Justice's rulings the BIPT carried out a general monitoring of the figures regarding data use it received at regular intervals from the ISPs.
82. Following the rulings of the Court of Justice, the focus became to align the offers on the Belgian market including some form of zero-rating to the Court of Justice's rulings.

### 3.2.2. Monitoring prior to the rulings of the Court of Justice of 2 September 2021

83. Every quarter the BIPT receives figures regarding the data use of all mobile offers of Proximus, Telenet and Orange Belgium including a zero-rating component in order to have an insight in the evolution of the use of the zero-rated applications and to be able to intervene in due time to promote competition among the apps.
84. Based on the figures received, the BIPT analysed these offers and it could be concluded that either there remains a sufficient commercial volume to use the competitors of the zero-rated apps or that the issue of the limitation of the end-user rights was finally (following intervention by the BIPT in the past) overcome by opening up the zero-rating platform to all competing apps within that same category.

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<sup>20</sup> Rulings of the Court of Justice of 2 September 2021 in the cases C 34/20, *Telekom Deutschland*; C-854/19, *Vodafone (roaming)* and C-5/20 – *Vodafone (tethering)*.

85. In the period from 1 May 2021 until the publication of the rulings of the Court of Justice of 2 September 2021, the BIPT consequently considered that no additional interventions were needed in the field of zero-rating.

### **3.2.3. Monitoring following the rulings of the Court of Justice of 2 September 2021**

86. By the end of 2021 and at the beginning of 2022 (namely after the publication of the preliminary stance of BEREC aimed at in point 1), the BIPT informally contacted the three Belgian ISPs who had offers in their portfolio including some form of zero-rating.
87. It regarded more specifically Proximus, Orange Belgium and Telenet.
88. For Orange Belgium and Telenet it regarded offers
- that were no longer commercialised (i.e. offers to which customers could no longer subscribe)
  - that were already considered to be problematic in the past, based on the data received and the BIPT analysis by virtue of Article 3(2) of the Open Internet Regulation, and
  - for which a form of access by the interested alternative providers of content and applications (the CAPs<sup>21</sup>) with corresponding general terms and conditions and online access form was installed.
89. For Proximus it regarded:
- offers that were still actually commercialised,
  - some of which (like all offers in Proximus's Epic product range) were also subject to an opening up of the zero-rating platform to interested alternative CAPs.
90. In essence, the inquiry of the BIPT addressed to the ISPs consisted in asking each ISP about his plans for change (towards offers that would be compliant with the interpretation given by the Court of Justice) and the implementation term for those plans.
91. The BIPT deemed the feedback it received by two out of the three ISPs contacted, acceptable.
92. As for the third ISP, the BIPT informed him that the term for implementation he wished (2023), was too long.
93. The BIPT also indicated that its previous analysis on the basis of Article 3(2) of the Open Internet Regulation had become void following the interpretation by the Court of Justice, as well as the opening up of the zero-rating platform resulting from that analysis.

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<sup>21</sup> CAP is short for "Content and Application Provider".

### 3.3. Monitoring of the reliance on the exception allowing for traffic to be blocked following virus attacks

94. In May 2021 mobile phone users were flooded with hazardous text messages infected with the Flubot virus. It all started with suspicious text messages that seemingly came from the postal operator bpost. Thousands of users opened the link in the text message with their mobile phones and accepted the request to download an application. Their devices got infected with a dangerous virus that caused a lot of damage and, what's more, that spread quickly to the victim's telephone contacts.
95. On 10 May 2021 a first warning was published on Safeonweb.be.<sup>22</sup>
96. In a press release<sup>23</sup> on 12 May 2021 the BIPT and the Centre for Cyber Security Belgium (CCB) warned about a tsunami of "smishing" messages<sup>24</sup> following fake text messages in the name of bpost.
97. Users who had been identified as victims of Flubot based on their transmission behaviour, were contacted by the operators. This allowed them to block the transmission of text messages temporarily. This blocking could be undone by the users themselves.
98. In September 2021 a new Flubot wave came crushing down. More than 2 million text messages per day were blocked by the mobile operators. More than 2 million infected mobile phone devices were blocked by the mobile operators in a couple of days due to abnormally high text messages traffic. A new warning was issued through Safeonweb.be<sup>25</sup> and the BIPT and the CCB issued a joint press release<sup>26</sup>.
99. Following this second wave, the different parties cooperated to block the communication of Flubot between the infected smartphones and the main servers. That initiative resulted in a drastic decrease of the Flubot activity.

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<sup>22</sup> <https://www.safeonweb.be/en/news/bpost-warns-about-fake-text-messages>

<sup>23</sup> <https://www.bipt.be/consumers/publication/the-centre-for-cyber-security-belgium-and-the-bipt-warn-about-a-tsunami-of-smishing-messages-following-false-text-messages-in-bposts-name-more-than-9000-android-devices-have-already-been-infected>

<sup>24</sup> A contraction of "SMS" and "phishing" that points to the specific spread of the phishing link through text messages.

<sup>25</sup> <https://www.safeonweb.be/en/news/beware-dangerous-flubot-virus-dont-click-suspicious-text-messages>

<sup>26</sup> <https://www.bipt.be/consumers/publication/the-bipt-and-the-centre-for-cybersecurity-belgium-raise-once-again-the-alarm-against-a-massive-wave-of-smishing-messages-after-fake-text-messages>

### **3.4. Discussions regarding the blocking of websites of the Russian regime pertaining to the sanctions adopted by the EU**

100. The sanctions adopted by the EU against the Russian regime include, based on a European Regulation<sup>27</sup>, the cancellation of the broadcasting activities of Sputnik and RT/Russia Today (RT English, RT UK, RT DE, RT France and RT Español).
101. The BIPT has set up talks with the sector in order to implement the blocking of the Sputnik and RT websites in a coordinated manner. It is agreed upon that the ISPs can implement the blocking through DNS Blocking.<sup>28</sup> This technique allows the ISP to ensure that the end-users of the internet access service and the DNS service linked to it, can no longer reach the websites of Sputnik and RT through the usual domain names for these websites.
102. The BIPT's role in this case is of a technical and coordinating nature.
103. In case of non-compliance with the economic sanctions issued by the EU, penal sanctions apply.<sup>29</sup> Tracking and prosecuting the people who would not abide by the economic sanctions is consequently a matter for the prosecutor's office, the authority prosecuting crimes in Belgium.
104. The BIPT also participated in the consultation within BEREC on this matter and explained to the other NRAs which approach and techniques the Belgian telecom operators use to block the access to the websites of Sputnik and RT for their end-users.

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<sup>27</sup> [Council regulation \(EU\) 2022/350](#) of 1 March 2022 amending Regulation (EU) no 833/2014 concerning restrictive measures in view of Russia's actions destabilising the situation in Ukraine, Official Journal, 02 March 2022, no L 65, p. 1-4.

<sup>28</sup> In addition to the relationships with the ISPs and in the context of cooperation among Belgian regulators, the CSA and the VRM informed the main Belgian network operators in early March 2022 on the ban on giving access to the Russian media concerned and the Medienrat informed a video-sharing platform under its jurisdiction. Moreover, the community regulators published press releases on this ban (respectively on <https://www.csa.be/actualite>, <https://www.vlaamseregulatormedia.be/nl/nieuws> and <http://www.medienrat.be/de/aktuelles>).

<sup>29</sup> See especially Article 6 of the [Act of 13 May 2003](#) regarding the implementation of restrictive measures adopted by the Council of the European Union against States, certain people and entities.

### **3.5. Complaints about the observance of Regulation 2015/2120**

#### **3.5.1. Complaints received by the BIPT**

105. The BIPT is not a body that treats individual complaints.
106. However, the BIPT does handle complaints as a signal, on the basis of which (among other things) it decides to intervene in order to structurally solve shortcomings on the market with regard to the law and the interests the BIPT must defend.
107. During the previous period the BIPT received 1 complaint relating to the interests strived after by the Open Internet Regulation.
108. The citizen's complaint referred to the BIPT Guidelines regarding the offer of "unlimited internet" that had recently been published at the time of the complaint, and more in particular to the "imposing" of an FUP of 3 TB for private subscriptions during peak hours.
109. The complainant argued that these restrictions can not be set in the other European countries (such as in the Netherlands). He therefore wondered whether this restriction would soon be abolished.
110. In its reply the BIPT answered that it does not impose an FUP to the operators, in the sense that operators are allowed to offer internet without an FUP (or with an FUP of more than 3 TB). The BIPT explained that its Guidelines actually state that a product may only be advertised and offered as including "unlimited internet" when the FUP is at least 3 TB (for fixed internet).
111. As regards the comparison with other countries, the BIPT replied that each regulator decides in light of the circumstances on his national market.
112. The BIPT concluded that, as the Guidelines had just been adopted and the circumstances had not yet changed in its opinion, it did not anticipate modifying its Guidelines in the short term.

#### **3.5.2. Input in complaints submitted to other bodies**

113. As was the case for the previous reporting period, during this period the BIPT did not have to give input or advice in cases regarding open internet of the Office of the Ombudsman for Telecommunications, which is the fundamental authorised body for the handling of individual complaints of end-users.
114. However, there was one request for input from the Office of the Minister for Telecommunications. The Office in question transferred to the BIPT a citizen's request for opinion (or expression of dissatisfaction) addressed to the Minister.
115. A couple of months prior to the publication of the BIPT Guidelines, the citizen in question received a phone call from his provider to check whether he had indeed signed in for the correct bundle of telecom services. When asked if he had any other remarks, this citizen stated that, among other things, he had raised the issue of the 750 GB download limit that is applied (during peak hours) for his "unlimited" internet tariff plan.

116. The operator replied that that limit was imposed by the government and applied to all Internet Service Providers. The government would supposedly also have set the limit for mobile data of “unlimited” subscriptions.
117. The citizen in question asked the Minister of Telecommunications to confirm this information and asked for clarifications.
118. The BIPT provided the Office of the Minister with the following elements for reply:
  - All (mobile/fixed) operators ensure the stability and quality of their (mobile/fixed) networks in order for each end-user to have access to the internet services for which he pays and to which he is entitled.
  - One of the methods used exists in imposing a download limit to each end-user. But that is the operator's choice, not the government's.
  - Sometimes operators also offer new products with a higher download limit, for instance 3 TB instead of 750 GB, for commercial reasons.

## 4. Promotion of the availability of internet access services at levels of quality that reflect advances in technology

120. In the period covered by this report, the BIPT developed the following activities to promote the continued availability of internet access services at levels of quality that reflect advances in technology.

### 4.1. Territorial internet access coverage (Atlas)

121. As the coordinator of initiatives regarding network quality, the BIPT has further managed and updated the atlas of the fixed and mobile coverage. The purpose is to monitor how the roll-out of networks in Belgium is evolving and to offer transparency to users about the availability of networks. Both atlases are published on the BIPT data portal: [www.bipt-data.be/en](http://www.bipt-data.be/en).

122. By means of the [fixed maps](#)<sup>30</sup> the BIPT can identify the so-called white or grey spots, where some households do not have access to a 30 Mbps internet connection yet.

123. The [mobile coverage](#)<sup>31</sup> maps show the coverage predicted by the operators on the Belgian territory. The BIPT examined their reliability through ad hoc in-the-field measurements and upon publication the data transmitted by operators are consistently corrected by the BIPT based on the inspections carried out by the BIPT.

### 4.2. Quality of Experience

124. By way of a drive test campaign the BIPT has collected data about the quality of experience on the mobile networks for the fourth year in a row. The measurements were carried out in the September-October 2021 period. The objective was to benchmark the operators based on approximately 20 indicators of the mobile quality of experience (voice and data) and to simulate an indoor customer experience.

125. The BIPT has published the [results](#) of those drive tests as well as a [report](#).

126. The BIPT also made further use of the crowdsourcing application<sup>32</sup> in order to collect data about the signal strength on the various mobile networks in Belgium. These data were used to bring nuance in the coverage maps of the atlas.

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<sup>30</sup> <https://www.bipt-data.be/en/projects/atlas/landline>

<sup>31</sup> <https://www.bipt-data.be/en/projects/atlas/mobile>

<sup>32</sup> <https://www.bipt-data.be/en/projects/crowdsourcing>

## 5. Conclusion

127. In this sixth annual report regarding the monitoring of net neutrality, the BIPT described all activities it carried out in the field of net neutrality during the period from 1 May 2021 until 30 April 2022 included.
128. In the first place two publicly available opinions were submitted to the Belgian Chamber of Representatives' committees, on matters relating to the open internet.
129. In an opinion of 21 December 2021 to the committee in charge of the constitution and institutional renewal of the Chamber of Representatives, the BIPT pointed out that it sees no reason to embed a right to (access to) open and adequate internet in the Constitution.
130. Next, on 21 April 2022, the BIPT gave an opinion to the Chamber of Representatives' Committee for Economy, Consumer protection and Digital Agenda and at the request of the Minister of Telecommunications, regarding a parliamentary resolution for the recognition of internet access as a basic need. That draft resolution included an idea to implement zero-rating for online public services and applications used by schools. In that regard, the BIPT clarified, among other things, that, in light of the rulings by the Court of Justice, a legal basis should be developed for this and in particular that every measure taken in execution of the resolution would have a significant economic impact on the telecoms operators on the Belgian market (estimated in the millions of euro, per operator).
131. On 23 February 2022 the BIPT published national Guidelines providing more clarity regarding the term "unlimited internet" on the Belgian telecoms market. These described, among other things, the terms and conditions for the minimal data volumes, the FUP applied and the contractual transparency terms.
132. In the midst of these activities the BIPT also continued its monitoring of the compliance with the Regulation.
133. Initially this was done every quarter through analysing the figures regarding the data use for all mobile offers including a zero-rating component in order for the BIPT to have an insight in the evolution of the use of the zero-rated applications and to be able to intervene in due time to promote competition among the apps. Following the rulings by the Court of Justice and the preliminary stance of BEREC (chaired by the BIPT in 2021), the nature of the BIPT's monitoring changed drastically: the BIPT informally contacted the three Belgian ISPs having offers including some form of zero-rating to sound them out about their plans for conversion (to offers that would be compliant with the interpretation given by the Court of Justice) and the term for implementation of those plans. The BIPT deemed the feedback it received by two out of the three ISPs contacted, acceptable. As for the third ISP, the BIPT informed him that the term for implementation he wished (2023), was too long.
134. Next during this reporting period, two forms of acceptable blocking of internet access were implemented under the supervision or technical coordination of the BIPT. Firstly, the attacks by the Flubot virus were stopped by preventing communication between the infected smartphones and the main servers. Furthermore, the sanctions against the Russian regime adopted by the EU following the invasion of Ukraine include the suspension of the broadcasting activities of Sputnik and RT/Russia Today. As regards the broadcasts via websites, it was agreed upon that the ISPs can implement the blocking through DNS Blocking.

135. During this reporting period the BIPT received 1 complaint relating to the interests strived after by the Open Internet Regulation.
136. Finally, by way of a drive test campaign the BIPT has collected data about the quality of experience on the mobile networks for the fourth year in a row. The BIPT also continued the development of the Atlas of the fixed and mobile coverage and examined its reliability through ad hoc measurements in the field.
137. By and large the BIPT is of the opinion that so far there are no major reasons for concern in Belgium as far as open internet access is concerned:
  - No cases of inadmissible blocking of services or applications in the network have been found.
  - As regards zero-rating, operators are converting the offers including this unacceptable practice, into offers that would be compliant with the rulings of the Court of Justice.
  - As for the options for end-users the data volumes included in the ISP offers have again increased, not only for mobile products but for the "fixed" internet as well in order to set off the increasing mobile data traffic.