

## Consultation on the Strategic Plan 2024-2026 of the BIPT

---

### How to react to this document?

---

Until 23 April 2024

Only by e-mail to [consultation.sg@ibpt.be](mailto:consultation.sg@ibpt.be)

With the reference: **CONSULT-2024-A8**

Contact person : Nicolas Glowacki ([nicolas.glowacki@ibpt.be](mailto:nicolas.glowacki@ibpt.be)), Advisor

Responses must only be submitted electronically at the mentioned address.

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

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

# **Strategic Plan**

---

## **2024-2026**

---

## A WORD FROM THE COUNCIL

In a world subject to ever-increasing changes, digital infrastructures are the backbone of sustainable technological and social innovation. Big data, cloud, Internet of Things (and Bodies), e-commerce, artificial intelligence, data spaces, autonomous vehicles, virtual worlds, etc. are inseparable from connectivity and high-performance networks. The markets in which the BIPT traditionally exercises its competences are thus undergoing major transformations, which will undoubtedly have an impact on the scope and mode of supervision.

This primarily applies to the electronic communications sector. In recent years, this sector has launched a cycle of investments in fixed and mobile networks (fibre, 5G), the effects of which will be felt for several decades. At the same time, this sector faces a large number of challenges prompting in-depth reflection regarding its future. This is also the case for the postal sector, with its centuries-old core business that has radically changed over the past decade. As for the digital sector, which continues to experience unbridled growth, it is increasingly confronted with the determination of the European legislator to subject it to stricter regulation.

While the context is evolving and becoming ever more complex, some traditional issues remain relevant. What about maintaining competition as a driver of innovation for the benefit of users? How can we stimulate the necessary investments? How can we guarantee all users access to the new services? How can we ensure that the rights of these users are respected and that they can operate in a digital environment that is as safe and reliable as possible? New questions are also raised: How to reconcile a secure digital environment with freedom of expression and privacy? How to manage the ecological transition? How to contribute to its acceleration? Such questions concerning sustainability and the preservation of human rights in a technology and data-driven society force the BIPT to look at the issue differently than through the traditional lens of economic and technological regulation.

More than ever, the BIPT's priority is to contribute to formulating answers to these questions and to take the measures that will make them concrete, in consultation with stakeholders. To do this, a combination of three means: firstly, regulation, which should be defined and applied whenever necessary and justified; secondly, controls, in order to verify the effective implementation of the decisions taken and to sanction those who, negligently or knowingly, deviate from them; finally, the expertise and support that, spontaneously or upon request, but always without compromising its independence, the Institute provides to the stakeholders concerned when the need arises.

Fully aware of all these challenges and considerations, we, the new BIPT Council, have drawn up, with our teams, and after collecting the comments of many stakeholders, the draft strategic plan of the Institute for the next three years. Building on the previous strategic plans, this plan reiterates the BIPT's willingness to act so that the markets under its supervision develop in a way that is both competitive and conducive to efficient investment. This plan also recalls the importance of sustainability and of contributing to the reduction of the environmental footprint. It also reinforces the Institute's focus on both users and security and resilience of the digital infrastructure, as well as the need to intensify the control actions that are carried out. Finally, it repeatedly emphasises the growing importance of cooperation with other authorities playing a role in the control of digital technologies. In the past, the BIPT has regularly joined forces with such authorities and wishes to develop this cooperation even further in the future, in accordance with each other's powers.

This plan also reaffirms the Institute's values: independence, reliability and transparency. These fundamental values, all the BIPT staff and we hold them in high esteem. Whatever the context, they will not cease to guide us.

This continuity does not prevent the Institute from evolving, both in the way it operates and because of the new competences assigned to it, particularly in the digital sector. These changes will also be presented in this document, which will provide a global vision of the strategy that the BIPT Council intends to develop over the next three years.

## TABLE OF CONTENTS

<b>A WORD FROM THE COUNCIL</b>	<b>3</b>
<b>1. THE BIPT</b>	<b>5</b>
1.1 Context	5
1.2 The BIPT and its strategic plans	6
<b>2. OUR VISION</b>	<b>7</b>
<b>3. OUR MISSION</b>	<b>9</b>
<b>4. OUR VALUES</b>	<b>11</b>
<b>5. OUR STRATEGIC AXES</b>	<b>13</b>
<b>6. OUR SECTORS</b>	<b>15</b>
<b>7. OUR ACTIONS AND PLANS – BY SECTOR</b>	<b>16</b>
7.1 Telecoms sector	16
7.2 Postal sector	31
7.3 Digital sector	40
7.4 Other sectors related to electronic communications	47
7.5 The BIPT, its functioning and its stakeholders	51
<b>8. OUR ACTIONS AND PLANS – BY STRATEGIC AXIS</b>	<b>59</b>
8.1 Competition and market development	59
8.2 User interests	61
8.3 Digital infrastructure security	63
8.4 Control actions and guidance	64
8.5 Efficient functioning	66
8.6 Summary	67
<b>9. OUR EVALUATION</b>	<b>68</b>

# 1. THE BIPT

## 1.1 Context

The BIPT was created in 1991 as a semi-governmental body and was given a statute of its own in 2003 in order to guarantee its autonomy vis-à-vis the executive power.

In short, the BIPT is entrusted with a mission of regulation and monitoring of numerous fields of competence: the electronic communications market, the postal market, the electromagnetic spectrum of radio frequencies and network security. The BIPT is also in charge of consumer protection in these domains. Furthermore, the BIPT is the competent authority in the field of audio and audiovisual media services but only in the Brussels Capital Region.

Within each area of jurisdiction the BIPT has to achieve a range of objectives that are usually the direct result of the Belgian and European regulatory frameworks. In the electronic communications domain for instance, the BIPT must promote competition, contribute to the development of the internal market and ensure that the consumer's interests are protected.

To achieve these goals, the BIPT has several instruments at its disposal: issue opinions, adopt administrative decisions, monitor compliance with the legislation and certain tasks of public interests.

In case of disputes, the BIPT can intervene by means of a conciliation procedure helping the operators involved to reach a compromise, as well as by means of a procedure of dispute settlement between operators.

Although the BIPT has an independent statute, the legislator provides for a series of monitoring mechanisms. As an independent body, the BIPT is accountable for its activities.

- Every three years, the BIPT Council drafts a Strategic Plan which is submitted to the Chamber of Representatives.
- Based on its Strategic Plan the Council then drafts an annual Operational Plan attuned to the Strategic Plan.
- Finally, an annual report on the activities and the development of the postal services and telecommunications markets is presented to the government. The Council is heard on this subject by the Chamber of Representatives.

The Minister of Budget supervises the draft budget drawn up by the BIPT, which since its creation, is fully financed by resources mainly coming from the regulated sectors, without state grants.

BIPT decisions may be challenged before the Market Court. The Court may suspend BIPT decisions, annul them with retroactive effect or even replace them.

## 1.2 The BIPT and its strategic plans

The strategic plan of the BIPT determines the strategic axes and priority fields of activity of the Institute. It also contributes to the good administration of the BIPT. The plan is the result of the BIPT's expertise and responds to the developments within its environment. It also meets one of the obligations of BIPT to submit its functioning to democratic control.<sup>1</sup>

Since 1993 and during its infant years, the Institute described its future work within the framework of its annual reports; as of 2003 it has drafted half-yearly management plans and reports on the work performed but in 2005 it updated its approach by mentioning its missions, areas of activity and values in the 12<sup>th</sup> annual work report, completing the management plans.

The BIPT's first strategic plan was drafted in 2010 and covered the period up to 2013. Three other three-year plans followed it over the next decade. This strategic plan is the fifth published by the BIPT.

On 2 January 2024 a new BIPT Council was appointed, composed of the following Council Members: Michel Van Bellinghen (Chairman), Bernardo Herman, Peggy Valcke and Stefaan Vyverman. The BIPT Council kicked off by drawing up the Strategic Plan for the 2024-2026 period.

While fully in line with the previous strategic plan, this new strategic plan has nevertheless taken into account the most recent developments affecting both markets and the Belgian regulatory framework. Therefore, while the vision, values, missions and strategic axes of the BIPT presented here are, to a large extent, similar to those of the past period, they are not always exactly the same. In order to retain their relevance, some of them have indeed been the subject of targeted adaptations to take account of the major trends that have emerged in recent years. These adaptations will be indicated in each of the subjects concerned.

An adaptation has also been made to the structure of our strategic plan, since our actions and responsibilities will now be presented not only in terms of the strategic axes of the Institute (as was the case previously), but also in terms of the sectors concerned. The competences assigned to the BIPT cover a large and growing number of areas and lead it to interact with stakeholders of a very varied nature. Therefore, for the sake of clarity towards our interlocutors, we have chosen this dual approach, which will allow them, according to their expectations, to apprehend the Institute's plans and initiatives in a relevant way.

Similar to the drafting of the previous plan, the BIPT Council conducted a series of in-depth interviews with experts specialising in the telecoms, postal and digital fields. Held in January and February 2024, these meetings enabled the Council to hear the views of these experts on the key current and future issues affecting the various areas of activity of the BIPT. During this same period, the BIPT Council also met with about forty of its stakeholders, whether they are economic agents active in any capacity whatsoever on the markets regulated or supervised by the BIPT (operators, suppliers, associations representing sectors or their users) or institutions and public authorities with which the Institute frequently collaborates. The summary of these interviews is included in the section of this document entitled "Our actions and plans – by sector".

The project of strategic plan was submitted for consultation on the BIPT website l'IBPT twelve weeks after the new Council took office. This consultation is held from 26 March to 23 April 2024. Once the document is adapted following that consultation, the Council will approve the final version of the plan.

We must express our thanks to all.

---

<sup>1</sup> Article 34 of the Act of 17 January 2003 on the status of the regulator of the Belgian postal and telecommunications sectors.

## 2. OUR VISION

A vision enables an organisation to define what it upholds. Succinct but incisive, the one we have chosen reflects what we aspire to and clearly presents to our employees and stakeholders the ambition that drives us.

***"A reliable, sustainable and competitive digital environment for everyone"***

Close to that set out in the previous strategic plan ("a reliable and competitive communications environment for all"), this vision is differentiated by two adaptations. These adaptations, as well as the other dimensions that contribute to this vision, are described below.

### A digital environment

So "digital", and no longer just "communications". This development finds its origin in:

- The extension of the competences vested in the BIPT following the adoption, within the European regulatory framework, among others (but not only), of the DSA (Digital Services Act).
- The changes in the postal sector from mail delivery to the provision of digital postal services and parcel delivery within the framework of e-commerce.

### Reliable

The "reliability" dimension is a fundamental constant of the BIPT's vision, both from the point of view of the security and quality of the services provided and in terms of privacy. The BIPT also controls the reliability of information provided to users by the operators.

### Sustainable

"Sustainability" was already present in a diffuse way in the previous strategic plan. The scale of the challenge, however, requires that it be made an explicit dimension of the Institute's vision. As a member of BEREC, the BIPT considers further digitisation as a key driver to achieve the objectives of the European Green Deal. Digital transition is indeed one of the main pillars of ecological transition as it enables other sectors to improve their sustainability more quickly and in greater depth. Both transitions reinforce each other and go hand in hand.<sup>2</sup>

### Competitive

The BIPT wishes users to benefit from various infrastructures and a wide range of service and product providers. The BIPT is convinced that a sustainable competitive landscape increases investments in advanced and innovative services and technologies. The BIPT welcomes and stimulates any investment in all networks, services and technologies allowing users in our country to have access to efficient and high-quality services at competitive prices.

---

<sup>2</sup> Cf. [BEREC's commitment to sustainability underlined in Twin Transition Statement by EU Member States](#), 13 July 2022.

## For everyone

The fact that every user and citizen can access this digital environment in the best possible conditions given their situation remains a deep aspiration of the BIPT.

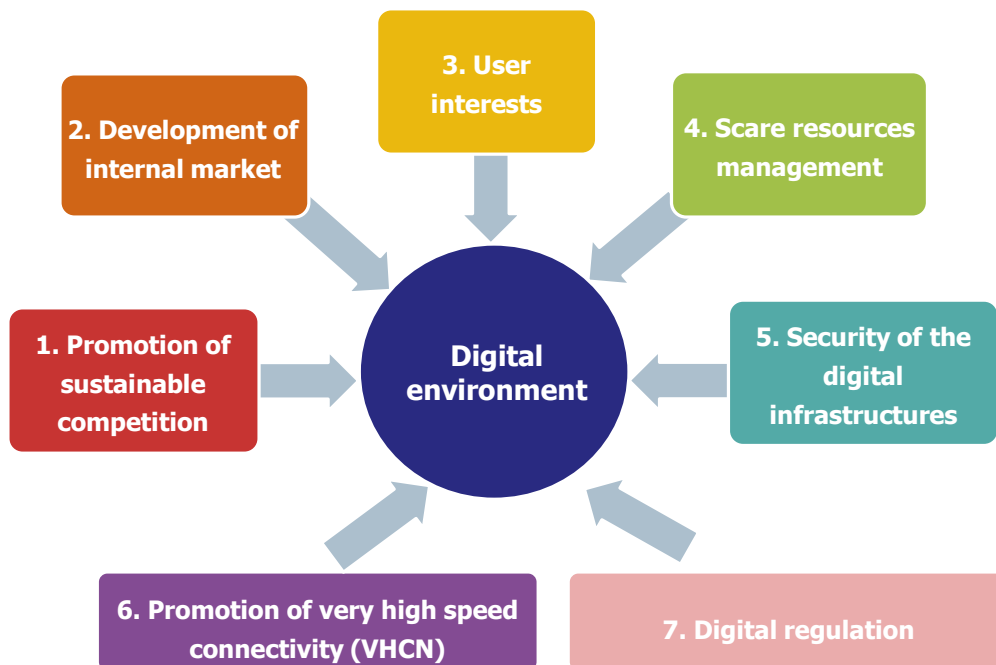
The vision that has just been described expresses the essence of the mission entrusted to the BIPT. This mission is presented in the following section.

### 3. OUR MISSION

An organisation's **mission** gives it its *raison d'être* through the goal it seeks to achieve. It provides a framework for the strategy as well as for the operational functioning. The mission allows to verify if a specific action or an evolution of the organisation in one direction or the other does not go the wrong way.

The formulation of our mission is all the more important since BIPT, as a regulator, serves society and the sectors it regulates. Defining correctly BIPT's mission is to determine its added value to society.

It is assisted in this by the Act of 13 June 2005 on electronic communications, which defines this task in Article 5: "Within the framework of its competences the Institute shall take all appropriate measures to meet the objectives laid down in Articles 6 to 8. These measures shall be based on the nature of the problems identified and shall be applied in a proportionate and justified way. They shall be proportionate to these objectives and respect the principles of objectivity, transparency, non-discrimination and technological neutrality."



The digital environment in the broad sense is the BIPT's primary area of work. The objectives pursued by the BIPT to accomplish its mission are the following:

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

- 6. promoting connectivity and access to, and take-up of, Very High Capacity Networks (VHCNs), including fixed, mobile and wireless networks;**
- 7. supervising the application of digital regulation.**

Of these goals, the first six are identical (with but two adaptations<sup>3</sup>) to those included in the previous strategic plan. The seventh ("digital regulation") is a new goal related to the competences that the BIPT has been assigned with in the framework of the numerous legislative developments concerning the digital sector.<sup>4</sup>

---

<sup>3</sup> The term "sustainable" was added to the mission "promoting competition", and "network security" evolved into "security of the digital infrastructure". See Section 2 "Our vision" for the reasons behind these adaptations.

<sup>4</sup> We would like to point out that the BIPT is not necessarily the only regulatory authority regarding these goals and, if necessary, the Institute will consult with the authorities whose competences are close to those of the BIPT or shared with the latter.

## 4. OUR VALUES

The values of an organisation are essential so that everyone can recognise himself or herself in the actions taken by the organisation to accomplish its mission and implement its vision. Thanks to the values of an organisation, everyone, including its staff, its customers and its providers, can each day make certain that all actions it takes comply with its mission and vision. Sharing these values is essential to fulfilling them.

The values chosen are the same as the ones in the two previous strategic plans: independence, reliability and transparency.

### **Independence**

**Critical attitude towards all stakeholders**

### **Reliability**

**Professional, more expertise through teamwork and agility**

### **Transparency**

**Permanent dialogue with substantiated decision-making processes**

### Independence

A critical attitude towards all stakeholders is part of the BIPT's DNA. The regulator's independence ensures its credibility towards the market players it regulates as well as all stakeholders. This brings it to defend positions that are sometimes antinomic. Independence ensures the stakeholders a regulator whose actions are stable and predictable without losing sight of the necessity to adapt to the market situation which may evolve by nature.

This independence, which is guaranteed by the European directives on electronic communications and audiovisual media services, has to translate in a critical attitude towards external pressure, a continuous questioning of its actions, their effect and the perception this creates. It is also reflected in the ethical behaviour and the sense of responsibility of the staff, which must make critical thinking a habit.

The BIPT has to make sure it can keep its independence. To this end, the specific status and the financial autonomy, ratified by the European Electronic Communications Code, represent the best guarantees for the BIPT to carry out its missions efficiently and in an entirely independent fashion.

## Reliability

As a centre of expertise, the BIPT wishes to adopt a position in which its expertise makes it a reliable and competent partner for all stakeholders.

This reliability is supported internally by the professionalism, teamwork and agility of the BIPT.

The professionalism embraced by the BIPT is meant to be multidisciplinary and combines technical, economic and legal expertise in the field of electronic communications, postal services and media.

The BIPT seeks to give a swift and agile response to the situations that arise and to the often very fast technical and economic developments on the market; its employees' flexibility and internal and external collaboration are essential. The BIPT adapts its structures and its working method whenever necessary. Although the BIPT is subdivided into departments, priority is given to a project-based, and if useful, transversal collaboration between the departments, that have to give priority to a result-based approach.

## Transparency

Transparency is an important element that guarantees control over the BIPT's action. It comes about through both internal and external openness and visibility on the one hand, and dialogue and accessibility, on the other hand. Transparency also comes from the fact that all acts and decisions are appropriately motivated and are submitted for consultation beforehand as often as possible. Nevertheless, transparency and openness have to go hand in hand with an efficient and firm decision-making process, allowing to intervene in a timely manner where necessary.

## 5. OUR STRATEGIC AXES

To structure its action, the BIPT has defined a series of **strategic axes** around which it organises its goals. These axes represent the main themes on which the BIPT intends to focus as a priority during the period concerned. For 2024-2026, there will be five such axes.

The first concerns **competition and the development of the markets** for which the BIPT exercises the role of supervisory authority. This axis aims to ensure that these markets develop competitively, that innovation is stimulated, and that this development is achieved in a sustainable manner. The related goals are the promotion of competition, the development of the internal market and the promotion of VHCN connectivity, as well as the parts of the scarce resource management and digital regulation that are specific to this.

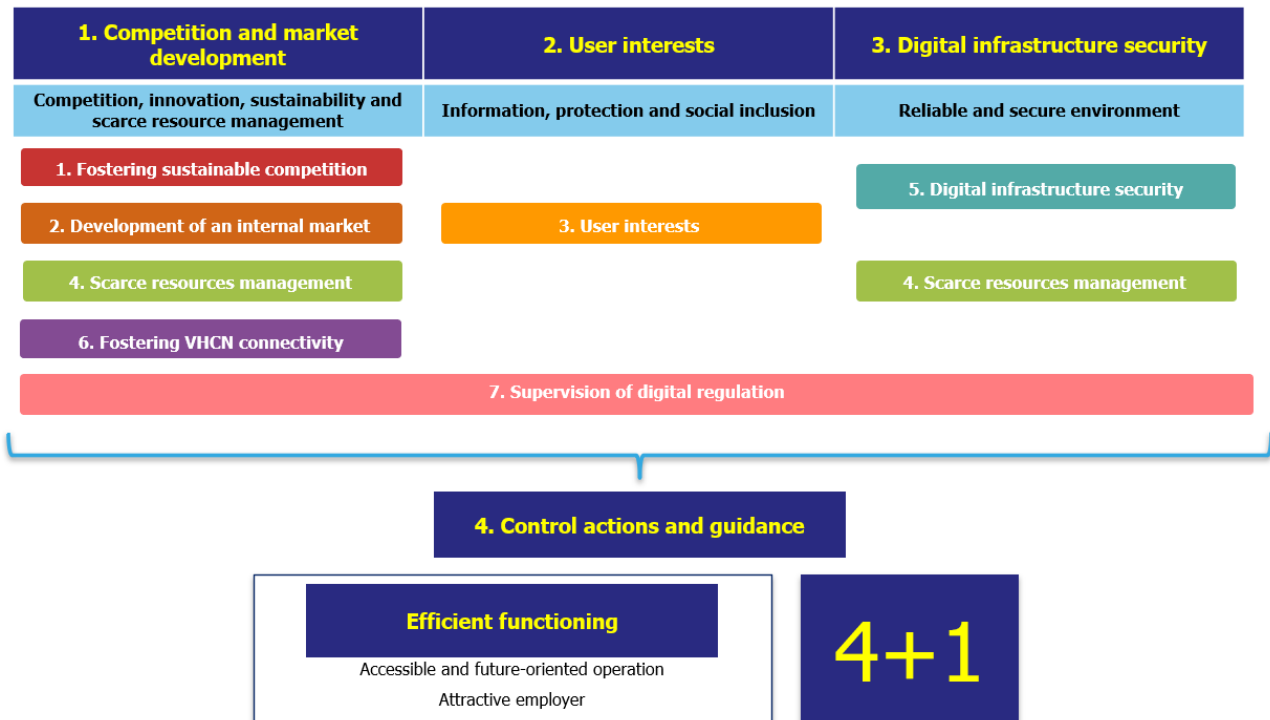
The second axis focuses on **user interests**. It aims to ensure that users have the information they need to be able to choose their service providers appropriately, and that their rights are protected. This axis also covers social inclusion issues. The goals related to it are the interests of users in general and the part of digital regulation specific to it.

The third axis focuses on the **security of the digital infrastructure**. It aims to ensure that the development of markets and their use by users can take place in a reliable and secure digital environment. The related goals are ensuring the security of the digital infrastructure, as well as the parts of the scarce resource management and digital regulation that are specific to it.

The fourth axis will be transversal to the three previous ones since it will focus on intensifying the **control actions** carried out by the BIPT to ensure that the players in the markets concerned comply with their legal obligations. This axis will therefore focus on the execution of inspections as such, as the identification and, if applicable, the definition of the inspections to be carried out are dealt with in the framework of the previous strategic axes. It also includes a "guidance" component, the objective of which is to increase dialogue with market players on these issues and remind them of their obligations.

To these four axes covering the BIPT's external projects is added a fifth (expressed in the form of "4 + 1"), that of **efficient functioning**, which concerns the internal projects of the Institute and aims to improve its functioning, as well as the way in which it interacts with its stakeholders.

The figure below summarises these strategic axes and how they cover the different goals of the BIPT.



## 6. OUR SECTORS

Based on the missions assigned to it by law, the BIPT carries out a regulatory, supervisory or dispute resolution activity towards the following sectors:

1. The **telecoms sector**, or, more precisely, the public telecommunications network operators sector, the main players being: Proximus, Telenet, Orange/VOO, the future fourth mobile operator Citymesh-Digi, operators specialising in B2B customers (including BT, Colt, Vodafone, Eurofiber or Dstny), etc.<sup>5</sup>
2. The **postal sector**, which includes postal delivery and e-commerce parcels.
3. The **digital sector**, including in particular platforms and, more generally, any player in the digital economy likely to be affected by legislation for which the BIPT is the competent authority.
4. **Other sectors related to electronic communications**, for certain specific subjects, including:
  - Individuals and socio-economic players in general as regards their use of (radio or 5G) private telecoms networks, whether used for leisure or professional activities. The BIPT grants the licences necessary for the deployment of this type of network, verifies the use of the spectrum and checks the conformity of the devices used.
  - The radio equipment market (smartphones, mobile radio transceivers, drones, etc.), for which the BIPT is the supervisory authority responsible for verifying the conformity of equipment sold.
  - In the bilingual Brussels-Capital Region, the activities of the sector of audiovisual media services which cannot be exclusively linked to one of the two Communities (the Flemish Community and the French Community). In this context the BIPT ensures compliance with the imposed legal framework regarding audiovisual media services (e.g. interdiction to broadcast content harmful to minors or endangering public health or safety) and video-sharing platform services (e.g. implementation by the provider of procedures to report illegal content).

---

<sup>5</sup> This category also includes certain undertakings of public law, such as Infrabel (Belgian railway infrastructure manager) or Astrid (operator in charge of the communication network common to all rescue and security services), which, in the context of the public service tasks they fulfil, use radio spectrum on a national scale.

## 7. OUR ACTIONS AND PLANS – BY SECTOR

### 7.1 Telecoms sector

#### 7.1.1 CHALLENGES

“A **Gigabit** Society for all!” This is the objective that, in terms of connectivity, the European Commission has set itself by 2030 as part of its “Digital Decade”<sup>6</sup>.

With more than 82% of its households now able to access a 1 Gbps service<sup>7</sup>, Belgium is well on the way to reaching this objective. For telecoms operators, the industrial challenge remains immense: for Proximus first, whose legacy copper network cannot provide the desired speeds and which, since 2020, has been pursuing a vast optical fibre deployment project<sup>8</sup>; then for cable operators Telenet and Orange-VOO, who are already offering gigabit, but who also have the intention to gradually switch to fibre in order to benefit from the advantages offered by this technology<sup>9,10</sup>; for the least densely populated areas of the country as well, where the cost of deploying fibre may raise the question of the profitability and financing of this investment; for the deployment of 5G finally, that operators are carrying out in parallel with the deployment of fibre<sup>11</sup>.

To this quest for gigabit, another problem is added: the **high concentration** of the Belgian fixed broadband internet market. Already identified in the past as being particularly high, this concentration further increased following the acquisition of VOO by Orange in 2023.<sup>12</sup> However, a high level of concentration can lead to a low degree of competition among operators and repeated price increases for the consumer, and this while Belgium is notoriously known for being one of the most expensive countries in the European Union in terms of fixed broadband.<sup>13</sup> Is this likely to change? While some developments could move the lines in a direction favourable to the consumer (starting with the upcoming arrival of the new operator Digi<sup>14</sup> and the ambition proclaimed by Telenet to develop in Wallonia), others call for vigilance. These include agreements already in

---

<sup>6</sup> Decision (EU) 2022/2481 of the European Parliament and of the Council of 14 December 2022 establishing the Digital Decade Policy Programme 2030.

<sup>7</sup> Percentage observed by the BIPT during its last official measure, in June 2023. Since then, Orange announced in January 2024 that it will be able to offer fixed gigabit to 95% of Belgian households.

<sup>8</sup> At the end of 2023, Proximus covered 30% of its access network with fibre. Its objective is to reach 70% by 2028 and 95% by 2032.

<sup>9</sup> Telenet, via Wyre, co-founded with Fluvius, has already announced plans to equip 60 to 70% of its access network with fibre (FTTH/B) by 2028, and 78% by 2038. For its part, Orange-VOO has announced that it wants to reach 66% FTTH/B access by 2040.

<sup>10</sup> Regarding the advantages of optical fibre compared to other technologies, we can mention in particular: the possibility of achieving very high speeds (10 Gbps or more); very low latency; significant energy gains; less exposure to interference; etc.

<sup>11</sup> The Digital Decade of the European Commission aims to have 5G available in all populated areas by 2030.

<sup>12</sup> At present, more than 95% of fixed retail broadband lines in VOO’s cable area are owned by two operators (Proximus and Orange/VOO). In the Telenet area, this percentage reaches over 85% for Telenet and Proximus.

<sup>13</sup> The beginning of the 2020-2023 period was, however, marked by a relative improvement in the situation due to the continued development of challenger Orange (from 3% market shares in 2016 to more than 10% in 2022) from the regulatory framework established by the CRC in 2018 for the fixed broadband and broadcasting wholesale markets. The above-mentioned acquisition of VOO by Orange has, however, led to the near disappearance of the most important alternative operator on the market.

<sup>14</sup> Having obtained in 2022 the licences allowing it to become the fourth mobile operator (MNO) in the country, this operator – whose mobile offer is scheduled to be launched in summer 2024 – also intends, in the long term, to extend its activities to fixed internet and TV services, with a positioning advertised as potentially aggressive in terms of price.

place or under discussion between operators. Since 2020, direct or indirect links between operators have multiplied and the structure of the market has become more complex, as shown by:

- The creation of multiple joint ventures for both the deployment of fibre (Telenet and Fluvius, which formed Wyre; Proximus and Eurofiber, which formed Unifiber, and Proximus and EQT Infrastructure, which formed Fiberklaar) and mobile networks (Orange-Proximus joint venture for RAN infrastructure sharing).
- A reciprocal access agreement between Orange-VOO and Telenet regarding their networks.
- Recent statements by several operators about the interest, or even the need, to have cooperation rather than duplication approaches for fibre infrastructures in order to reduce roll-out costs and speed up and/or extend fibre coverage.
- The conclusion of an agreement by Proximus with Digi for wholesale services and mobile infrastructure.
- The formation in Belgium of a major TowerCo<sup>15</sup> following Telenet's sale in 2022 of its mobile telecommunications towers to DigitalBridge Investments.

Moreover, in the case of FTTH/B, the challenge for operators concerns both the maximisation of coverage and the rate of network utilisation, which raises the question of limits to infrastructure competition (overbuild) and cooperation among operators.

Ultimately, these trends suggest a likely evolution of the market towards a "coopetition" situation (i.e. a mix of cooperation and competition), with an uncertain impact on regulatory objectives (investment, coverage, competition, variety of choices, price and quality for users). Bearing this perspective in mind the BIPT wanted to mark out, in its communication of 10 October 2023, the outlines of possible agreements concerning the joint deployment of FTTH networks. These topics will be one of the key themes of the BIPT over the next three years.

Another major challenge concerning the telecoms sector: **security**. Whether directly (because the infrastructure is affected) or indirectly (because it suddenly has to respond to a huge surge in traffic), the testing of networks following an exceptional crisis is an event that will inevitably, in one way or another, happen again. In addition to the COVID-19 epidemic, and to mention only two of the most striking examples for our country, the 2016 attacks are still fresh in our memories, and several towns and villages in the country still bear the stigma of the violent floods of 2021. During each of these events, lessons were learned regarding the continuity of services on the networks of electronic communications, including their daily management. For, if for their users it must go without saying, the reliability of these installations is, for those in charge of them, a permanent challenge.

This permanent challenge is indeed due to the importance telecoms networks have taken in our lives and the high expectations that result from them. This challenge is also permanent due to its increasingly protean character. To the exceptional risks already mentioned (sudden surge in traffic; natural disasters; sabotages and attacks), and to the more "ordinary" ones caused by occasional technological malfunctions, are added a series of others, some well-known but expected to become more and more significant, and others more emerging and with an uncertain impact. These include:

- The capacity of networks and spectrum resources to absorb the permanent increase in traffic that will come with the rise of connected objects (IoT, Internet of Things) coupled with the advent of 5G.

---

<sup>15</sup> A TowerCo ("Tower Company") is a company owning telecommunications towers and leasing them to telecom operators for their networks.

- The growing technological complexity of network development (virtualisation; cloud; open networks; quantum internet; etc.).
- Cybersecurity aspects, such as organised crime and fraud in its various forms (phishing, ransomware, malware, data hacking, identity theft, etc.), espionage, hybrid threats, etc.
- Questions and uncertainties related to the developments and possibilities of artificial intelligence.
- Questions and uncertainties related to the possibility of an armed conflict and the resilience of networks, as highlighted by the war in Ukraine.

In response to these threats, the European Union has adopted or is considering the adoption of several texts aimed at strengthening the security of both digital infrastructures and the digital environment.<sup>16</sup> For telecoms operators, their transposition into Belgian law and their practical application will have (or already have) important implications, which the BIPT follows and will continue to follow closely in all their aspects related to its fields of competence.

---

<sup>16</sup> These include: the [NIS 2](#) (Network and Information Security, 2nd version) Directive, as regards cybersecurity; the [CER](#) (Critical Entities Resilience) Directive, replacing the Critical Infrastructure Directive of 2008; the RED (Radio equipment Directive), relating to the placing on the market of radio equipment, with provisions aiming in particular at the efficient use of spectrum resources and the guarantee of an adequate level of electromagnetic compatibility; [the AI Act](#) (Artificial Intelligence Act), relating to artificial intelligence; etc. Other texts on cybersecurity and the wider digital sector are also being prepared.

## 7.1.2 VISION OF THE EXPERTS, POSITION OF THE BIPT

To complete this picture, we highlight the summary of a selection of opinions presented by the experts interviewed by the BIPT. The position of the Institute in relation to these opinions is also mentioned.

### On the economic and financial context of the telecoms sector

	<p><i>In recent years, the stock and financial performance of telecoms groups has generally been poor (especially in comparison with the GAFAMs). The investments these operators currently have to bear (5G, fibre) are heavy and expensive, while their revenues increase little.</i></p> <p><i>The recurring debate around a "fair share" (i.e. the financial participation of the major internet platforms in the investments to be made by operators in the networks) also contributes to this issue. When asked about this, the experts consulted by the BIPT were mostly opposed to the principle of "fair share".</i></p>	<p><b>Opinions of the experts</b></p>
<p><b>Position of the BIPT</b></p>	<p>The BIPT is fully aware of the economic and financial realities of the sector and systematically integrates this dimension into its analyses, for example in cost models and wholesale pricing control.</p> <p>On the issue of fair share, the BIPT expressed its position in a <a href="#">Communication of 8 November 2023</a>.</p> <p>The BIPT believes that, while the investment dimension is essential, it must be considered in conjunction with other dimensions, in particular competition.</p>	

### On the demand for gigabit and 5G services

	<p><i>In connection with the previous point, experts point out that consumer adoption of 5G and fixed Gigabit services remains slow and is one of the main challenges in the sector. Among the reasons for this situation:</i></p> <ul style="list-style-type: none"> <li>- <i>The lack of a "killer app" for 5G and, in general, the difficulty for operators to develop new attractive and relevant use cases.</i></li> <li>- <i>Consequence of the previous point: the lack of need felt by users (at this stage at least) to subscribe to this kind of service.</i></li> <li>- <i>The pricing issue regarding these services in the Belgian case cannot be avoided, as our country is already one of the most expensive in Europe in terms of fixed services.</i></li> </ul> <p><i>The experts suggest several ways to remedy this situation, including a more active promotion of the possibilities offered by new technologies. Certain experts also consider that the current approach to net neutrality should be reconsidered.</i></p>	<p><b>Opinions of the experts</b></p>
<p><b>Position of the BIPT</b></p>	<p>The BIPT observes that, as elsewhere in Europe, the adoption of Gigabit services is quite slow in our country. Regarding 5G, it is unlikely that trends observed elsewhere in Europe will differ in our country.</p> <p>In order to increase the interest of users in new technologies, the BIPT intends to intensify its efforts in this field, in particular through all the information resources it already makes available to users (see below).</p> <p>Concerning net neutrality, the BIPT stresses that this subject is mainly examined at European level and that the Institute participates in this, in particular through its contributions within the framework of BEREC. The BIPT also publishes an annual report on the monitoring of net neutrality in Belgium. In the latest edition of this report (June</p>	

	2023), the BIPT considers that there is so far no major reason to worry in Belgium about access to an open internet. <sup>17</sup>
--	--

### On the B2B market

	<i>The experts believe that while developments in the residential market receive sustained attention due to their visibility and importance to the general public, regulatory issues relating to the business market, which is essential for innovation and the competitiveness of our country, should not be neglected.</i>	<b>Opinions of the experts</b>
<b>Position of the BIPT</b>	The BIPT is fully aware of the key role played by operators that are B2B-oriented and is committed to the development of a competitive framework that favours their development. The BIPT's main initiatives in this regard for the 2024-2026 will include the revision of the market analysis concerning the provision of dedicated capacities, as well as the provision of spectrum for private 5G networks. The BIPT will also increase the amount of margin squeeze tests on the B2B market.	

### On the risk of coordination among operators

	<p><i>Several experts believe that the risk of coordination among operators is becoming increasingly high in Belgium. This reflection is based on:</i></p> <ul style="list-style-type: none"> <li>- <i>the sharp decrease in churn rates observed during the transition to fibre</i></li> <li>- <i>the prices charged by operators, which tend to align</i></li> <li>- <i>reciprocal network access or infrastructure sharing agreements.</i></li> </ul>	<b>Opinions of the experts</b>
<b>Position of the BIPT</b>	The BIPT is indeed observing such trends developing in the Belgian market. This situation is part of the likely evolution of the market towards a situation of "cooperation" (see above). This BIPT is closely monitoring this situation and will continue to do so in order to verify that the objectives of the regulatory framework in terms of competition and user interest are met. The BIPT will take all necessary initiatives to ensure this, if necessary in cooperation with the competition authorities.	

### On the Digital Networks Act project

	<p><i>On 21 February 2024, the European Commission published a White Paper entitled "How to master Europe's digital infrastructure needs?"<sup>18</sup> This White Paper launches a consultation that could lead to the Digital Network Act (DNA), aimed in particular at stimulating investment and creating a digital single market in which greater pan-European consolidation of operators could take place.</i></p> <p><i>The experts met by the BIPT for the preparation of the strategic plan were met before the publication of the White Paper; the opinions they expressed are therefore based on the preliminary reflections before the formalisation of this document. As regards the greater pan-European consolidation of the telecoms sector, these experts were divided between, on the one hand, those who believe that the "platformisation" of networks will greatly accelerate economies of scale, and, on the other hand, those who believe that telecoms will remain a primarily local market and that the possibilities for pan-European synergies are overestimated, and finally, those who, more nuanced,</i></p>	<b>Opinions of the experts</b>
--	--	--------------------------------

<sup>17</sup> [Communication of 30 June 2023 regarding the monitoring of net neutrality in Belgium](#)

<sup>18</sup> [https://ec.europa.eu/commission/presscorner/detail/fr/STATEMENT\\_24\\_965](https://ec.europa.eu/commission/presscorner/detail/fr/STATEMENT_24_965) (in French)

<p><i>think that, if real assets and radio spectrum are "national", the management of network cores and RAN and the creation of services could quite be done, in whole or in part, at a pan-European level.</i></p>	
<p><b>Position of the BIPT</b></p>	<p>In general, regarding sectoral consolidation within a country, the BIPT notes the continued plea of telecom operators for a relaxation of the rules governing merger and acquisition procedures. As mentioned above, the BIPT is attentive to these developments and will continue to be so in order to ensure that the objectives of the regulatory framework are met. The BIPT once again stresses the need to jointly consider the objectives of investment, competition and user interest.</p> <p>With regard to the White Paper submitted for consultation and the draft "Digital Networks Act" that could result from it, the BIPT wishes to stress once again the need to consider the objectives of investment, competition and user interest together. The BIPT will closely monitor (in particular within the framework of BEREC) the reflections on these subjects and will ensure that the observations it draws are brought to the attention of the Commission via the appropriate channels.</p>

### On "Servco" and "NetCo"

<p><i>Several experts are clear: voluntary separations (structural separation and delayering) will multiply. Among the possible models: one entity dealing with physical assets ("NetCo"), another managing the network (virtualisation and software-defined networks), a third the creation of services ("Servco"). When? The opinions are more cautious, most of these experts believe that this movement will probably not be as radical before a ten-year horizon, as the majority of operators are not yet ready to take a massive step.</i></p>	<p><b>Opinions of the experts</b></p>
<p><b>Position of the BIPT</b></p>	<p>The BIPT observes a development in this direction in Belgium on this subject with, on the one hand, the sale by Telenet of its antenna sites for the mobile network and, on the other hand, the formation by Telenet and Proximus of joint ventures to deploy all or part of their FTTH networks (while keeping control within the meaning of competition law). Without excluding the possibility of an acceleration of this trend in Belgium, the BIPT considers, however, that a more radical evolution in this area in our country is unlikely in the next three years.</p>

### On the "cloudification" and platformisation of networks

<p><i>Will large platforms (like Amazon) extend their cloud activities (where they are already present) to network management and/or connectivity? Here too, opinions are divided. Certain experts believe that these companies are not interested in extending their activities to connectivity; others believe, however, that they might want to become players in network management; and finally others believe that some could specifically target the 5G market.</i></p>	<p><b>Opinions of the experts</b></p>
<p><b>Position of the BIPT</b></p>	<p>The BIPT is closely following developments in this area and will analyse their potential consequences in terms of competition (especially concerning the market power of platforms), security, value sharing between operators and platforms, etc.</p>

### On infrastructure sharing in general

<p><i>In general, experts believe that infrastructure sharing agreements are expected to increase in order to reduce network deployment costs, both for mobile and fixed services.</i></p>	<p><b>Opinions of the experts</b></p>
--	---------------------------------------

<b>Position of the BIPT</b>	As it has already had the opportunity to express (see among others, the Communication of 10 October 2023 on FTTH networks <sup>19</sup> ), the BIPT is not opposed to infrastructure sharing projects (particularly in less densely populated areas), subject, however, to the following conditions: compliance with the conditions of effective and sustainable competition for the benefit of end-users. Finding this balance between investment, cooperation and competition will be among the priorities for the coming years, notably via the analysis of the broadband market.
-----------------------------	--

### On ducts

<i>Regarding the deployment of fibre and the promotion of competition, several experts encourage the BIPT to promote access to ducts and to further regulate this market.</i>		<b>Opinions of the experts</b>
<b>Position of the BIPT</b>	Historically, Belgium has been covered by two telecommunications infrastructures (copper and coaxial cable) deployed mostly without using ducts up to the end-users. As a result, a large part of the deployment of optical fibre now requires the laying of ducts underground or the search for alternative solutions (facades, poles). The BIPT will study the best options to promote the deployment of fibre in a competitive environment, which may involve access to ducts ensured by symmetrical regulation (via the GIA mentioned below) or asymmetrical regulation (via the analysis of the broadband market).	

### On the Gigabit Infrastructure Act (GIA)

<i>Regarding the Gigabit Infrastructure Act (GIA), this new European Act aimed at accelerating the deployment of very high capacity networks (gigabit and 5G), the experts interviewed welcome it but also believe that it does not solve everything and that the actual conditions of its application will have to be closely monitored.</i>		<b>Opinions of the experts</b>
<i>One of these experts encourages the BIPT to establish a public register of dispute resolution decisions related to this subject, so that the sector players are aware of these decisions and can refer to them.</i>		
<b>Position of the BIPT</b>	<p>The Gigabit Infrastructure Act (GIA) is the successor of the Broadband Cost Reduction Directive (BCRD), which, due to its complex transposition into Belgian legislation, was not as effective as expected. The future entry into force of the GIA is an improvement with regards to the conditions for the deployment of networks in Belgium, in particular by placing an even greater emphasis on digitisation, harmonisation and more fluid authorisation procedures, thus eliminating the shortcomings of the BCRD. The BIPT will actively collaborate in this process and, if necessary, provide its expertise so that the GIA has a maximum positive impact on the deployment of VHCNs in our country.</p> <p>As regards the dispute settlement body, it is defined in this context in an inter-federal cooperation agreement and is not yet fully operational. As this is an important part of the BCRD and the future GIA, the BIPT will continue its efforts to make this body active and ensure maximum transparency, in particular by publishing future decisions.</p>	

<sup>19</sup> [Communication of 10 October 2023 on cooperation agreements to roll out FTTH networks](#)

### On the upcoming copper switch-off

<p><i>The copper switch-off has been identified as important both in terms of sustainability and energy transition and in encouraging consumers to migrate more quickly to fibre. One of the experts believes that this topic is one of the most important ones for the next three years.</i></p>	<p><b>Opinions of the experts</b></p>
<p><b>Position of the BIPT</b></p>	<p>The BIPT is fully aware of the importance of this subject and published in 2023 a communication examining the current process of Proximus concerning the decommissioning of the copper network.<sup>20</sup> Some inaccuracies were clarified based on the input of alternative operators and following consultation with Proximus. These clarifications have been summarised in the Communication in question, thus contributing to greater clarity for alternative operators and better understanding between the parties concerned. This allows the copper network switch-off process to proceed faster and more smoothly. The BIPT will closely monitor this process and, if necessary, take the necessary steps to ensure that it continues to do so.</p> <p>In order for consumers to understand why it is interesting for them to switch to fibre, clear and transparent communication with them is an additional focus point. The BIPT will also focus on the positive effects of the optical fibre network in terms of sustainability and ecological footprint. To this end, the BIPT will check whether additional information can be given on its website dedicated to optical fibre (<a href="http://www.fibreinfo.be">www.fibreinfo.be</a>).</p>

### On private 5G networks

<p><i>Experts point out that private networks have often been a significant source of innovation. They therefore encourage the implementation of conditions allowing the development of a virtuous ecosystem that will boost initiatives in this field for 5G. It is possible to use a new 5G spectrum band with an upper 6 GHz frequency band that can be used to boost private 5G networks.</i></p>	<p><b>Opinions of the experts</b></p>
<p><b>Position of the BIPT</b></p>	<p>As already announced, the BIPT has reserved a part (200 MHz) of the 3800-4200 MHz band for the granting of licences for local private 5G networks. Interested undertakings can already make use of it. This amount of 200 MHz will be assessed on the basis of market demand for local private connections, on the one hand, and public networks, on the other. The BIPT will examine whether there is a market demand for the provision of additional private 5G spectrum in the upper 6 GHz frequency band.</p>

### On 6G

<p><i>In the context of, notably, the evolution towards 6G, the experts drew the BIPT's attention to the follow-up to be given, on the one hand, to the integration between mobile technologies and satellite communications, and, on the other hand, to radiolocation issues and the boundaries between technology and privacy.</i></p>	<p><b>Opinions of the experts</b></p>
<p><b>Position of the BIPT</b></p>	<p>The BIPT confirms that it is attentive to these technological developments and will monitor them. In general, the BIPT will identify the requirements for 6G in 2024-2026 so that the first launch and operation of networks and services using this technology can start from 2030.</p>

<sup>20</sup> [Communication of 20 June 2023 about the Proximus copper network switch-off](#)

### On security

<p><i>This theme was almost unanimously cited as a major topic for the telecoms and digital sectors.</i></p>	<p><b>Opinions of the experts</b></p>
<p><b>Position of the BIPT</b></p>	<p>The BIPT is fully aware of the importance of this subject and, as such, has made it a specific strategic axis of its action for 2024-2026. This topic is the subject of a detailed development in the previous ("Challenges") and next ("Main initiatives of the BIPT for 2024-2026") parts of this section.</p>

### On sustainability

<p><i>The experts stressed the importance of sustainability and the need for operators to continue their efforts in terms of energy efficiency and environmental footprint reduction. They encourage the BIPT to intensify its initiatives to push the sector in this direction.</i></p>	<p><b>Opinions of the experts</b></p>
<p><b>Position of the BIPT</b></p>	<p>For several years, the BIPT has included the sustainability dimension in its approach to the sector and published in 2022 and 2023 a study on the evolution of the energy consumption and CO<sub>2</sub> emissions of Belgian operators since 2018. As will be shown below, the BIPT intends to intensify its action in this area, both with regard to operators and users.</p> <p>The BIPT will also monitor the positive effects resulting from the deployment of new sustainable networks such as 5G and fibre (direct environmental effects and indirect enabling effects) and compare them with the increase in the digital footprint resulting from the increase in the use of these new technologies.</p>

### 7.1.3 MAIN INITIATIVES OF THE BIPT FOR 2024-2026

#### a. Competition and market development

The adoption of a **new market analysis for fixed broadband and broadcasting** is one of the BIPT's major projects for 2024-2026. The way in which access to FTTH networks will be organised will be a key issue to be addressed by this analysis, which will have to ensure that effective competition can take place in the context of "coopetition" mentioned above. This issue, coupled with the evolution of the European regulatory framework, could eventually lead to more symmetrical regulation<sup>21</sup> and will require close cooperation with competition authorities, particularly for the cooperative deployment of FTTH networks. In this context, we note the growing need for detailed coverage data in order to analyse deployment costs in a relevant and objective way, realistic overbuild possibilities, the need for subsidising the deployment of networks in certain geographical areas, the definition and implementation of the universal service, etc.

As mentioned above, the BIPT will also closely monitor the development of the topics under discussion concerning the **European regulatory framework** for telecommunications networks (Digital Networks Act; revision of the European Electronic Communications Code; recommendation of 6 February 2024 on the gigabit connectivity<sup>22</sup>). In addition, the BIPT will continue to contribute its expertise to the Broadband Competence Office (BCO) established by the FPS Economy to support the deployment of very high speed in Belgium as part of the national broadband plan.

The BIPT will also review the market analyses concerning **fixed termination rates (FTR)** and **mobile termination rates (MTR)**. Specifically concerning the business market (B2B), the BIPT will revise the **market analysis concerning the provision of dedicated capacities** (formerly: "high-quality access").

The arrival on the Belgian market of the **fourth MNO**, Digi-Citymesh, will be another essential topic that the BIPT will follow. In addition to the roll-out of a mobile network, Digi also announced to have ambitions with regards to optical fibre. The BIPT will ensure that this new operator effectively has access to the inputs necessary for its deployment (antenna sites, access to fixed networks to offer convergent bundles, ducts, etc.). In this context, the Institute will closely monitor the development of this operator in order to be able to react quickly in the event of critical problems.

With regard to **5G**, the BIPT will continue to monitor the development of public 5G networks, including compliance with the coverage obligations associated with certain rights of use, as in the 700 MHz band.<sup>23</sup> The BIPT will also propose to the market, within the framework of a new auction, the remaining 20 MHz (3410-3430 MHz) which were not sold in the multi-band auction. As regards the 26 GHz band, the BIPT will regularly assess market demand in accordance with European directives and take appropriate measures in due course. The BIPT will also grant authorisations for local private 5G networks. A portion (200 MHz) of the 3800-4200 MHz band has been made available for this purpose. This portion will be assessed based on market demand for local private connections. In addition, with the introduction of 5G, obsolete mobile technologies such as 2G and 3G will be phased out. The BIPT expects that the 3G network will be completely decommissioned by 2025, while 2G will remain in service longer, mainly for existing M2M applications. Finally, the BIPT will continue to provide its expertise to the parties concerned with regard to the issue of the distribution between federal and federated entities of revenues related to the 5G auction.<sup>24</sup>

In addition to 5G, there is still significant industry demand for **trunk networks**. These are radiocommunication networks offered to the public by an operator, which can be based on different standards,

---

<sup>21</sup> Particularly based on the provisions of the Gigabit Infrastructure Act, access to the drop cable, dispute resolution and/or conciliation procedures.

<sup>22</sup> Commission Recommendation (EU) 2024/539 of 6 February 2024 on the regulatory promotion of gigabit connectivity

<sup>23</sup> The licences awarded in 2022 by the BIPT come, for frequencies at 700 MHz, with coverage obligations set at 70% of the population in 2023 and 99.5% in 2024.

<sup>24</sup> See in particular the [Communication of 14 April 2020 on the report of Capgemini Invent of March 2020 concerning the evolution of mobile data associated with licensed spectrum in Belgium and the impact of the presence of media](#).

such as TETRA, NEXEDGE, MPT1327, etc. In practice, however, the request mainly concerns the extension of networks based on the TETRA standard for which rights of use have already been granted by the BIPT. Spectrum for trunk networks is allocated in the Public Access Mobile Radio (PAMR) band, which is almost saturated, especially in urban centres. The BIPT will continue to process and reconcile these requests so that the remaining available spectrum can be used in the most optimal way.

Regarding long-term evolutions concerning spectrum management, the BIPT will identify the requirements for **6G** so that the first launch and operation of networks and services using this technology can start from 2030. The BIPT will also define a long-term strategy for the upper 6 GHz band, for which both Wi-Fi and IMT (6G) are potential users. A European decision is expected to be taken in 2025 on this topic. The introduction of additional spectrum (e.g. in the 42 GHz band) will also be explored in more detail.

Concerning the **sharing of mobile infrastructures**, the BIPT is studying possible amendments to the Electronic Communications Act (in particular Articles 25 to 27) as a result of the emergence of TowerCos in the market. Such actors did not exist at the time of drafting of this act, and if Article 25 (which describes the provisions applicable to antenna sites) also covers sites owned by certain third-party non-operators, this is not the case with Articles 26 (on the notification of applications for town planning permits) and 27 (on the shared use of antenna sites), for which an extension to these third parties (or at least to some of them) might be appropriate.

As regards **the sustainability of networks**, the BIPT will set up an initiative to promote sustainable practices in the telecoms sector for both consumers and operators. As part of this initiative, benchmarks will be developed to assess ecological performance, while best practices for more responsible energy and materials use will be identified and shared. By raising awareness and stimulating innovation, the BIPT is aiming for environmentally friendly networks while maintaining a high quality of services. The BIPT will also continue to monitor the evolution of energy consumption, CO<sub>2</sub> emissions and circular practices on an annual basis, as it did for the first time in 2022. This initiative will concern both fixed and mobile networks and the terminal equipment of these networks.

Finally, the BIPT will pay particular attention to the monitoring of the **copper switch-off**, which Proximus has already begun in certain areas of the country and will continue as its fibre network (FTTH/B) is deployed. In this case as in others, the BIPT will pay attention to economic efficiency and improved ecological footprint as well as to competition and user interests. As far as consumers are concerned, the BIPT must ensure clear and transparent communication with them. To this end, the BIPT will check whether additional information can be given on its website dedicated to optical fibre ([www.fibreinfo.be](http://www.fibreinfo.be)).

## b. User interests

### *Information*

**Enlighten** and **inform** consumers. Provide the necessary information and tools to enable them to make an informed choice regarding telecoms services that meet their needs. This is the objective of the **consumer empowerment** actions that the BIPT has been developing for many years. Already essential to stimulate Belgian consumers to use competition in order to obtain the best price-quality ratio, the intensification of these actions has been even more justified with the sharp acceleration of inflation in recent years, which has prompted many households to look where they could make budget cuts to save money. In another context, the change in telecoms consumption patterns, in particular television and telephony, must also encourage Belgian users to consider whether the offers they subscribe to (and the price they pay for them) are still relevant in the light of these behavioural changes. This approach is also part of the promotion of new technologies (5G, gigabit connections) and the uses they enable.

Therefore, keeping on making the information it publishes for consumers as relevant, intelligible and accessible as possible remains more than ever essential for the BIPT. This will particularly be reflected in the further revision of **the national price study** in order to make full use of the potential of a new approach to this subject (based on demand and consumer needs and profiles) in terms of communication. It will also involve a revision of **the annual consumer survey**. The BIPT will reform its questionnaires and its survey method in order to improve its efficiency, to be adapted to the evolution of markets and technologies and to be even

more oriented toward the feeling of the citizen to detect the “challenges of tomorrow” as soon as possible. This ambition to improve access to information for the consumer will also mean making adjustments to its **Data Portal** in order to increase its usability and features, for an even better user experience.<sup>25</sup> The same approach will be applied to the **tariff simulator**<sup>26</sup>, for which the drafting of new specifications for a future call for tenders will also be carried out.

The BIPT will also carefully analyse the opportunities to exploit new channels in order **to strengthen its communication and exchanges with consumers**. Similarly, the BIPT will increase its dialogue with the Office of the ombudsman for telecommunications and the Ombudsman poste, and in general with any party concerned by any of its fields of competence. The BIPT also intends to develop information on **energy and environmental issues in the telecoms sector** in a sustained manner, so that users have a clear and comprehensive vision of this issue and can make an informed choice.

Finally, the BIPT will continue its information mission through the publication of a **biennial study on the quality of networks** as well as through the websites **parlons5G.be** (developed in collaboration with the FPS Economy and the Federal, Walloon, Flemish and Brussels governments) and **infofibre.be** (dedicated to the deployment of optical fibre in Belgium and its implications for individuals, businesses, operators and institutions). The BIPT also intends to intensify its **user support actions regarding Gigabit and 5G technologies** so that users (both residential and professional) gain a better understanding of the benefits they can draw from using such services.

### *Protection*

The interests of users also depend on the protection of their rights. The BIPT’s activities in this domain can be split into two aspects:

- On the one hand, the **promotion of these rights** (some of which remain largely unknown<sup>27</sup>) to the users concerned through the implementation of information tools (including, in addition to those mentioned above, the BIPT website, and in particular its “consumers” section) and ad hoc communication campaigns (for example, the one concerning the Bill Shock<sup>28</sup>).
- And on the other hand, the **verification of compliance with these rights** by means of actions presented later in the section devoted to “Controls”.

### *Social inclusion*

Concerning **white spots**, the BIPT participates in the organisation and follow-up of calls for projects dedicated to them in the framework of the national plan for fixed and mobile broadband. These projects aim to encourage operators to invest in these areas and to deploy a network capable of offering high speeds and which, in return for public support, is open to all market players. The BIPT also assists, especially in the field of cartography, when similar calls for projects are launched by regional authorities. The BIPT will also be responsible for determining or approving wholesale tariffs to be applied to these networks.

---

<sup>25</sup> Bringing together since 2019 all projects relating to the quality and coverage of the services provided by operators (mobile and fixed coverage, quality barometer, report on the quality of mobile services), the BIPT data portal (bipt-data.be) has also been integrating more detailed maps of fixed coverage since 2022, including coverage by address, by operator and by technology (including fibre currently being deployed), as well as information on speeds over 100 Mbps.

<sup>26</sup> [www.besttariff.be](http://www.besttariff.be)

<sup>27</sup> These include (as various BIPT surveys have shown): the terms governing the termination of a contract; the retention of the e-mail address after the termination of a contract; the pricing of VAS numbers; etc.

<sup>28</sup> The “Bill Shock” refers to the legal alert mechanism by SMS warning the consumer when exceeding his/her mobile subscription limit.

The problem of white spots is also addressed from the point of view of the **geographical component of the universal service**. To enable access to a wide range of services, including standard quality video calls, the minimum speed of adequate broadband internet access service (previously 1 Mbps) has recently been increased. Following a Royal Decree adopted in September 2023 on a proposal by the BIPT, this speed is now set at 10 Mbps; it will be increased to 30 Mbps from 2027. The next step will then be to designate, where appropriate, the potential universal service provider(s) in accordance with Article 71 of the ECA, which will require a detailed geographical analysis taking into account the progress of the various ongoing projects of the operators.

With regard to the **"Social Tariff"** component of the universal service, the BIPT provided its expertise in the framework of the reform led by the Minister responsible for Telecommunications. This reform consists of the implementation of a basic tariff plan (for an internet access service alone or for a bundle including an internet access service) accessible to persons who meet the legal conditions. The reform entered into force on 1 March 2024. The granting of the new social tariffs will henceforth be managed by the FPS Economy, while the pre-existing system, managed by the BIPT, will continue to coexist with the new regime during a transitional period of several years.

As regards **accessibility**, the BIPT assisted the Minister of Telecommunications in her work to transpose, concerning radio equipment, electronic communications services and access services to audiovisual media services in the Brussels-Capital Region, Directive (EU) 2019/882 of the European Parliament and of the Council of 17 April 2019 on the accessibility requirements for products and services. The requirements of this directive will have to be applied from 28 June 2025. The BIPT will monitor the market to ensure their proper implementation. In this context, the BIPT will collaborate with the operators concerned, as well as with bodies active in the field of the protection of the rights of people with disabilities.

### c. Digital infrastructure security

The BIPT will continue its **monitoring activities** regarding the security of telecoms operators' infrastructures (thematic audits; collection and examination of risk analyses; systematic examination of incidents above thresholds; processing of personnel screening and prior authorisation files for the operation of 5G networks). These activities will be extended to the new sectors prescribed by the implementation of the **CER** and **NIS 2 Directives**. Similarly, if necessary, depending on the decisions to be taken on these subjects, the BIPT is ready to extend its role as a supervisory authority to any new competence that may be attributed to it in the framework of the projects currently under study at European level in the field of compliance, security, data governance, artificial intelligence, or any other domain involving digital infrastructure security.

The BIPT will also contribute to the drafting of the legislative texts that will have to be adopted in Belgian law on these matters. In addition, the monitoring of these new legislation may involve the BIPT to **implement adequate digital tools** for the execution of the tasks for which it will be or already is responsible. These will include: a platform to support supervision activities (SERIMA); an administration platform to support compliance with regulations (notifications, justice cell, etc.); a platform to manage requests for security advice.

As regards **crisis coordination**, the BIPT will organise at least one annual exercise to define or review the technical and operational procedures and possibilities of private and public players. These procedures will be formalised in a document and shared with all the stakeholders necessary for their implementation. This formalisation will also be carried out to meet the operational requirements set out in the draft bill defining the structure of responses to federal crises in which the BIPT is responsible for the evaluation unit for the digital infrastructure sector (CELEVAL), including the telecoms sector.

In order to ensure a level of resilience in line with the evolution of risks and thus meet international obligations, the BIPT will set up a sectoral **working group on resilience**. This working group will help define and update the resilience plan of the sector. The BIPT will supervise the implementation of this plan in close collaboration with the crisis centre.

**Access to emergency services** (112 and 101) is a top priority. The BIPT will monitor the adequacy of the resilience needs expressed by the emergency services and the measures taken to meet them. To that end, the BIPT will ensure the establishment of redundancy via two operators provided for in the preliminary draft

bill submitted for consultation on 19 October 2023 and will control by organising exercises dedicated to this redundancy and any ad hoc continuity measures that may be necessary. These actions will be carried out with a view to ongoing consultation between the emergency services of the police (101), the Directorate-General Civil Security (112), Astrid, the NCCN and the operators.

In terms of **cooperation with the judicial authorities and intelligence services**, the BIPT will continue to intervene with unscrupulous or unconscientious operators in order to remind them of their legal obligations, or even, for certain infringements, will continue to file legal cases with the various competent prosecutor's offices that may lead to criminal sanctions. Operators will also continue to be required to contribute to the establishment and updating of several databases aimed at:

- facilitating emergency response to critical situations and work in criminal investigations;
- enabling different authorities to have the necessary contacts for their research in the context of criminal investigations.

The BIPT will also continue to **represent Belgium in several working groups** on the cybersecurity of digital infrastructures (BEREC; WHOIS group; NIS group on 5G; NIS working group 10 on digital infrastructure; standardisation of lawful interception; etc.). The Institute will also continue to regularly provide its expertise to other administrations (such as the National Crisis Centre, the judicial authorities, the Federal Police, the FPS Economy, the CCB, etc.) in the context of multiple projects and cases.

Finally, as regards **spectrum resources**, which the deployment of 5G and the boom in connected objects will require in an increasing and unprecedented way, **the BIPT will intensify its controls** in order, on the one hand, to ensure the stability and efficiency of the networks that use them, and, on the other hand, to combat their abusive or illegal use. As is already the case at present, these increased inspections will be both preventive and coercive.

#### d. Control actions and guidance

In terms of inspections, in addition to those inherent in monitoring digital infrastructure security (see above), the BIPT will particularly focus on a series of topics relating to competition, including:

- The effective provision of **access to the necessary inputs** to new entrants, in particular for the deployment of the mobile network of the 4<sup>th</sup> MNO.
- Compliance with the obligations of operators who were allocated spectrum in the **700 MHz frequency band** at the 2022 auction.
- Compliance with the conditions of effective and sustainable competition for the benefit of end-users in any **cooperation project** among operators in the construction of their networks
- **The application of the decisions adopted** in the context of the various market analyses carried out by the BIPT, as well as the additional measures which, if necessary, will accompany them.
- The detection of possible **price squeezes** (Margin squeeze-Test) in markets that remain regulated.

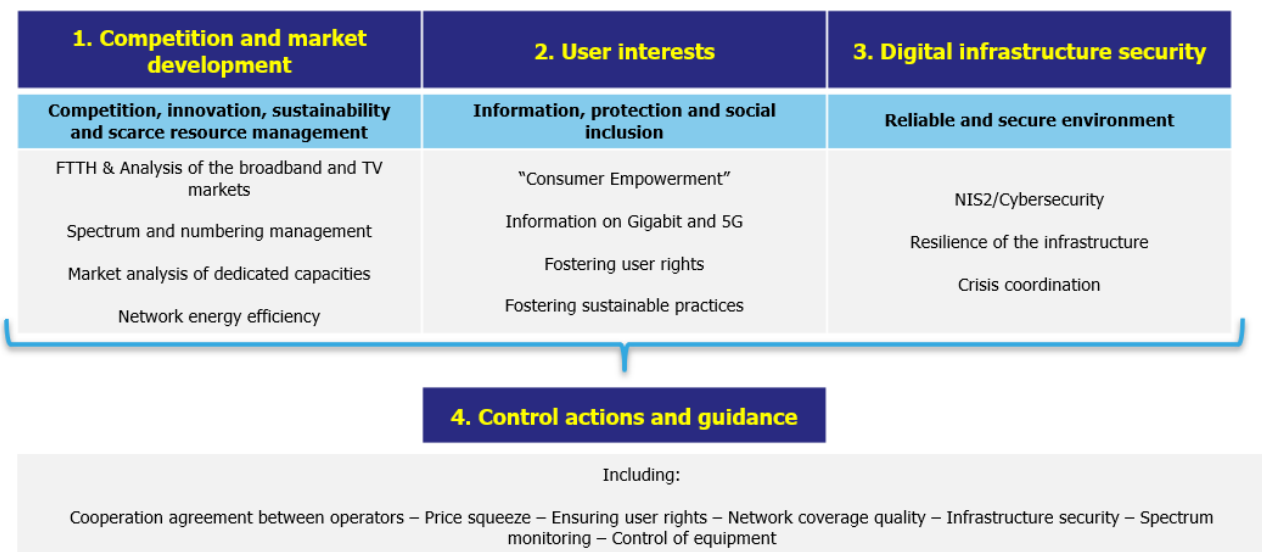
With regard to user interests, the BIPT will ensure that controls are planned over a medium-term period so that, by systematising them, operators respect all legal provisions concerning consumer rights. In this context, the BIPT will develop a communication in which the priorities of these controls will be established in dialogue with the Office of the ombudsman for telecommunications in particular. Without prejudice to the fines that the BIPT may be required to apply, this approach will aim to include an important **"guidance"** dimension in the Institute's actions in the field of controls relating to consumer interests, aiming to increase dialogue with

operators on these topics, remind them of their obligations, possibly explain them in the event of questions on their part and, where appropriate, alert them to possible risks of abuse and sanctions.

The Institute will also set up a different initiatives to directly collect the reports from consumers about possible structural problems in the market. The BIPT will also regularly carry out “mystery shopping” actions to detect possible problematic practices, and will also carry out more in-depth controls of the **quality of network coverage**. Similarly, the BIPT will continue to closely monitor the operators’ compliance with **net neutrality** as well as, among other things, obligations related to **Easy Switch** and those related to prepaid mobile cards.

### e. Summary

The main themes and points of attention of the BIPT relating to the telecoms sector for 2024-2026 are summarised in the figure below.



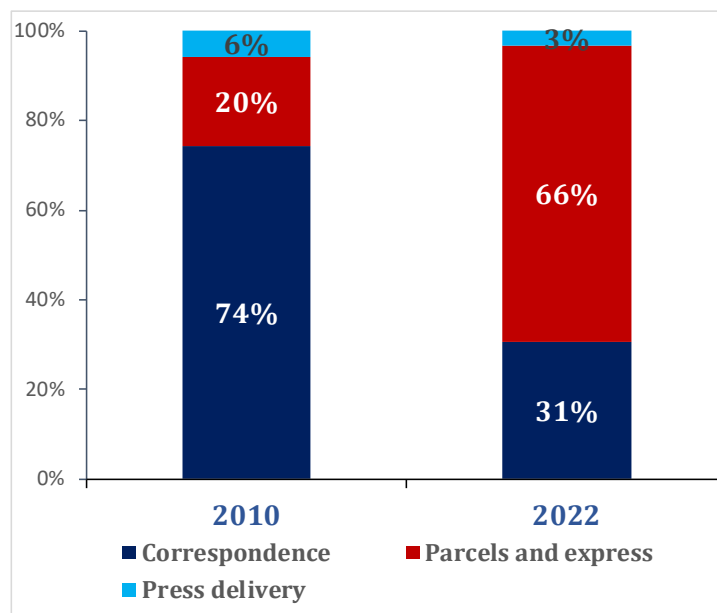
*Telecoms sector – the BIPT’s main themes and points of attention for 2024-2026*

## 7.2 Postal sector

### 7.2.1 CHALLENGES

From 20 to 66%. This is the spectacular increase in the share of **parcels and express items** in the total postal turnover between 2010 and 2022. Steady and sustained throughout the 2010s (3.5 points more annually on average), this growth accelerated sharply in 2020 and 2021, when, driven by a growth fuelled by the COVID-19 crisis and the massive use of e-commerce that followed<sup>29</sup>, the contribution of parcels and express to turnover has, in just two years, jumped from 54% to 65%, before stabilising at 66% in 2022.

In parallel with the rise of parcels and express services, the traditional activity of the postal sector (i.e. the **sending of items of correspondence**) saw its turnover drastically fall (-27% between 2010 and 2022) and its contribution to the sector's total turnover decrease from 74% to 31%, the **"press delivery"** following a similar trend (-2% of revenues in twelve years, but -15% since 2016, and a contribution to the sector falling from 6% to 3%).<sup>30</sup> The postal sector has thus experienced a real paradigm shift in just over a decade.



*Evolution of the distribution of turnover in the postal sector from 2010 to 2022*

In addition to this paradigm shift (sometimes as a result of this change), during the period 2020-2023, we observe the emergence or intensification of a series of issues, including:

- The quality (down)<sup>31</sup>, tariffs (up)<sup>32</sup> and scope (discussed) of the **universal postal service obligation**, of which bpost is the designated provider.<sup>33</sup>

<sup>29</sup> +15% turnover for the entire sector in 2020, and +7% in 2021 vs. an annual average of +1% from 2010 to 2019.

<sup>30</sup> The compensation paid by the State to bpost for distributing press to subscribers is not included in the revenues considered.

<sup>31</sup> [Decision of 18 April 2023 on the monitoring of mail delivery times for the year 2021](#)

<sup>32</sup> [Decision of 26 September 2023 regarding the analysis of tariff increases for bpost's single-piece rates for the year 2024](#)

<sup>33</sup> The management contract designating this undertaking as the universal service provider was renewed for the period from 1 January 2024 to 31 December 2028.

- The **concentration of the postal market as a whole** which, although declining, remains **high**, with four operators (bpost, UPS, DPD and GLS) holding together, at the end of 2022, 79% (in terms of turnover). In the letter segment, bpost controls almost the entire market. In the parcel and express segment, bpost, United Parcel Service and DPD account for approximately 60% of the market shares.
- The **role of vertically integrated e-commerce platforms**, which facilitate the “digital” side of online sales (including payment support and other aspects) as well as the execution and physical delivery of online orders, and for which the question of regulation remains open.
- The issue of the **working conditions** of parcel deliverers (illustrated in particular by the revelation in 2021 of potential fraudulent practices<sup>34</sup> by subcontractors of certain operators, regarding which the “SoPlaFi Act” was adopted on 17 December 2023, aiming to better protect the people concerned).
- The **sustainability** and **environmental impact** of delivery activities, in particular after their sharp acceleration in 2020 and 2021, and for which a Royal Decree of 14 December 2023 imposes, for the largest postal operators, the reporting of a series of indicators to accurately monitor the evolution of the situation in this area.
- The situation of **bpost** which, in addition to managing the many challenges imposed by the profound transformation of the sector<sup>35</sup>, has also, since the end of 2022, had to cope with the occurrence of several controversies, the exact repercussions of which remain, at this time, uncertain.<sup>36</sup>

As this overview shows, the issues concerning the postal sector are multiple and touch on very diverse subjects. As one of the authorities responsible for monitoring some of them, the BIPT has held and will continue to play its role within the framework of the competences assigned to it, and of which a brief reminder is given here:

- Publishing each year the observatory of the postal activities market in Belgium.
- Monitoring the fulfilment of universal service obligations and related tariff issues,<sup>37</sup> monitoring of analytical accounting, net cost and quality of service, assessing and monitoring user needs (with particular attention to vulnerable users), etc.
- New competences (see below) in terms of social sustainability (SoPlaFi, Act of 17 December 2023) and environmental sustainability (Royal Decree of 14 December 2023) in the postal sector.

---

<sup>34</sup> <https://trends.knack.be/ondernemen/proces-tegen-postnl-en-gls-start-in-september-2022/>

<sup>35</sup> Economic due in part to the accelerated decline in the undertaking's long-standing core business of sending items of correspondence; social and operational, with questions about employment and work organisation arising from the decline in the undertaking's traditional activities and changes in the sector; and competitive, with the undertaking's overall market share falling from over 70% to almost 50% between 2010 and 2022.

<sup>36</sup> Including: suspicions of collusion regarding a previous contract for the concession concerning newspaper distribution; the identification of “bad practices” regarding several contracts with the State (overbilling, etc.); the relations and governance between bpost and its majority shareholder, the State; the debates on the amount of aid for the distribution of newspapers, followed, at the end of 2023, by the cancellation of this concession (to replace it with a system to be defined of tax credits granted to press publishers) after bpost lost to two competitors in the tender for its renewal.

<sup>37</sup> However, the actual verification of the principle of cost orientation was withdrawn from the BIPT by the Postal Act of 26 January 2018.

- Promoting transparency, notably through projects such as [www.postalpoint.be](http://www.postalpoint.be), where users can find not only the access networks of postal operators, but also the tariffs of basic packages.
- Etc.

In addition, over the past three decades, in the absence of a specific administration for this purpose, the BIPT has been entrusted with the preparation, evaluation and implementation of sectoral policies relating to postal services and electronic communications. Specifically, the Institute drafted the bills relating to the regulation of the aforementioned sectors, as well as any questions relating to these regulations, in order to assist the member of the federal government responsible for these sectors. In this capacity, the regulator has been called upon to ensure the representation of the Belgian State in various international bodies bringing Member States together. Following the decision of the current government to entrust these tasks to a federal administration (in this case, the FPS Economy), the BIPT will conclude a cooperation protocol with this administration with a clear division of the tasks and missions of each body.

## 7.2.2 OPINIONS OF THE EXPERTS, POSITION OF THE BIPT

To complete this picture, we highlight the summary of a selection of opinions presented by the experts interviewed by the BIPT. The position of the Institute in relation to these opinions is also mentioned.

### On the universal service obligation

<p><i>The continued decline in letter volumes will continue as the digitisation of exchanges accelerates. This development is not without consequence in terms of universal service obligation, which will become both more and more expensive and less and less justified (except for the "vulnerable" groups, see below). Some countries of the European Union have already reviewed this obligation, sometimes drastically.</i></p>	<p><b>Opinions of the experts</b></p>
<p><b>Position of the BIPT</b></p>	<p>It is up to the legislator to adapt, where appropriate, the scope of the universal service and its requirements. The universal service obligations have already been reviewed several times in the past in Belgium (notably the reintroduction of the non-prior stamp) in order to guarantee their viability in view of the decrease in letter post volume. This will remain a point of attention, as will the needs of (vulnerable) users regarding universal service, in order to harmonise demand, supply and financial sustainability. In a European context, we see a downward trend of about 7% per year in letter post volume (-7.1% over the period 2017-2021, according to ERGP Core Indicators Report 2022).</p>

### On the prices charged for the delivery of mail

<p><i>The price of sending mail has been rising for several years. The inflation that has been raging since 2022 is partly responsible for this situation, but it is not the only reason. Despite this trend, there is no clear indication that the price of postal services has become unaffordable for the vast majority of consumers (with the possible exception of "vulnerable" groups, see below). However, the quality of the service provided seems to be deteriorating.</i></p>	<p><b>Opinions of the experts</b></p>
<p><b>Position of the BIPT</b></p>	<p>It is up to the legislator to harmonise the postal legislation with the European postal legislation. The BIPT considers that the price cap formula, as set out in the Postal Act, in force since 2018, does not ensure effective control of the principle of cost orientation for products falling within the small user basket (i.e. single-piece rates with no quantity discounts, for the small user). The BIPT repeats this point of view every year in decisions on the approval of tariff increases (e.g. the Decision of 26 September 2023 regarding the analysis of tariff increases for bpost's single-piece rates for the year 2024). Volume changes, which are the basis of the price cap formula, are only indirectly linked to costs. It is also questionable whether the legal framework can adequately verify the affordability of regulated tariffs, given the extent of the gap between inflation and the tariff increases applied by bpost since 2018.</p> <p>The BIPT is currently working on a comparative tariff study in order to place Belgian tariffs for small users in a European context.</p>

### On vulnerable groups

<p><i>"Vulnerable" groups include people with disabilities, those living in remote areas, those affected by digital illiteracy, etc., i.e. a large number of varied cases. It will therefore be necessary to avoid applying a single solution, regarding universal service, that is supposed to be appropriate for all situations, but rather to identify the specific problems that need to be solved.</i></p>	<p><b>Opinions of the experts</b></p>
<p><b>Position of the BIPT</b></p>	<p>The BIPT publishes the studies it conducts on the needs of postal users. In the latest study (Communication of 23 February 2021 regarding the Belgian postal end-user), the BIPT surveyed during the qualitative exploration phase the needs of a representative sample of individual and professional end-users and conducted interviews specifically with vulnerable users such as allophones, the very elderly, the chronically ill, etc. in order to monitor their needs and take them into account. By means of similar studies, the BIPT will continue to monitor the needs of postal users as a basis for possible legislative changes. The proposal to specifically study the affordability for vulnerable users, as is the case in the UK and Portugal, has also already been suggested to the competent minister.</p>

### On the working conditions in the delivery of parcels

<p><i>One of the questions regarding the working conditions is whether this issue is sector-specific or whether it should rather be tackled horizontally, for a set of sectors simultaneously.</i></p> <p><i>Another point to consider is the impact that measures adopted under the SoPlaFi Act are likely to have on the economic development of the sector.</i></p>	<p><b>Opinions of the experts</b></p>
<p><b>Position of the BIPT</b></p>	<p>Following a study of 15 June 2023 on the postal aspects of e-commerce, the BIPT has already clearly underlined the important impact of the bill on the postal sector and the need for an economic impact assessment. The Opinion of the BIPT of 13 September 2023 gives an indication of the significant economic impact on operators, subcontractors, end-users and online retailers and outlines the possible consequences for employment.</p>

### On sustainability and environmental impact

<p><i>Measuring the environmental footprint of the sector effectively and correctly must be a priority. Informing consumers about the options available to them in this area is another essential lever to act on. On certain specific subjects (electrification of fleets; efficiency of distribution networks; reparability; etc.), the encouragement or imposition of measures may be pursued, either at the level of the sector itself or for a broader group.</i></p>	<p><b>Opinions of the experts</b></p>
<p><b>Position of the BIPT</b></p>	<p>Within the framework of the Royal Decree of 14 December 2023 (on sustainability), the BIPT will develop new methodologies in collaboration with the sector to measure the ecological impact of parcel distribution. In accordance with this Royal Decree, the BIPT will monitor the operators' reports as well as the data they publish. Ecological sustainability will receive a great deal of attention in the annual overview of the sector (observatory) planned by the BIPT and in the publication of data on the website.</p>

### On e-commerce platforms

<p><i>The EU directive must address the question of whether large integrated e-commerce platforms are included in it or not.</i></p>	<p><b>Opinions of the experts</b></p>
<p><b>Position of the BIPT</b></p>	<p>It is up to the European legislator to adapt the European postal legislation where necessary. The ERGP aims for a new Postal Directive which takes account of new developments and new players in the postal market, particularly as regards subjecting platforms to postal legislation (Report online platforms ERGP (21) 23).</p> <p>Pending a new Postal Directive, the BIPT applies the scope of the postal legislation in accordance with the relevant case law of the Court of Justice (Confetra case) and the relevant ERGP reports.</p>

### On parcel lockers

<p><i>About parcel lockers: in theory there is very little barriers to entry concerning them, but the first mover advantage in some key locations can be decisive. Regulation in such places (and for such places only) could be considered.</i></p>	<p><b>Opinions of the experts</b></p>
<p><b>Position of the BIPT</b></p>	<p>The BIPT has not yet analysed the issue of the first mover advantage regarding parcel lockers. Parcel lockers are experiencing continual growth in Belgium and the need for regulation of these machines seems limited so far. Parcel lockers are only one of the possible channels for receiving and sending parcels. This method is still rarely used in some countries, including Belgium, and is not popular with most individuals. This means that a large volume of parcels and a larger market share of the operator are needed to make a network of parcel lockers viable. If consumer preferences change in the future, the best locations (especially the scarce public sites) may already be occupied. A first mover advantage could then appear. Such a shift in consumer preferences may now seem to be far-fetched, given their current strong preferences and the fact that home distribution is still mandatory for the universal service provider. However, if this obligation were to disappear in the future, for example for reasons of sustainability, with even a boost from the authorities in favour of the use of collection points and especially parcel lockers, this need for regulation could appear. Moreover, with higher unit costs for a smaller number of home deliveries, the universal service will also have to continue to ensure the affordability of home delivery services for the most vulnerable users. The breakthrough of parcel lockers in Western Europe has yet to become a reality and bring about many changes.</p>

## 7.2.3 MAIN INITIATIVES OF THE BIPT FOR 2024-2026

### a. Competition and market development

#### **Sustainability indicators**

A change in postal regulations made an addition to the reporting obligations of (larger) postal operators. As a consequence, postal operators with more than 250 workers active in the provision of parcel delivery services must provide the BIPT with certain statistics on ecological sustainability annually. This reporting obligation has 3 objectives:

1. Provide accurate information to users on the environmental impact of the different package delivery methods offered;
2. Provide current information to the BIPT and the public authorities to monitor the evolution of the issue;
3. Highlight existing initiatives, encourage the dissemination of good practices among postal service providers and position Belgium as an example among Member States.

To this end, the BIPT will define, in collaboration with a consultant and in consultation with the sector, a methodology to which postal operators' measurement systems will have to be aligned. The BIPT will also examine the statistics provided on a regular basis through spot audits to ensure comparability between postal operators.

#### **E-commerce / innovation study**

The emergence of e-commerce has disrupted the postal market. In order to monitor the development of e-commerce in Belgium, and more specifically the parcel market, the BIPT regularly publishes a study on e-commerce. The aim of this type of study is to identify obstacles to the growth of e-commerce from the point of view of parcel distribution.

#### **Tariffs**

Every year, the BIPT has to adopt an ex-ante decision on single-piece rates concerning bpost's small user basket. Single-piece rates are tariffs for products designed for private users (or business users who would not benefit from discount rates for the deposit of bulk products). These single-piece rates do not vary according to the volume deposited or the preparation of postal items. This verification is carried out in accordance with Article 18 of the Act of 26 January 2018.

Since 2020, the BIPT has had to approve the tariffs for small users each year. As already stated in its Opinion of 19 October 2017, the BIPT considers, however, that the new price cap formula of 2018, as set out in the Postal Act, is not appropriate to ensure effective control of the principle of cost orientation. Volume changes, which are the basis of the price cap formula, are only indirectly linked to costs. It is also questionable whether this formula can adequately check the affordability of tariffs, given the large gap between inflation and the tariff increase applied by bpost since 2018 and the increase requested for 2024.

The BIPT will continue to aim for the harmonisation of postal tariff legislation with European legislation and will also finalise the ongoing comparative tariff study (in a European context).

Also related to competition and market development, initiatives concerning **bpost's analytical accounting** and **SoPlaFi** legislation are presented below in the "Controls" section, which concern them more specifically. The BIPT also contributes to the reflections carried out by the European Commission and the ERGP on the **evolution of the future regulatory framework** that should be implemented in the long term.

## b. User interests

### **Price study and tariff simulator – Consumer Empowerment**

The large price increases for bpost's postal products focused on small users were already raising questions with the BIPT before the entry into force of the current Postal Act. The current price study stems from this concern and aims to develop an in-depth comparative price study at European level, including a regression analysis, in order to be able to correctly define the height of Belgian tariffs. This study will be finalised in early 2024.

The BIPT's online tool [www.postalpoint.be](http://www.postalpoint.be), enabling users to search for any postal service points, was extended end 2023 to include a new tool for comparing basic 2 kg parcel tariffs. The tool includes all information on the tariffs to send parcels in Belgium and to the rest of the EU. In the coming years, this tool will be extended to become a real tariff simulator where small users will be able to find the service that best suits their needs.

### **Consumer study (universal postal service)**

The Postal Act stipulates that the universal service must evolve according to the technical, economic and social environment and the real needs of users. To this end, a consumer study should be regularly carried out to identify these changing needs, both in terms of letters and parcels.

## c. Control actions and guidance

### **bpost analytical accounting**

Based on the reports drawn up by the Supervisory Board, the BIPT adopts an annual compliance or non-compliance decision concerning bpost's analytical accounting. This requirement for separate accounts between services and products forming part of the universal service and those not forming part of it aims at transparency of the actual costs of these two categories of products and services, and this to prevent cross-subsidies from adversely affecting the competitive conditions in the universal service segment (cf. Recital 28 of Directive 97/67 and Recital 41 of Directive 2008/6). Since 2020, the BIPT has adopted decisions on bpost's analytical accounting in 2017, 2018, 2019, 2020, 2021 and finally 2022. Regarding 2017, this was, as for 2016, a decision of non-compliance due to the non-acceptance of the reallocation of the additional costs of the "legacy" staff and the ombudsman fee. Following adaptations in this respect, compliance decisions have been adopted from the analytical accounting of 2018 to the most recent, in 2022.

For the period from 2024 to 2026, the BIPT, in collaboration with the Supervisory Board, will continue its in-depth examination of the analytical accounting. The annual spot check will be extended and deepened.

### **SoPlaFi**

The Parliament voted an amendment to the Postal Act on improving the working conditions of parcel deliverers. The public authorities thus wish to offer better social protection to couriers (parcel deliverers). They also want to achieve sustainable competition within the parcel delivery service sector (postal service providers). The new provisions in the Postal Act aim to regulate the parcel delivery market, avoid social or commercial dumping, avoid exploitation of employed or self-employed workers, avoid self-employed deliverers receiving too low a remuneration and avoid undeclared work or any other fraud.

Information for the sector on the new obligations is centralised in consultation with all the public services concerned (ONSS, BIPT, FPS Economy, Social Security Self-employed Entrepreneurs, ELSD) on the website [www.belparcel.be](http://www.belparcel.be).

Players concerned will have to submit a notification via this online platform. The BIPT will ensure that the operators' notifications take place correctly and completely and will publish a list on the BIPT website indicating the notified providers. The notified providers will also have to report on their distribution activities

on a semi-annual basis via the same platform. The BIPT will then send an annual report to the Minister on the basis of these reports.

### Relations with platforms

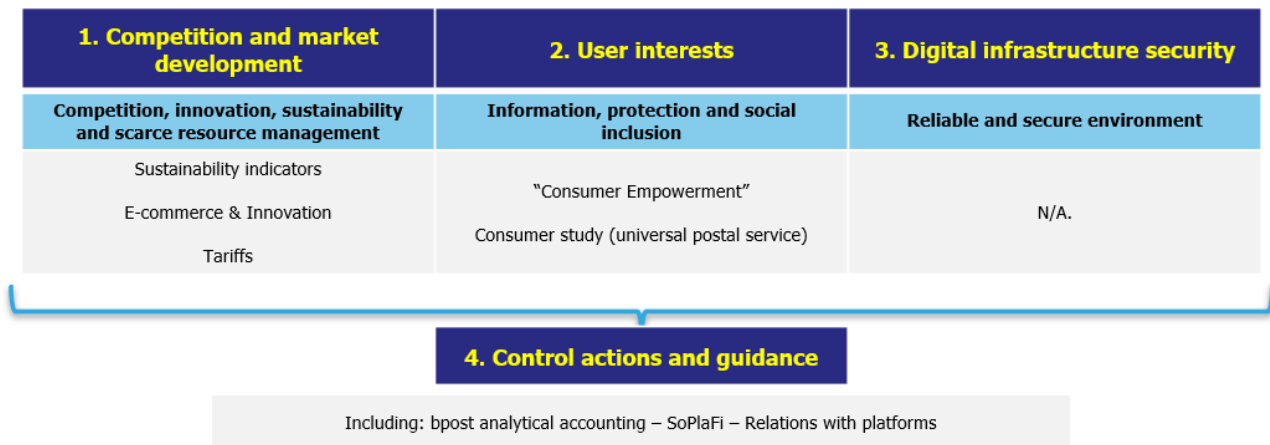
The Belgian parcel market is growing fast, driven by domestic and cross-border e-commerce parcels and characterised by the recent market introductions of B2C delivery companies. The increase in the use of integrated platforms, the development of omni-channel possibilities and the emergence of vertical or specialised marketplaces are important emerging trends in the digitisation of B2B sales. New players have also emerged on the market that are closely linked to e-commerce platforms, such as vertically integrated online marketplaces that facilitate the “digital” side of online sales (including payment support and other aspects) as well as the execution and physical delivery of online orders.

The BIPT has previously monitored legal and economic developments, in particular in application of the cross-border regulation, although the new Postal Act now brings these players within the scope of the sectoral postal regulation (Postal Act) in all its aspects.

The BIPT will continue to closely monitor developments in the Belgian parcel market from the C2C, B2C and B2B segments, and indicators that reproduce the dependence of operators. The collection of economic data is important for the BIPT and the competition authorities in order to be able to identify cases of possible abuse of a dominant position. In this regard, the BIPT will work on a selection of additional indicators to better understand the dynamics stimulated by e-commerce (definition of appropriate market segments) and the resilience of the sector (increased concentration of demand).

### d. Summary

The main themes and points of attention of the BIPT relating to the postal sector for 2024-2026 are summarised in the figure below.



*Postal sector – the BIPT’s main themes and points of attention for 2024-2026*

## 7.3 Digital sector

### 7.3.1 CHALLENGES

DSA and DMA. Two acronyms that symbolise a revolution: that of the European Union's recovery of its digital sovereignty. Adopted in 2020 to replace the 2000 Directive on electronic commerce, which technological change has gradually made obsolete, the Digital Services Act (DSA) and the Digital Markets Act (DMA) have fundamentally redefined the rules of the digital economy in Europe. Their goal: to better protect the online consumer, to force digital platforms to act more responsibly and transparently, and to stimulate innovation, growth and competition.

However, these two pieces of legislation were only the first step in the European Union's ambitious digital project. Many texts relating to the digital sector have indeed been adopted in recent years **at European level**, and many others are currently being finalised. Concerning large sections of socio-economic activities (competition; innovation; justice; security; data; etc.), these texts already have or are expected to have a major impact on many aspects of our society.

Regarding **national regulation**, this intense European legislative activity has, among others, the following consequences:

- Extensive work (which will continue for several years to come) to transpose and implement the relevant texts into Belgian law.
- For each legislation thus implemented, the designation of one (or, where appropriate, several) competent authority(ies) responsible for monitoring it.
- The establishment of a governance coordinating the monitoring of the actions of these competent authorities, not only to ensure effective actions in a particular area, but also to be able to establish a coherent digital policy and develop an innovative investment climate.

Given its role in Belgium, the BIPT is frequently involved in the transposition or implementation of the new digital regulations. Already designated as the competent authority for certain matters relating to the digital sector, the Institute will, where appropriate, assume responsibility for any new supervisory and advisory tasks that may be assigned to it in this field. The BIPT will also continue to collaborate collegially in the creation at European level of the various digital legislative projects.

### 7.3.2 VISION OF THE EXPERTS, POSITION OF THE BIPT

To complete this picture, we highlight the summary of a selection of opinions presented by the experts interviewed by the BIPT. The position of the Institute in relation to these opinions is also mentioned.

#### On the scale of new digital regulations

<p><i>While the experts interviewed generally welcome the actions of the European Commission with regard to the digital sector, they are concerned, in view of the numerous texts involved, about the "regulatory inflation" that results from this, and the risks of gravity and confusion among the players in the sector that could ensue, and the impact this could have on innovation and market development.</i></p>	<p><b>Opinions of the experts</b></p>
<p><b>Position of the BIPT</b></p>	<p>The BIPT understands the extent of work to be done by the players concerned to ensure that the new rules are known and respected. The BIPT recognises that the manageability of the whole must remain guaranteed. Overall, the BIPT believes that the new obligations create a good balance in terms of regulation in the digital ecosystem. Thus, more emphasis is placed on the responsibilities of the main foreign players, be they manufacturers or platforms. Creating a level playing field benefits our businesses and SMEs in particular, which can stimulate innovation.</p> <p>Moreover, it is by no means premature to put more emphasis on online security and cybersecurity. Clear and harmonised agreements on illegal products and services promote the development of a strong internal market. Promoting citizens' trust in new digital products and services can only encourage the uptake and further deployment of innovative services.</p>

#### On the clarity of the new regulations and the consistency of their supervision

<p><i>In view of the risk mentioned in the previous point, certain experts call on regulators to play a proactive role in explaining and clarifying the texts concerned, as well as in supporting stakeholders during their implementation. This call for clarity also concerns the identification of the regulatory interlocutors with whom these stakeholders must interact.</i></p>	<p><b>Opinions of the experts</b></p>
<p><b>Position of the BIPT</b></p>	<p>The BIPT fully supports the need to avoid a situation where citizens and undertakings have to look for a different interlocutor with public authorities for every aspect of the digital economy. Where possible, a coherent approach with a single point of contact should be favoured as much as possible. Such an approach will also help to maintain a global overview of the different regulations and their possible interaction.</p> <p>The BIPT is aware that the adoption of several new legislative frameworks is a challenge for undertakings and citizens. Therefore, as it has always done for the telecommunications sector, it will play a guiding role and ensure that clear guidelines are provided for the areas that will ultimately fall within its remit, in order to ensure transparency and legal certainty.</p>

### 7.3.3 MAIN INITIATIVES OF THE BIPT FOR 2024-2026

As will be noted, the state of play of the legislative process sometimes varies greatly depending on the text in question. As far as it is concerned, the BIPT will assume responsibility for the competences already devolved to it and, as mentioned above, is ready, if necessary, to extend its role as supervisory authority. In addition, the BIPT will continue to devote itself and participate in the realisation of any project developed at European level concerning digital regulation. To this end, the Institute will work with all relevant stakeholders at federal and federate level to ensure consistent transposition of the various texts.

#### a. Competition and market development

##### **Directive on copyright and related rights**

*Description:* this directive creates a new framework for the liability of information society service providers regarding copyright-protected content exploited by their users. It grants a new related right to press publishers for the online use of their content by information society service providers.

*Legislative status:* this text was adopted in 2019 at European level and transposed into Belgian law in 2022.

*Role of the BIPT:* in 2022, the BIPT was given the task of settling disputes between press publishers and information society service providers. However, there is uncertainty about the future of the BIPT's competence in this matter following pending constitutional appeals that call into question its validity and scope. Pending their resolution, the BIPT will continue to develop its expertise, if necessary by obtaining information from stakeholders, including regulators with similar competence in other Member States.

##### **Data Act**

*Description:* the Regulation on harmonised rules on fair access to and use of data (Data Act) aims to complement the Data Governance Act<sup>38</sup> by defining rules for access to data on all economic sectors of the European Union in order to stimulate competition and innovation, and to place users and service providers of all sizes on a more equal footing in terms of access.

*Legislative status:* the Data Act came into force on 11 January 2024 and will be applicable in September 2025.

*Role of the BIPT:* the BIPT is one of the bodies that could be considered as a competent authority in this field (the Data Act refers to specific knowledge of electronic communications in order to supervise a specific chapter of the Data Act). Where appropriate, the BIPT will assume responsibility for the tasks that may be entrusted to it in this context and will ensure the necessary cooperation at national level to ensure that the objective of this Act (increased data sharing) does not compromise the existing protection of personal data.

##### **Digital Markets Act (DMA)**

*Description:* this legislation aims to combat anti-competitive practices that can affect the digital economy due to the dominance of some very large players. Stakeholders are defined as "gatekeepers" at the entry to the internet and some of their most widespread services are now subject to strict regulation.

*Legislative status:* the DMA was adopted at European level in 2022 and entered into force on 6 March 2024.

*Role of the BIPT:* the involvement of the BIPT concerning the DMA was mainly carried out within the framework of BEREC (Body of European Regulators of Electronic Communications), during the legislative preparatory work of this text at European level. In the future, the Institute will continue to provide its expertise in monitoring this legislation whenever necessary, for example in the case of an investigation or the handling of a complaint.

---

<sup>38</sup> Aimed at increasing confidence in data sharing and facilitating the exchange of data within the European Union and between sectors, the Data Governance Act was adopted in 2022 and has been in force in Belgium since September 2023.

## b. User interests

### **Digital Services Act (DSA)**

*Description:* "What is forbidden offline is forbidden online". Thus is generally presented the DSA, which aims to fight against the online dissemination of illegal content or illegal products. Its scope concerns many information society services, including digital platforms (social networks, search engines, etc.) and internet service providers and cloud services.

*Legislative status:* this text was adopted at European level in 2022 and has been applicable to all providers concerned since 17 February 2024. The designation of competent authorities in Belgium is currently under legislative review.

*Role of the BIPT:* the BIPT has been designated as one of the competent national bodies for the DSA. On 14 February 2024, the Consultative Committee agreed on the designation of the BIPT as the DSC, or Digital Services Coordinator, i.e. the body responsible for coordination at national level and ensuring consistent supervision of this regulation.

The legislative process leading to this designation has been initiated and will most likely be completed in the coming months. The BIPT will take the necessary measures to assume its new responsibilities. As part of its tasks as the Digital Services Coordinator, the BIPT will identify providers of intermediary services and inform them of the new obligations they will have to comply with. The BIPT will also receive all complaints related to the DSA and will deal with them or transfer them to the other competent authorities. The Institute will also collaborate with the European Commission and other Member States and coordinate the Belgian approach<sup>39</sup>.

### **Terrorist Content Online Act**

*Description:* this text aims to combat the misuse of hosting services for terrorist purposes.

*Legislative status:* the *Terrorist Content Online Act* was adopted in 2021 at European level and has been in force in all Member States since 7 June 2022. It was transposed into Belgian law in December 2023.

*Role of the BIPT:* in December 2023, the BIPT was designated as the Belgian competent authority for the *Terrorist Content Online Act*. The Institute is currently in the process of implementing the necessary measures to assume these new responsibilities (including cooperation with the federal prosecutor's office, the other competent authority designated for Belgium).

### **Child Sexual Abuse Material Act**

*Description:* this text aims to prevent and combat child sexual abuse, and particularly to detect and report child sexual abuse online

*Legislative status:* this text is still being drafted at European level.

*Role of the BIPT:* the BIPT is involved in the follow-up of this matter. Should it be entrusted with any competence at Belgian level concerning this, the Institute will, if necessary, take the necessary steps to carry out the tasks that would arise from it.

### **e-Evidence Regulation and e-Evidence Directive**

*Description:* these two texts concern electronic evidence in criminal proceedings. The first concerns orders for the production and preservation of this electronic evidence, the second the designation of establishments and legal representatives for their gathering in this context.

---

<sup>39</sup> These measures and activities concerning the DSA will be the subject of further development by the BIPT once the relevant legislation has been adopted.

Legislative status: both texts were adopted in 2023 at European level. The first will apply from August 2026; the second is being transposed into Belgian law.

Role of the BIPT: the Institute collaborates with both FPS Justice and Economy in the application and transposition of these texts into Belgian law. If necessary, the BIPT is ready to extend its role as a supervisory authority to any new competence that may be assigned to it in this context.

## c. Digital infrastructure security

### SECURITY FOR THE RESILIENCE OF DIGITAL INFRASTRUCTURE

#### **Network & Information Security Directive 2 (NIS 2)**

Description: this directive covers the cybersecurity of networks and information systems. It is the successor of the NIS Directive of 6 July 2016 on measures for a high common level of security of network and information systems across the Union.

Legislative status: this text was adopted at European level at the end of 2022. It will enter into force on 17 October 2024. Its transposition into Belgian law is currently under way.

Role of the BIPT: the Institute is strongly involved in the process of transposing this directive into Belgian law. This process is expected to be completed in the coming months. The BIPT is considered for designation as the sectoral authority and sectoral inspection service for the digital infrastructure sector, with the exception of the EIDAS service providers sub-sector, as well as for the postal and parcel delivery sector. To exercise its powers, the BIPT will cooperate with the CCB (*Cybersecurity Center Belgium*), which plays a horizontal role in this legislation. For the rest, these competences are part of the mission that the BIPT already fulfils within the framework of the Act of 7 April 2019 laying down a framework for the security of networks and information systems of general interest for public safety. The number of sub-sectors for which the BIPT is responsible will thus be greatly increased, in particular with operators active in the cloud, data centres and CDN (Content Delivery Network) operators.

#### **Critical Entities Resilience Directive (CER)**

Description: this directive replaces the Directive of 8 December 2008 on the identification and designation of European critical infrastructures and the assessment of the need to improve their protection.

Legislative status: this directive was adopted at European level at the end of 2022. It will enter into force on 17 October 2024. Its transposition into Belgian law is currently under way.

Role of the BIPT: the BIPT is considered for designation as the competent sectoral authority and the sectoral inspection service for the digital infrastructure sector (with the exception of trust service providers). This is an extension of the current role that the BIPT already fulfils within the framework of the Act of 1 July 2011 on the security and protection of critical infrastructures. The number of sub-sectors for which the BIPT is responsible is increasing sharply.

### DIGITAL VALUE CHAIN SECURITY

#### **Cybersecurity Act (CSA)**

Description: this text introduces a European certification system for ICT products, services and processes. The aim of this regulation is to raise the level of security against cyber threats, as well as to ensure that manufacturers and service providers do not have to obtain a certificate in each Member State separately.

Legislative status: the Cybersecurity Act was adopted in 2019 at European level and has been in force since June 2021.

*Role of the BIPT:* the BIPT will be required to use certification schemes as supervision tools. In addition, the legislation provides for the possibility for the BIPT to take over certain tasks of the National Certification Authority for a given scheme or to support it in the implementation of one of these schemes.

### **Cyber Resilience Act (CRA)**

*Description:* this text aims to strengthen cybersecurity rules in order to ensure greater security of hardware and software products. The CRA complements and will eventually replace the Delegated Regulation (EU) 2022/30 of 29 October 2021 supplementing the Radio Equipment Directive (EU) 2014/53 under which the BIPT was designated as the market surveillance authority.

*Legislative status:* this text is currently being drafted at European level.

*Role of the BIPT:* the transposition of this text (when it is adopted at European level) and the designation of the Belgian competent authority or authorities in this area have not yet been decided. If necessary, the BIPT (which closely follows this issue and is involved in the discussions concerning it) may carry out the control of the placing on the Union market of products with digital elements as this is a continuation of the controls that will take place under the above-mentioned delegated regulation.

### **Artificial Intelligence Act (AIA)**

*Description:* this text aims to establish a legal framework for the development, marketing and use of artificial intelligence products and services in the EU.

*Legislative status:* this text is currently being drafted at European level.

*Role of the BIPT:* the transposition of this text (when it is adopted at European level) and the designation of the Belgian competent authority or authorities in this area have not yet been decided. Having regard to the BIPT's competence in the field of radio equipment, it would seem consistent for the Institute to be responsible for monitoring the placing on the Union market of AI systems which are also radio equipment, for which it is already a market surveillance authority. In addition, the BIPT could also take on other tasks related to this subject, or, as in the case of the DSA, be designated as the Belgian point of contact.

In addition to the overview that has just been made on these main legislative texts concerning the security of digital infrastructures, the BIPT will highlight or recall the following points:

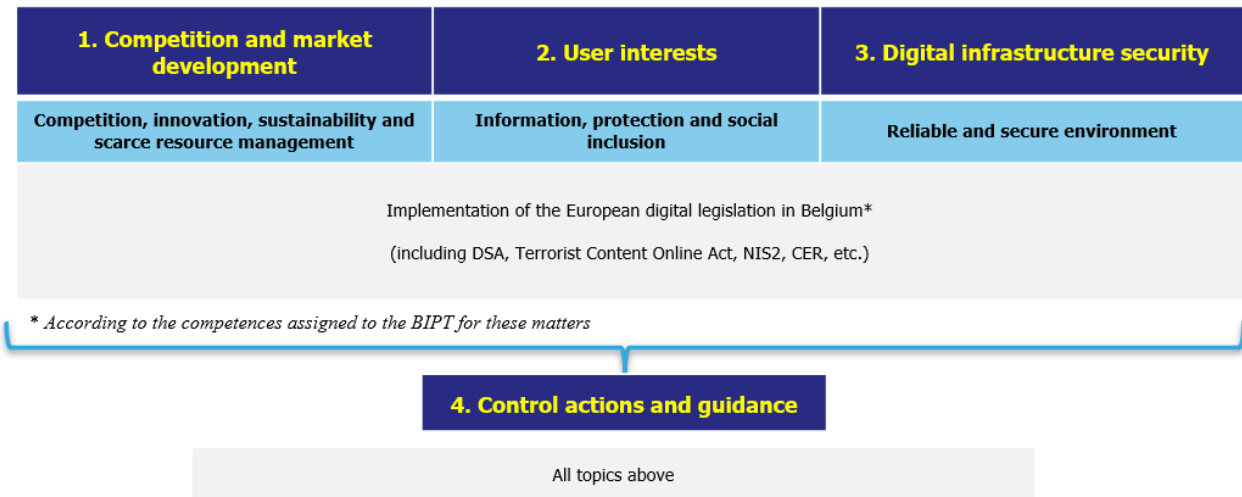
- **Certification and standardisation** are becoming increasingly important and major security issues. On the one hand, certification will become a monitoring tool with, in particular, the arrival of European certification schemes. The legislation provides for a role for the BIPT in this area, with certification being used as a tool to monitor the implementation of certain security measures, including the supply chain of entities subject to security obligations. On the other hand, standardisation increasingly crystallises conflicts of divergent geopolitical visions and conflicts between the vision of undertakings and those of governments, particularly in terms of security requirements and collaboration with judicial authorities.
- In addition to the monitoring of the digital infrastructure sectors, the BIPT must adapt **to combat fraud** by means of electronic communications services **more effectively**.
- Finally, the monitoring of new legislation will require the BIPT to **set up adequate digital tools**, in particular: a platform to support supervision activities (SERIMA); an administration platform to support compliance with regulations (notifications, justice cell, e-evidence, etc.); a platform to manage security advice requests.

### d. Control actions and guidance

Control activities will be an important part of the BIPT’s activities related to the digital sector and products with digital components. These controls will be carried out within the framework of the legislative texts above, and according to the competences that have been or will be attributed to the BIPT in this matter. Although the exact extent of these skill extensions is not yet fully known, there is no doubt, given the more advanced topics (DSA, NIS 2), that they will require the implementation of significant resources and processes to exercise these controls. The BIPT will examine with an open mind how these new competences can be integrated in the most effective way possible into its organisation.

### e. Summary

The main themes and points of attention of the BIPT relating to the digital sector for 2024-2026 are summarised in the figure below.



*Digital sector – the BIPT’s main themes and points of attention for 2024-2026*

## 7.4 Other sectors related to electronic communications

### 7.4.1 Individuals and socio-economic players using private (radio or 5G) networks

#### *Challenges*

The BIPT's tasks include the allocation of radio frequencies to ensure that they are used efficiently and the permanent monitoring of radio waves to stop harmful interference. In addition to the frequencies allocated to public telecoms operators (see above), this mission also concerns individuals and socio-economic players in general with regard to their use of private telecom (radio or 5G) networks.

Strongly impacted by the COVID-19 pandemic, which forced the postponement of many events or their holding in a more restricted form, the demand for private network licences has risen again since the summer of 2022 and has now returned to its previous level.

The industry is also interested in the use of high-speed local private networks. Large companies, in particular, are interested in using (private) 5G for some of their communications. Frequencies can now be requested to operate one's own private network.

The development of drone applications is not fixed and is monitored in order to be able to respond to different types of requests. Various players such as the Directorate-General Air Transport and skeyes are also involved in the developments and are in close consultation with the BIPT.

At the World Radiocommunication Conferences WRC-15 and WRC-12, it was decided to reserve certain channels in the maritime VHF band for digital applications. The *Very High Frequency Data Exchange System* (VDES) has been developed to create additional capacity, provide better performance and enable new applications (e-navigation). In order to implement this system, eight maritime channels had to be freed and relocated, with practical consequences. In close consultation between the Maritime Department (GRM) and the Private Licences Department, licence holders were contacted when necessary to make changes to the network or were informed of the practical consequences of the introduction of the VDES system.

Finally, the spectrum available in large cities remains problematic. The BIPT strives to guide spectrum applicants and inform them as much as possible about its scarcity. Applications are critically evaluated with a view to achieving the most efficient allocation of spectrum.

#### *Main initiatives for the next three years*

The BIPT has started issuing authorisations for **5G high-speed local private networks**. A portion (200 MHz) of the 3800-4200 MHz band has been made available for this purpose. The first authorisations for private 5G broadband networks have already been granted. Applications will be processed on a first-come first-served basis.

The **Royal Decree (RD) of 18 December 2009** on private radio communications and user rights for fixed networks and trunk networks is being revised in collaboration with the BIPT departments concerned. This is an attempt to minimise the administrative burden for applicants, (financially) reward the efficient use of the spectrum and adapt the RD to the latest technological developments.

As regards **drones**, the BIPT participates in several working groups in order to stay informed and be able to guide the regulatory process, but also to prevent users of these applications from causing harmful interference to users of other means of radio communication or from experiencing themselves interference that could lead to uncontrollable drones.

As mentioned above in section 7.1.3 (d), as regards **spectrum resources**, which the deployment of 5G and the boom in connected objects will require in an increasing and unprecedented way over the next three years, the BIPT will intensify its controls in order, on the one hand, to ensure the stability and efficiency of the networks that use them, and, on the other hand, to combat their abusive or illegal use. As is already the case at present, these increased inspections will be both preventive and coercive. Future applications will always be critically evaluated and, if necessary, we will contract with applicants to find a solution that balances the

security needs of the client in question with the limited available spectrum. The protection of frequencies used by security, aeronautical and maritime services will also remain a priority of the BIPT.

#### 7.4.2 Radio product market

##### *Challenges*

The BIPT is the market surveillance authority for radio products covered by the **RED** (Radio Equipment Directive), including smartphones, mobile radio transceivers, etc. The Institute is responsible, on the one hand, for verifying the conformity of equipment marketed in Belgium or imported into the European Union via Belgium, and, on the other hand, for ensuring consumer safety. The provisions of this directive are essentially aimed at the efficient use of spectrum resources, the guarantee of an adequate level of electromagnetic compatibility and the protection of human health and safety.

Adopted in 2014, the RED has been supplemented and amended in recent years by several directives and delegated regulations, including:

- A 2018 regulation (applicable since March 2022) requiring **caller location** in **emergency communications** from mobile devices;
- A 2022 regulation (applicable from 1 August 2025) extending provisions of the RED to **internet-connected radio equipment**.
- A 2022 directive and a 2023 regulation establishing the **common charger** by 28 December 2024 at the latest.
- The **Accessibility** Directive (adopted in 2019 and transposed into Belgian law in 2023), which, inter alia, "harmonises accessibility requirements for electronic communications services and related products". It "also sets requirements under universal service obligations on the affordability of internet access and voice communications and on the affordability and availability of related terminal equipment, specific equipment and services for consumers with disabilities."

The market for radio products is also affected by several European legislative projects already adopted or in the process of being drawn up, including:

- The General Product Safety Regulation (**GPSR**), adopted in May 2023 and applicable from 13 December 2024.
- Already mentioned above: the Cyber Resilience Act (**CRA**), currently being drawn up and aimed at strengthening cybersecurity rules to ensure greater security of hardware and software products.
- Also mentioned above: the Cybersecurity Act (**CSA**), adopted in 2019 and introducing a European certification system for ICT products, services and processes.
- Also already mentioned above: the Artificial Intelligence Act (**AI Act**), currently being drawn up and aimed at providing a framework for the development of this new technology, in particular regarding the impact it could have on critical infrastructures.
- The regulation being drawn up concerning **ecodesign** aims to strengthen the sustainability, reparability and recyclability of products.

- The Single Market Emergency Instrument (**SMEI**) initiative, which “aims to put in place a flexible and transparent mechanism to respond quickly to emergencies and crises that threaten the functioning of the single market”.

#### *Main initiatives for the next three years*

In order **to verify compliance with the new requirements** laid down in terms of health, security, sustainability and accessibility, the BIPT will strengthen its role in monitoring radio products placed on the market, increase its collaboration with other control bodies (in particular the Belgian customs and the FPS Economy) and will intensify its technical conformity checks so that the CE marking retains its status as a guarantee of a product complying with the rules in force and as a guarantee of safe use for consumers.

The BIPT will also continue to participate, at both national and European level, in **the development of rules** for the marketing of radio equipment, in particular IoT equipment, in order to protect users by setting high-level safety rules while maintaining flexibility of use.

Regarding **cybersecurity**, various texts are being studied at European level (such as the CRA and the AIA) and will be taken into account by the BIPT depending on the decisions that will be adopted in this context. Here too, the BIPT, as the market authority, will implement the necessary controls to ensure the conformity of the equipment sold in the Belgian market.

### **7.4.3 Audiovisual media sector in the bilingual Brussels-Capital Region**

#### *Challenges*

In the bilingual Brussels-Capital Region, the BIPT is responsible for the activities of the sector of audiovisual media services which cannot be exclusively linked to one of the two Communities (the Flemish Community and the French Community). In this context the BIPT ensures compliance with the imposed legal framework regarding audiovisual media services (e.g. interdiction to broadcast content harmful to minors or endangering public health or safety) and video-sharing platform services (e.g. implementation by the provider of procedures to report illegal content).

The major challenges in this sector include:

- The change in the way audiovisual media is consumed, with an ever-increasing evolution from “linear” to “streaming” consumption and the emergence of new players.
- Piracy and illegal dissemination of content via IP TV products, which deprive audiovisual media players of part of their income.
- New EU legislations on media freedom (Media Freedom Act, which is being adopted and introduces “a new set of rules to protect media pluralism and independence in the EU”) and on transparency of the targeting of political advertising (adopted by the Council and the European Parliament on 11 and 13 March 2024 respectively) and their impact on the rules of the DSA.<sup>40</sup>

#### *Main initiatives for the next three years*

In order to take stock of developments in this sector, the BIPT will monitor consumption patterns and the actors concerned at regular intervals. With a view to promoting compliance with the rules by all and ensuring consumer protection, the BIPT will reach out to new players, including vloggers and online platforms, provided

---

<sup>40</sup> Regulation establishing a common framework for media services in the internal market (Media Freedom Act; see [European Parliament](#)) and Regulation on the transparency and targeting of political advertising (cf. [European Council](#)).

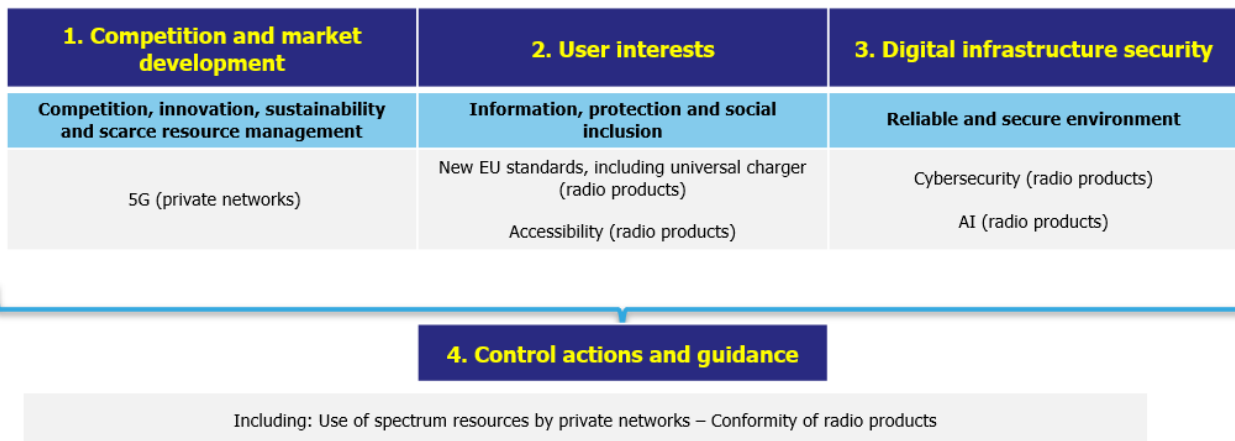
they transmit moving images or sound that are intended for the general public or part of it and which are not confidential.

The piracy phenomenon is essentially a matter of copyright infringement but it can seriously affect the viability of the economic model of many players in the sectors regulated by the BIPT. In this regard, the Institute will be attentive to the legal and technical measures it could take to combat this scourge. However, it goes without saying that these measures can only be developed in consultation with the other regulators concerned, both at national and international level.

As regards European legislation on media freedom, the BIPT will study the extent to which it can contribute to the implementation of these rules and a more effective protection of pluralism and independence of the media.

### 7.4.4 Summary

The main themes and points of attention of the BIPT for the period 2024-2026 relating to individuals and socio-economic players using private (radio or 5G) networks, the market for radio products and the audiovisual media sector in the bilingual Brussels-Capital Region are summarised in the figure below.



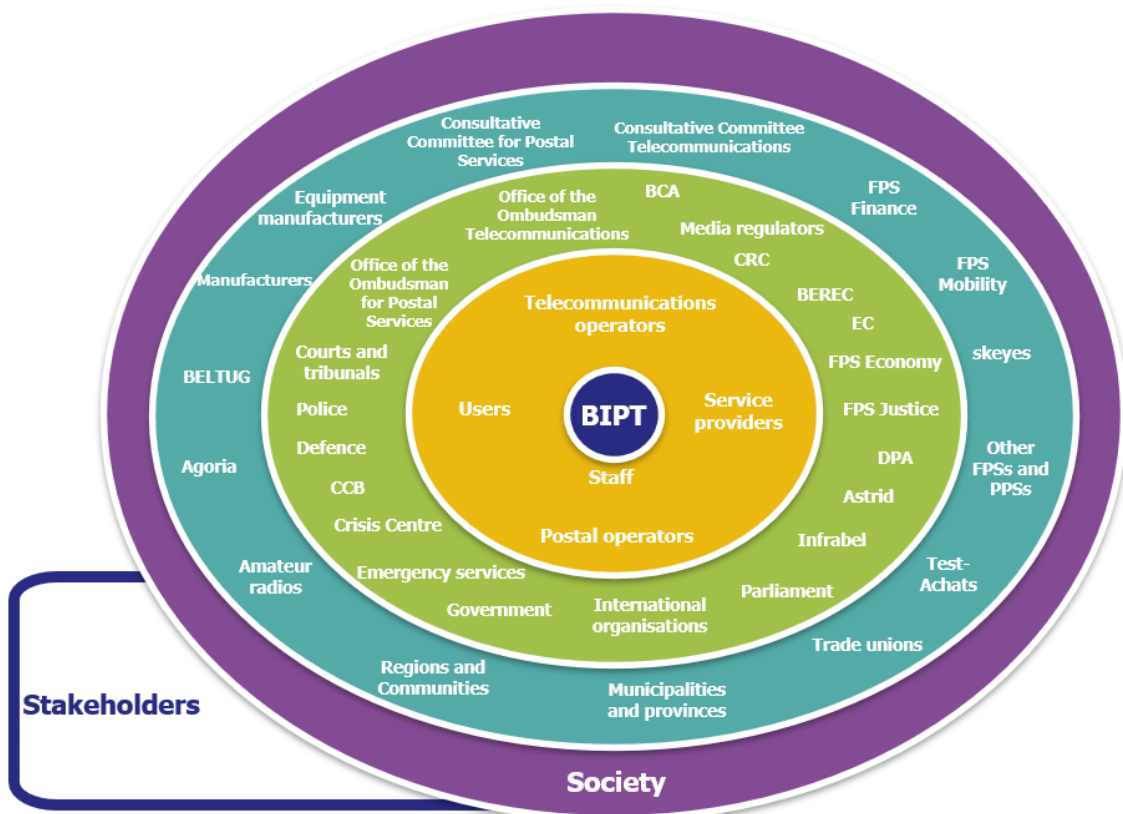
*Other sectors – the BIPT’s main themes and points of attention for 2024-2026*

## 7.5 The BIPT, its functioning and its stakeholders

### 7.5.1 CHALLENGES

The BIPT's stakeholders are multiple and varied. While the direct players<sup>41</sup> of the sectors regulated or supervised by the Institute are obviously an essential part of these stakeholders, there are also many other important stakeholders who, in one way or another, interact with them and are likely to be concerned by the BIPT's action, as the BIPT is likely to be concerned by theirs.

Among these other stakeholders, some are private (such as equipment suppliers), other public (FPSs, Regions, Communities, municipalities, other regulators and supervisory authorities, judicial authorities), other academic (universities, research institutions) or representatives of different socio-professional categories (trade unions, employers' organisations, users' organisations, etc.). And while most of them are Belgian, many of them, sometimes with a fundamental role, are European (all the institutions of the Union, BEREC), or even international (OECD, ITU, UPU, etc.). In short, the BIPT's stakeholders (of which the figure below gives a non-exhaustive overview) are very diverse, and their expectations and interests can be very different, when they are not, at times, contradictory.



*BIPT's stakeholders mapping (non-exhaustive list)*

In such a situation, consultation and dialogue are essential attitudes that a socially responsible organisation must apply with sincerity. Listening to all stakeholders, identifying their own challenges and concerns, and involving them as much as possible in reflections on the functioning of the Institute is an integral part of our concerns. With this in mind, the new BIPT Council met, in January and February, about forty stakeholders of the Institute to get to know them and hear their opinions on the evolution of their sectors, as well as on their

<sup>41</sup> Operators, service providers and users.

relations with the BIPT. From these interviews (which are neither a novelty<sup>42</sup> nor a relational one-shot<sup>43</sup>), we selected a series of comments and questions. Some, specific to particular sectors, have already been addressed in the previous sections, while those more related to the Institute as such will be addressed below. The BIPT's initiatives for 2024-2026 in terms of "Effective functioning" will then be presented.

Before that, a word regarding a category of stakeholders that is particularly important to the BIPT Council: its staff. It is obvious to recall that its members are the number one asset of the Institute, and that they are the ones who, through their work, involvement and cohesion, ultimately ensure its quality and continuity. In the weeks immediately after taking office, the new BIPT Council met with a large part of this staff and exchanged with them on the challenges of the Institute, on its organisation, on its strengths, on its points of attention. Having now, thanks to the numerous interviews it has conducted since January, a global view of both internal and external issues concerning the Institute, the new BIPT Council will deepen, in the coming months, reflections with the staff to identify possible courses of action that will improve both the functioning of the Institute and the development and well-being of its employees. These reflections will be carried out in parallel with the actions already undertaken to this end, the main ones being set out in section 7.5.3, under the heading "Internal functioning".

---

<sup>42</sup> The previous BIPT Council organised similar sessions in the context of the preparation of the Strategic Plan 2020-2023.

<sup>43</sup> As pointed out by several stakeholders during the January and February interviews, the BIPT Council has always shown the maximum possible availability to anyone wishing to discuss any matter with it. Similarly, the BIPT Council does not hesitate, when deemed useful or necessary, to ask for interviews with its stakeholders in order to follow the developments of the sectors for which it is responsible.

## 7.5.2 VISION OF THE EXPERTS, POSITION OF THE BIPT

To complete this picture, we highlight the summary of a selection of opinions presented by the experts and stakeholders interviewed by the BIPT. The position of the Institute in relation to these opinions is also mentioned.

### On the role of the BIPT in general with regard to the sectors for which it is responsible

<p><i>"The BIPT must be a partner for undertakings in the sectors concerned."</i></p>	<p><b>Opinions of the experts</b></p>
<p><b>Position of the BIPT</b></p>	<p>The wish to see the Institute act more like a "partner" has been a recurring theme of the discussions that the BIPT Council has conducted with undertakings (or associations representing them) in the sectors for which it is responsible.</p> <p>In response to these requests, the BIPT recalls that, above all else, it is an independent supervisory and regulatory authority. Its action must therefore take into account, in the context of the missions assigned to it, the interests and the situation of <u>all</u> its stakeholders, of which there are many, as seen above.</p> <p>With this reminder, the BIPT does not prohibit itself, depending on the issues concerned, and as long as the Institute considers it justified and compatible with its missions and independence, from undertaking specific actions aimed at supporting the players of a specific sector. Such cases have already arisen many times in the past, and the BIPT intends to continue to do so in the future, either on its own initiative or after studying any request made by any party(s) concerned.<sup>44</sup></p>

### On the complexity of regulation and the help that the BIPT can provide

<p><i>"The BIPT must help us manage and understand an increasingly broad and complex regulation".</i></p> <p><i>"In complicated cases, with multiple stakeholders at different levels, the BIPT must act as the conductor of an ecosystem, as a coordinator between the parties concerned."</i></p>	<p><b>Opinions of the experts</b></p>
<p><b>Position of the BIPT</b></p>	<p>This subject (which has already been touched briefly in the section "Digital sector" above) has also been approached almost systematically during the interviews conducted by the BIPT Council, and in fact concerns a specific aspect of the previous one.</p> <p>Regarding the complexity of regulation, the BIPT hears the concerns of the sectors concerned and intends to intensify its efforts to provide more clear guidelines in order to guarantee players the transparency and legal certainty necessary for the development of their activities.</p> <p>Regarding a coordinating role that the Institute could play, the BIPT stresses that it has acted or is already doing so on multiple occasions. These opportunities are likely to increase as a result of legislative developments and growing interactions between players in the same sector and between players in hitherto different sectors. The BIPT will intervene whenever possible to facilitate exchanges between the parties concerned and to provide its expertise for the resolution of possible difficulties.</p>

<sup>44</sup> As a recent example, the BIPT wrote to the Association of Flemish towns and municipalities (VWSG) to, on the one hand, ask for clarification on the fees requested by some of these municipalities when opening sidewalks for laying fibre and, on the other hand, recall the legal provisions for such situations.

### On the timing of the BIPT consultations

<p><i>"Would it be possible that the BIPT's consultations and enquiries do not all take place at the same time? And also, if possible, that they do not take place during holiday periods?"</i></p>	<p><b>Opinions of the experts</b></p>
<p><b>Position of the BIPT</b></p>	<p>While the subject may seem anecdotal, the fact remains that, on the one hand, it has been raised by almost all the operators with whom the BIPT Council has discussed, and, on the other hand, it symbolises the issue of operational excellence that the Institute wants to achieve in its relations with its stakeholders.</p> <p>In general, the BIPT takes note of the wishes that operators have brought to its attention regarding the timing and possible simultaneity of the consultations and requests for information it carries out, and will endeavour to take this into account as far as possible in the future.</p> <p>The BIPT recalls, however, that, on the one hand, these consultations and requests for information are sometimes subject to imperatives over which the Institute does not necessarily always have full control, and that, on the other hand, there can be no question of taking into account the wishes expressed by operators in any way that would hinder the progress of the dossiers handled by the BIPT. However, this issue will be addressed constructively by the Institute whenever possible.</p>

### On consultative committees for telecoms and postal services

<p><i>"How come the consultative committees for telecommunications and postal services no longer meet? Will they continue to exist?"</i></p>	<p><b>Opinions of the experts</b></p>
<p><b>Explanation of the BIPT</b></p>	<p>This question has been raised by several stakeholders and is repeated here for the sake of transparency towards all stakeholders. The consultative committees will henceforth be integrated into the Belgian Central Economic Council. The BIPT will still participate as a stakeholder but will no longer take charge of the secretariat.</p>

In addition to these issues, several stakeholders mentioned the good cooperation with the BIPT. All the credit goes to our employees who are our first ambassadors.

## 7.5.3 MAIN INITIATIVES OF THE BIPT FOR 2024-2026

### a. Efficient functioning

An efficient functioning of the BIPT is first of all the result of the efforts of its **staff**. To this effect all staff members work together in a positive atmosphere across the different departments. The fruit of the work is the result of both the work of the specific vertical departments and the different horizontal departments supporting the organisation in numerous areas. When new competences are assigned to the BIPT, we always look with an open mind at how we can integrate them in the most effective way possible.

The **integration of new competences** will be an important challenge that the BIPT will have to face in the coming years. As explained above, in particular in the section on the digital sector (section 7.3.3), the Institute's areas of activity are expected to expand and, although the exact scope of these extensions is not yet fully known, there is no doubt, in view of the most advanced topics (DSA, NIS 2), they will require the implementation of significant resources and processes. The BIPT will examine with an open mind how these new competences can be integrated in the most effective way possible into its organisation.

Another major internal project for the Institute is the **relocation** of its headquarters to a new building. Planned for the end of 2024, this move will be an opportunity to provide our staff with a modernised work environment that takes as much as possible into account the needs they have expressed. This new working environment has also been selected to take all aspects of **sustainability** into account and to intensify the internal initiatives that the Institute has already put in place in recent years in this regard.

Ongoing modernisation: the BIPT has undertaken a reflection to further integrate recent technological developments into its way of working, especially in the field of **science and data management**. The aim of this reflection is to gain relevance, speed and efficiency in the processing of information, in order to benefit from the quality of the Institute's work and decisions. This initiative will be intensified over the next few years and will aim to implement tools and processes to achieve the desired goal. The reflection will also focus on the benefits that the BIPT could derive in its work from the adoption and use of artificial intelligence techniques.

In terms of **data protection** (not only personal data of users or staff, but also confidential data of operators, etc.), the Institute has undertaken a process of increasing maturity in information security, by first adopting a general information security policy, and by carrying out a first risk assessment cycle, limited to a dozen priority assets. As a result of this analysis, a number of obsolete information systems have been or are being replaced. The BIPT will continue to increase this data protection and increase the resilience of these operations (preparation for cyberattacks; awareness of staff members; etc.). The BIPT will continue to increase this data protection and increase the **resilience of its operations** (preparation for cyberattacks; awareness of staff members; integration of the measures required according to NIS 2; etc.). Furthermore, the BIPT also takes into account the application of the General Data Protection Regulation so that any person, both internal and external, whose personal data are processed by the BIPT, is assured that their personal data will be adequately protected.

As regards **digitisation, organisation management, and integrity policy and management**, the BIPT continues its efforts following what will be introduced at the federal level in order to create a modern and efficient working environment. The BIPT is also continuing its efforts in the field of effective business continuity management.

The BIPT will take further steps as regards modernising its **HR policy** within the context defined and will keep on providing for trainings depending on the needs of the departments and individual collaborators. In fact, continuous staff training is an integral part of the BIPT's policy. On the one hand, it is aimed at all staff members, regardless of their profile. On the other hand, the Training Department analyses any training needs related to the performance of the functions concerned (whether it concerns the acquisition of knowledge, know-how or soft skills). From this policy, now firmly anchored within the BIPT, results, among other things, an increase in the performance and well-being of the staff.

In conclusion, as mentioned above at the end of section 7.5.1, the new BIPT Council will carry out a series of in-depth reflections with the staff in order to identify avenues of action that will improve both the functioning of the Institute and the development and well-being of its employees.

#### *Relations with stakeholders*

As mentioned above, the BIPT Council has always endeavoured to show the maximum availability possible to anyone wishing to speak with it on any subject, and it undertakes to continue to do so, in the same spirit of **dialogue** and **listening**. Similarly, by various means, the BIPT will continue to continuously take the pulse of the sectors for which it is responsible, in order to quickly detect changes and developments and to remain fully informed of their stakes and challenges as well as the concerns of all their players.

In terms of **communication**, the BIPT will continue to ensure the transparency of its objectives, achievements, financing and results through the publication of its three-year strategic plan, operational plans and annual reports. On a day-to-day basis, the BIPT will keep on communicating transparently with the press on important events. The BIPT shall also endeavour to make its functioning better known to the general public, among other things by publishing dedicated messages on social media. In addition, the Institute's website (which underwent a major overhaul at the end of 2019) will be evaluated in order to determine which aspects can be optimised to make it even more adapted to the needs of visitors.

In connection with what was mentioned in the "Internal functioning" section regarding science and data management, the BIPT will launch an initiative to **automate and simplify** the way it organises **the collection of data** from stakeholders in the sectors it is responsible for.

As mentioned above, the BIPT takes note of the wishes that operators have brought to its attention regarding the timing and possible simultaneity of **the consultations and requests for information** it carries out, and will endeavour to take this into account as far as possible in the future. The BIPT recalls, however, that, on the one hand, these consultations and requests for information are sometimes subject to imperatives over which the Institute does not necessarily always have full control, and that, on the other hand, there can be no question of taking into account the wishes expressed by operators in any way that would hinder the progress of the dossiers handled by the BIPT. However, this issue will be addressed constructively by the Institute whenever possible.

Regarding **institutional stakeholders**, the evolution of the sectors for which the BIPT is responsible and the extension of its competences to new areas will lead the Institute to intensify its collaborations with a number of them. Several of these intensifications have already been mentioned in the previous sections of this document, including (non-exhaustive list) those with:

- The Belgian Competition Authority (BCA), in particular in the context of cooperation agreements that telecoms operators plan to conclude concerning infrastructure sharing.
- The media regulators of Belgium's linguistic communities (VRM, CSA and Medienrat), notably in the context of (via CRC<sup>45</sup>) the review of the analysis of the broadband and broadcasting markets, but also in that of the CSA.
- The CCB (*Centre for Cybersecurity Belgium*), the Belgian State Security Service (VSSE) and the National Crisis Centre, in particular in the framework of NIS 2 and cybersecurity, as well as, in general, the security and resilience of digital infrastructures.
- The judicial authorities (including the Federal Police and the FPS Justice), also concerning NIS 2 and cybersecurity, but also in the context of: the e-Evidence texts; the Child Sexual Abuse Material Act; the Terrorist Content Online Act; etc.

---

<sup>45</sup> [Conference of telecommunications and media regulators](#)

- The telecoms and postal ombudsmen, as part of user protection initiatives.
- The Data Protection Authority (DPA), within the framework of the "Data Act" (depending on the competences that will be devolved to the BIPT).
- etc.

The BIPT will also continue to contribute its expertise to the **FPS economy** in the context of certain matters, such as the national broadband plan and the establishment of the BCO (*Broadband competence Office*), or the transition to the new social tariff system for telecoms services. Concerning the FPS Economy still, another point must be mentioned. Over the past three decades, in the absence of a specific administration, the BIPT has been entrusted with the preparation, evaluation and implementation of sectoral policies relating to postal services and electronic communications. Specifically, the Institute drafted the bills relating to the regulation of the aforementioned sectors, as well as any questions relating to these regulations, and this in order to assist the member of the federal government responsible for these sectors. In this capacity, the BIPT has been called upon to ensure the representation of the Belgian State in various international bodies bringing Member States together. Following the decision of the current government to entrust these tasks to a federal administration (in this case, the FPS Economy), the BIPT will conclude a cooperation protocol with this administration with a clear division of the tasks and missions of each body, within legal competences.

Whenever required, the BIPT will also continue its collaboration and dialogue with other federal entities (FPSs and others) and federated entities (Regions, Communities, municipalities, etc.), on its own initiative or at the request of these entities.

In recent years, the BIPT has also had various exchanges with members of the **academic world**, or even sought the expertise of some of them. The Institute intends to deepen and develop these relations and explore how they could benefit BIPT's activities.

Finally, a word on the European institutions, and more particularly the **European Commission**, with which the BIPT interacts either directly in the context of certain subjects specific to Belgium, or indirectly via organisations such as BEREC and the ERGP. Concerning the second type of interaction (indirect interactions), it will be dealt with in the next section, on the BIPT's international activities. As regards the first (direct interactions), the Institute is pleased with the quality of the dialogue and exchanges it has with the Commission in the context of the dossiers discussed with it and submitted to it for its assessment, such as market analysis decisions. The BIPT also appreciates that the Commission requests its expertise when it deems it useful in the context of the examination of any dossier related to one of the sectors for which the Institute is responsible in Belgium. The BIPT will obviously continue to respond promptly and in good time to any request for information or assistance that the Commission may make on such occasions.

#### *International activities of the BIPT*

At the European and international level, the BIPT still intends to play an active role in drafting the regulation and intends to continue its role as an expert in the international organisations for postal and telecommunications services.

The BIPT's commitment at the European and international level enables it to stamp its own imprint on certain European and international subjects, on the one hand, and gives the BIPT experts a unique opportunity to expand their expertise and cooperate with other regulators, on the other hand.

Over the next three years, there will be three major international challenges:

1. At the **European Union** level, following the rotating presidency assumed by Belgium (from 1 January to 30 June 2024) and the European elections (from 6 to 9 June 2024), a new European Commission (EC) will be mandated. In this context, the BIPT will maintain an overview of the issues relating to telecommunications and postal services, so that it can respond appropriately to the new challenges that will arise in the next legislature.

2. Participation in international consultation bodies concerning telecoms and digital services. **BEREC** will continue to play an important role for the BIPT's international activities. For its part, international coordination with regard to the digital sector will intensify. The BIPT will contribute to this coordination on the basis of its skills and expertise. Furthermore, greater attention may be required with regard to the work of the United Nations specialised agency for international electronic communications services (ITU), in particular with regard to the coordination of the BIPT's work with the Belgian Embassy in Geneva, which now essentially ensures high-level coordination with this agency.
  
3. Participation in international consultation bodies concerning postal services. The **ERGP** will continue to play a very important role in the BIPT's international activities over the next 3 years, in parallel with the work of the European Commission, and national and international coordination in the postal sector may intensify. In addition, greater attention may be required with regard to the work of the United Nations specialised agency for international postal services (UPU).

Where appropriate, these activities will continue to be carried out in full cooperation with the other Belgian institutions concerned (FPS Economy, FPS Bosa, federated entities, etc.).

## b. Summary

The main themes and points of attention of the BIPT for 2024-2026 regarding its efficient functioning are summarised in the figure below.



*Efficient functioning – the BIPT's main themes and points of attention for 2024-2026*

## 8. OUR ACTIONS AND PLANS – BY STRATEGIC AXIS

The main points of attention of the BIPT for 2024-2026 were presented in detail by sector in the previous section. This section summarises these same focus areas for each of the strategic axes described in Chapter 4 of this document.

### 8.1 Competition and market development

1. Competition and market development	
Sectors	Competition, innovation, sustainability and scarce resource management
Telecom	FTTH & Analysis of the broadband and TV markets Spectrum and numbering management Market analysis of dedicated capacities Network energy efficiency
Postal	Sustainability indicators E-commerce & Innovation Tariffs
Digital	Implementation of the European digital legislation in Belgium
Others	5G (private networks)

*Competition and market development – the BIPT’s main points of attention for 2024-2026*

In terms of competition and market development, as regards the **telecoms sector**, the BIPT’s attention for the period 2024-2026 will focus in particular on the revision of market analyses for “broadband and television” and “dedicated capacities”. Intrinsically linked to the first of these analyses, the deployment of FTTH networks will also be closely monitored, in particular with regard to the “overbuild” aspects, collaborations and possible cooperation agreements between operators and compliance with competition law.

The emergence on the market of a fourth mobile operator (Digi-Citymesh) will also be carefully scrutinised by the BIPT in order to ensure that this operator can develop its activities within a framework that complies with competition law and respects the provisions laid down in the texts governing the allocation of multi-band mobile licences in 2022. In general, the BIPT will also ensure that operators who were granted these licences comply with the related coverage objectives. The BIPT will also analyse requests for the deployment of **local private 5G networks** and grant authorisations for such networks, taking particularly into account the optimisation of the use of spectrum resources.

Regarding the **postal sector**, issues related to tariffs and e-commerce are among the BIPT's priorities in terms of competition and market development. Also related to this subject, the compliance of bpost's analytical accounting and the monitoring of the measures adopted in the context of the SoPlaFi dossier are developed below under the strategic axis "Controls".

As regards the **digital sector**, the BIPT will continue to exercise its powers in the field of related rights. The BIPT will also implement the processes and resources required for the execution of the mission related to the competences that may be attributed to it in the context of the transposition into Belgian law of the Data Act. The same will apply to any other legislative text related to competition and market development the transposition of which into Belgian law will give new responsibilities to the BIPT.

Specifically with regard to **sustainability**, the BIPT will promote sustainable practices in the telecoms sector by providing clear visibility into the energy efficiency of networks and operators. This initiative will develop benchmarks to assess environmental performance, while identifying and sharing best practices for more responsible energy use. By raising awareness and stimulating innovation, the BIPT is aiming for environmentally friendly networks while maintaining the quality of services. The BIPT will also continue to monitor the evolution of the operators' energy consumption, CO<sub>2</sub> emissions on an annual basis, as it did for the first time in 2022. For the postal sector, the BIPT will define a series of sustainability indicators to measure the impact of this sector on the environment.

## 8.2 User interests

2. User interests	
Sectors	Information, protection and social inclusion
Telecom	<ul style="list-style-type: none"> <li>"Consumer Empowerment"</li> <li>Information on Gigabit and 5G</li> <li>Fostering user rights</li> <li>Fostering sustainable practices</li> </ul>
Postal	<ul style="list-style-type: none"> <li>"Consumer Empowerment"</li> <li>Consumer study (universal postal service)</li> </ul>
Digital	<ul style="list-style-type: none"> <li>Implementation of the European digital legislation in Belgium</li> </ul>
Others	<ul style="list-style-type: none"> <li>New EU standards, including universal charger (radio products)</li> <li>Accessibility (radio products)</li> </ul>

*User interests – the BIPT's main points of attention for 2024-2026*

As regards user interests in the **telecoms sector**, the BIPT will particularly focus for 2024-2026 on the continuation and intensification of consumer empowerment initiatives (tariff simulator; national price studies; data portal; etc.). The BIPT also intends to intensify its actions promoting Gigabit and 5G technologies so that users (both residential and professional) gain a better understanding of the benefits they can draw from using such services. The Institute's actions will also focus on promoting consumer rights (consumer information), as well as on verifying compliance with them (for the latter point, see the "Controls" section below).

Concerning the **postal sector**, the BIPT will particularly focus in terms of user interests on consumer empowerment (including the tariff simulator) and the "consumers" study.

As regards the **digital sector**, the BIPT will implement the processes and resources required to carry out the mission related to the competences assigned to it in December 2023 as part of the transposition into Belgian law of the *Terrorist Content Online Act*. The BIPT will act in the same way for any other new competence that may be assigned to it in the context of the transposition into Belgian law of the DSA, the Child Sexual Abuse Material Act and the texts relating to e-Evidence. The same will apply to any other legislative text related to user interests the transposition of which into Belgian law will give new responsibilities to the BIPT.

Particularly concerning **sustainability**, the BIPT intends to develop information on energy and environmental issues in the telecoms sector in a sustained manner, so that users have a clear and comprehensive vision of this issue and can make an informed choice.

Regarding the **activities of the sector of audiovisual media services for which the BIPT is responsible in the bilingual Brussels-Capital Region** (see. Section 7.4.3), the BIPT will ensure that sector players comply with the obligations imposed on them in order to ensure as far as possible respect for the values defended by media regulators, in particular freedom of expression, protection of minors, non-discrimination and the fight against any form of incitement to hatred or violence. To this end, the BIPT will

supervise audiovisual services provided via broadcasting (TV and radio channels) and online platforms, taking into account new legislation, in particular on media freedom (Media Freedom Act) and targeted political advertising.

Finally, in order to verify compliance with the new requirements laid down in terms of health, security, sustainability and accessibility, the BIPT will strengthen its role in monitoring **radio products** placed on the market, increase its collaboration with other control bodies (in particular the Belgian customs and the FPS Economy) and will intensify its technical conformity checks so that the CE marking retains its status as a guarantee of a product complying with the rules in force and as a guarantee of safe use for consumers.

## 8.3 Digital infrastructure security

<b>3. Digital infrastructure security</b>	
Sectors	Reliable and secure environment
Telecom	NIS2/Cybersecurity Resilience of the infrastructure Crisis coordination
Postal	N/A.
Digital	Implementation of the European digital legislation in Belgium
Others	Cybersecurity (radio products) AI (radio products)

*Digital infrastructure security – the BIPT’s main points of attention for 2024-2026*

As regards the security of digital infrastructures in the **telecoms sector**, the BIPT will particularly focus for the period 2024-2026 on the extension of its surveillance activities as provided for by the CER and NIS 2 directives. The BIPT will implement the processes and resources required to carry out the mission related to these competences. Furthermore, the Institute will continue to carry out the surveillance activities for which it is already responsible in the telecoms sector and, as regards crisis coordination, the BIPT will organise at least one annual exercise to define or review the technical and operational procedures and possibilities of private and public players. As regards spectrum resources, which the deployment of 5G and the boom in connected objects will require in an increasing and unprecedented way, the BIPT will intensify its controls in order, on the one hand, to ensure the stability and efficiency of the networks that use them, and, on the other hand, to combat their abusive or illegal use. As is already the case at present, these increased inspections will be both preventive and coercive.

Concerning the **digital sector**, the BIPT will implement the processes and resources required to carry out the mission related to the competences that may be assigned to it in the context of the transposition into Belgian law of the NIS 2 and CER directives, as well as the Cybersecurity Act, Cyber Resilience Act and AI Act. The same will apply to any other legislative text related to user interests the transposition of which into Belgian law will give new responsibilities to the BIPT. The Institute will adopt the same approach for all variations of these legislative texts in the context of **radio products**.

## 8.4 Control actions and guidance

<b>4. Control actions and guidance</b>	
Sectors	Validated environment
Telecom	Cooperation agreement between operators Price squeeze Respect of user rights Network coverage quality Infrastructure security Spectrum monitoring
Postal	bpost analytical accounting SoPlaFi Relations with platforms
Digital	DSA NIS2 and CER
Others	Use of spectrum resources by private networks compliance Conformity of radio products

*Controls – the BIPT’s main points of attention for 2024-2026*

Inherent in the competences for which the BIPT is responsible, the “control actions” dimension is naturally included in the monitoring of almost all the actions that have been presented in the previous strategic axes. This section identifies the main topics on which the Institute intends to focus its monitoring actions.

As regards the **telecoms sector**, considerable attention will be paid to the study of cooperation agreements between operators, in particular (but not exclusively) for optical fibre projects (FTTH). Furthermore, the BIPT will particularly focus on the observance of the conditions of effective and sustainable competition for the benefit of end-users. The detection of possible price squeezes (Margin Squeeze-Test) in markets that remain regulated will also remain a key point of attention.

Regarding user interests, the intensification and systematisation of controls aimed at ensuring that operators comply with all legal provisions concerning consumer rights will be a priority of the BIPT. The BIPT will also regularly carry out “mystery shopping” actions to detect possible problematic practices, and will also carry out more in-depth controls of the quality of network coverage. Similarly, the BIPT will continue to closely monitor the operators’ compliance with net neutrality as well as, among other things, obligations related to Easy Switch and those related to prepaid mobile cards. Without prejudice to the fines that BIPT may be required to apply, the Institute’s actions in the field of controls relating to consumer interests will also include an important “prevention and support” dimension. Its objective will be to increase dialog with operators on these subjects, to remind them of their obligations, possibly to clarify them in the event of questions on their part and, where appropriate, to alert them to possible risks of abuse and the penalties that could result.

Concerning **spectrum resources** and **telecom infrastructures overall**, the intensification of controls that will be carried out regarding their use has already been mentioned above in the strategic axis “Digital

infrastructure security". The same applies to controls on **radio products**, already mentioned in the strategic axis "User interests".

As regards the **postal sector**, the BIPT will mainly focus on the verification of bpost's analytical accounting as well as on compliance with the rules laid down within the framework of the "SoPlaFi Act".

With regard to the **digital sector**, the BIPT will implement the processes and resources required to carry out the mission linked to the new competences that may be assigned to it in the context of the transposition into Belgian law of the European legislation mentioned above (DSA, NIS 2, CER, Cybersecurity Act, etc.).

## 8.5 Efficient functioning



*Efficient functioning – the BIPT's main points of attention for 2024-2026*

The BIPT's main points of attention for 2024-2026 in terms of efficient functioning were presented in section 7.5.3 above. We invite the reader to refer to it.

## 8.6 Summary

	1. Competition and market development	2. User interests	3. Digital infrastructure security	4. Control actions and guidance
Sectors	Competition, innovation, sustainability and scarce resource management	Information, protection and social inclusion	Reliable and secure environment	Validated environment
Telecom	FTTH & Analysis of the broadband and TV markets Spectrum and numbering management Market analysis of dedicated capacities Network energy efficiency	"Consumer Empowerment" Information on Gigabit and 5G Fostering user rights Fostering sustainable practices	NIS2/Cybersecurity Resilience of the infrastructure Crisis coordination	Cooperation agreement between operators Price squeeze Ensuring user rights Network coverage quality Infrastructure security Spectrum monitoring
Postal	Sustainability indicators E-commerce & Innovation Tariffs	"Consumer Empowerment" Consumer study (universal postal service)	N/A.	bpost analytical accounting SoPlaFi Relations with platforms
Digital	Implementation of the European digital legislation in Belgium (including DSA, Terrorist Content Online Act, NIS2, CER, etc.)			DSA NIS 2 and CER
Others	5G (private networks)	New EU standards, including universal charger (radio products) Accessibility (radio products)	Cybersecurity (radio products) AI (radio products)	Use of spectrum resources by private networks compliance Conformity of radio products

**Efficient functioning**

**Accessible and future-oriented operation**

**Attractive employer**

Integration of new competences

Moving

Data science and management



## 9. OUR EVALUATION

The BIPT carries out a periodic evaluation of the operational goals and projects of the annual operational plan. This evaluation is carried out by monitoring the predefined key performance indicators of the projects. A presentation of this evaluation is discussed with different stakeholders (Parliament, stakeholders meeting). These evaluations of the operational plan are represented by operational goal in the BIPT's annual report.

The BIPT shall evaluate case by case the events on the market resulting from a BIPT decision.

The BIPT shall take into account that these results shall also be influenced by the evolution of the environment, the users' expectations, the service providers, the markets and the European agenda.