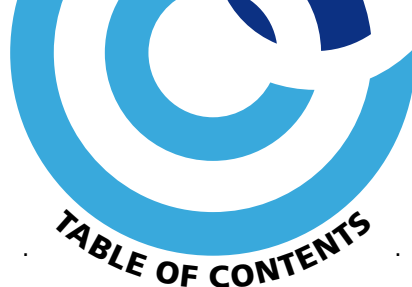




Belgian Institute for Postal Services
and Telecommunications

ANNUAL REPORT 2019

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



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The year 2019 was a year of change for the BIPT. Following its 25th anniversary celebration in 2018, it was time for a new logo. This new logo symbolises the major revolution that will take place within the postal and telecom sectors during the years to come. Letters play an increasingly less decisive role for the future of the postal sector (or vice versa, the decrease of letters defines the postal sector), while the traditional communications services are increasingly more often confronted with a much broader digital society with digital players. In any case, this context brings about new challenges and uncertainties the BIPT needs to take up as a regulator, within the context of its mandate.

Security is climbing the ladder of priorities of the government that needs to be able to build upon solid and reliable infrastructures supporting the economy and society.

The recent COVID-19 crisis, in which communications and postal networks are nothing short of absolutely crucial, is a striking illustration. Telecommunications networks have been sorely tried, among other things by the compulsory teleworking and e-learning, but they stood their ground.¹ Due to the close-down of non-essential commerces, e-commerce boomed as well. Postal operators are working around the clock to process all items, despite the fact that even the traditional Christmas time peak volumes are exceeded. As always, the BIPT kept a close eye on the network pressure. To achieve the ambition of creating a reliable environment, security incidents were also followed up consistently in 2019. Critical infrastructures were inspected and recommendations formulated. New security challenges also arise with the roll-out of a reliable 5G service and the BIPT contributes to the actual implementation of the toolbox published ad hoc by the European Commission². In addition, both the sector (manufacturers, importers, salespersons) and the consumers were made aware of the dangers regarding illegal radio equipment and dedicated inspections were launched to minimize spectrum interference.

In the postal sector, parcels have been gaining ground for years now. The parcel and express delivery segment represented 52% of the sector's turnover in 2018, while the letter post turnover, including direct mail, only amounted to 43% of the total turnover. Consequently, much more attention is paid to parcels than before and this is specifically illustrated by the European Regulation regarding cross-border parcel delivery services entrusting new powers to postal regulators and striving to further develop the intra Union e-commerce.

1 At the end of March a 100% increase was registered for fixed line telephone calls and a 70% increase in mobile telephony. The compulsory teleworking and e-learning resulted among other things in a 70% increase for the use of fixed Internet.

2 [Cybersecurity of 5G networks EU Toolbox of risk mitigating measures](#), CG Publication 01/2020.



As regards the letters, the decrease in volumes does not only impact their prices (annual price increases verified by the BIPT within the new legal restrictions), but the evolution of the costs of a universal service that remains unchanged for now as well. In 2019, the BIPT took further steps to follow-up the universal service costs which, in case of a demand for compensation by bpost, could lead to public funding.

One of the BIPT's main tasks is still promoting competition, which in the end benefits the end-user. In 2019, the BIPT applied itself to accomplishing the strategic axis "competition", more specifically by further completing the market analyses regarding (fixed) connectivity imposing obligations on dominant operators.

A big part of that work existed in monitoring the actual implementation of the broadband and TV market analysis decision of June 2018 (in 2019 the appeals against this market analysis decision were finally rejected by the Market Court as well³, benefiting legal certainty). Overall, this implementation as regards the further opening up of cable, was a success and has been achieved in an unprecedented short time span. This resulted in the development of a new market dynamics, among other things by means of more restricted (and cheaper) service bundles commercialised by all operators in an attractive fashion. Furthermore, the BIPT, in cooperation with the media regulators (VRM, CSA and Medienrat) continued the preparation of the decision that will, in time, set the prices for cable and DSL/fibre access. In addition, in 2019, the BIPT also completed the last unfinished market analysis regarding more specifically the analysis of the "market for high-quality access at wholesale level provided at a fixed location". This market lies upstream of the retail market for high-quality connection services to (large) companies. These services are used by companies for instance to interconnect different sites and to set up virtual private networks. Alternative operators have to be granted access to the Proximus network for them to be able to provide these services to companies competing with Proximus.

Enabling competition through the wholesale regulation is but a first necessary step in the development of a more competitive market. Alternative operators should also actually use this regulation for their presence on the retail market as well. Competition can only reach its full potential if the (end-)user is sufficiently aware of his options. In this context, qualitative information and consumer empowerment have been the spearheads of the BIPT's consumer policy ensuing from thorough consumer surveys unveiling the market trends. In 2019, the data portal representing the BIPT's various tools for comparison in one orderly website, was called into existence. Emphasis was also laid on a more detailed level of the mobile coverage maps, which now allow a four-level reading of the signal strength. The user-comfort of the website besttariff.be was addressed in order to enable an automatic search from the operator's customer.

The BIPT had been preparing the Royal Decrees regarding the multiband auction of radio spectrum for mobile telephony (namely the roll-out of 5G services) for some time

³ Judgement of the Market Court of 4 September 2019.



already. Although they had been ratified by the Council of Ministers, they have not yet been adopted. This prevents the important multiband auction from taking place in 2020. The BIPT consequently developed a number of alternatives to make headway. To help objectify the discussion a study was commissioned in 2019 (at the Minister's request) to determine the media's share in the spectrum used⁴. This should objectify the profit sharing in case the sharing is based on the actual use of the spectrum. Indeed, postponing the 5G roll-out would not only result in a notice of default from Europe which imposes a term for the 5G spectrum auction, but more specifically in a crucial delay of 5G investments in our country which will have an impact reaching beyond just merely telecommunications.

The five existing missions of the BIPT (the promotion of competition, users' interests, the development of the internal market, network security and the management of scarce resources) have recently been expanded with a sixth, namely the promotion of connectivity. This goal was also included in the BIPT's 2020-2022 Strategic Plan and in light of this goal, actions have already been undertaken in 2019, among other things, lowering the amount of the annual user rights for radio-relay links in the areas identified by the BIPT. Connectivity and accessibility are more important than ever in order to be able to fully participate in society and that is why the BIPT shall continue to monitor how it can work at achieving this goal within the context of its powers.



A handwritten signature in black ink, consisting of a stylized 'A' followed by a horizontal line and a vertical line.

Axel Desmedt



A handwritten signature in black ink, featuring a large, stylized 'J' and 'H'.

Jack Hamande



A handwritten signature in black ink, with a prominent 'L' and 'V'.

Luc Vanfleteren



A handwritten signature in black ink, appearing as a series of connected loops.

Michel Van Bellinghen

⁴ [Open procedure with European publicity](#) on behalf of the Belgian Institute of postal services and telecommunications (BIPT) regarding the execution of a study of the media use in mobile data.





1.1. STATUTE

The Belgian Institute for Postal Services and Telecommunications (the BIPT) is a federal body. The BIPT's history dates back to 1991, the year in which it was established as a semi-governmental body for the regulation of the postal and telecom sector.

The Act of 17 January 2003 on the status of the regulator of the Belgian postal and telecommunications sectors bestowed upon the BIPT its independence. The BIPT enjoys an autonomous financial management and is financed by means coming from the regulated sectors

The democratic monitoring of the BIPT's operation is, however, ensured and is exercised through different instruments:

- every three years the Strategic Plan is drafted and presented to the Chamber of Representatives. The Strategic Plan serves as a basis for the annual operational plans;
- the BIPT submits an annual report on its activities and the evolution of the postal services and telecommunications markets to the Government;
- the draft budget as well as the BIPT's accounts are ratified by the Ministers of Budget and Finance. The draft budget is published, the budget is furthermore submitted to the Chamber of Representatives. The annual accounts are inspected by the State Audit Office;
- decisions of the BIPT can be challenged with full jurisdiction before the Market Court, which gives a decision as in interlocutory proceedings. The Court can suspend the BIPT decisions and annul them with retroactive effect.

1.2. WHAT THE BIPT DOES

1.2.1. Legal powers

The BIPT exercises various functions:

- **regulator of the postal and electronic communications markets.** It fulfils the missions laid down by law and monitors the compliance with the postal and telecom legislation;
- **manager of the electromagnetic radio frequency spectrum.** The BIPT distributes the radio frequencies and numbers, in such a way as to guarantee that they are used as efficiently as possible. It also fulfils a role of «police of the radio waves» in order to put a stop to any form of harmful interference;
- **media regulator in the Brussels Capital Region.** The BIPT makes sure that operators comply with the specific regulation concerning radio and television broadcasting provided that the broadcasting authority's activities cannot be linked specifically to the Flemish Community, nor to the French Community.

The CRC. The BIPT is also part of the “Conference of telecommunications and media regulators”, which, in addition to the BIPT, also includes the CSA (Conseil supérieur de l'audiovisuel), Medienrat and the VRM (Vlaamse regulator voor de media). Each BIPT draft decision on electronic communications networks is submitted to the other three bodies. Each one of them can request for the draft decision to be brought before the CRC if a regulator feels that his powers are harmed by the draft⁵.

In the execution of its tasks, the BIPT may:

- take administrative decisions and impose administrative sanctions;
- issue opinions, by our own initiative or at the request of the Minister or the Chamber of Representatives;
- conduct studies, gather all useful information or organise a public consultation;
- act as a mediator in case of disputes.

1.2.2. The BIPT shares its expertise

The BIPT can draw important input from its experience and contact with the postal and telecom markets which is of great value in the context of policymaking. Examples are:

Preparation of policy. Directive 2018/1972 of the European Parliament and of the Council of 11 December 2018 establishing the European Electronic Communications Code thoroughly reforms the regulatory framework (hereinafter 'the European Code').

The BIPT prepared a draft bill transposing the European Code and organised a consultation pertaining to this from 6 December 2019 until 17 February 2020.

⁵ Cooperation Agreement of 17 November 2006 between the Federal State, the Flemish Community, the French Community and the German-speaking Community on the mutual consultation when drawing up regulation regarding electronic communications networks, the exchange of information and the exercise of powers relating to electronic communications networks by the regulatory bodies competent for telecommunications or radio and television broadcasting.

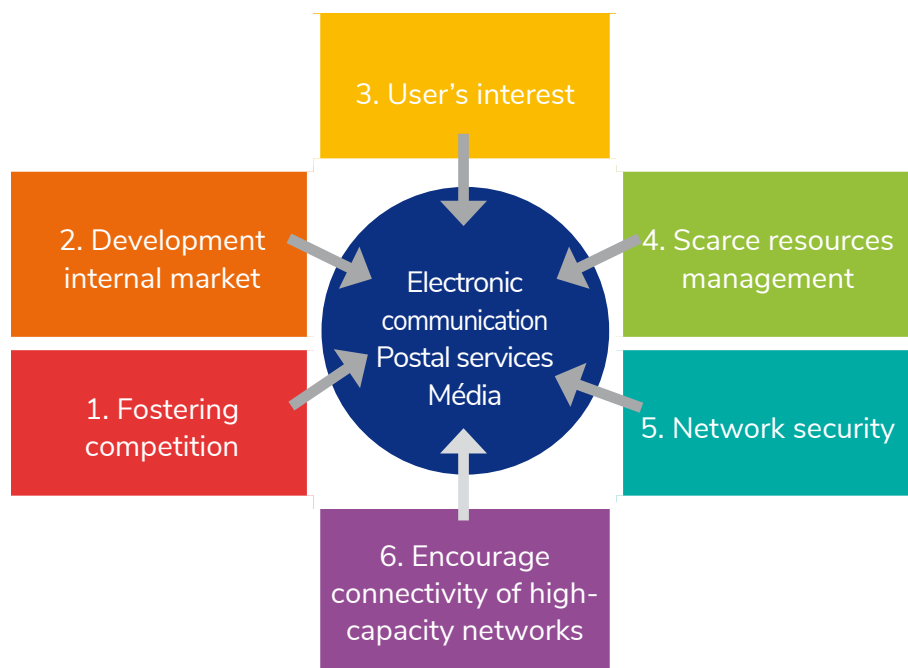


Network and information systems security. On 15 May 2019, the BIPT issued an opinion on the draft Royal Decree implementing the NIS Act as well as a number of provisions of the Critical Infrastructures Act.⁶

1.3. WHAT DOES THE BIPT STAND FOR?

Missions. Electronic communications, postal services and media in the Brussels Capital Region are the main areas of activity. The BIPT activities in these domains are inspired by six missions:

- understanding the end-users of electronic communications and postal services, anticipating the uses and development thereof and safeguarding consumer interests;
- efficiently organising healthy competition and ensuring access to the market;
- using postal services and electronic communications to promote integration and social cohesion of everyone;
- managing scarce resources;
- ensuring network safety;
- enhancing connectivity with and access to high-capacity networks. This goal was recently added in the 2020-2022 Strategic Plan following the new European Code promoting this.



Values. The BIPT executes its tasks in accordance with the following values:

- **independence:** the BIPT takes an objective, impartial and consistent stance, without conflicts of interest, prejudice or improper influencing. The BIPT works together with the minister(s) in charge, the Parliament, businesses in the sectors it regulates, other governmental bodies and the remaining stakeholders. These contacts are desirable and often even necessary to guarantee a functioning on the one hand attuned to

⁶ In full: the Act of 7 April 2019 establishing a framework for the security of networks and information systems of general interest for public security, as well as the Act of 1 July 2011 on security and critical infrastructure protection.



the developments in society and the regulated markets but on the other hand stable and predictable as well. Consequently, the BIPT has to uphold and maintain its independence. In that manner the specific statute and financial autonomy offer the best guarantees;

- **reliability:** as a centre of expertise, the BIPT wishes to embody a reliable and capable partner for all stakeholders when adopting a stance. That reliability is sustained internally by the professionalism, teamwork and agility of the BIPT;

- **transparency:** this falls within the field of the BIPT operations monitoring. It is achieved through opening up and visibility, both internally and externally on the one hand and through dialogue and accessibility on the other. For instance, decisions are properly motivated, they are subjected to a prior consultation as often as possible.

Vision. In its vision the BIPT paints what it aspires to be and what its beliefs are in the field of electronic communications, media and postal services:

“A reliable and competitive communications environment for everyone”



1.4. THE BIPT ON THE EUROPEAN AND INTERNATIONAL STAGE

The national regulation of electronic communications and postal services is defined to a large extent by the beacons set out at European level. The BIPT's active participation as a national regulator within the European organisations is therefore of great importance to cast a light on the specific national conditions, considering the major impact that the work of these regulatory bodies has at a European level.

In addition, the BIPT also acts as a representative of the Belgian State at a European and international level.

1.4.1. The BIPT's European activities as a regulator

BEREC & the ERGP

BEREC. The Body of European Regulators for Electronic Communications or "BEREC", was founded by virtue of a European Regulation.⁷ With its activities, BEREC has to pursue goals that have been included in the European regulatory telecommunications framework. This body contributes to the development and better functioning of the internal market for electronic communications networks and services by aiming at a consistent implementation of the EU regulatory framework. BEREC performs its tasks in cooperation with the national regulatory authorities (NRAs) and the European Commission. It does not only have to foster the collaboration among NRAs but also between the NRAs and the European Commission.

In 2019, the BIPT participated in the four plenary assemblies and actively followed the different BEREC working groups. BEREC paid much attention during the working groups to the development of guidelines to be applied upon the implementation of the European Code. Examples are the guidelines regarding geographical studies of the implementation of networks and the scheduled update of the BEREC guidelines regarding net neutrality. On 16 October 2019, the 7th BEREC Stakeholder Forum took place in Brussels with cyber security in the light of 5G networks as the main theme. Stakeholders were also given the opportunity to voice their opinion on the 2020 BEREC draft working programme and to share their insight into the future technological developments in the digital sector.

In 2019, the BIPT Chairman, Michel Van Bellinghen, was elected 2021 BEREC Chair.

The ERGP. The "European Regulators Group for Postal Services" is a consultative and deliberative body gathering the postal regulators and issues advice to the European Commission in the field of postal services.

Jack Hamande, BIPT Council Member, was ERGP Chair in 2019.

In 2019, the BIPT attended two annual plenary meetings and five ERGP working groups (themed "Future of the Regulatory Framework", "Regulatory Accounting", "Access Regulation", "Market Indicators" and "Cross-border parcel delivery"). The working group "Market Indicators" is chaired by the BIPT together with the Portuguese regulator, ANACOM. In 2019, that group published two external ERGP reports including key

⁷ Regulation (EC) No 1211/2009 of the European Parliament and of the Council of 25 November 2009 establishing the Body of European Regulators for Electronic Communications (BEREC) and the Office.



indicators regarding the evolution of the European postal market (2018 numbers). On 18 September 2019, the second ERGP stakeholder forum was organised, entitled: “The future regulation and its international dimension”. Furthermore, an external ERGP open workshop took place in The Hague on 28 November 2019 with as theme: “Data driven regulation of postal markets”. During this open forum, the BIPT and ANACOM presented the 2019 ERGP activities regarding postal indicators.

IRG & CERP

The IRG. The “Independent Regulators Group” has 37 members, all of whom are telecom regulators. The IRG acts as a facilitator and provides for flexible support in the execution of their function. The collaboration, mutual assistance and exchange of information among the regulators are being improved. In 2019, the IRG organised two workshops in which the BIPT participated, namely on artificial intelligence and fibre roll-out.

CERP. The European Committee for Postal Regulation, or “CERP” ensures a good co-ordination between its members and tries to stimulate compliance with the *communautaire acquis*. The BIPT mainly acts as a postal sector regulator. Among other things, it attended the plenary meeting in Copenhagen. The CERP’s main task existed in the European preparation of the Extraordinary Congress in September 2019 and the European preparation of the half-yearly UPU council sessions.

1.4.2. The BIPT as a representative of the Belgian State

United Nations’ specialized agencies

ITU. The “International Telecommunications Union” or “ITU” is the worldwide authority for information and communications technologies.

The World Radiocommunications Conference (WRC) is part of the ITU and decides on the allocation of radio frequency bands at an international level. The BIPT steered the Belgian delegation at the 2019 World Radiocommunications Conference in Sharm el-Sheikh from 28 October until 22 November 2019. Some of the WRC-19 results are:

- the identification of additional bands for international mobile telecommunications (or “IMT”), further preparing the mobile 5G networks development;
- the identification of additional frequency bands for high-altitude platform stations (or “HAPS”). These are air platforms floating in the stratosphere enabling telecommunications within a wide coverage area with a view to affordable broadband access in rural and remote areas;
- the Wi-Fi network regulation has been revised to meet both indoor and outdoor use and the growing demand for wireless access systems;
- the approval of a resolution on railway radio communications systems to meet the needs of a high-speed train environment;
- the approval of enhanced possibilities for the Global Maritime Distress and Safety System (GMDSS).



The UPU. The Universal Postal Union or “UPU” supervises, among other things, the international postal exchange. At the end of September 2019, the Universal Postal Union organised an extraordinary congress in Geneva to carry out urgent reforms regarding the rates of the terminal dues system for small parcels.⁸ This was the result of the United States intention to leave the UPU because of the low terminal dues that the developing countries pay for the delivery of small parcels in America. The BIPT represented Belgium. Prior to the Congress, Belgium (the BIPT) was asked, as Co-Chair of Committee 2 of the Council of Administration in charge of terminal dues from a government perspective, to look for a structural solution to this matter. Belgium (the BIPT), together with Kenya, steered the preliminary negotiations and was appointed Co-Chair of the Extraordinary UPU Congress. The solution of a compromise was adopted in consensus. Thanks to this structural solution, the US remains in the UPU.

Furthermore, the BIPT represents Belgium in the Universal Postal Union’s Council of Administration as well. In that capacity, in 2019, it focussed on the development of the postal regulation within the UPU. In addition, Belgium paid special attention to good governance at the UPU and to a possible adjustment of the UPU financing model. In 2019, the BIPT continued to exercise its four-year mandate (2017-2020) as a member of the Universal Postal Union’s Postal Operations Council.

The Kenyan regulator and the BIPT together assume the joint vice-chairmanship of Committee 2 of the Council of Administration, on the one hand focussing on the universal service (“USO, Regulatory Affairs and Postal Regulation”) and on the other hand, on the general co-ordination of the half-yearly forum dedicated to the postal regulation. Guided by the Belgian and Kenyan regulators, two open forums took place in 2019.

Standardisation

ETSI. The “European Telecommunications Standards Institute” organised a general meeting in April and November, defining, among other things, the policy and strategy. The BIPT also attended the three annual meetings of the technical committee TC-ERM (ETSI Radio Matters), developing a large number of radio communications-related standards. These include both the essential spectrum parameters and the parameters for compliance with the electromagnetic compatibility.

CEN. At a postal level, the BIPT is active within the “European Committee for Standardisation” or “CEN”. The BIPT attended two plenary meetings of the CEN/TC Technical Committee, which harmonises the postal quality standards at European level. This standardisation is an indispensable tool to guarantee interoperability between the various national networks and an efficient universal postal service in the European Union.

⁸ Terminal dues are the fees the dispatching country’s postal operator owes to the destination country’s postal operator as a compensation for the costs relating to the processing of the letter post items received in the country of destination.



European Commission

COCOM. The “Communications Committee” assists the European Commission in its executive tasks regarding electronic communications and is composed of representatives from the EU Member States. The BIPT participated as an expert and contributed to the COCOM's activities.

PDC. The “Postal Directive Committee” is the postal counterpart of COCOM. The BIPT follows this committee's activities and attended both of last year's meetings. As a co-chair of the ERGP working group “Market Indicators”, the BIPT explained the studies carried out by the working group.

RSPG/RSC. The “Radio Spectrum Policy Group” or “RSPG” is a high-level advisory group assisting the European Commission in the development of the radio spectrum.

The “Radio Spectrum Committee” or “RSC” is responsible for specific technical measures necessary to implement the radio spectrum policy. It is made up of representatives of the Member States and is chaired by the European Commission.

As the radio spectrum and the related matters by nature exceed the national borders and taking into account the aim for a harmonised use of spectrum within Europe, the RSPG's and RSC's activities within the European Commission's Directorate-General “Connect” are followed from up close by the BIPT. If need be deliberations with the communities (who are in charge of radio broadcasting) are organised for the RSC and RSPG activities. The RSC gathers in the Commission's offices in Brussels four times a year while the RSPG's plenary meeting assembles three times a year. In 2019, the RSPG adopted two opinions and two reports.⁹ The RSC's activities in 2019 resulted in the adoption of four implementation orders of the European Commission.¹⁰

TCAM. The “Telecommunications Conformity Assessment and Market Surveillance Committee” is an expert group regarding radio equipment in which the BIPT represents Belgium.

9 RSPG opinion on the EU co-ordination at the ITU-R radio communications conferences of 30 January 2019; RSPG opinion on the challenges for the implementation of 5G (3rd RSPG advice on 5G) of 30 January 2019; RSPG report on the European spectrum strategy of 9 October 2019 and RSPG report on the impact of the EECC on the RSPG's work of 30 January 2019.

10 Commission Implementing Decision (EU) 2019/1345 of 2 August 2019 amending Decision 2006/771/EC updating harmonised technical conditions in the area of radio spectrum use for short-range devices; Commission Implementing Decision (EU) 2019/784 of 14 May 2019 on harmonisation of the 24,25-27,5 GHz frequency band for terrestrial systems capable of providing wireless broadband electronic communications services in the Union; Commission Implementing Decision (EU) 2019/785 of 14 May 2019 on the harmonisation of radio spectrum for equipment using ultra-wideband technology in the Union and repealing Decision 2007/131/EC and Commission Implementing Decision (EU) 2019/235 of 24 January 2019 amending Decision 2008/411/EC as regards an update of relevant technical conditions applicable to the 3400-3800 MHz frequency band.



1.5. ORGANISATION

The BIPT is managed by the Council, made up of a chairman and three members.

The BIPT's organizational chart contains nine horizontal departments (the Registry Department, the Communications Department, the Budget and Finance Department, the Translation Department, the International Relations Department, the IT Department, the Legal Department, the Personnel Management Department and the Purchasing and Logistics Department) and six vertical departments (the Telecom Market & Media Department, the Monitoring Department, the NetSec Department, the Assignments Department, the Consumer Department and the Postal Market Department).

1.6. THE BIPT'S NEW LOOK



Belgian Institute for Postal Services
and Telecommunications

Although the BIPT is certainly widely known by the experts and stakeholders in the postal and telecom sectors, the larger public is less familiar with the BIPT.

The insufficient use of the tools developed by the BIPT (besttariff, postal points website, ...) and the low visitors numbers of the consumer website prove this. Consumer protection and information, however, take up a big share of the BIPT's tasks.

In 2018, when the BIPT celebrated its 25th year, the rebranding project was launched. This rebranding was accompanied by a communications plan aiming at familiarizing the larger public further with the BIPT, in order for the latter to be able to watch over the consumer interests in the postal and telecom sectors. In 2019, the exercise resulted in the launch of a Facebook page and a new corporate identity with an assorted logo. The logo was updated with fresher colours, continued in the lay-out of printing, websites, etc.

The logo exists in round, continuous shapes and is a symbol of the BIPT's different functions and characteristics, namely:

- the BIPT considers dialogue and cooperation to be of paramount importance. This is reflected in the circles coming together. The BIPT always keeps to the middle between the different parties and keeps an eye on the whole;
- it wishes to stimulate inclusion, which is illustrated in the circles;
- the new logo is vibrant, it is a symbol of dynamics and evolution within sectors that continue to evolve;



- the propagating waves suggest the positive effects the BIPT tries to create in the regulated sectors;
- the BIPT looks beyond borders, it works within a broad context, as part of a bigger international whole;
- openness and transparency are fundamental, which is translated by the concerted action between hollow and full.





The BIPT's strategic goals are built around the strategic axes, namely competition, users, scarce resources and working efficiently. They serve as a guideline for the BIPT's operation.

The strategic goals are specified further in the three-yearly Strategic Plan and are carried out by means of specific projects described in the BIPT's annual operational plans.

This chapter lists the particular actions, apart from the daily work of the BIPT, that have been undertaken in order to comply with the strategic goals and thus provides for an overview of the execution of the 2019 Operational Plan.

2.1.COMPETITION

The BIPT aims at promoting sustainable competition and investments. To that effect, attention is paid to encouraging innovation.

2.1.1. Market analyses promoting competition and investments

A market analysis in the electronic communications sector exists in the definition of relevant markets and possibly assessing the significant market power on those markets. Upon defining the "relevant market" the products and services of that market are described and its geographical size is determined. Operators with a significant market power have an economic power enabling them, to a large extent, to act independently of competitors, customers and consumers on the market concerned. The BIPT imposes obligations to the operator with significant market power through a market analysis decision.



That way the BIPT distinguishes between the following markets that have to be regulated in conformity with the European Commission's 2014 Recommendation¹¹:

- Market 1: fixed call termination. This is the service charged by a fixed telephony operator to another (fixed/mobile) operator when he terminates a call on the fixed geographical numbers, 078 numbers or emergency numbers of the operator in question;
- Market 2: mobile call termination. This is the service any mobile operator may charge for the termination of a mobile call on his own numbers;
- Market 3: broadband Internet market and broadcasting services. Depending on the interconnection point and the use of the equipment, two forms of wholesale broadband services are distinguished¹²: a wholesale market for local access (market 3a) and a wholesale market for central access (market 3b);
- Market 4: high-quality access at wholesale level provided at a fixed location.

The retail market for access to the public telephone network provided at a fixed location and regarding the wholesale market for call origination on the public on the public telephone network provided at a fixed location (this corresponds with markets 1 and 2 of the European Commission's 2007 Recommendation¹³) was reviewed in the Decision of 9 July 2019. This matter had already been dealt with in the BIPT Decision of 7 December 2018. That Decision was, however, annulled based on procedural reasons by the Brussels Court of Appeal on 12 June 2019. By virtue of the Decision of 9 July 2019, the annulled decision was renewed. To that effect, a mere restoration of the initial decision was carried out for the Court had not questioned the analysis as such. The annulment was based on the fact that certain procedural steps during the electronic voting would not have been complied with upon approval of the market analysis decision. Consequently, the BIPT adopted the contents of the annulled market analysis decision of 7 December 2018 and judged once more that Proximus could not be considered to be an operator with significant market power for these markets. Therefore, the markets examined were deregulated and the obligations imposed on Proximus were abolished.

The market for high-quality access at wholesale level provided at a fixed location (this is the current market 4) was analysed in the Decision of 13 December 2019. High-quality services distinguish themselves from standard broadband services by characteristics such as a dedicated connection, symmetrical bitrates or a very low packet loss. The services are provided through copper and fibre networks, either directly to business customers or to competing operators who then resell the services to companies. The BIPT confirmed that Proximus still holds a dominant position on that market and imposed measures on the company to promote competition. During the exercise, the BIPT did take into account the fact that multiple infrastructures are already present in certain parts of the country.

11 Classification in conformity with the Commission's Recommendation of 9 October 2014 on relevant product and service markets within the electronic communications sector susceptible to ex ante regulation in accordance with Directive 2002/21/EC of the European Parliament and of the Council on a common regulatory framework for electronic communications networks and services, OJ of 11.10.2014, no L 295/79.

12 I.e. the sale of the broadband service to other operators.

13 The European Commission's 2007 Recommendation still provided for the regulation of the retail market for access to the fixed telephony network and the wholesale market for call origination on the fixed telephone network. These were no longer listed in the 2014 Recommendation on relevant product and service markets within the electronic communications sector.



These have been mapped out. Based on that, the BIPT has identified some hundred zones (of just short of 600) in which two alternative operators have a sufficient presence next to Proximus. In these zones Proximus will still provide access to its network but it will no longer be subject to price monitoring except for cable ducts access.

Cost models. The operators have to set fair prices for their services regarding wholesale access to broadcasting and broadband, which will be verified by means of a bottom-up LRIC cost model¹⁴ reflecting an efficient operator's costs. The cost models are used to determine the afore-mentioned monthly rental prices and one-time fees. In this context, the BIPT develops cost models for access to the cable operators' networks and Proximus's FTTH¹⁵ network. As regards cable, the BIPT organised a consultation on the draft decision regarding the monthly tariffs for wholesale access to the cable operator's networks from 5 July 2019 until 6 September 2019.

2.1.2. *Balanced reference offers*

Operators with a significant market power are obliged to develop a reference offer based on which other operators are granted access to their infrastructure. The reference offer describes the whole of options for access and corresponding services, the terms and conditions for the provision of the services, the provider's and user's rights and obligations, the whole of processes and tools implemented and the rates for line lease and the lease of services the operator in question has to provide.

In the CRC Decision¹⁶ of 29 June 2018 regarding the analysis of the broadband and television broadcasting markets, new obligations are imposed upon the operators with a significant market power. Measures, such as further opening of all networks (including optical fibre), lowering the wholesale tariffs, new access conditions (e.g. "Internet only") and an incentive to invest in the white spots should intensify competition in these markets. In 2019, the BIPT saw to the timely and correct implementation of these obligations, including the required adaptation of the reference offers.

In 2019, the BIPT examined various Proximus reference offers:

- **Proximus's VoIP¹⁷ interconnection reference offer** (also called "PRIO"): the BIPT organised a preliminary consultation on the reference offer from 20 February 2019 until 13 March 2019. The BIPT drew up a draft decision assessing Proximus's offer and proposing the necessary modifications. The consultation on the draft decision ended on 1 October 2019.

¹⁴ LRIC or "long run incremental cost": in such a cost model the costs are calculated on the basis of future long-run incremental costs. LRIC models only take into account costs resulting from a set increase (increment).

¹⁵ FTTH stands for fibre to the home, a type of network connection based on fibre running to the living room.

¹⁶ CRC: the Conference of telecommunications and media regulators, namely the BIPT, the CSA, the Medienrat and the VRM.

¹⁷ VoIP stands for "Voice over IP", or the transportation of voice through electronic communications networks using the Internet protocol.



- The analysis of Proximus's reference offer for unbundled¹⁸ and bitstream access¹⁹ to the copper local loop was submitted for consultation from 9 May 2019 until 13 June 2019. The new offers result from significant changes to the existing reference offers, mainly inspired by changes in Proximus's IT systems. This draft decision regards the following reference offers of Proximus:

- 1) BRUO: "Belgacom Reference Unbundling Offer", this regards the unbundled access to the local copper loop;
- 2) Bitstream xDSL: this regards bitstream access to the local copper loop. It regards the former "BROBA" (Belgacom Reference Offer Bitstream Access for ADSL/SDSL access) and "WBA VDSL2" (Wholesale Broadband Access VDSL2 for VDSL access). The new version of the reference offer for bitstream access to the copper local loop was named "Bitstream xDSL" and thus replaces the two former offers: "BROBA" and "WBA VDSL2".

- New or modified reference offers for virtual local unbundling, multicast²⁰ and bitstream through fibre from Proximus have to be submitted to the BIPT within 6 months after the publication, in conformity with the CRC Decision of 29 June 2018 regarding the analysis of the broadband and television broadcasting markets. The BIPT draft decision regarding Proximus's reference offer for bitstream access to the fibre local loop (also called "Bitstream Fiber GPON") was submitted to the sector for consultation from 4 July 2019 until 16 August 2019.

Cable operators reference offers. In the Decision of 29 June 2018 on the analysis of the broadband and broadcasting markets, the Conference of Regulators of the electronic communications sector (CRC) judged that the operators have a significant market power on the market for central access and the wholesale market for access to broadcasting, resulting in a series of additional measures being imposed upon them, among which the drafting of a reference offer. On 22 January 2019, the BIPT organised three preliminary consultations regarding the reference offers for bitstream access and the resale of television services of the operators Brutélé, Nethys and Telenet, each lasting until 19 February 2019.

2.1.3. Rates in line with an efficient operator's costs

The tariff conditions of the reference offers encompass two major categories of tariffs:

- one-time fees pay for the specific technical services such as the activation of the service or the installation by a technician;
- monthly rental fees compensate the incumbent for the use of, for instance, the local loop.

The BIPT can adapt or modify the way in which these tariffs are calculated in order to guarantee that this method corresponds with the operational and financial reality of an efficient operator.

18 Local loop unbundling enables the provision of electronic communications services through the copper pair ensuring the connection between the user and Proximus's local exchanges.

19 Bitstream access enables the provision of electronic communications services from a central access point, through Proximus's network or that of the cable operators.

20 "Multicast" is the functionality for the provision of digital television.



One-time fees. In 2019, the one-time fees of the BRUO and the Bitstream xDSL reference offers of Proximus were adapted. At the same time, the monthly ISLA repair rental fee was reviewed.²¹ The consultation of the relevant draft decision lasted from 3 June 2019 until 18 July 2019.

Monthly rental fees. The cable operators reference offer regards, among other things, the rates for central access to the cable networks and the access to the cable operators' digital and analogue television offer. These have been analysed in the BIPT's draft decision regarding the monthly fees for the wholesale access to the cable operators networks for which a consultation was organised from 5 July until 6 September. This decision solely regards the rental fees for wholesale access to the cable operators' networks. The one-time fees on the cable operators' networks shall be discussed in a separate BIPT decision.

WACC. To determine the maximum return on investment an operator with a significant market power may take into account for the provision of regulated services, the WACC formula (Weighted Average Cost of Capital) is used. The Decision of 23 July 2019 regarding the cost of capital (WACC) for SMP operators in Belgium, annuls the previous Decision of 26 February 2015. The Decision of 23 July 2019 lays down the cost of capital that has to be used in the 2019 reference offers of operators with a significant market power at 7.12% for a legacy (VDSL) network, at 8.77% for an FTTH network and at 7.39% for a cable network. The cost of capital to be used to determine the termination rates for mobile calls of the different regulated operators, are fixed at 8.35% for 2019.

The values as of 2020 are lower because of a reform of the corporate taxes (25% in 2020 compared to 29.6% in 2019).

The new WACC values for cable and FTTH will be used in the future respective tariff decisions.

2.1.4. Market observation in the postal and telecom sector

Postal observatory. The postal observatory was brought into being to add to the knowledge regarding the market and to follow the developments in the postal sector by means of intelligible diagrams (<https://www.bipt.be/operators/evolution-of-revenue-in-the-postal-sector>). It represents the postal sector by means of economic data such as market shares, data regarding employment and investments, volumes, revenue, ... The information dates back to 2010 and documents the market evolution by means of reliable data (see below, 3.2.3).

21 "ISLA Repair" stands for "Improved SLA (ISLA) Repair". Alternative operators subscribing to a broadband access offer can use this option. In exchange for the payment of a monthly rental fee, the alternative operator can benefit from a swifter service in the case of a technical failure. Concretely, in the draft decision the BIPT, in addition to the monthly ISLA Repair rental fee, aims at reviewing Proximus's rates for the following activities: activation of a new line; migration of an existing line; SNA costs ("SNA" stands for "small network adaptation" - costs charged if the activation of a broadband access service requires the installation of a new physical connection with the Proximus access network); "Useless End-user visit" (a specific rate charged when the Proximus technician called on the end-user in vain for a reason for which Proximus is not responsible, such as an absent customer) and "Wrongful Repair Request" (if the alternative operator detects a problem with the broadband access services he provides to his customers and submits a ticket with Proximus following which it is established that the cause does not fall under the responsibility of Proximus).



Net neutrality. The third edition of the annual report on the supervision of net neutrality was published on 10 July 2019. This report fits in with the monitoring of compliance with Regulation 2015/2120. The report gives an overview of the developments regarding zero-rating on the market during the period between 01 May 2018 and 30 April 2019.²² There were only two cases (zero-rating with Epic and at Belgian Red Devils games during the 2018 WC) when the BIPT thought it necessary to intervene. No cases of blocking services or applications in the network have been found during the period monitored. Furthermore, it appeared that the possibilities for the end-users, included in the mobile data volumes of the tariff plans offered, have increased again. The BIPT concluded that, by and large, there are no major reasons for concern in Belgium as far as open Internet access is concerned.

Telecom prices. In the international price study, published on 23 December 2019, the Belgian telecom products' price levels were compared with those in the Netherlands, France, Germany, Luxembourg and the United Kingdom. The study is a snapshot, based on the tariff plans offered to residential customers in August. It compares the prices of stand-alone broadband Internet (high and average consumption), triple play (Internet + TV + fixed telephony, average and high Internet consumption), quadruple play (Internet + TV + fixed telephony + mobile telephony, average and high mobile consumption), postpaid mobile telephony and fixed telephony, both with various user profiles.

Universal service. The Communication of the BIPT Council of 27 December 2019 regarding the monitoring of the universal telecommunications service 2019 reported on the current situation of the universal service regarding electronic communications. The BIPT concluded that the removal of the universal service obligations regarding public payphones, the universal enquiry service and directories has had no significant influence on the level of protection the end-user enjoys in the context of the universal service. The fact that no provider is designated to provide the geographical element of the universal service, did not have a demonstrable impact on the availability, the price level and the quality of the services in question. Nevertheless, it was pointed out that the speed for functional Internet access - currently established at 1 Mbps, every day of the year, all hours of the day, except during maximum one hour per day - will have to be reviewed following the transposition of the European Code. The communication also points to the insufficient appeal to the social tariff²³ (see below, 2.4.1.). The BIPT pleads for a complete overhaul of the social tariff, focussing on a less complex, more transparent and intelligible legislation.

22 In the case of zero-rating the Internet Service Provider does not consider the data traffic of a specific application or category of applications for the data limit. This results in free or cheap data for this specific application or category of applications.

23 The electronic communications social tariff includes the allocation of tariff reductions for fixed telephony and fixed Internet of 40% on the subscription (max. 8.4 euro) and a reduction of 3.1 euro on the calling fees. When requested, the tariff is granted to certain vulnerable users laid down by law following verification of the granting conditions by the BIPT.



2.1.5. Supporting innovative service

E-commerce from a postal perspective. The regulation (EU) 2018/644 of the European Parliament and the Council of 18 April 2018 on cross-border parcel delivery services aims at further supporting intra Union e-commerce. The European legislator strives to do so by increasing transparency in the tariffs for certain cross-border parcel delivery services and their assessment. To achieve the Regulation's goals, an important part is reserved for the BIPT. In the first place, the BIPT has to gather the information determined in the Regulation, from the parcel delivery service providers. To that effect, all Belgian providers of European parcel delivery services have to carry out a one-time registration on the BIPT website, where they are to fill in the necessary basis information. The bigger players, those who have employed 50 or more people on average during the past year or are present in multiple EU countries, also submit annual statistical data to the BIPT and have to indicate the rates for a selection of postal products in a web tool created by the European Commission as well.

In addition, by virtue of the Regulation, the BIPT analyses the universal service provider's pricing (bpost) in order to identify possible unreasonably high tariffs. This exercise was first carried out in the BIPT communication of 8 November 2019. Following the selection of 175 out of 450 bpost tariffs in total by the European Commission, by means of a filter mechanism, the BIPT examined whether these were reasonable based on various factors such as comparable tariffs from domestic competitors and other European providers of the universal service, bilateral volumes and relevant costs. The BIPT concluded that further information on the margins regarding the total volume of outgoing items from bpost was necessary. The BIPT, together with bpost, is looking into ways to produce the information.

To reinforce the consumer's trust in e-commerce services, the BIPT bundled frequently asked questions regarding e-commerce (<https://www.bipt.be/consumers/e-commerce>). The BIPT answers questions on matters such as customs fees, track and tracing, liability for damaged parcels, etc.

Product qualification. Whether or not a service falls within the universal service obligations of bpost, is a question that matters for, among other things, the calculation of the universal service net costs. The list of products and services of the universal postal service provider has to be submitted to the BIPT for approval each year and per category (universal service, public service or commercial product/service). The BIPT then informs the universal service's accounting audit commissioner of its decision. In 2019, the BIPT did this by means of its Decision of 29 October 2019 regarding the listing and classification of products and services provided by the universal service provider for the year 2017. The decision regarding the year 2018, dates from 23 December 2019.



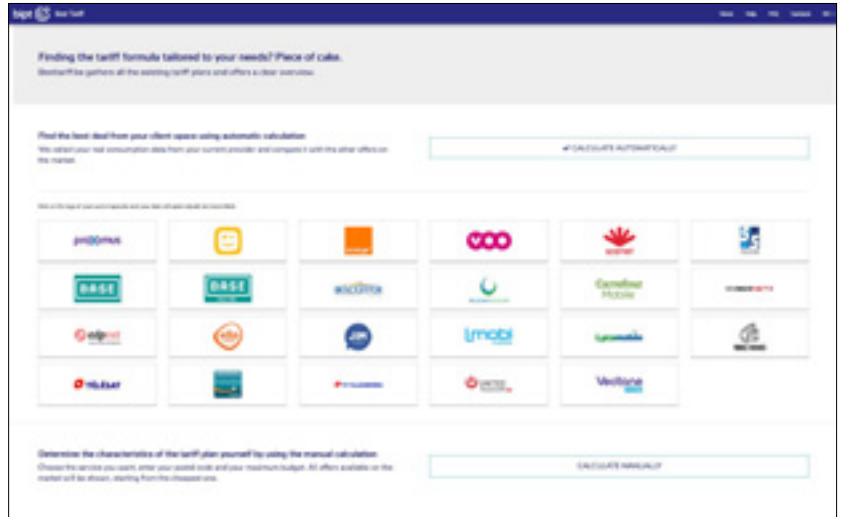
2.2. CONSUMERS

The BIPT wants to promote contributions to transparent information for the users and social inclusion. It creates a reliable environment to safeguard the consumer trust.

2.2.1. The informed consumer: compare and choose

Besttariff.

This tariff comparison tool contains all tariff plans of electronic communications operators active on the Belgian residential market. The tariffs of the commercialised offers for mobile and fixed telephony and Internet, as well as for bundles, are compared in an objective manner. This way, the consumer can find the most advantageous tariff plan corresponding to his consumption or needs. To simplify the use of the tariff comparison tool even further,



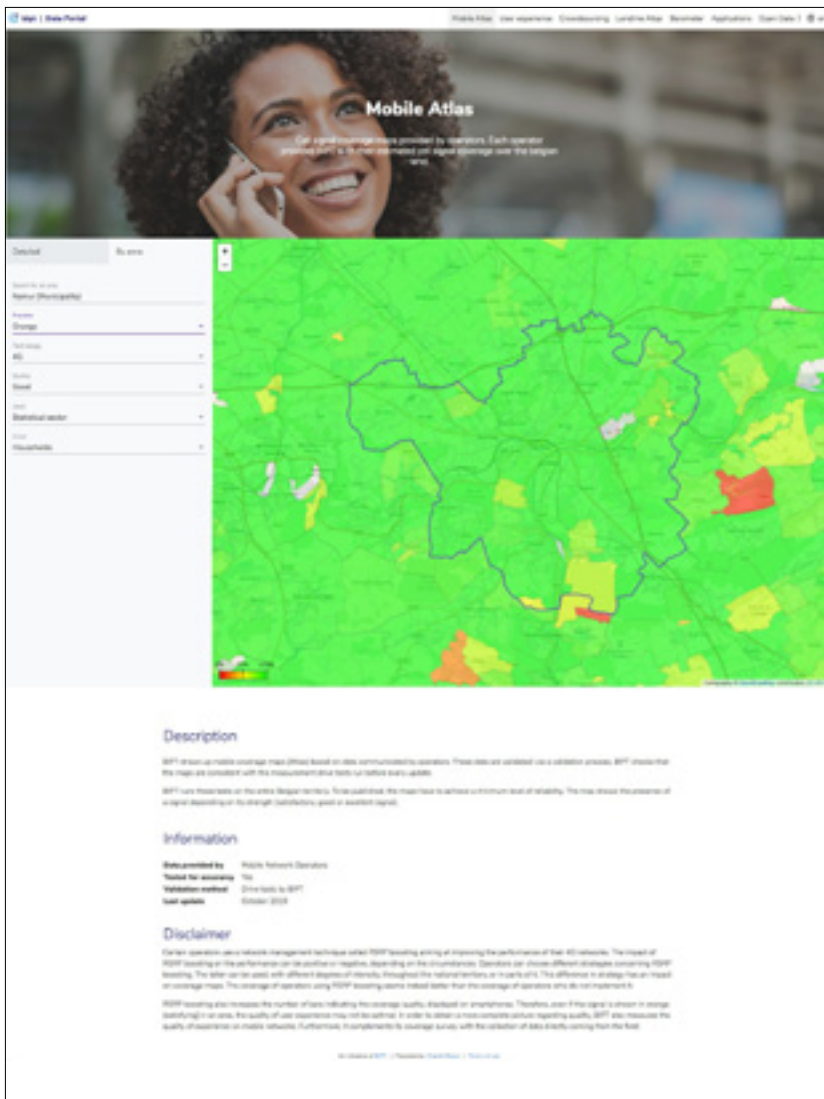
it was decided last year to add the option of the automated calculation. In that case the actual user data, available in the operator's customer zone, are automatically transferred to the fields of the tariff comparison tool. The "bundles" module has been adapted as well in order to allow the comparison of "family" bundles including different SIM cards. The renewed tariff comparison tool was made available early April 2020.

Data portal. In 2019, the BIPT presented the online data portal "www.bipt-data.be". In addition to the already familiar quality barometer and the fixed and mobile networks atlas, the BIPT also introduced an overview of the different indicators representing the user experience on the Belgian mobile networks and the results of the crowdsourcing app "BIPT speedtest" in the data portal.



By means of different indicators, the quality barometer gives an insight into the performance of the electronic communications services providers. These have been updated in 2019 and can be consulted on www.bipt-data.be.





The map of the fixed networks shows that in 2019, 97% of the households had access to 100 Mbps through the fixed networks. 43,000 households remained without access to 30 Mbps in Belgium. These are mainly situated in the provinces of Liège, Namur and Henegouwen.

The mobile atlas maps have been refined. Where the old maps merely indicated the presence of a signal outside buildings, the new maps also indicate the signal strength by means of a colour code.

The final update dates from October 2019. Numbers show that the users can use 4G outside on 97% of the territory from now on. Those figures drop to 87% of the territory when the user is situated inside a building. In certain

rural communities, nearby the German border, users sometimes have trouble, however, to obtain 4G access.

A good service quality, however, does not only depend on the signal strength. Other factors such as IP traffic routing, the way in which an operator invests in its network and its configuration play a major part. In order to objectively compare the quality of the user experience on the three mobile networks, the BIPT launched a measuring campaign on the road. The study, carried out by the consultant Commsquare, compares the three mobile operators by means of 17 quality indicators. This exercise was first carried out in September 2018 and repeated in October 2019. The study also shows that the operators have comparable quality levels, each with their own assets.

Speedtest. The objective comparison by Commsquare was completed with the findings of the individual user, collected through the BIPT speed test application. The BIPT speed test was developed in cooperation with the experts of the University of Namur and the start-up Charlie Bravo. It allows the users to measure the coverage quality nearby following which the BIPT centralises the data gathered in an anonymous fashion.



Postal point. The BIPT's website postalpoint.be contains both an overview of all staffed points, letterboxes and parcel machines in Belgium. In 2019, a number of functionalities were added. This allows for a further determination of the radius around the geolocation or street to be searched, or for a search based on the desired service or operator. The tool also allows to follow the network evolution from up close (see below, 3.2.2.).

2.2.2. *Ensure a reliable environment*

Security incidents. By virtue of the Telecom Act, the BIPT, as the authority, has the power to supervise the telecom operators' network security. The notification of security incidents constitutes an important pillar in this supervision. The telecom operators inform the BIPT of security incidents with an important impact on their networks and services. Each year, the BIPT provides a concise report to the European Commission and ENISA²⁴.

Operators are obliged to carry out risk analyses for the safety of the network and to adopt the appropriate measures based on that in order to minimize the risks. In collaboration with the Luxembourg regulator, ILR - Institut Luxembourgeois de Régulation - a web platform is being developed on which operators can introduce their risk analyses. This will enable the BIPT to gather relevant information on network security in order to identify possible risks in an automated and structured fashion. The tool is expected to be operational in 2020.

Inspection of critical infrastructures. A "critical infrastructure" is an installation, system or part thereof, of federal importance, crucial for safeguarding vital societal functions, health, safety, security, economic or social welfare, the malfunctioning or destruction of which having a significant impact as its functions would be unsettled.²⁵ Certain telecommunications operators are vital companies managing critical infrastructure. The BIPT has been appointed as inspector for the electronic communications sector by virtue of the Act of 1 July 2011 on the security and protection of critical infrastructures.

Each year, the BIPT's inspection team carries out inspections by virtue of this Act. Inspection reports for internal use are written following the inspections, based on which recommendations or instructions are issued.

Counter fraud. In 2019 as well, the BIPT received various notifications of Wangiri scams and phishing. In the case of Wangiri fraud, the user receives a very short call from an unknown foreign number. In reality, this is an expensive premium rate number. If you call back you will pay tens of euro of calling fees. Phishing does not only entail online scams through messages or websites. Sometimes victims are contacted by telephone or receive a text message fishing for personal data such as a user name, password, credit card number etc. for improper use.

Through a non-stop process, the BIPT receives notifications of fraud by the operators, which it shares with the other operators allowing them to block these numbers as well.

²⁴ ENISA stands for "European Union Agency for Cybersecurity". The [aggregated analysis](#) of the reported security incidents and the [visual analysis tool](#) can be consulted freely.

²⁵ Definition in article 3, 4°, of the Act of 1 July 2011 on the security and protection of critical infrastructures.



That way, a total of 1401 numbers have been reported throughout 2019, most of which have been blocked (one notification may include multiple numbers).

Switch-off plan. In 2019, the BIPT also monitored the consequences of a possible electricity shortage. For the switch-off plan's activation has a direct impact on the electronic communications possibly resulting in an interruption of, among other things, the telephone service. The BIPT ensures in particular that, in the case of a switch-off of the power grid, every effort is made as far as possible during the 4 hours following the switch-off, to enable telephone calls to the emergency services offering help on the scene through the mobile networks by means of the 112 emergency number. To that effect, the BIPT verifies, among other things, which base stations need extra autonomy.

2.2.3. Follow-up of consumer needs and behaviour

Postal market consumer study. The BIPT regularly carries out studies regarding the postal users. In the past, the BIPT opted for a quantitative study based on a statistical survey (this was carried out in 2006, 2009, 2013 and 2015) or a qualitative study (in 2016), to identify consumer needs that possibly changed and certain trends. In 2019, both approaches were combined. A tender was issued for a mixed method research strategy mapping out not only the consumer behaviour but also the perception, the preferences and the needs of postal users for the different segments of the Belgian postal market. The study bureau Ipsos was selected. The study includes a qualitative part with focus groups and face-to-face interviews and a quantitative part (statistically representative survey). One comprehensive report shall be delivered by the first quarter of 2021 at the latest.

Elasticity study regarding postal products. In 2016, the BIPT carried out a first elasticity study to verify how changes in price or delivery frequency influenced consumer behaviour in the postal sector. This information is essential to the BIPT for the verification of the viability of the universal service and indispensable for the annual verification of a potential net cost caused by the provision of the universal service. To be able to take into account the sector's evolution and changed user preferences, a new elasticity study has been launched in 2019. This study being conceived in a broader sense than the first study. In 2019, the interviews with private persons, self-employed persons, SMEs, large enterprises and public services were completed with a literary study and input was also asked from the operators bpost, PostNL and TBC Post. The study shall be published during the second semester of 2020.

Bpost customer satisfaction. Each year, bpost carries out a customer satisfaction survey, under the supervision of the BIPT. The results are sent to the BIPT together with an action plan to improve the issues identified during the poll. In the opinion of 13 December 2019, the BIPT analysed the 2018 improvement plan and the 2019 action plan of bpost following the 2018 customer satisfaction survey. During the 2018 customer satisfaction survey it appeared that customer satisfaction for private persons is rather stable but that the enterprises' customer satisfaction dropped significantly. The majority of the 2018 action points have been carried out. The 2019 action plan is built upon four pillars, namely: the



customer's voice, the products and processes, the customer contact points and personnel and commitment. The BIPT issued a favourable advice as regards the accomplishment of the 2018 action plan and the measures for improvement in the 2019 action plan.

Consumer study. In 2019 still, the BIPT examined the functioning of the electronic communications market in Belgium from the consumer's point of view. The study, published on 2 October 2019, sounded out the users' behaviour, verified whether users are sufficiently informed and whether the necessary means to this end are available. The survey shows that users increasingly opt for Internet services and pass over traditional services. The average satisfaction scores regarding the provision of the different services do not vary widely, from 3.3 (fixed Internet) to 3.5 (mobile telephony) on a scale of 5. As for the satisfaction regarding the rates, the survey shows that once again there are obviously less 'satisfied' or 'very satisfied' customers. Nevertheless, it appears that only 11% switched to another fixed operator.

2.2.4. Safe radio equipment and telecommunications terminal equipment

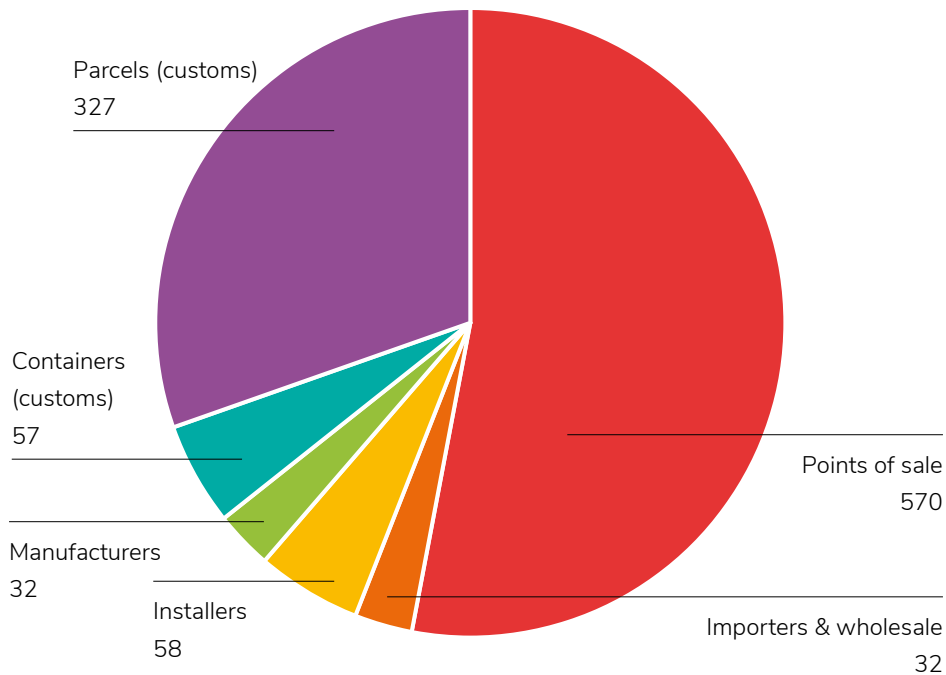
RED Directive. All equipment capable of broadcasting or receiving through radio waves, is subject to the Radio Equipment Directive or "RED"²⁶. This directive requires that the equipment complies with the essential health and safety requirements and does not cause harmful interference. Equipment that complies, is provided with a CE marking, both on the equipment and on the packaging. It has to be accompanied by a declaration of conformity. Manufacturers have to provide for the CE marking and the declaration of conformity, but importers and dealers of products from outside the EU have to verify whether the foreign manufacturer has taken the necessary steps as well. In order to properly inform these players of their obligations, the BIPT published an information brochure destined for dealers, importers and distributors on 19 September 2019.



²⁶ Directive 2014/53/EU of the European Parliament and the Council of 16 April 2014 on the harmonisation of the laws of the Member States relating to the making available on the market of radio equipment and repealing Directive 1999/5/EC.



Inspections radio equipment 2019



The BIPT carries out inspections on the radio equipment imported at the manufacturers, the importers and the distributors, as well as at the border crossings, in cooperation with the customs services (import of containers, postal parcels, e-commerce, etc.).

To that effect, the BIPT disposes of criminal investigation officers who, under the authority of the Public Prosecutor, may carry out all sorts of investigative actions, such as a search. As a result, goods may be confiscated. In 2019, the inspections resulted in 415 reports for a total of 26,365 confiscated products.

2.2.5. Monitoring of the compliance with the operators' obligations

Compliance with the postal regulatory framework. In conformity with the postal regulatory framework, the BIPT each year carries out a number of inspection missions, mainly involving the universal service.

For instance, in conformity with Article 144septies of the Act of 21 March 1991 on the reform of certain economic public companies, the BIPT sees to it that bpost's internal analytical accounting is examined by the Supervisory Board or another independent body and that a declaration of conformity is published each year. In the Decision of 10 October 2019, the BIPT judged, however, that the accounting modifications regarding the additional costs of the "legacy staff"²⁷ and the Contribution to the Office of the Ombudsman do not comply with the principles of cost allocation as laid down in the Articles 144quinquies

²⁷ These are bpost staff from the "Mail & Services Operations" Department with a "legacy status" (in practice, either statutory or "salary scale" contractual staff) who, according to bpost, fall within a higher average personnel cost category than contractual "DA" (distribution auxiliaire/auxiliary distribution) employees, who are nowadays being recruited in this unit.



to 144septies of the Act of 21 March 1991 and the implementation order of 25 April 2014. Furthermore, a number of items were pointed out deserving more attention in the future according to the BIPT, such as the prior/non-prior distribution costs. Due to this declaration of non-conformity destined to the universal service provider, bpost, this postal company shall have to review the cost allocation for the items indicated by the BIPT.

As regards bpost's compliance with the delivery times, the BIPT verified whether bpost met the legal 93% quality standard for the delivery of priority single-piece letter post items and the 95% quality standard laid down in the management contract for postal services from the small user baskets²⁸. In the Decision of 1 February 2019 on monitoring the delivery times for the year 2017 and the Decision of 26 November 2019 on this monitoring for the year 2018, the BIPT established that neither in 2017 nor in 2018 the legal quality standard for the delivery of the priority single-piece letter post items was met. The quality for this segment respectively amounted to 91.6% and 91.2%. The slight drop in quality for this segment could be explained by the strike at bpost during five consecutive days in November 2018. Awaiting the further development of investments following earlier remedies, the BIPT decided in 2019 not to impose remedies in the form of compulsory investments in quality yet. In the communication of 8 January 2019 regarding the audit of bpost's internal and external measuring systems for the monitoring of the delivery times, the BIPT defined the items for which bpost is not entirely compliant with the requirements laid down in the European measuring standards (CEN standards). Bpost was invited to implement the recommendations in the short run. This is further monitored by the BIPT and if necessary a follow-up audit will be drafted.

With the communication of 3 April 2019 regarding the monitoring of the sixth management contract between the State and bpost, the BIPT met the legal obligation to monitor the compliance with the management contract by bpost. That is why, in May 2018 a selection of services of general economic interest from the sixth management contract between the State and bpost was verified. Following this, the BIPT inspected 20% of all bpost post offices and postal points. Based on the field research performed, the BIPT concluded that bpost had better continue to invest in the infrastructure of its postal offices and in the training of its personnel, and that the provision of information to the customers needed further improvement.

Bpost's net costs. Article 23 of the Postal Act of 26 January 2018 states that the BIPT monitors the calculation of the net costs of bpost's universal service obligations. The BIPT has developed a cost model to that effect. This model also takes into account the intangible benefits accompanying the provision of the universal service. In 2018, WIK was appointed to update the part on the intangible benefits.

²⁸ This contains three services with a delivery term of Day+1, namely the domestic priority single-piece letter post items, the domestic registered single-piece letter post items and the incoming cross-border priority single-piece mail, as well as the non-priority single-piece letter post items with a delivery term of Day+2.



Bpost prices. The universal postal service's rates need to be affordable, cost-oriented, non-discriminatory and transparent. The tariff increase of the services belonging to the small users basket²⁹ is approved by the BIPT beforehand.

As regards the 2020 tariff increases for these services, the BIPT Decision of 17 September 2019 concluded that the 2020 tariff changes comply with the current legislation. Since 2018, however, the BIPT has been stating that the renewed postal legislation is failing in order to guarantee an effective monitoring of the cost orientation principle.

Roaming. As of 15 June 2017, the "Roam Like at Home" system applies, prohibiting operators from charging surcharges for roaming services within the European Economic Area (EEA³⁰). Consumers travelling within one of these countries can consequently enjoy the same rate as in Belgium for the mobile services. Operators who cannot recover the underlying costs of the provision of Roam Like At Home, however, may ask a dispensation from the BIPT in order to be able to charge extra fees on top of the domestic tariff.

The Decision of 13 June 2019 granted such an exception to Nethys. This enabled Nethys to apply the surcharges laid down in the decision to the outgoing calls and text messages and to the mobile services when exceeding certain daily limits as of 15 June 2019 and during one year.

Since 15 May 2019 international communications, i.e. outgoing calls and text messages originating in Belgium, are subject to a European regulation³¹. This text provides for a number of measures, including maximum rates. The BIPT is in charge of the implementation and monitoring of this regulation and as such followed up its coming into force.

Switching providers. The Easy Switch procedure³² facilitates the switch to another provider of fixed Internet and/or television, as well as switching providers of bundles: the new operator takes care of the switch unless the user explicitly indicates not wanting this. The sector is obliged to apply the Easy Switch procedure as of 1 July 2017. The BIPT organised a survey among the stakeholders from 19 June 2019 until 3 September 2019. In 2020, its result and the evaluation by the BIPT of the performance of Easy Switch shall be submitted to the Minister of telecommunications and shall be published on the BIPT's website.

In addition, the BIPT saw to it that the operators correctly applied the Easy Switch ID. To enable the switch, the regulations stipulate that the operators involved identify the service(s) that can be migrated by means of the Easy Switch procedure, by a unique number or a unique name (i.e. the "Easy Switch ID"). The Easy Switch ID has to be mentioned on the invoices of the subscribers with a residential tariff plan, irrespective of whether the subscriber is a consumer or not. As Telenet failed to mention this unique

29 The small users basket includes services that are frequently used by private persons and SMEs and to which single-piece rates apply (prices are not influenced by the number of items deposited or by the postal preparation thereof), namely: domestic standard letter post and standard outgoing cross-border mail weighing 2 kg or less; outgoing domestic and cross-border postal parcels up until 10 kg, registered items and outgoing domestic and cross-border items with declared value.

30 European Economic Area: in addition to the 28 Member States of the European Union this also includes Iceland, Liechtenstein and Norway.

31 Article 50 of Regulation (EU) 2018/1971 of the European Parliament and of the Council of 11 December 2018 establishing the Body of European Regulators for Electronic Communications (BEREC) and the Agency for Support for BEREC (BEREC Office), amending Regulation (EU) 2015/2120 and repealing Regulation (EC), no 1211/2009.

32 Introduced by the Royal Decree of 6 September 2016 regarding the migration of fixed line services and bundles of services in the electronic communications sector.



number on the invoices of the non-residential customers with a residential tariff plan, the BIPT imposed a € 300,000 fine upon Telenet by virtue of the Decision of 22 January 2019 (see below, annex B).

Identification prepaid cards. Before activating a prepaid card, the end-user has to be identified. The BIPT regularly verifies whether the mobile operators comply with this obligation. Already in 2018, it appeared that Lycamobile did not meet its obligations. The BIPT therefore imposed temporary measures on Lycamobile in a decision of 30 March 2018.

Following the non-compliance with its Decision of 30 March 2018, a € 225,183 fine was imposed on Lycamobile in a decision of 15 June 2018. That decision also imposes the immediate introduction of a mechanism to systematically examine the requests for activation of prepaid cards coming from the sales points and to verify whether the identification document was indeed valid in the sense of the legislation.

On 24 April 2019, the BIPT again found the operator guilty of not complying with the BIPT Decision of Friday 15 June 2018 and imposed a € 394,070 fine as well as a new series of mandatory measures (see below, Annex B).



2.3. SCARCE RESOURCES

The BIPT ensures the management of scarce resources.

2.3.1. Numbering plan management

Effective management. As manager of the numbering plan, the BIPT has to ensure that these scarce resources are used as efficiently as possible. That is why the numbering plan needs to be adapted regularly to allow for new services and to further add on to the numbering space if necessary.

The past year, the BIPT noticed that the current reserve of 0800 number blocks was no longer sufficient and saw that measures needed to be adopted urgently to face this problem. Thanks to the 0800 numbers (or free numbers) callers do not have to pay fees for their calls as the costs are entirely borne by the party called. The then reserve of free numbers existed in 100 number blocks of each 1,000 numbers. On 1 July 2019, only two number blocks seemed to remain available for the market.

Following consultation of the market, the BIPT decided on 13 November 2019 to impose a number of measures in both the short and the long term to counter this shortage.

Access to number series. In addition to the efficient use of the numbering plan, the BIPT also has to ensure that the operators have adequate number series to support their services. That is why, in 2019, Citymesh and E-Bo, who were granted user rights in the Belgian exclusive economic zone in the North Sea last year (see below, 2.3.2.) have been assigned an E.212 MNC.³³

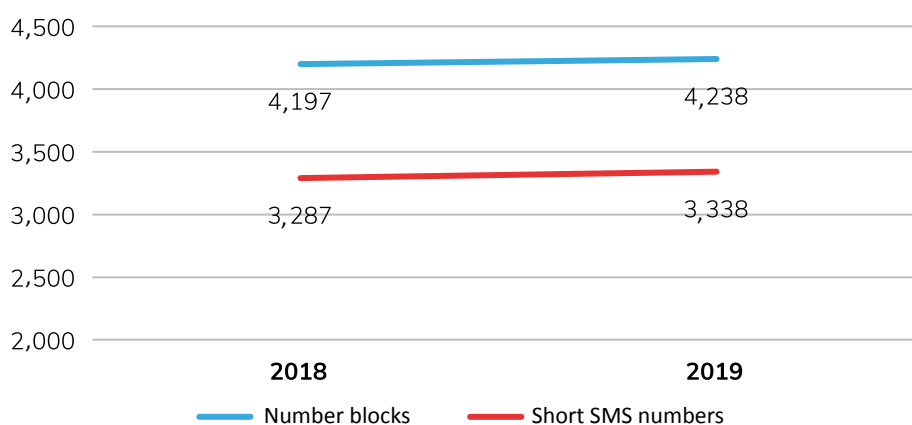
As these E.212 MNCs or mobile network codes only comprise two digits, the BIPT can only assign 100 at the most. With the introduction of 5G, which in its turn may result in the growth of all sorts of innovative services and networks, the BIPT will possibly be faced with a strong increase of the applications for MNCs. In view of the shortage, caution is recommended, however. Consequently, in the consultation following the possibility of allowing private 5G networks (see below, 2.3.3.), solutions have been suggested regarding the E.212 MNC issue.

³³ "E.212" refers to the ITU Recommendation giving a detailed description of the "International Mobile Subscription Identity" or "IMSI" structure. This is a unique number, intended to identify the equipment and users on (mobile) networks. It is composed of 3 elements:

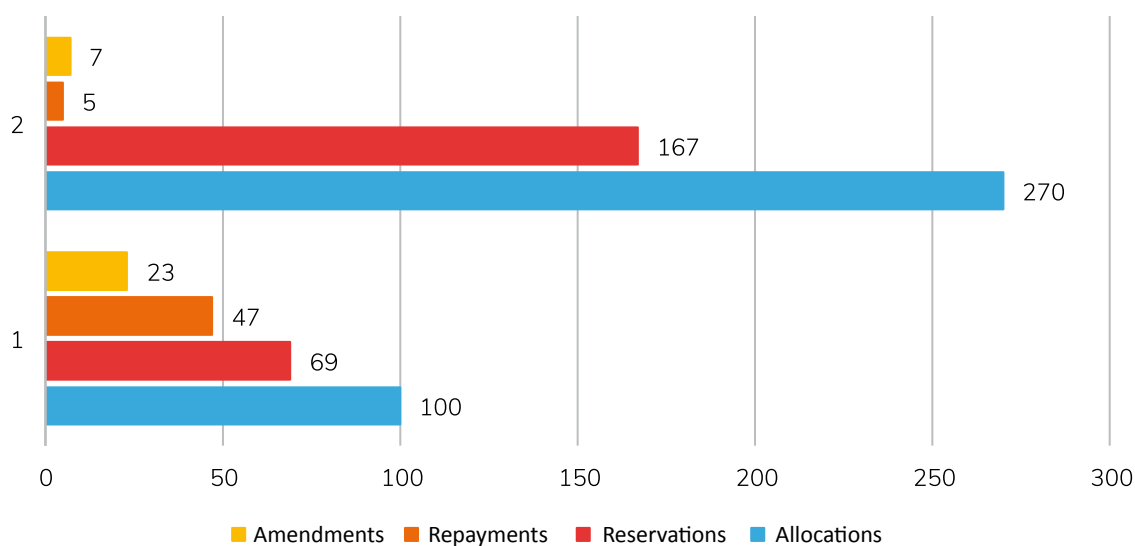
- a mobile country code or "MCC" (3 digits, assigned by the ITU, 206 for Belgium);
- a mobile network code or "MNC" (2 digits, assigned by the BIPT);
- an individual user identity or "MSN" (maximum 10 numbers determined by the operator).



Total number of number blocks & short SMS numbers assigned



Detail numbering files processed



2.3.2. Optimal radio spectrum distribution and exploitation

The BIPT assigns frequency bands to operators in order to distribute the radio spectrum in an optimal fashion. Operators thus obtain user rights to provide mobile products to the end-user.

Issue user rights. In the past, the BIPT issued user rights for 2G, 3G and 4G. The 2G and 3G licences will soon expire. Once the political authorities have reached an agreement, not only 2G and 3G user rights shall be put up for auction again during a future multiband auction, but frequency bands assigned for 5G³⁴ shall also be made available (see below, 2.3.3.).³⁵

³⁴ 5G is a standard which will lead to strongly improved mobile communications and higher mobile speeds. This will allow mobile players to develop innovative and differentiated products not yet present on the market.

³⁵ In these frequency bands user rights will be assigned following the multiband auction:

- the bands, the user rights of which will expire: 900 MHz, 1800 MHz, 2100 MHz;
- the bands for which, except for Citymesh and Gridmax in the 3600 MHz band, no user rights have been granted and that will be used for 5G: 700 MHz, 3600 MHz, 1400 MHz.



Operators having obtained user rights in a certain frequency band, are in principle free to decide which technology they use, but in practice certain frequency bands are mainly used for a specific technology:

Frequency band	Available bandwidth	Technology	Current licence holder	Expiry date current licence
Existing licences				
900 MHz	70 MHz	2G-3G	Proximus-Telenet Group-Orange	2021
1800 MHz	150 MHz	2G-4G	Proximus-Telenet Group-Orange	2021
2100 MHz	120 MHz	3G-4G	Proximus-Telenet Group-Orange	2021
2600 MHz	155 MHz	4G	Proximus-Telenet Group-Orange-Voyacom	2027
800 MHz	60 MHz	4G	Proximus-Telenet Group-Orange	2033
3400-3600 MHz		4G	(40 MHz Gridmax +Citymesh)	2025
Future licences				
700 MHz	60 MHz	4G-5G	/	/
3400-3800 MHz	400 MHz	4G-5G	/	/
1400 MHz	90 MHz	4G-5G SDL ³⁶	/	/

The initial plan for the auction of the 3600 MHz band was to auction 400 MHz. Two types of lots will be auctioned:

- spectrum for which no user rights exist (initially in total 360 MHz, now 350 MHz³⁷;
- spectrum for which Gridmax BVBA and Citymesh NV hold regional user rights at the moment (40 MHz in total).

Citymesh is currently building 4G networks in the 3600 MHz band which can be used for the 5G technology in the future. In 2019, the BIPT repeatedly received questions to extend the existing user rights of Citymesh. For, in the framework of an already assigned licence, an operator is allowed to ask the BIPT to adapt the list of municipalities to which its user rights apply. The BIPT then verifies whether a new assignment procedure has to be started up or if the list can be changed immediately.³⁸

36 SDL: Supplemental downlink. Supplemental downlink implies that the frequencies allow one-way traffic from the network to the peripheral equipment and not two-way traffic.

37 Early 2020, it was decided to provide for a 10 MHz guard band in the 3400-3410 MHz band to avoid, among other things, interference with military maritime radars. In practice, this means that 390 MHz shall be put up for auction. No user rights have yet been granted for 350 MHz of those.

38 Upon assessment of the request for extension, the BIPT verified in said decisions, whether the extension would not give way to interference between two operators using the same frequencies. A guard distance of at least 15 km was taken into account. In case the BIPT found that the municipality could also be assigned to another operator as the latter was situated more than 15 km from the municipalities previously assigned to the operator in question, there was no immediate inclusion.

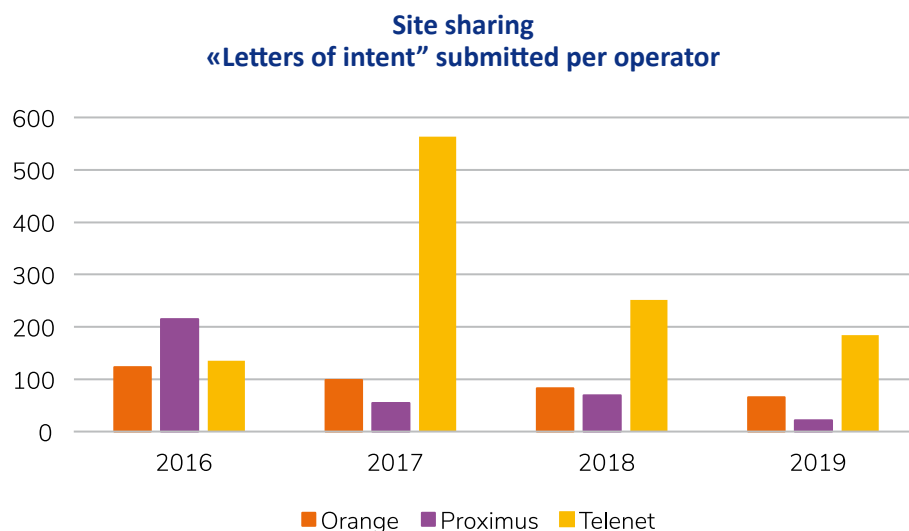


Citymesh requested the extension for the municipalities of Beveren, Zelzate, Kortrijk and Zaventem. In a decision of 29 March 2019 the request for extension for the municipalities of Beveren and Zelzate was granted. In its Decision of 17 September 2019, the BIPT, however, refused to add the municipality of Kortrijk to Citymesh's current licence. As regards the draft refusal decision for Zaventem, the BIPT organised a consultation ending on 9 December 2019.³⁹

Transmission installations situated in the Belgian exclusive economic zone in the North Sea, are set up and operated by means of temporary user rights. The existing 2G and 3G licences of the Belgian public mobile operators only apply to the Belgian territory (and therefore not in the North Sea). The BIPT assigned temporary user rights in the Belgian exclusive economic zone in the North Sea to the following players:

- to Citymesh, by virtue of the Decision of 4 January 2018 (a subsequent decision of 6 November 2019 changed the technical characteristics of the transmission installation and agreed with the request to take into service a second site with a number of base stations);
- to e-BO Enterprises, by virtue of the Decision of 8 April 2019.

Site sharing. Operators have to mount their installations on existing supports as much as possible and make the masts they own available for use by the other operators.



To that effect, before introducing a request for an urban development permit, an operator has to sound out whether the other operators show interest in site sharing. He needs to send a “Letter of Intent” (or “LoI”) thereto.

The “RISS vzw” (“Radio Infrastructure Site sharing”) ensures co-ordination between the operators involved. This non-profit organisation is monitored by the BIPT and supports the development and the use of a database of antenna sites (www.sites.bipt.be), set-up by the BIPT.

³⁹ On 31 March 2020, a new consultation was launched that should lead to the addition of Kortrijk and Zaventem to the list of municipalities licensed. This is the result of the BIPT's initiative to obtain temporary user rights in the 3600–3800 MHz band. This possibility creates a level playing field for all candidate-operators. The objection of the lack of this level playing field and the existence of harmful consequences for the 5G roll-out is therefore void as regards the extension requested by Citymesh.



2.3.3. Continuity and innovation

Spectrum auction. The BIPT prepared a new spectrum auction. On the one hand, the radio spectrum of the existing mobile 2G and 3G licences has to be reassigned, on the other hand new frequency bands that are suitable for the new 5G technology are also put up for auction (see 2.3.2.).

On 24 December 2019, in the context of the auction, the Council organised a consultation at the request of the Minister of Telecommunications, on the draft bill and three drafts of royal decrees regarding mobile networks. This consultation regards:

- the amount of the one-time fee for the 3600 MHz frequency band. Operators having user rights for radio frequencies to operate a network and provide mobile electronic communications services to the public, have to pay a one-time fee for this;
- the possibility for the BIPT to renew the 2G and 3G licences. For the licences are valid until 15 March 2021. It is suggested to renew the existing licences until the new auction procedure is completed;
- the reorganisation of sufficiently large blocks in the 3400-3600 MHz band to facilitate the future roll-out of 5G;
- the possibility for the BIPT to allow private local networks using 4G or 5G technologies in the 3800-4200 MHz frequency band (see above, 2.1.3.).

In the consultation of 30 April 2019 the sector was sounded out on the use of the 26 GHz band for 5G. This frequency band enables the high bitrates aimed at by 5G. The European Member States have to approve the use of at least 1 GHz of the 26 GHz frequency band by 31 December 2020 at the latest in order to promote the 5G roll-out, provided that there exists a market demand and that no obvious and considerable limitations have been established as to the migration of the existing users or the opening up of the band. The consultation showed that at the time of the consultation there was no market demand.

Upon drafting this annual report, however, it appeared that the auction expected would not be achievable in 2020. In order to still allow for the introduction of 5G in our country in 2020, the BIPT has developed a temporary solution. Part of the 3.6 GHz frequency band shall be granted by means of temporary user rights by virtue of the Telecom Act. This allows the BIPT to grant temporary user rights for radio spectrum for which no legal granting procedure framework exists yet. 200 MHz of radio spectrum was made available in the 3600-3800MHz band to this effect. On 30 January 2020, the BIPT published a communication calling for candidates wishing to obtain temporary user rights for the initial 5G roll-out in Belgium. These user rights shall remain valid until user rights can be granted through a classic auction procedure.



Media use. At the request of the Minister in charge, in order to support the future discussion within the Consultation Committee, on the distribution of revenue from the auctions, the BIPT decided to examine the share of the media use in the mobile data traffic.⁴⁰

This study specifically verifies which part of the data traffic through mobile networks can be considered as media use, according to the relevant legal, technical and economic characteristics. The contract was granted to Capgemini. The results are expected in the first quarter of 2020.

2.3.4. Promote connectivity

White and grey areas. In the Decision of 29 July 2019, the BIPT defined in which areas of the territory the reduced fee for the annual user rights for radio-relay links applies.

The decision is taken in execution of the RD of 2 June 2019 amending the Royal Decree of 18 December 2009 on private radio communications and user rights for fixed networks and trunked networks. This RD lowered the amount of the annual fees for the user rights of radio-relay links for a period of 10 years by 80% in those areas in need of extra incentives to provide households and businesses with a broadband connection. The BIPT Decision of 29 July 2019 establishes the list of these areas.

Indoor antenna systems. The communication of 1 March 2019 on the minimum technical specifications for indoor antenna systems, is part of the indoor coverage issue. The minimum technical specifications have been defined in cooperation with a working group of stakeholders (Beltug, ORI, Agoria, Fedelec and the mobile operators). It is the recommendations that help architects and principals to provide for qualitative DAS systems in the building plans and to execute them as well. The BIPT moreover developed a tool serving as a contact point for the parties involved in the development of a multi operator DAS system, which can be found at <https://www.modas.bipt.be>.

2.3.5. Avoid and remedy harmful interferences

Define the technical requirements

Radio equipment. The BIPT is in charge of defining technical regulations for the use of radio equipment. In this context it published a decision on 22 January 2019 regarding the radio interfaces B01-39 to 41, B03-04 and B07-06. These radio interfaces lay down the technical requirements the equipment has to meet. They enable the efficient use of the frequency bands and avoid harmful interferences. They include the technical characteristics the equipment has to meet and the frequency bands:

- B01-39 to 41 for non-specific short-range devices;
- B03-04 for broadband data transmission systems;
- B07-06 for radio frequency identification systems (RFID).

⁴⁰ "Media use" is understood to refer to the "audiovisual and auditory media services" in the sense of Art. 4, 6°, of the Special Act of 8 August 1980 on the Reform of the Institutions.)



A similar decision dates from 13 November 2019 and relates to short-range devices⁴¹ using the ultra-wideband⁴² technology:

- B20-01 to 11 for the generic equipment;
- B21-01 to 40 for the material sensing devices;
- B22-01 to 09 for the geolocation devices;
- B23-01 to 13 for equipment on board of road and railway vehicles;
- B24-01 to 10 for equipment on board of aircraft.

GSM-R. GSM-R (or “GSM-Rail”) is a system for railway radio communications used to ensure the mobile telephone traffic among the railway staff. To avoid interference between GSM-R and the public mobile networks, the BIPT first adopted measures through a decision of 30 June 2015. The issue was again examined in 2019, resulting in the Decision of 29 July 2019 regarding the coexistence of the public mobile communications networks and the GSM-R network in the 900 MHz band. In this context, the BIPT decided to renew certain measures from the 2015 Decision for a number of high-speed rail-link routes.

5G. To avoid harmful interference caused by the 5G roll-out, the BIPT launched two consultations on 4 June 2019 regarding two draft decisions determining the technical and operational conditions necessary to avoid harmful interference in the 3600 MHz band on the one hand and in the 1427-1517 MHz band on the other hand.

Resolve interferences

The BIPT has been assigned the task of monitoring the electromagnetic spectrum. There are 2 types of monitoring:

- 1) inspections, whether or not announced, to verify whether the spectrum is used according to the stipulations applicable;
- 2) locating interference, reported and otherwise.

To this effect, the BIPT uses sophisticated equipment. Sometimes manual measuring equipment is sufficient to verify the interference, in other cases measuring vehicles are used. Sometimes monitoring stations present in the BIPT’s five regional technical centres or from the Centre for monitoring radio communications of mobile services are used as well.⁴³

For certain missions, these techniques do not suffice, however, e.g. for locating interference reported by pilots (for instance via Eurocontrol), checking transmission characteristics of radio-relay links, ... The use of measuring drones allows for measurements and locating at higher altitudes and as such accomplish such missions. In 2019, the BIPT purchased a measuring drone. This will be operational in 2020.

41 Or short-range equipment. This regards equipment with a low radiated power keeping the equipment’s range restricted. These devices operate within collective frequencies. Most of this equipment may be used without licence..

42 Ultra-wideband technology or UWB, a wireless technology sending information through a broad spectrum. It is suitable to send data over short distances using very little energy. The technology used to be referred to as “pulse radio” as well.

43 The National Spectrum Monitoring Department or “NCS” includes five technical centres, at Liège, Senefeffe, Anderlecht, Ghent and Antwerp, carrying out inspections in the field.

The Centre for monitoring radio communications of mobile services or “CCRM” at Ophain, conducts all kinds of research, studies and measurements of a technical nature relating to the mobile services radio communications. The BIPT is a member of the CCRM.



Preventive monitoring. The BIPT systematically and by way of prevention monitors the private radio communications networks when a new licence is issued (permanently or temporarily) or when the structure of an existing network is changed. In this context it is verified whether the characteristics of the network installed correspond to what is specified in the licence (see below, 3.1.2.). The goal is twofold: avoid interference and ensure that the network operator receives a correct invoice.

In 2019, 1,104 preventive inspections were carried out. Furthermore, specific campaigns for⁴⁴ were launched in Eastern Flanders and Limburg. Together with Viapass⁴⁵, three targeted inspections as to the use of jammers were carried out as well, in addition to a test session. Two jammers were confiscated. In addition to the inspections of licences, various ad hoc inspections are carried out.



In order to be able to take measures immediately when the radio legislation is broken, the BIPT technicians have the power of a criminal investigation officer. In 2019, 48 reports were drafted in the context of the spectrum monitoring.

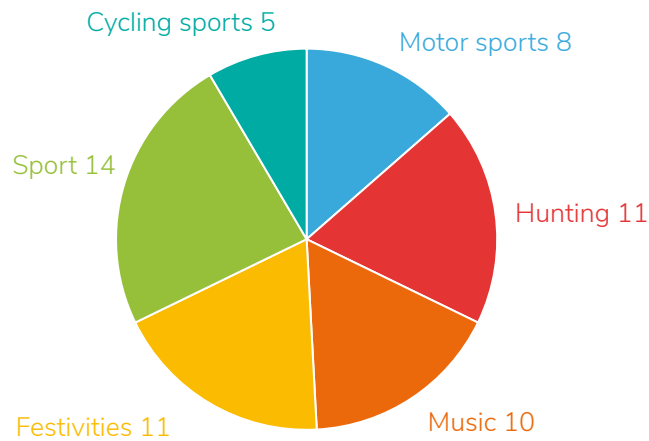
44 DAB+ stands for Digital Audio Broadcasting, digital radio through the air.

45 Viapass is the monitoring and co-ordinating government organisation for the kilometre-based tax.



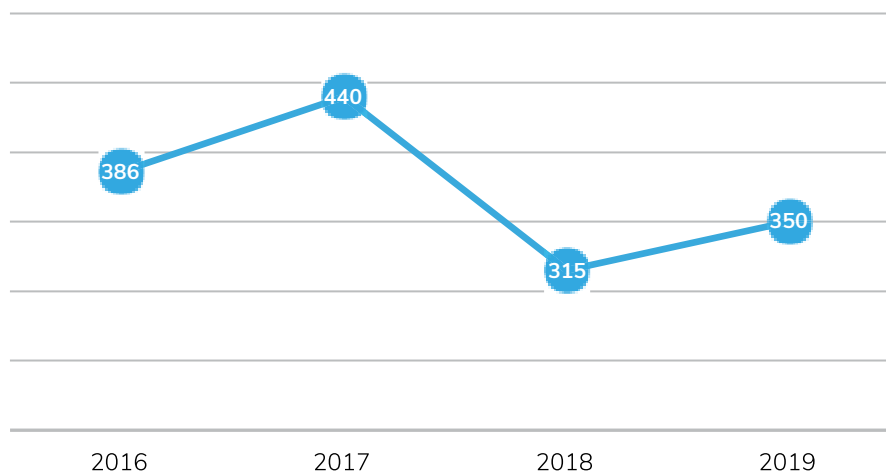
Inspections during major events. The BIPT ensures that the networks used are licensed and that the licensing terms are complied with. It provides for an immediate solution should interferences do arise. In 2019, the BIPT was active during 59 major events.

Inspections during major events in 2019



Resolve interferences. Governed from the central BIPT office at Brussels, the BIPT has five regional centres resolving interferences across the entire national territory. The total number of interferences in 2019 amounts to 350, compared to 315 in 2018, namely an 11.11% increase compared to the previous year and a 21.18% drop compared to 2017.

Evolution interferences



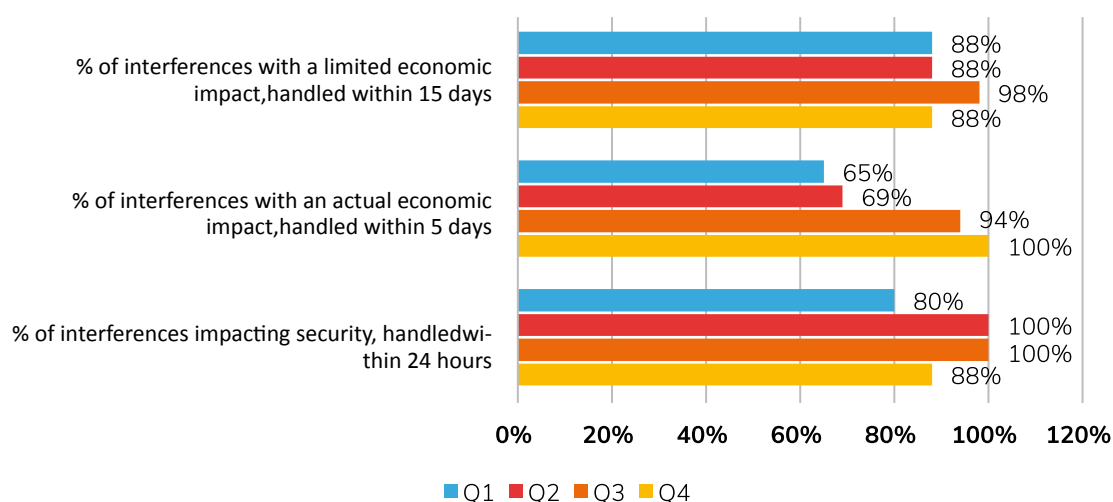
Victims and sources of interference were widely varied in 2019 as well:

KPI Statistics: Period: 01-01-2019 until 31-12-2019

Source \ Victims	To fill in...	Aeronautical	Broadcasting	Defence Systems	Fixed Links	Land Mobile	Maritime	Meteorology	Radio Astronomy	Satellite Systems (Civil)	Short Range Devices	Non Radio	Other	Vanished	Unknown	Totals
To fill in...																0
Aeronautical		2	5	1		1	1						1	7	5	23
Broadcasting			13								2	7	4	11	6	43
Defence Systems													2			2
Fixed Links																0
Land Mobile	1		3			36				1	20	6	9	24	11	111
Maritime		1					17							4	2	24
Meteorology													1			1
Short Range Devices			20			4					40	7	9	15	15	110
Radio Astronomy									1							1
Satellite Systems (Civil)					1					1				1		3
Non Radio												1	2		1	4
Other						1						12	8	2	1	24
Vanished							3							3	1	7
Totals	1	3	41	1	1	42	21	0	1	2	62	33	36	67	42	353

The interferences are subdivided according to their degree of severity. Based on that, priorities are set. A 24 hours duty role aims to resolve interferences with a possible impact on safety within 24 hours. In the first quarter of 2019, 80% of such cases were resolved the same day. In three cases that goal was not achieved: one complaint appeared to result from a defect in the complainant's equipment, the two remaining interferences were resolved respectively the next day and within three days.

Repair time interferences 2019



Certain interferences are complex or only arise with great intervals, which could explain why it sometimes take a little more time to resolve them.



2.4. EFFICIENT OPERATION

The BIPT wishes to be an accessible regulator who, as an attractive employer, draws capable personnel.

2.4.1. An accessible regulator

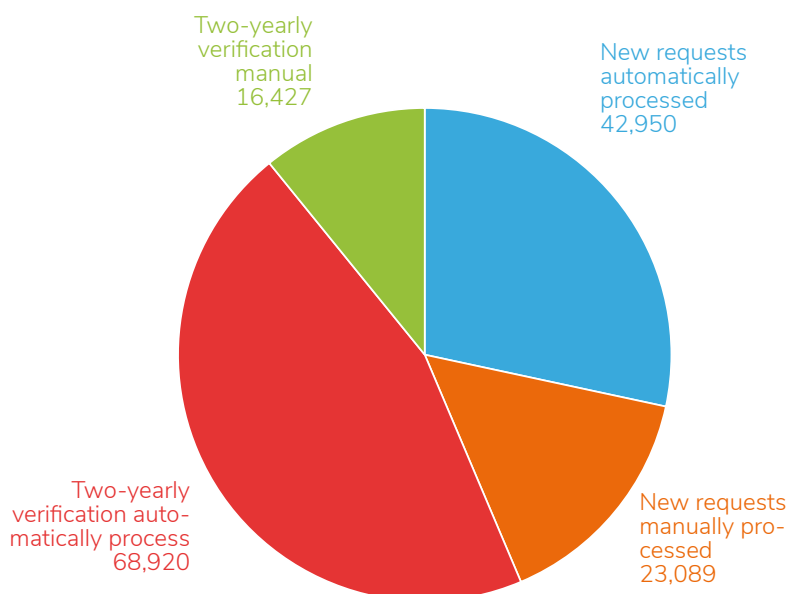
Simplified administrative files handling

Examinations. In November 2019, the BIPT launched a public tender for the creation of a web application to organise examinations for operator certificates, both for shipping and for radio amateurs (see below 3.1.2.). The assignment includes the creation of an examinations website, a registration counter, online payment and a link to the BIPT customer data base.

Social tariffs. As regards the monitoring of the granting conditions for the electronic communications social tariff, the BIPT uses a beneficiaries data base, called "STTS". This data base serves as a support for the STTS application enabling an automation of the (partial) verification of the granting conditions. To this effect, different authentic data sources are consulted via the Crossroads bank for Social Security⁴⁶. The BIPT does not only carry out this verification upon the request with the operator but can also verify whether the applicant in question still meets the terms and conditions two years after the allocation.

In 2019, more than 66,000 new requests and more than 85,000 two-yearly verifications were processed in this manner. This was mostly done automatically.

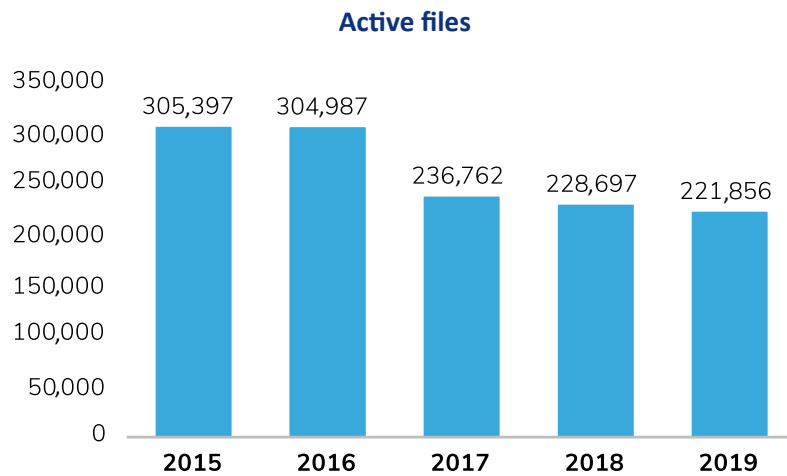
Files processed in 2019



⁴⁶ The following authentic data sources are consulted by means of the STTS application: National Register, Public Planning Service Social Integration, FPS Finance, Directorate general for persons with disabilities, Federal agency for occupational risks.



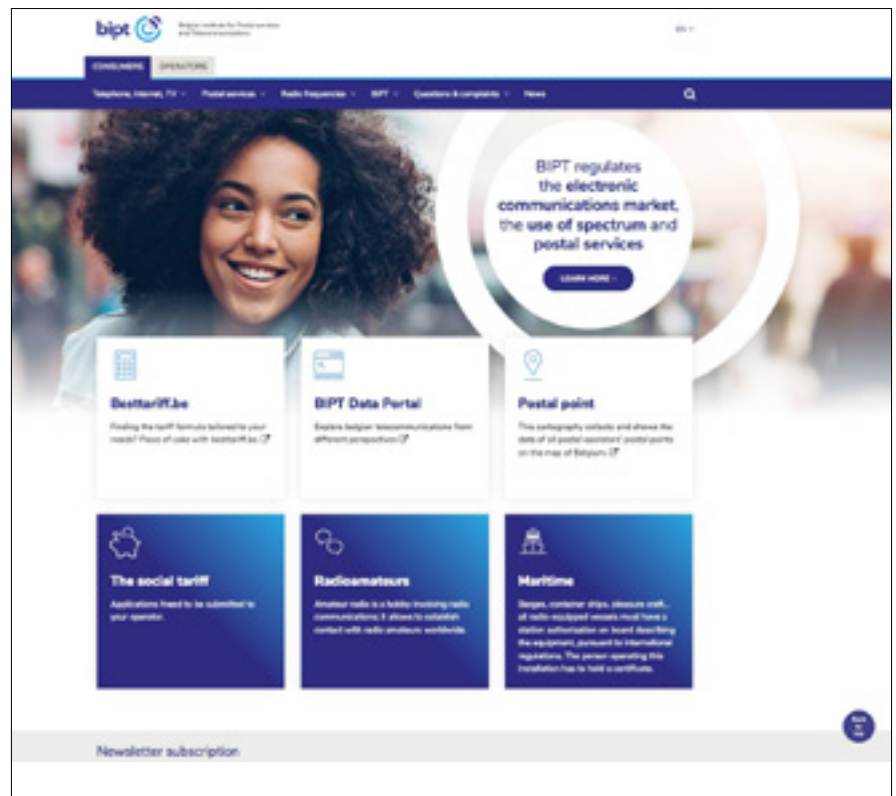
In 2017, the verification automation project was completed. This explains why the number of active files has dropped significantly since 2017. By the end of 2019, 221.856 persons enjoyed the social tariff.



The limits for the automatic verification are hereby attained. Considering the complex granting conditions, further automation is no longer possible. In 2019, however, additional adaptations have been introduced in the STTS to attune the platform's security to the requirements of the General Data Protection Regulation.

2.4.2. Accessible website

To meet the need for information of both the main public and the operators and other business users, a new BIPT website was opted for. Keynote here is user-friendliness. The access to information was simplified for the non-business user. In that context, the information available was revised and subdivided into more intuitive categories to facilitate swift look-ups. Account was taken of the European obligations, good practices and standards applied by the federal administration.



The site was published online during the first quarter of 2020.



2.4.3. Competent staff

Training. In 2019, the Training Department continued its mission of continuous staff training.

In total, 665 days of training were organised for the staff, or the equivalent of 3 days of training per full-time equivalent.

Specific attention is drawn to:

- a broadly conceived communication training for the level A staff, entitled “learn to vulgarize”;
- internal workshops for all staff members, presenting the work of each Department carrying out the BIPT’s core activities;
- the fact that in the framework of specific technical trainings more online courses are given than before.

Numerous other trainings were organised in different forms (courses, conferences, ...) aiming to meet the personnel’s needs. These needs can be identified for one person, for a department or for the BIPT.

Staff employed. In 2019, the regulator recruited eight new officials. It regards 6 level A staff, one civil engineer and five advisers with a legal or economic training, as well as two level C administrative members of staff. Because of the retirement of an administrative Head of Department, one level C staff member could be promoted to level B this year. Together with Selor an internal examination was launched as well for the promotion to the degree of technical Head of Department. That examination shall only be completed in 2020.

Analysis of the psychosocial risks at work. In cooperation with Cohezio (the former spmt Arista) a working group was created to analyse the results of the psychosocial risk analysis. On that basis a 2020-2022 pluriannual plan was drafted including concrete actions to address a number of risks identified.





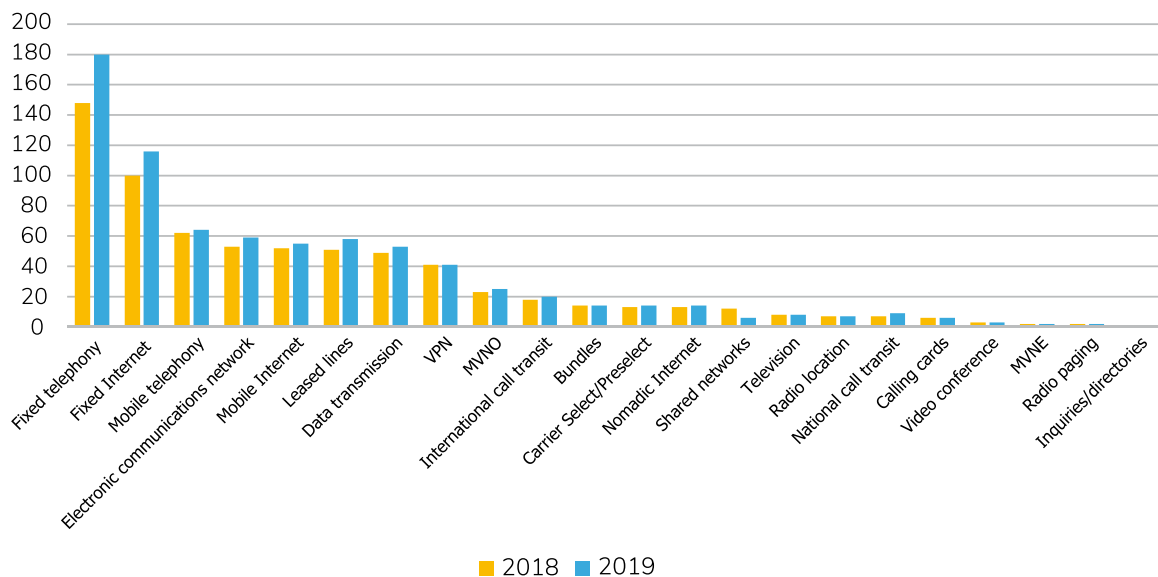
3.1. ELECTRONIC COMMUNICATIONS

3.1.1. Notifications

The access to the electronic communications market is free. A newcomer on the market may start its activities following a simple notification to the BIPT.

By the end of 2019, there were 330 notifications regarding the following services:

Distribution electronic communications services and networks



3.1.2. Networks

Fixed. Because of the density of their infrastructures, Proximus, Telenet and Brutélé/Nethys (Voo) are the operators with the largest coverage of the country in terms of fixed networks. They provide their services to the main public. Their tariff plans for the residential market can be consulted in the tariff simulator besttariff.be (see 2.2.1.).

The operators with a more limited network coverage, can use the infrastructure of the bigger operators to provide their services to their own customers, both private and business. This is “wholesale” access. Examples are Orange, which uses Telenet’s and Voo’s cable to launch its own fixed Internet/digital TV tariff plans on the residential market, or Destiny, which has access to Proximus’s fibre network to provide cloud communication solutions to business customers. The BIPT plays a crucial role in such wholesale access. In this context, it organised a consultation on the draft decision regarding the monthly tariffs for wholesale access to the cable operator’s networks in 2019 (see 2.1.1.).

Mobile. As regards the mobile network operators, Proximus, Telenet Group and Orange have constructed their own networks. They are the Mobile Network Operators or MNOs. MVNOs (mobile virtual network operators) are mobile service providers who do not have their own end-to-end mobile network. The most advanced MVNOs (known as Full MVNOs) do have their own fixed network elements, but not their own radio network. The Belgian market only has a few full MVNOs. The largest are Lycamobile, active on the Telenet Group network, and Unleashed (Medialaan) which uses Orange’s network. In general it regards “light” MVNOs, however, (these have their own customer management and invoicing system) and mobile service providers. Examples are Scarlet, Voo, Carrefour Mobile, ...

3.1.3. Licences, examinations and certificates

The BIPT is charged with the management and monitoring of the radio spectrum in Belgium. The BIPT allocates the frequencies and issues licences for the “radio users”, either the “operators” who have obtained user rights for public radio communications, or licences for private radio communications.

As regards the use of private radio communications stations, the BIPT activities comprise:

Licence granting

The BIPT issues licences for the use of private radio communications stations and individual radio stations. Based on those licences it is possible to verify whether the network is appropriately licensed upon inspection.



Licensed radio stations and networks are subdivided into categories, depending on their destination and the manner in which they operate⁴⁷:

- 1st category: private mobile networks, except for those that fall under category 3; These include private mobile radio networks mostly used for professional ends, for instance by taxi companies, factories, etc. (permanent licence) or at construction sites, events, etc. (temporary licence);
- 2nd category: private fixed networks. These refer to radio relay links⁴⁸;
- 3rd category: mobile radio networks set up by governmental bodies, companies active in transportation by railways and public transport companies, hospitals and bodies for medical or social help with purely humanitarian goals and non-profit. This category aims at a similar use as category 1 licences, only the licence holder has a different capacity;
- 4th category: maritime radio licences;
- 5th category: private radio stations used by radio amateurs;
- 6th category: radio licences for aviation;
- 7th category: general holder's licences or individual holder's licences. These licences have to be obtained in order to keep radio equipment without actually using it. Manufacturers, importers and distributors therefore have to have a general holder's licence for the radio equipment in question;
- 8th category: this category actually regards operators' public radio communications. It refers to networks set up:
 - a) by operators, of point-to-point networks or point-to-multipoint networks;
 - b) by operators, of trunked networks. This regards the so-called trunked networks using multiple radio channels, shared with other companies;
- 9th category: licences for private radio networks or stations:
 - a) used for trials or testing - such as 5G test licences;
 - b) using devices referred to in Article 33, § 2, of the Act of 13 June 2005 on electronic communications. In principle, these jammers are prohibited but there are a number of exceptions to the rule, for instance jammers in prisons;
 - c) using radars not belonging to other categories, for instance weather radars, speed radars, ... ;
 - d) not belonging to any other category.

In addition, the BIPT also issues the licences for the use of satellite stations, for instance for broadcasting vehicles for TV broadcasts through SNG or "Satellite-News-Gathering".

The graph entitled "Existing licences modified in 2019" gives an overview of the changes made in previously granted licences. There are numerous modifications, example given the adding/removing of radio stations or frequencies, changes in addresses, changes in the contact person's details, etc.

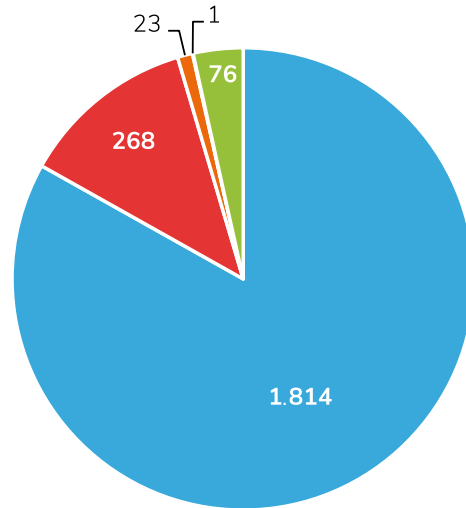
⁴⁷ Subdivision laid down in the RD of 14 December 2018 amending the Royal Decree of 18 December 2009 on private radio communications and user rights for fixed networks and trunked networks.

⁴⁸ Radio-relay links are used instead of a telephone line or fibre to interconnect two sites.



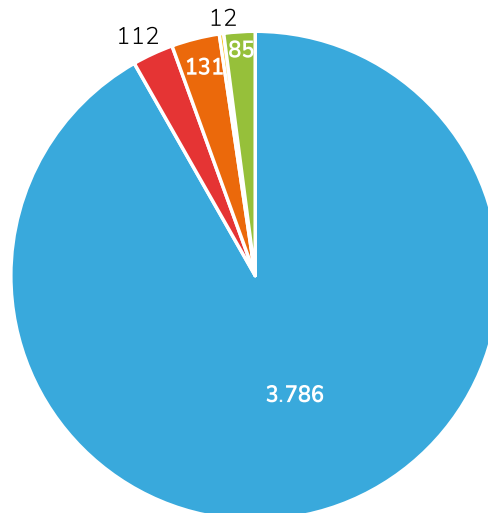
In 2019, 2,182 new licences were issued, 4,126 were adapted and 357 were cancelled. This brings the total number of files processed in 2019 at 6,665.

Licences issued in 2019



- Cat. 1, 3, 4 (shore stations) & 6 (ground stations)
- Cat. 2, 8A + satellite
- Cat. 7
- Cat. 8B
- Cat. 9

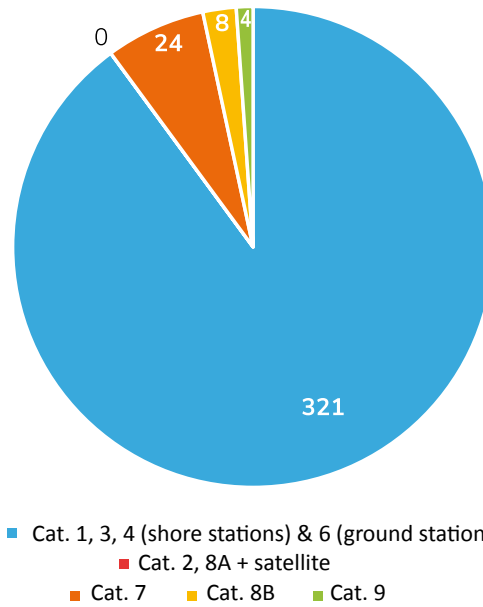
Licences changed in 2019



- Cat. 1, 3, 4 (shore stations) & 6 (ground stations)
- Cat. 2, 8A + satellite
- Cat. 7
- Cat. 8B
- Cat. 9

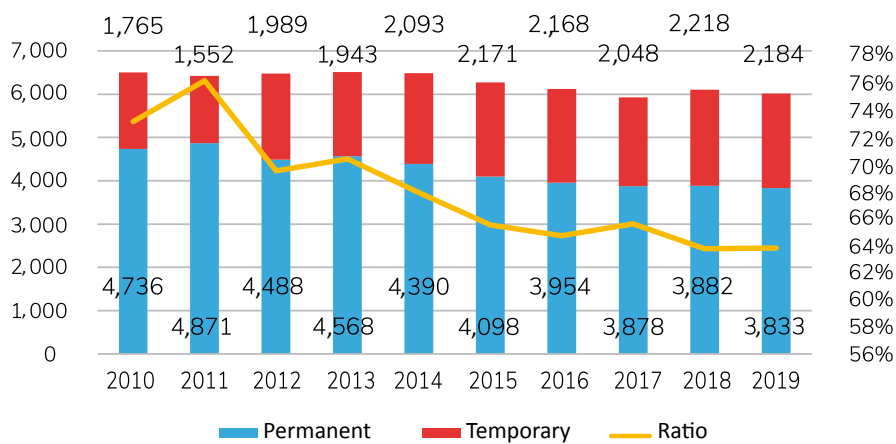


Licences cancelled in 2019



Licences of the 1st, 3rd, 4th and 6th category can also be granted temporarily. The graph below shows a survey of the evolution of the temporary and permanent licences throughout the years.

Evolution temporary and permanent licences cat. 1, 3, 4 and 6



The 2019 active licences detail is as follows:

	Permanent licences	Temporary licences
Category 1	3,031	2,156
Category 2	331	2
Category 3	683	25
Category 4	91	0
Category 6	28	3
Category 7 - General	360	0
Category 7 - Individuelle	52	0
Category 8 A	7	0
Category 8 B	10	0
Category 9 A	130	
Category 9 B		1
Category 9 C		8
Satellites		108

Aptitude tests and certificates to use certain stations

Each month, the BIPT organises radio maritime examinations and radio amateur examinations.

The examination for access to the operator certificate for stations on board vessels, is necessary for each user of a radio station in the radio maritime frequency bands. Depending on the user, there are 4 types of examinations (and certificates), divided according to the level of difficulty:

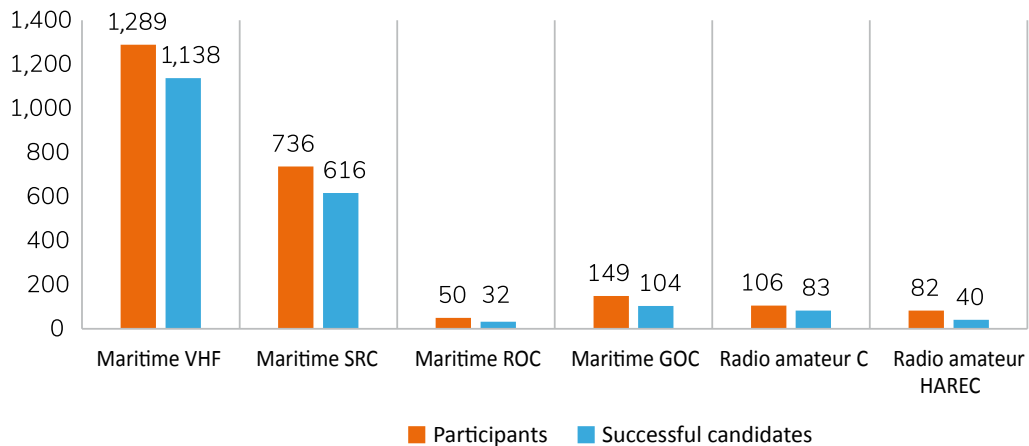
- VHF (the abbreviation refers to the device used, a “Very High Frequency” Radio): the basic certificate, used for inland navigation (commercial and pleasure cruising) and for maritime navigation (pleasure cruising);
- SRC (“Short Range Certificate”): for pleasure cruising at sea;
- ROC (“Restricted operating certificate): mainly intended for professional use for coastal navigation;
- GOC (“Global Operating Certificate”): mainly intended for professional use at sea.



For radio amateurs 2 types of examinations are organised:

- C examination: the “basis”;
- HAREC examination: for unlimited access to all radio amateur bands with a permitted transmitting power granting access to the “Harmonized Amateur Radio Examination Certificate”.

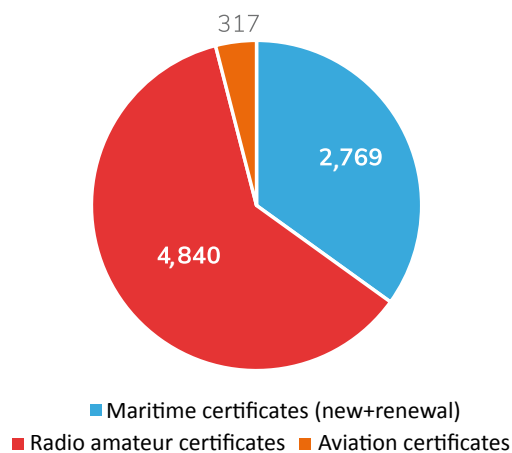
BIPT exams 2019



The Directorate-General for Air Transport of the FPS Mobility and Transport organises the examination for the certificate of aircraft station radio operator. The certificate is, however, issued to the successful candidates by the BIPT.

The high number of radio amateur certificates is explained by an amendment in the legislation in 2019. The use of a 5th category radio station requires an appropriate operating certificate. Not only those who pass the exam get this certificate, the holders of a 5th category licence who have obtained this licence before 1 January 2019 as well.

Certificates issued in 2019



3.1.4. Indicators of the electronic communications markets +

Each year, by the end of June at the latest, the BIPT publishes the electronic communications sector's statistical report. This chapter presents the major observations for 2019 as regards the evolution of the sector's turnover and investments and the use of fixed, mobile and audiovisual services.

Turnover. In 2019, the electronic communications and TV market yielded a turnover of € 8.41 billion, a slight drop compared to the previous year (-1.1%). While the retail segment is slowly picking up (+0.30% to € 7.35 billion), the wholesale market's turnover is strongly declining: -9.8% to € 1,06 billion.

Approximately 66% of the retail market's turnover is achieved on the residential market (€ 4.83 billion) and electronic communications are good for a 1.2 percentage point increase in turnover (€ 3.74 billion). The retail turnover from electronic communications on the business market drops by 0.4% to € 2.49 billion.

Net turnover electronic communications and TV market (million euro)

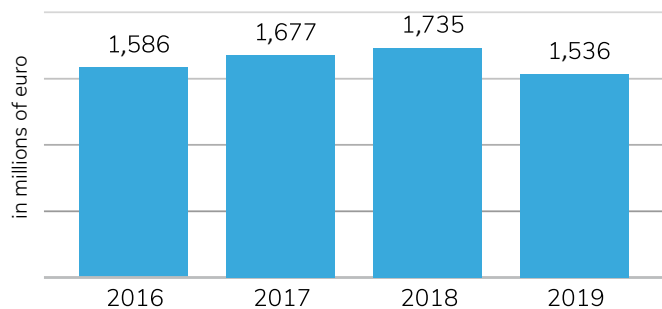


42.4% of the Belgian electronic communications and television market's turnover is coming from the fixed services amounting to a 1% turnover loss. Operators are achieving less turnover from mobile services as well compared to 2018: -1.9%, to € 3.54 billion. Only the turnover from television activities increased by 1.9% to € 1.26 billion. That amounts to a 15% share in the total turnover from electronic communications and television.

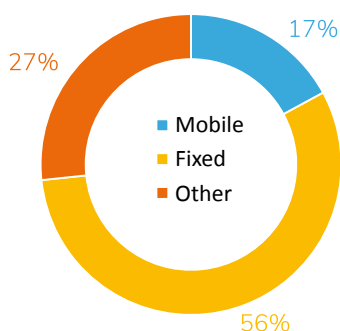
Investments. Capital expenditure financing the existing networks' upgrade and the roll-out of new ultra-fast fixed and mobile networks are decreasing for the first time after having increased each year since 2012. In real terms, the investments of € 1.54 billion are € 199 million (-11.5%) below the level achieved in 2018.



Investments fixed assets electronic communications (excluding licences)

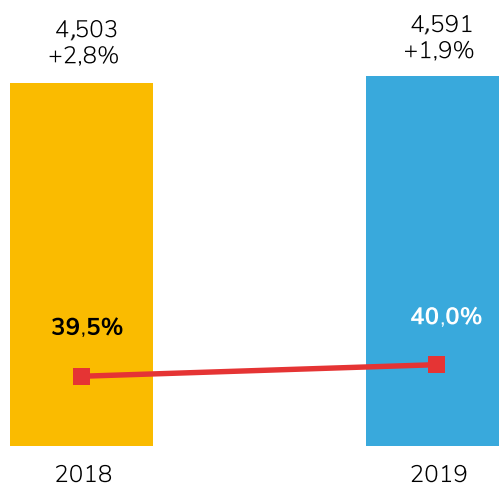


The investments are shifting towards the fixed infrastructure. More than half of the investments in fixed assets took place in the fixed electronic communications sector (56%). In 2018, these investments still had a total share of less than 50% of the total investments (49%).

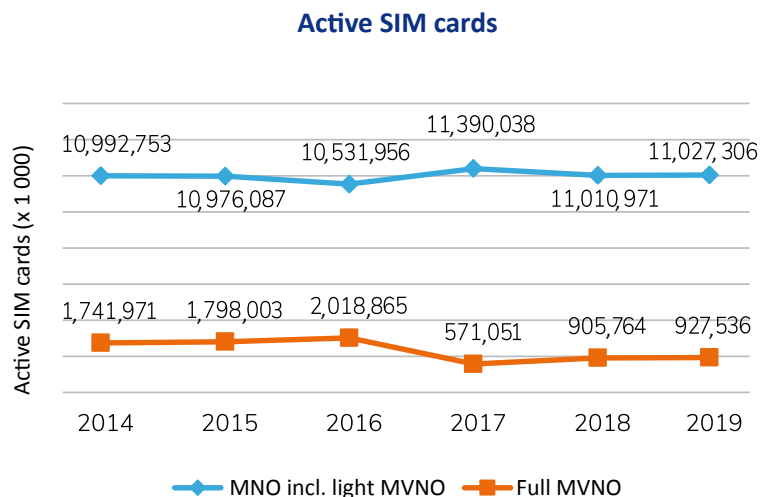


Fixed services use. The use of fixed telephony is gradually losing ground. This translates in both a continued drop of the number of access channels to the fixed telephony network (which decreased further in 2019 by 4.3% to 3,930,410), and in the number of outgoing fixed voice minutes (in 2019, the number of outgoing fixed voice minutes declined by slightly less than 1 million minutes to 5.625 billion on an annual basis). The fixed broadband access is growing but more slowly than the past few years: by the end of 2019 Belgium has 4.591 million fixed retail connections (+1.9% on an annual basis, in 2018 that was +2.8%).

Number of fixed broadband connections (per 1,000) and take-up



Mobile services use. After having dropped three years in a row, the number of active SIM cards shows a minimal growth of 0.3%. By the end of 2019, the Belgian mobile providers have registered 11,954,842 active SIM cards. The mobile take-up, however, slightly declined: -0,6 to 104.2%. The mobile network operators (including light MVNOs) record a slight growth of 16,335 active SIM cards, reaching a total of 11,027,306. The full MVNOs got an additional 21,772 active SIM cards. With 928,000 active SIM cards, the full MVNOs had a 7.8% share of the total number of active SIM cards by the end of 2019.



In 2019, the active SIM cards increased by 15%, reaching a total of 10.037 million.

The mobile voice volume continues to increase: in 2019, the mobile voice volume of the Belgian mobile providers' retail customers within reach of the home network, increased by 2.9% and by even 7.5% for the roaming voice volume.

Since 2014, a significant drop in the number of text messages sent is recorded due to the use of alternative over the top services (OTT). In 2019, the use of text messages originating on the Belgian mobile network drops by 12.2% (to 16,691,066 messages), roaming text messages sent and received by mobile subscribers abroad declined by 21% (to 1.15 billion messages).

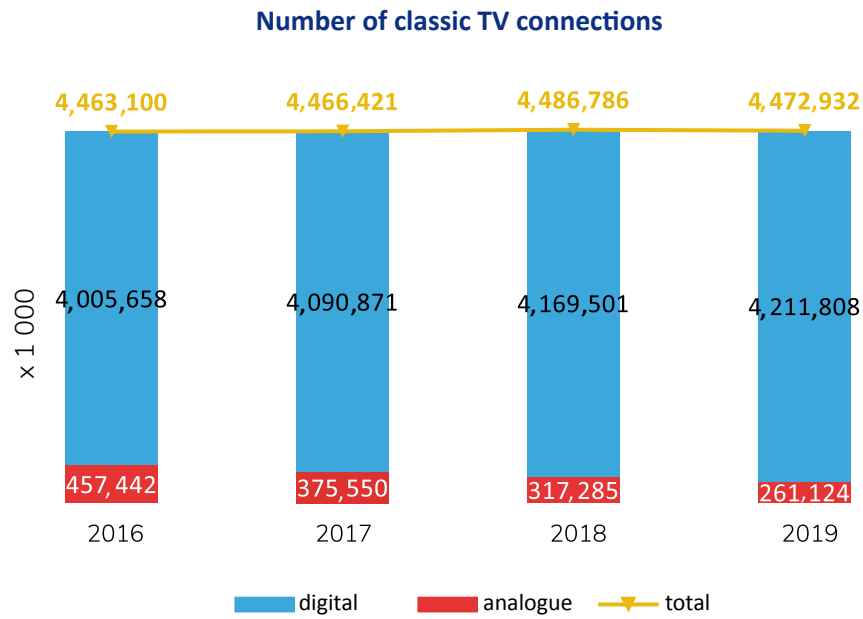
Mobile data, on the contrary, skyrocketed. In 2019, mobile subscribers used 59% more data compared to 2018, reaching 324 petabyte.

Audiovisual services use. 2019 was characterised by an extension of the traditional TV offer to face subscribers loss as a result of the growing OTT services.⁴⁹ These developments, however, still do not result in the massive cancellation of classic TV subscriptions (without satellite): a slight 0.3% drop in the number of classic TV subscriptions was recorded, to 4,472,932.

⁴⁹ In February 2019, Telenet for example, launched Yugo on the market bundling fixed and mobile Internet with television through an application replacing the decoder. Through its branch Tadaam, an offer without physical cable providing TV and Internet via the 4G network, was launched as well. Proximus's Epic combo can be compared to Yugo. It entails a mobile subscription with unlimited data for, among other things, video streaming and also makes it possible to watch TV anywhere and on multiple screens through the Proximus TV app and the Proximus TV website. Orange introduced a bundle without a TV subscription: Love Duo includes mobile telephony and Internet - without TV. This bundle targets young people who no longer watch television in the traditional manner and second-home people.



Digital television, however, does continue its course (+1%) with a 94% share in the total number of TV connections (+1 percentage point).



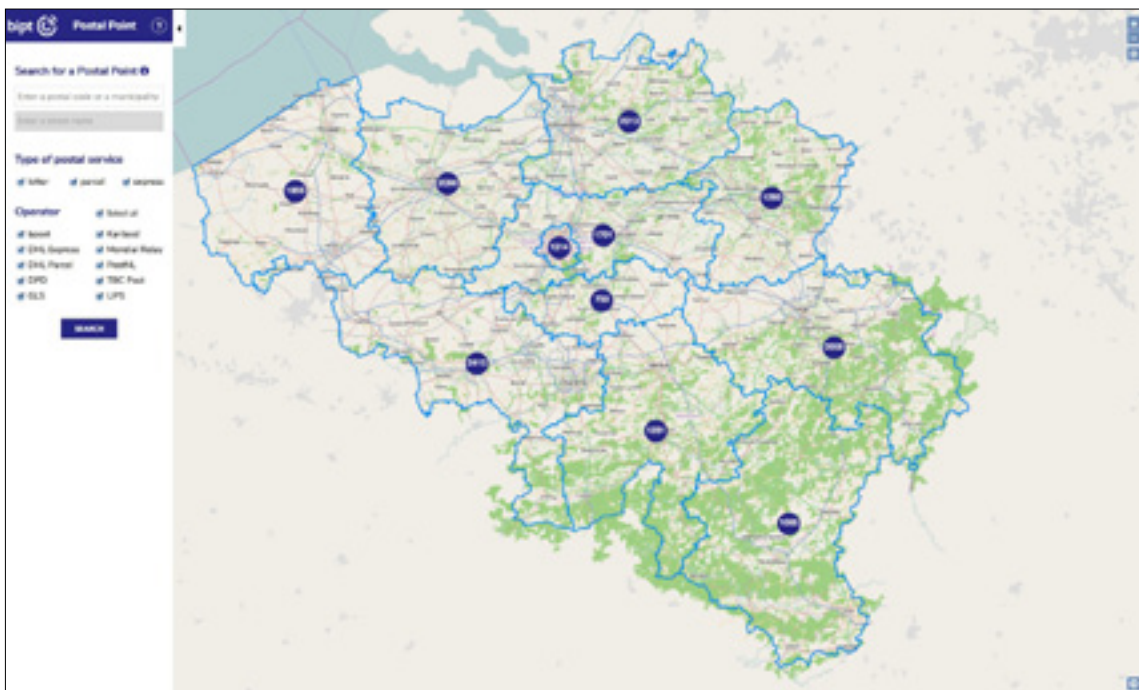
3.2. POSTAL SERVICES

3.2.1. Universal service providers - licences

Anyone wishing to provide a service of letter post - registered or not - falling within the universal service scope (up to 2 kg), needs to obtain a licence from BIPT.

SPAN Diffusion's licence for providing the universal postal service was granted by the BIPT on 10 September 2019. The company provides services of direct letter mail. This brings the number of universal letter post providers at the moment to three: SPAN Diffusion in the 19 municipalities of the Brussels Capital Region, bpost which is designated to provide the whole of the universal service on the entire territory and Glejor BVBA which wants to deliver letter post services (with the exception of registered items) in the 3650 postal code area. TBC Post provided registered letter post items services on a national scale and letter post services on the majority of the national territory but was declared bankrupt on 16 December 2019.

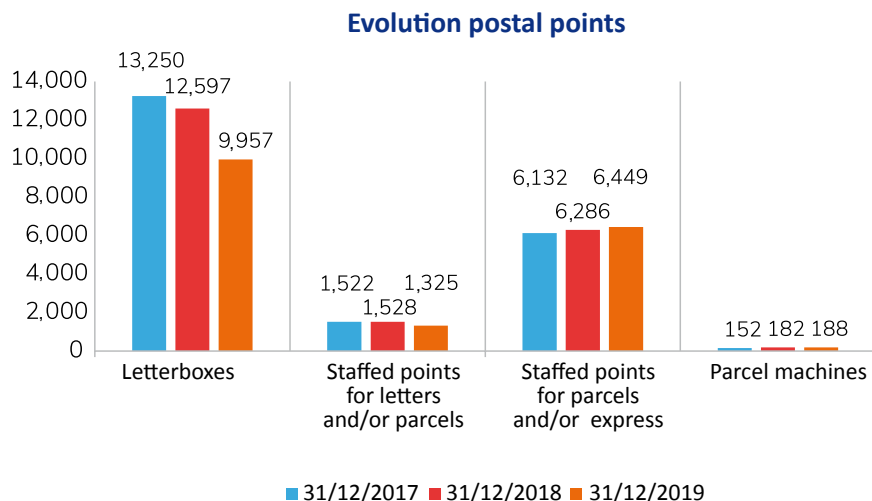
3.2.2. Postal points



Since 2017, the BIPT has been bundling data of all available postal operators' postal points on the Belgian territory on the website postalpoint.be, subdivided as follows:

- letterbox for dispatching letter post;
- staffed point for dispatching and/or receiving letters and parcels;
- staffed point for dispatching and/or receiving parcels and/or express items;
- parcel locker for dispatching and/or receiving.

[Postalpoint.be](https://postalpoint.be) is fed by data coming from the operators and reflects the developments in the postal points network.



Until TBC-Post was declared bankrupt at the end of 2019, letterboxes for dispatching were made available for the users by both the universal service provider bpost (red letterboxes) and licence holder TBC-Post (blue boxes). These past few years, the number of letterboxes was gradually decreased. Compared to last year, more than 2000 red letterboxes disappeared from the streets.

In 2019, the staffed points for letters and/or parcels also recorded a drop by approximately 190 because of the disappearing of TBC-Post. Bpost's number of staffed points, with on the one hand postal points and on the other postal offices, remained fairly stable between 2017 and 2019.

The staffed points of other operators continue to increase in terms of parcels and/or express items. It should be noted however, that the same locations may be represented more than once. It so happens that certain staffed points, such as newsagent's shops or petrol stations, work for more than one operator.

A new trend of recent years are parcel machines. Those machines, equipped with a number of secured lockers, are usually installed at busy locations and can mostly be used 24/7 for sending and/or receiving parcels. In Belgium, bpost started to roll out a network of parcel machines in 2014, both for sending and collecting parcels. Moreover, this 'Cubee' network became an open network that can be used by other operators as well, such as GLS and DHL Parcel. Apart from bpost, DHL Express also has parcel machines, albeit only for sending parcels. Outside of the scope of the postal networks and postalpoint.be, there are also operator-independent initiatives such as BringMe, Facility Lockers and ParcelHome, which offer the possibility of having a parcel delivered at home or at work in a parcel machine.

3.2.3. Postal market indicators

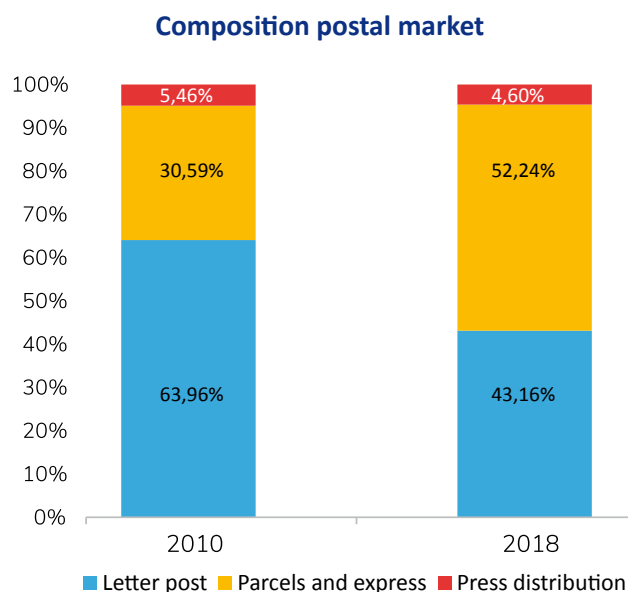
In addition to bpost and two postal licence holders, another some 700 companies are active on the Belgian postal market. To follow the evolution on the market, each year the BIPT conducts a survey among the major postal operators. As such, in 2019, the data of 21 companies have been revised for the year 2018. Their cumulated turnover amounts to give and take 90% of the postal sector's total turnover, creating an accurate image of the general trends on the postal market. All indicators and their evolution can be consulted at the [BIPT](#) web pages on the postal observatory. In the second semester of 2020, the data shall be completed with the 2019 figures. Below the main findings are listed, based on the numbers of 2018.8.



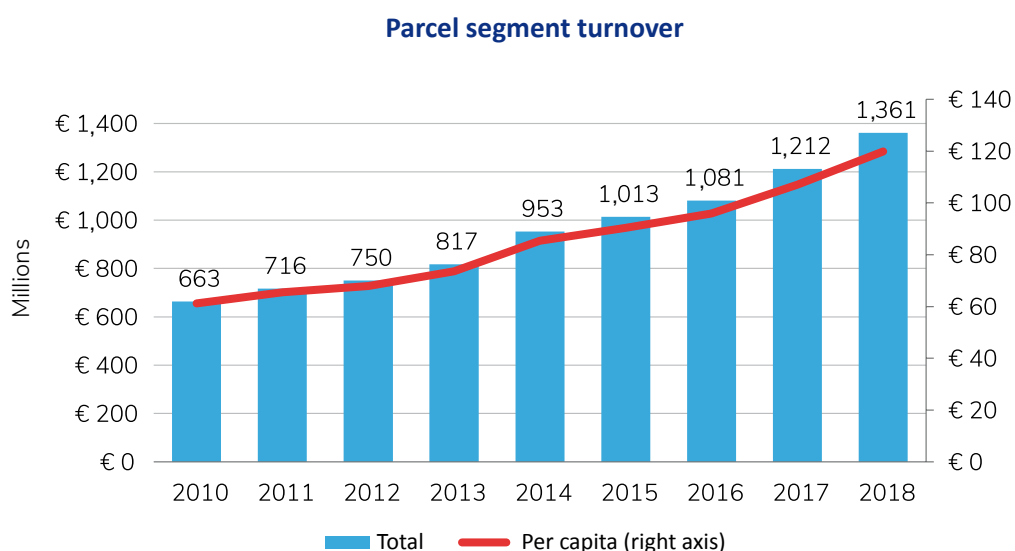
Services

The 2018 numbers indicate an accelerated growth of the postal market. The growth rate increases to 5% in 2018 compared to 3.4% in 2017. The total revenue from the postal sector amounted to 2.65 billion EUR in 2018, thanks to the following trends:

1) 1) The dynamic growth of the parcel and express segment: parcels and express items constitute the main segment on the postal market.



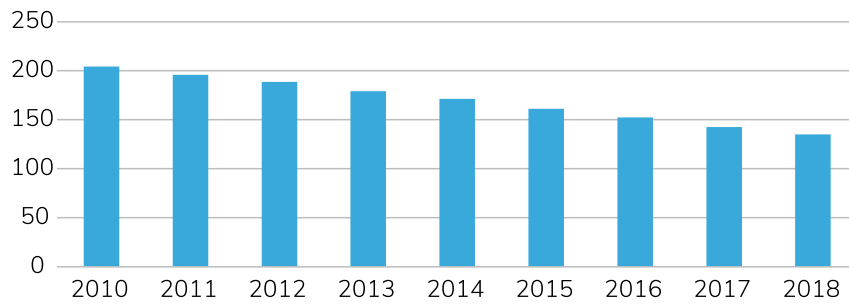
In one year's time the parcel turnover increased by more than 12%..



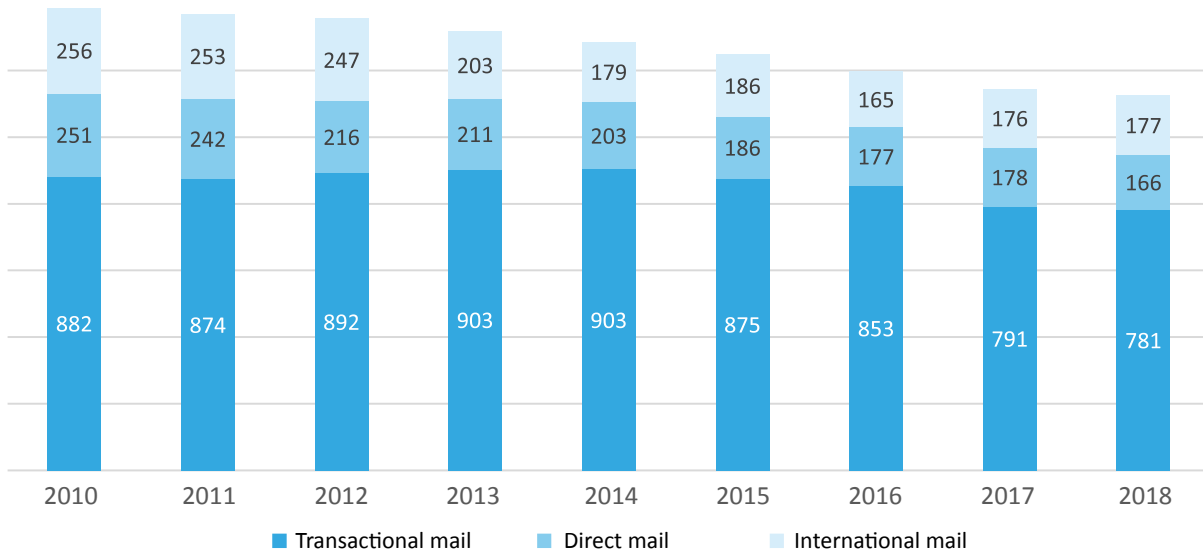
2) The more limited drop in revenue from letter post: the 2018 data show a bigger gap between the evolution of the volumes on the one hand and the revenue on the other hand, compared to the previous years.



Evolution letter post volume per capita



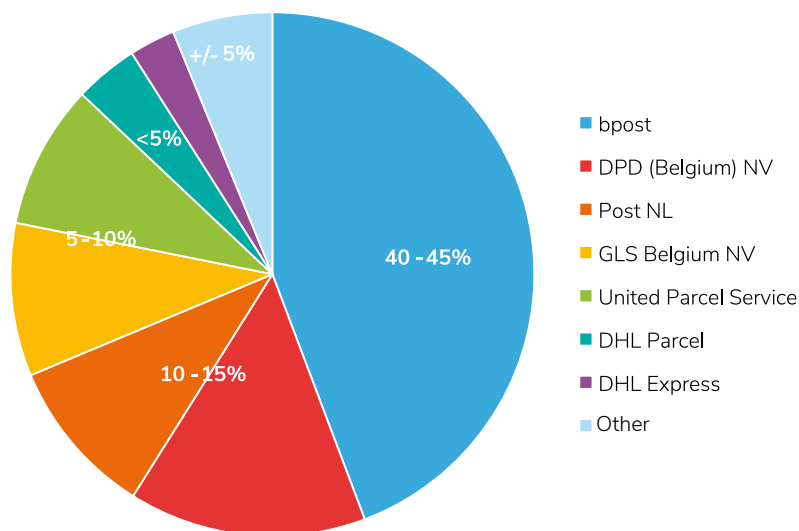
Evolution of letter post volume



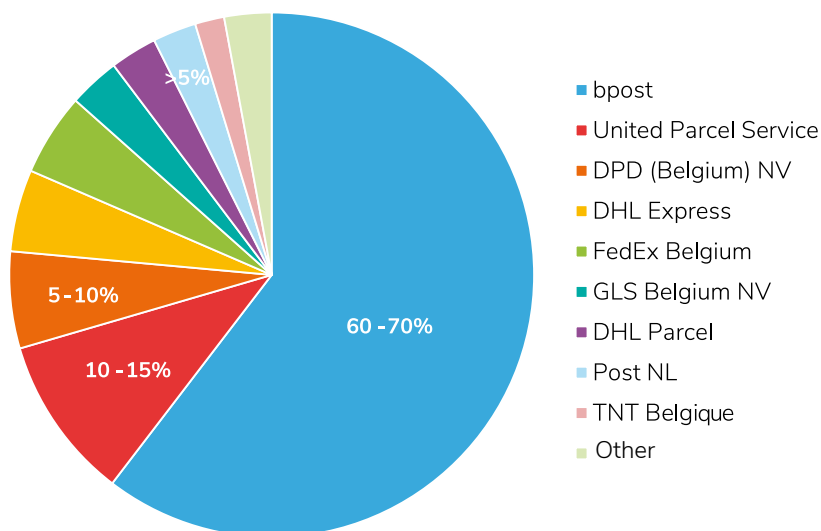
Players

Bpost manages to maintain its market position in the sector and remains the general market leader but also secures its lead in the parcel and express market.

Market share based on parcels and express volume postal operators 2018



Global market share postal operators in 2018



3.3. Media

On the territory of the bilingual Brussels-Capital Region, the BIPT is in charge of the regulation of the network operators and of the radio and television broadcasting companies, barring the operators and broadcasting bodies that exclusively broadcast/make Dutch-speaking or French-speaking programmes.

Providers of audiovisual media services in the bilingual Brussels-Capital Region have to register with the BIPT for each audiovisual media service they intend to provide. To simplify the notification obligation and to facilitate the arrival of London-based media companies wanting to set up in the EU after the Brexit, the BIPT made available [a notification form](#) on its website in 2019. It is, however, not compulsory to use it.

In 2019, the Smithsonian Networks (SNI/SI Networks L.L.C.) and Eleven Sports Network were recognised by the BIPT as providers of audiovisual media services. This brings the total number of audiovisual media service providers recognised by the BIPT in the bilingual Brussels-Capital Region to 5.⁵⁰

⁵⁰ Other providers are: Almaghreb TV, Arabia TV and Canal Maroc 1.





A. FINANCIAL REPORT AND THE FUNDS' ANNUAL ACCOUNTS

Article 34, subsection 3, of the Act of 17 January 2003 on the status of the regulator of the Belgian postal and telecommunications sectors (hereinafter referred to as “the Status Act”), stipulates that the annual report should comprise, among other things, a financial report and the funds’ annual accounts for respectively the universal service regarding postal and telecommunications services.

Below you will find the BIPT accounts as well as those of the Office of the Ombudsman for the Postal Sector and the Office of the Ombudsman for Telecommunications. These are independent bodies, created to handle the complaints from customers against the operators from the sectors in question. The BIPT’s role is limited to making available personnel and providing logistical support for purchases, accounting and budget.

The same reasoning is upheld for both Offices of the Ombudsmen: the revenue achieved is lower than the expenditures as the 2018 balance is deducted from the actual operator’s Ombudsman contribution to be invoiced.



The BIPT accounting - 2019

REVENUES	EUR	EXPENDITURE	EUR
Repayments	112,775	Staff	24,497,778
Licence and monitoring fees for private radio communications	20,020,883	Operation	8,708,727
Public licence fees	46,072,519	Investment expenses	1,857,952
Post	2,902,816	Coordination organisations	1,758,977
AOB	19,443	Treasury	28,387,706
Services performed for third parties	13,303	CF/RT	1,839,738
TOTAL	69,141,739	TOTAL	67,050,878

Accounting of the office of the ombudsman for the postal sector - 2019

REVENUES	EUR	EXPENDITURE	EUR
Repayments	--	Staff	1,700,879
Services performed for third parties (sector's participation)	1,800,086	Operation	158,565
		Investment expenses	8,244
		Coordination organisations	300
TOTAL	1,800,086	TOTAL	1,867,988

Accounting of the Office of the Ombudsman for Telecommunications - 2019

REVENUES	EUR	EXPENDITURE	EUR
Repayments	99,086	Staff	1,804,799
Services performed for third parties (sector's participation)	1,374,581	Operation	281,877
		Investment expenses	78,099
		Coordination organisations	300
TOTAL	1,473,667	TOTAL	2,165,075

In 2019, no universal service funds were activated.



B. REPORT ON THE MONITORING REFERRED TO IN ARTICLE 21 OF THE STATUS ACT

Article 34, subsection 3, of the Status Act, requires that the annual report contains a report of the monitoring referred to in Article 21 as well.

Article 21 of the Status Act lays down the provisions for the infringement proceedings that can be initiated when the Council has a series of indications that could point to a violation of the legislation or regulation, the compliance of which the BIPT monitors, or of the BIPT decisions adopted in implementation of that legislation or regulation.

In 2019, 2 infringement proceedings were launched, resulting in the following fine decisions:

- Decision of 22 January 2019 imposing a 300,000 euro fine on Telenet for not indicating the Easy Switch ID on certain business customers' invoices.

On 22 January 2019, the BIPT adopted a decision imposing an administrative fine of 300,000 euro for non-compliance with Article 16, second sentence, of the Royal Decree of 6 September 2016 regarding the migration of fixed line services and bundles of services in the electronic communications sector (hereinafter referred to as "the Easy Switch Royal Decree"). The Easy Switch Royal Decree, which entered into force on 1 July 2017, obliges the "fixed" telecommunications operators and the telecommunications operators providing service packs (including mobile telephony as well), to facilitate the switch for customers by arranging the cancellation of those customers' contracts among themselves. To that effect the customers have to communicate their Easy Switch ID to their new operator for them to be able to use the Easy Switch procedure. The Easy Switch ID is composed of a series of numbers and/or letters identifying the telecommunications installation of the previous operator at a given address. The operators are obliged to mention the Easy Switch ID in the customer zone, on a document the customer receives when he first connects with the new operator and on the invoice. Following inspections carried out by the BIPT, it appeared that Telenet did not mention the Easy Switch ID on the invoices of a specific group of customers, namely the business customers previously having subscribed to a residential tariff plan with Telenet for television and/or Internet. On the invoices of that group of customers, it was only stated that they had to go to "My Telenet" to get the Easy Switch ID. The BIPT considered that to be insufficient. Moreover, Telenet did not keep to its undertaking, suggested by the operator himself, to make the invoices comply with the requirements of Article 16 of the Easy Switch Royal Decree by 1 July 2018 and only corrected its invoices in December 2018. Consequently, the BIPT decided to impose a fine.

- Decision of 24/04/2019 regarding Lycamobile's non-observance of the legislation regarding identification of end-users of prepaid cards.

Since the coming into force of the Royal Decree of 27 November 2016 regarding the identification of the end-user of public mobile electronic communications services provided on the basis of a prepaid card (hereinafter referred to as "the Royal Decree of 27 November 2016"), on 17 December 2016, operators are prohibited from activating prepaid cards without having identified the end-user. By 7 June 2017 at the latest, operators had to disconnect the non-identified end-users of prepaid cards before the Royal Decree of 27 November 2016 came into effect.

Inspections carried out by the BIPT to verify whether the practices complied with the regulations on the identification of the end-users of prepaid cards, showed that Lycamobile did not meet its obligations in that respect. In the first place, the BIPT decided to impose



temporary measures on Lycamobile in a decision of 30 March 2018, to have Lycamobile correct the negligences established. These measures are confirmed in a decision of 6 April 2018. Following the coming into force of these temporary measures, the BIPT conducted new inspections and again found that different violations had been made against the regulations regarding the prior identification of the end-users. That is why, in a decision of 15 June 2018, the BIPT imposed a € 225,183 fine on Lycamobile, as well as a new series of compulsory measures.

Finally, following the new inspections by the BIPT, it appeared that Lycamobile still was not complying with the regulations regarding the prior identification of the end-users, nor with the Decision of 15 June 2018. That is why the BIPT sentenced the operator in a decision of 24 April 2019 for non-compliance with the BIPT Decision of 15 June 2018 and the regulations in question. This time, the BIPT imposed a € 394,070 fine. It also imposed the following measures: Lycamobile has to significantly improve the system for identification of the end-users in order to ensure a correct identification of the latter at all times, before the prepaid card is activated (verification of the identification by Lycamobile or his subcontractor prior to the activation of the card). Without delay, Lycamobile also has to make every effort to restrict as much as possible the cases requiring a manual introduction of the identification data and documents into its computer systems. Within a month following the decision, Lycamobile moreover has to ensure that the identification data and documents asked for by the judicial authorities can be retrieved easily from its computer systems, without the risk of errors or incomplete data (e.g. by setting up one single data base). As regards the verification of the identification of the end-users of prepaid cards in the past, the BIPT accepts the recovery plan as suggested by Lycamobile (correction by the end of June 2019).



C. 2019 OPERATIONAL PLAN'S BALANCE

Strategic axis “Competition” - Promoting sustainable competition and investments	
C/1/2019/01 Monitoring of the electronic communications market and TV	Card carried out
C/1/2019/02 Publication of a postal observatory 2018	Card carried out
C/1/2019/03 Drafting of the market analysis decision regarding the market for high-quality access at wholesale level, provided at a fixed location	Card carried out
C/1/2019/04 Drafting of the decision regarding the cable operators' reference offers	Card in progress
C/1/2019/05 Drafting of the decision regarding Proximus's reference offers for virtual local unbundling, multicast and fibre bitstream	Card carried out
C/1/2019/06 Drafting of the decision regarding Proximus's reference offers for local unbundling and copper network bitstream	Card in progress
C/1/2019/07 Drafting of the decision regarding the one-time fees for cable, copper and fibre	Card carried out
C/1/2019/08 Drafting of the decision regarding the rental fees for cable and FTTH	Card carried out
C/1/2019/09 Drafting of the decision of the weighted average cost of capital (“WACC”)	Card carried out
C/1/2019/10 Monitoring of the implementation of the Broadband & Broadcast market analysis	Card carried out
C/1/2019/11 Drafting of the decision regarding Proximus's reference offer for VoIP interconnection	Card in progress
C/1/2019/12 Evaluation of the Easy Switch RD	Card carried out
C/1/2019/13 Transposition of the European Electronic Communications Code	Card carried out
Strategic axis “Competition” - Spurring innovation	
C/2/2019/01 Report on the monitoring of the Net Neutrality Regulation in Belgium	Card carried out
C/2/2019/02 Supporting e-commerce from a postal perspective	Card carried out
C/2/2019/03 Evaluation of new products and services in light of the postal legislation	A workshop was held and no study was organized
Strategic axis “Users” - Contributing to providing transparent information to consumers and promoting social inclusion	
G/1/2019/01 National price comparison of electronic communications services	Card in progress
G/1/2019/02 International price benchmark study regarding the price level of the electronic communications services in the residential market	Card carried out
G/1/2019/03 Price comparison tool for the electronic communications services	Card carried out
G/1/2019/04 Quality barometer of the electronic communications services	Card carried out
G/1/2019/05 Survey on the perception of the functioning of the electronic communications market	Card carried out



G/1/2019/06 Universal service monitoring	Card carried out
G/1/2019/07 Reform of the social tariffs	Card carried out
G/1/2019/08 Postal Market Consumer study	Card carried out
G/1/2019/09 Monitoring of the bpost customer satisfaction survey	Card carried out
G/1/2019/10 Monitoring the observance of the postal regulatory framework	Card carried out
G/1/2019/11 Monitoring of the net cost of universal service obligations to which bpost is subject	Card in progress
G/1/2019/12 Elasticity study regarding postal products	Card in progress
G/1/2019/13 Price monitoring of universal service products	Card carried out
Strategic axis "Users" - Ensuring a reliable environment	
G/2/2019/01 Improving transparency relating to the coverage of the fixed and mobile networks	Card carried out
G/2/2019/02 Inspection of the operators' critical infrastructures	Card carried out
G/2/2019/03 Notification of security incidents by the operators	Card carried out
G/2/2019/04 Monitoring of the commercialisation of radio equipment	Card carried out
Strategic axis "Scarce resources" - Managing scarce resources	
S/1/2019/01 The adaptation of the numbering plan to the long-term market developments	Card carried out
S/1/2019/02 Multi band auction - Auction of the 2G and 3G frequency bands, 700 MHz and the 3400-3800 MHz band	Card carried out
S/1/2019/03 The use of drones for locating and measurements	Card in progress
S/1/2019/04 Spectrum monitoring - resolving interferences	Card carried out
Strategic axis "Efficient operation" - Ensuring an accessible operation	
E/1/2019/01 Renewing the BIPT website	Card in progress
E/1/2019/02 Determining the operator's capacity	Card in progress
E/1/2019/03 Summary of the operators' rights and obligations	Card in progress
E/1/2019/04 Granting licences for portable devices not linked to a ship	Card in progress
E/1/2019/05 Participation in bodies for national and international consultation	Card carried out
Strategic axis "Efficient operation" - Being an attractive employer	
E/2/2019/01 Internal Operation Plan	Card carried out



D. LIST OF THE DOCUMENTS PUBLISHED IN 2019

Decisions	
22/01/2019	BIPT Council Decision imposing a 300,000 euro fine on Telenet for not indicating the Easy Switch ID on certain business customers' invoices
22/01/2019	BIPT Council Decision on radio interfaces B01-39 to 41, B03-04 and B07-06
01/02/2019	BIPT Council Decision on monitoring transit times for the year 2017
29/03/2019	BIPT Council Decision on the extension of the user rights granted to Citymesh in the 3.5 GHz frequency band for the provision of electronic communications services on the Belgian territory
08/04/2019	BIPT Council Decision regarding the granting to e-BO enterprises of temporary user rights for the establishment and operation of a transmission installation on the wind farm situated in the Belgian economic zone in the North Sea
24/04/2019	BIPT Council Decision regarding Lycamobile's non-observance of the legislation regarding identification of end-users of prepaid cards
13/05/2019	Registration of Eleven Sports Network as a provider of audiovisual media services
27/05/2019	Registration of SNI/SI Networks L.LC as a provider of audiovisual media services
13/06/2019	BIPT Council Decision on the possibility for Nethys to apply roaming surcharges by virtue of Article 6quater of the EU Regulation no 531/2012 of the European Parliament and the European Council of 13 June 2012
09/07/2019	BIPT Council Decision regarding the renewal of the BIPT Council Decision of 7 December 2018 on the retail market for access to the public telephone network at a fixed location and on the wholesale market for call origination on the public telephone network provided at a fixed location
23/07/2019	BIPT Council Decision regarding the cost of capital (WACC) for SMP operators
29/07/2019	BIPT Council Decision regarding the areas where the reduction in the amount of the fees relating to the user rights for radio-relay links applies
29/07/2019	BIPT Council Decision on the coexistence of public mobile networks with the GSM-R network in the 900 MHz band
17/09/2019	BIPT Council Decision regarding the request to extend the user rights of Citymesh in the 3.5 GHz frequency band for the provision of electronic communications services on the Belgian territory with the city of Courtrai
17/09/2019	BIPT Council Decision regarding the analysis of the increases of bpost's single-piece rates for the year 2020
10/10/2019	BIPT Council Decision on the declaration of non-conformity of bpost's cost accounting system for the year 2016
11/10/2019	BIPT Council Decision on the composition of the board referred to in the Royal Decree of 5 May 2006 regarding a conciliation procedure before the BIPT for the year 2019
29/10/2019	BIPT Council Decision regarding the listing and classification of products and services provided by the universal service provider for the year 2017
06/11/2019	BIPT Council Decision on the granting to Citymesh of temporary user rights for the establishment and operation of a transmission installation in the Belgian exclusive economic zone in the North Sea



13/11/2019	BIPT Council Decision on the radio interfaces B20-01 to 11, B21-01 to 40, B22-01 to 09, B23-01 to 13 and B24-01 to 10.0
13/11/2019	BIPT Council Decision on the extension of the supply of 0800 numbers
26/11/2019	BIPT Council Decision on monitoring transit times for the year 2018
13/12/2019	Analysis of the high-quality access market 2019
23/12/2019	BIPT Council Decision regarding the listing and classification of products and services provided by the universal service provider for the year 2018
Consultations	
22/01/2019	Pre-consultation of the Proximus reference offer "Bitstream GPON"
22/01/2019	Pre-consultation of the Telenet reference offer "Bitstream coax and resell of television services"
22/01/2019	Pre-consultation of the Nethys reference offer "Bitstream coax and resell of television services"
22/01/2019	Pre-consultation of the Brutélé reference offer "Bitstream coax and resell of television services"
22/01/2019	Consultation on the BIPT Council Decision of dd xx 2019 on the extension of Citymesh's user rights in the 3.5 GHz frequency band for the provision of electronic communications services on the Belgian territory
08/02/2019	Public consultation on the BIPT Council Decision of xx 2019 regarding the granting to E-Bo Enterprises of temporary user rights for the establishment and operation of transmission installations at the wind farms situated in the Belgian economic zone in the North Sea and on the adaptation of the financial terms in the BIPT Council Decision of 21 October 2013 regarding the granting of temporary user rights to Base Company and in the BIPT Council Decision of 4 January 2018 on the granting to Citymesh of temporary user rights.
14/02/2019	Pre-consultation of the Proximus reference offer "Bitstream Multicast"
20/02/2019	Pre-consultation of the Proximus reference offer "PRIO"
26/03/2019	Consultation at the request of the BIPT Council of 24 March 2019 on the extension of the supply of 0800 numbers
29/03/2019	Consultation regarding the analysis of the high-quality access market
30/04/2019	Consultation on the use of the 26 GHz band for 5G
09/05/2019	Draft Decision of the BIPT Council regarding the analysis of the Proximus reference offer for unbundled and bitstream access to the copper local loop
09/05/2019	Public consultation of the BIPT Council on the extension of the user rights granted to Citymesh in the 3.5 GHz frequency band for the provision of electronic communications services on the Belgian territory
22/05/2019	Draft Decision of the BIPT Council on the coexistence of public mobile networks with the GSM-R network in the 900 MHz band
03/06/2019	Draft Decision of the BIPT Council regarding the revision of the "one-time fees" and the monthly rental price "ISLA Repair" of the reference offers BRUO and Bitstream xDSL from Proximus



04/06/2019	Draft Decision regarding the technical and operational conditions required to avoid harmful interference in the 3400-3800 MHz band
04/06/2019	Draft Decision regarding the technical and operational conditions required to avoid harmful interference in the 1427-1517 MHz band
07/06/2019	BIPT Council Decision regarding the areas where the reduction in the amount of the fees relating to the user rights for radio-relay links applies
19/06/2019	Consultation regarding the evaluation of Easy Switch in 2019
04/07/2019	Draft Decision of the BIPT Council regarding the analysis of the Proximus reference offer for bitstream access to the fibre local loop
05/07/2019	Draft Decision of the BIPT Council on the monthly tariffs for wholesale access to the cable operators' networks
13/08/2019	Consultation at the request of the BIPT Council of 9 August 2019 about the draft decision on the extension of the supply of 0800 numbers
28/08/2019	Draft Decision of the BIPT Council on Proximus's VOIP interconnection reference offer
24/09/2019	Public consultation of the BIPT Council on the extension of the user rights granted to Citymesh in the 3.5 GHz frequency band for the provision of electronic communications services in the North Sea.
25/09/2019	Consultation on the Decision of the BIPT Council on the radio interfaces B20-01 to 11, B21-01 to 40, B22-01 to 09, B23-01 to 13 and B24-01 to 10
05/11/2019	Public consultation of the BIPT Council on the extension of the user rights granted to Citymesh in the 3.5 GHz frequency band for the provision of electronic communications services on the Belgian territory
24/12/2019	Consultation at the request of the Minister of Telecommunications, on the draft bill and three drafts of royal decrees regarding mobile networks
Communications	
08/01/2019	BIPT Council Communication on the audit of the internal and external monitoring systems of bpost for monitoring the delivery times
01/03/2019	BIPT Council Communication on the minimum technical specifications for indoor antenna systems
03/04/2019	BIPT Council Communication regarding the monitoring of the 6th management contract concluded between the State and bpost
10/07/2019	Annual report on the monitoring of net neutrality in Belgium 2018-2019
10/10/2019	BIPT Council Communication on the list of postal operators holding an individual licence
08/11/2019	BIPT Council Decision regarding the assessment of the bpost tariffs considered within the framework of the European regulation on cross-border parcel delivery services



13/11/2019	BIPT Council Communication regarding the Analysys Mason study of 7 November 2019 on the valorisation of the spectrum for public mobile systems on 3600 MHz and 26 GHz
27/11/2019	BIPT Council Communication regarding the Belgian postal services observatory for 2018
Opinions	
15/05/2019	BIPT Council Opinion on the draft Royal Decree implementing the NIS Act as well as certain provisions of the “Critical Infrastructures Act”
13/12/2019	BIPT Council Opinion regarding the 2018 improvement plan and the 2019 action plan of bpost following the 2018 customer satisfaction survey
Press releases	
18/01/2019	New obligations for postal operators resulting from European Regulation on cross-border parcel delivery services
15/02/2019	Mobile telecommunications networks quality: the BIPT increases transparency
04/03/2019	The BIPT imposes a 300,000 euro administrative fine on Telenet for not indicating transfer data on certain invoices
29/03/2019	The BIPT consults on the high-quality access regulation
29/04/2019	The BIPT imposes another fine on Lycamobile
09/05/2019	International call rates capped
28/06/2019	The BIPT publishes the 2018 annual report of the electronic communications sector
05/07/2019	Consultation on new wholesale tariffs for access to the cable operators' networks
06/09/2019	The Market Court rejects the appeals lodged against the broadband Internet and broadcasting markets regulation
27/09/2019	The BIPT approves bpost's increased postal rates for 2020
02/10/2019	The annual BIPT consumer survey highlights the growth of OTTs
22/10/2019	The BIPT verifies the conformity of radio equipment and inspects it for harmful interference
29/11/2019	Parcel segment boosts the postal market's and the postal points network's growth
17/12/2019	The BIPT continues to regulate high-quality connectivity
19/12/2019	The BIPT updates the network quality data
23/12/2019	The BIPT publishes its international comparative price study for 2019



E. USEFUL ADDRESSES

<p>Belgian competition authority City Atrium Vooruitgangsstraat 50 1210 Brussels Tel. 02 277 52 72 Fax 02 277 53 23 info@bma-abc.be https://www.bma-abc.be/nl</p>	<p>FPS Economy, SMEs, Self-employed and Energy City Atrium C Vooruitgangsstraat 50 1210 Brussels Tel. 0800 120 33 Fax 0800 120 57 info.eco@economie.fgov.be http://www.economie.fgov.be</p>
<p>Office of the Telecommunications Ombudsman Koning Albert II-laan 8, bus 3 1000 Brussels Tel. 02223 06 06 Fax 02219 77 88 plaintes@mediateurtelecom.be www.ombudsmantelecom.be</p>	<p>Service de médiation pour les télécommunications Boulevard du Roi Albert II, 8 boîte 3 1000 Bruxelles Tel. : 02223 06 06 Fax : 02219 77 88 plaintes@mediateurtelecom.be www.mediateurtelecom.be</p>
<p>Consultative Committee on Postal Services Ellipse Building C Boulevard du Roi Albert II 35 1030 Brussels Tel. 02 226 87 65 Fax 02 223 88 77 aurélie.seghers@bipt.be www.ccp-rcp.be</p>	<p>Consultative Committee on Telecommunications Ellipse Building C Boulevard du Roi Albert II 35 1030 Brussels Tel. 02 226 87 58 Fax 02 223 88 77 piet.steeland@bipt.be http://www.cct-rct.be</p>
<p>Medienrat der Deutschsprachigen Gemeinschaft Belgiens im Ministerium der Deutschsprachigen Gemeinschaft Belgiens Gospertstraße 42 4700 Eupen - Belgien Tel. 087 59 63 00 - Fax 087 55 28 91 info@medienrat.be http://www.medienrat.be/</p>	<p>Conseil supérieur de l'audiovisuel Koningsstraat 89 1000 Brussels Tel. 02 349 58 80 Fax 02 349 58 97 info@csa.be www.csa.be/</p>
<p>Flemish Media Regulator Koning Albert II-laan 20 – bus 21 1000 Brussels Tel. 02 553 45 04 Fax 02 553 45 06 vrm@vlaanderen.be http://www.vlaamseregulatormedia.be</p>	





Belgian Institute for Postal Services
and Telecommunications

