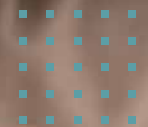


BELGIAN INSTITUTE FOR POSTAL SERVICES AND TELECOMMUNICATIONS

2012

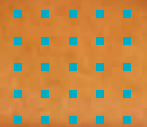
ANNUAL REPORT



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MESSAGE OF THE COUNCIL



2012 saw the first annual operational plan¹ which detailed the objectives complementing the three-year strategic plan 2010-2013². The actions mentioned below were announced through this 2012 operational plan following a public consultation which started at the end of March. Therefore this activity report accounts for the achievement of the objectives laid down in the 2012 operational plan.

The strategic plan, the operational plans and the annual reports propose a set of information allowing stakeholders to learn about the evolutions and the projects planned in BIPT action areas. In this trilogy, the annual report can be considered as BIPT 'profit and loss accounts'. They are published in this report and will also be communicated to the Government and submitted to the Parliament.

Thus this 2012 annual report ensures continuity. It shows the constancy of BIPT officials to meet their objectives, to make decisions and to ensure the regulatory framework stability to enable operators to draw up their business plans with maximum security.

So BIPT has continued its market analyses; its officials have monitored the application of the regulatory provisions by the different postal services and electronic communications operators. Importers/resellers and users of material with radio frequencies have been examined as well. In parallel BIPT has managed the granting of licences and radio spectrum frequencies to professional or private users.

The section relating to important achievements of 2012 is followed by some key figures about the regulated sectors. Let us mention some of them: the fixed and mobile broadband penetration rates have become nearly similar (about 33 %), the mobile broadband incomes recorded strong growth: +67.5 % (super-fast Internet (> 30 Mbps) takes off, increasing by 20 % to reach 58 % (Belgium is ranked at the EU top for fast Internet penetration rate), the success of bundles is now established with the subscription of 57 % households.

The BIPT Council would like to thank those who took part in its activities. Without their collaboration and sense of responsibility the regulator's action would be more laborious. Day after day, with the stakeholders and its staff, BIPT shapes the electronic communications and postal services markets in which operators have to compete on a fair basis to the benefit of all consumers.

Georges DENEFF

Axel DESMEDT

Catherine RUTTEN

Michel VAN BELLINGHEN

¹ <http://www.bipt.be/ShowDoc.aspx?objectID=3775&lang=EN>

² <http://www.bipt.be/ShowDoc.aspx?objectID=3371&lang=EN>



I - BIPT



A. AT A GLANCE

Who?

BIPT is a federal institution which performs the following tasks:

- **It is the regulator for electronic communications**

BIPT has among others the task to promote competition, to contribute to the development of the internal market and to protect the users' interests.

- **It is the postal market regulator**

BIPT monitors the rates and the quality of the postal universal service provider and grants licences to operators entering on the postal market.

- **It manages the electromagnetic spectrum of radio frequencies**

BIPT is in charge of allocating scarce resources made up of radio frequencies and numbers to ensure the most efficient use of it. It also fulfils the role of «wave policy» to put an end to any form of harmful interference. It monitors the electromagnetic spectrum, operators and equipment.

- **It is the media regulator in the Brussels-Capital Region** and ensures that the operators in the bilingual Brussels-Capital Region comply with the specific regulation on radio and television broadcasting, provided that the activities of the broadcasting company cannot be specifically related to the French Community or the Flemish Community.

- It also acts as the Belgian administration **for the fulfilment of various missions of public interest.**

What?

BIPT makes administrative decisions that may result in the imposition of obligations on companies:

- It is entitled to impose administrative sanctions;
- It issues opinions at its own initiative or at the Minister's request;
- It monitors compliance with the sector-specific legislation and is authorised to conduct studies by collecting all the useful information or by holding public consultations;
- It may act as an ombudsman in case of disputes.

How?

As an independent institute, BIPT is of course accountable for its activities.

- Since the Act of 10 July 2012³ pertaining to various provisions regarding electronic communications, the BIPT Council writes every three years a strategic plan, subject to the Council of ministers' approval, except for the aspects relating to the *ex ante* market regulation and disputes between operators, and which end version is submitted to the Chamber of Representatives. On this basis the Council then prepares an annual operational plan. Finally, an annual report on the activities and the development of the postal services and telecommunications markets is submitted to the government.
- The Budget and Finance ministers, and the Court of Auditors, also exercise control over the draft budget made by BIPT, which, since its creation, has been entirely financed by resources mainly coming from regulated sectors, without any public subsidies.
- BIPT decisions may be challenged before the Brussels Court of Appeal. The Court of Appeal may suspend BIPT decisions and annul them with retroactive effect. As such an appeal against a decision has no suspensive effect.

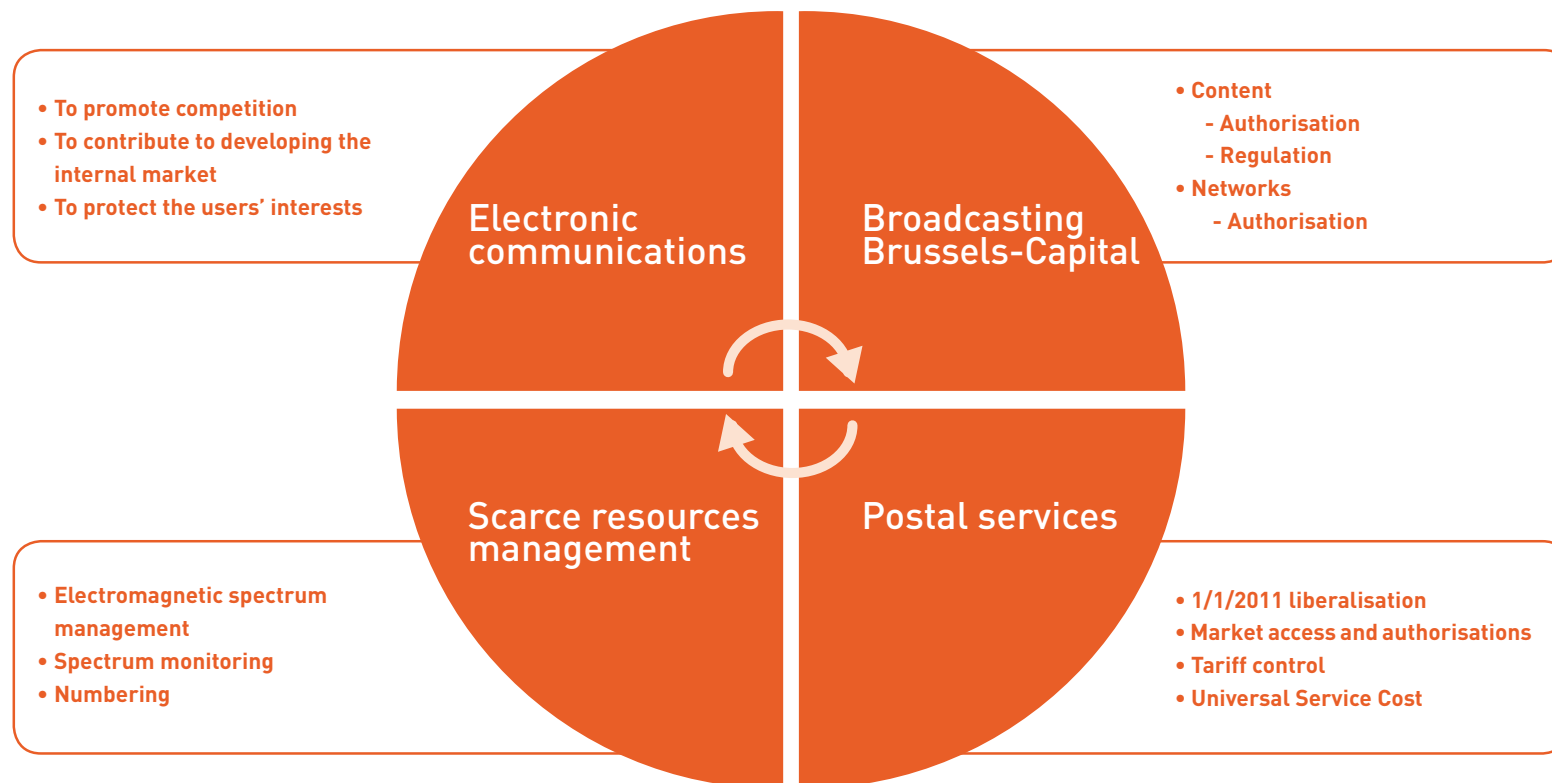


³ Moniteur belge of 25 July 2012.



B. MISSIONS, VISION AND VALUES

Missions



* This figure does not reflect the relative importance of each sector of activities.

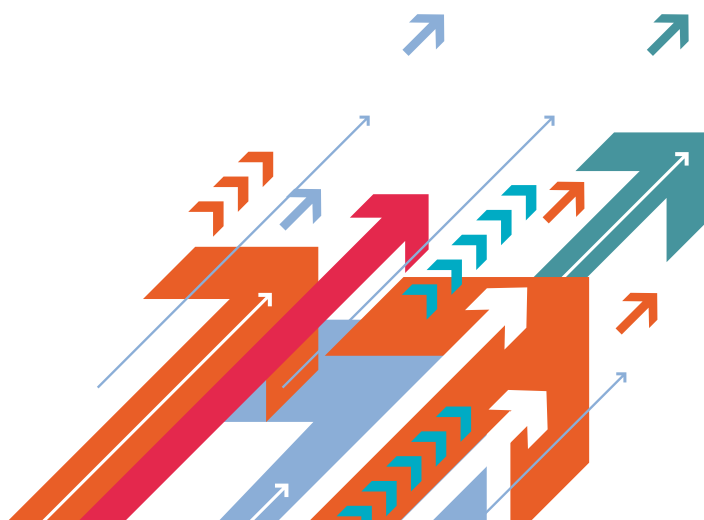
Vision

In a liberalised electronic communications and postal services market, users want to enjoy a diversified infrastructure, a wide variety of services and affordable quality products. By applying the provisions of the Belgian and European regulatory frameworks, BIPT wants, as a strong and independent regulator, to transmit them by relying on the expertise of its collaborators and by interacting with the economic and social players.

Values

INDEPENDENCE **EXPERTISE** **EMPOWERMENT**
TRANSPARENCY **DIALOGUE** **COMMUNITY SERVICE**
 CONSISTENCY

These values are the internal framework of reference of BIPT; they map out the action of the BIPT officials and contribute to create a common vision of the objectives to be met. They directly contribute to BIPT's good governance and ethics.





C. MAIN REGULATORY ACHIEVEMENTS IN 2012

1. The consumers: a strategic concern to BIPT

Promotion of consumer interests

To determine the needs of private individuals and companies and to identify the kinds of issues encountered by consumers in the electronic communications services market, a **general public survey** of Belgian consumers was conducted. This survey which will be repeated for three years allows gathering information on users' perception of how the electronic communications services market operates. The survey conducted in 2012 showed that consumers are not informed enough or that they do not always adopt the attitudes helping them make better choices. The publication of the Act of 10 July 2012 and the actions taken by BIPT regarding consumer protection have already allowed to develop a number of actions to improve this information.

Comparing tariffs with the tariff simulator

The tariff simulator is a computer tool made freely available to residential consumers, allowing them to **compare the tariffs** of the different services and operators to determine which offer suits better to their use of electronic communications services. It is an important element of the transparency required by the operation of effective competition. BIPT has continued to verify the approximately 400 active tariff plans and has made changes to the system to improve the reliability of the results it delivers, its ease of use and its harmony with market developments. As a reminder, this site can be viewed on: <http://www.besttariff.be>

Better information to users

To help consumers controlling their telecommunications expenditure, BIPT adopted on 20 November 2012 a decision obliging operators to **propose alerts** to their subscribers when they reach a predetermined tariff ceiling.

BIPT adopted a decision on 4 December 2012 determining how operators should inform their future customers of **the Internet connection and uploading speed** for their specific situation, in off-peak hour and peak hour. This decision will become effective in July 2013.

To make informed choices when subscribing to electronic communications services, end-users should be able to access information on the available services and **to compare the different operators' offers**. These offers should be transparent and easily comparable. The provision of standardised information sheets contributes to transparency as those sheets display the offers in a standardised format enabling easy comparison. BIPT submitted for consultation a draft Royal Decree with, in attachment, the standardised information sheet drafts.

At the request of the Minister of Economy, Consumers Affairs and the North Sea, BIPT conducted an **international comparison study of telecommunication prices** to verify how the Belgian price level related to prices applied in the neighbouring countries. This study examined the tariffs for fixed and mobile telephony, broadband Internet, mobile Internet and bundles (the «triple play» offers gathering telephony, Internet and TV) and gave rise to a consultation with the sector in 2012 to prepare its publication in 2013.

Infringement procedures relating to the information provided by operators to consumers

In 2012 BIPT went on to control how operators comply with the legal provisions on consumer protection. Some of these controls resulted in a draft decision imposing **penalties on operators in default**, especially in case of non-compliance with the provisions obliging operators to display on the bill a number of information, i.e., once a year the mention of the most advantageous tariff plan and, on each bill the expiration date of the fixed term contract. These infringement procedures should lead to the imposition of penalties. These penalties should be imposed in 2013 following a procedure in which operators are entitled to respond to a draft decision establishing infringement and to be heard by the BIPT Council.

Information optimisation proposed by BIPT

BIPT published **sheets** containing Frequently Asked Questions (FAQ) on its website; they concern contracts, changes of operator and breaches of contract, technical possibilities on the market, advice in case of problems, etc.

Selective blocking of calls to 070 numbers

The Minister of Economy, Consumers Affairs and the North Sea requested BIPT and the Ethics Commission which secretariat is assumed by BIPT to consider the possibility of **selective blocking of calls** to 070 numbers while authorising calls to 070 numbers of general interest. Therefore BIPT consulted operators which considered that selective call blocking was technically feasible but expensive and complicated. A list of general interest numbers currently included in the 070 series was sent to the Minister of Economy, Consumers Affairs and the North Sea and the latter requested the Ethics Commission to provide him with an opinion on the different possibilities.

2. Stimulate competition and create a «level playing field» on the market

Regulation of the broadband internet and broadcasting market

In accordance with the CRC decision (the Conference of Regulators of the electronic communications sector gathering BIPT, VRM, CSA and the Medienrat) of 1st July 2011 concerning the market analysis of the television broadcast on the territory of the bilingual Region of Brussels-Capital, the SMP cable operators are bound to propose a reference offer for analogue television resale and a reference offer for digital television platform access. They also had to publish a reference offer and to grant access to their network to allow their competitors to propose broadband internet services in a bundle.



Moreover according to the CRC decision of 1st July 2011 on the analysis of broadband markets, Belgacom is obliged to propose a «multicast» functionality for bitstream access, to allow alternative operators offering, in addition to Internet, to their customers multimedia applications, among which digital television. This obligation came on top of the existing unbundling and bitstream access obligations.

Appeal against the CRC decision on television broadcasting: the Court of Appeal request the action for suspension submitted by cable operators

In September 2011, Telenet, Tecteo, Numericable and Brutélé lodged an appeal against the CRC decisions of 1st July 2011 analysing and regulating the television broadcasting market. The applicants requested the suspension of these decisions (involving the cable network opening) by the Court of Appeal.

On 4 September 2012, the Brussels Court of Appeal rejected the action for suspension of Telenet as well as the action of Brutélé/Tecteo and Numericable on 6 November 2012.

Cable operator reference offers: launch of the public consultation on the draft decision on the reference offer of cable operators

Since the entry into force of the CRC decision on television broadcasting on 1st August 2011, Brutélé, Numericable and Telenet have had six months to submit a draft reference offer to BIPT⁴. As the reference offer drafts provided in March 2012 by cable operators were incomplete, BIPT accepted, in a constructive intention, the addition of other elements after the time limit expiry and has in the meantime launched a pre-consultation with the sector. However the documents received later still not included enough elements considering what can reasonably be expected to duly meet the objectives of the transparency obligation imposed by the CRC.

Therefore BIPT non-exhaustively listed in July and August 2012 its comments on the reference offers submitted by the regulated cable operators. The goal of this approach was to point out certain possible issues in the cable operators reference offers and continuing deficiencies in their offers. Moreover at the same time BIPT sent a reference offer model to the regulated cable operators to give them a better overview of BIPT position on the documents received and to provide them with an example of what should correspond to a satisfactory result.

Cable operators submitted new reference offers in September 2012 and BIPT analysed them thoroughly in consultation with the community regulators. A public consultation was launched on 21 December 2012 on BIPT draft decisions concerning these reference offers.

Multicast functionality on Belgacom network

The CRC decision of 1st July 2011 on the analysis of the broadband markets particularly imposed on Belgacom to grant access to a multicast functionality enabling alternative operators to send TV signals (IPTV) by going through Belgacom network and therefore offering digital television products to the end-consumer.

⁴ Each regulator is competent for the implementation of the CRC decision of 1st July for its area of competence. Therefore BIPT is competent for the cable operators situated in the Brussels-Capital (bilingual) Region, i.e. Telenet, Numericable (Coditel) and Brutélé. The VRM is competent for Telenet and Numericable (Coditel) in Flanders. The CSA is competent for Tecteo and Brutélé (as well as for AIESH before its integration within Coditel) in Wallonia, except for the German-speaking municipalities depending from the Medienrat.

Belgacom proposed a technical alternative to the multicast functionality, as it was authorised by the CRC decision provided that this solution allows competing operators to offer a broadcasting retail service of video contents in point to multipoint format enabling them to differentiate themselves in terms of contents.

On 4 January 2012 BIPT accepted Belgacom proposal as an alternative solution to access to the multicast functionality. On 6 March 2012 Belgacom sent to BIPT a reference offer proposal. Then a draft decision concerning this offer was submitted to the market players, to the community regulators and the European Commission's opinion.

On 16 October 2012 BIPT published its decision on the qualitative aspects of Belgacom reference offer concerning the alternative solution to multicast.

Improvement of operational processes

In the CRC decision of 1st July 2011 on the analysis of broadband markets, Belgacom was imposed obligations termed as **operational excellence**. These obligations aim at streamlining and improving the processes required for the provision and use of wholesale access products. A part of these obligations concern the transparency obligation which has taken the form of a Belgacom reference offer (approved by BIPT according to the Act of 13 June 2005 on electronic communications (ECA)).

Belgacom reference offers (also termed as «**BRxx**») contain a wholesale offer description and terms, conditions and tariffs applied to be able to access this wholesale offer. Reference offers have to comply with the obligations imposed by the CRC in its decision on the analysis of broadband markets. The reference offer proposal sent by Belgacom in February 2012 was submitted to be considered by the sector. The comments received included such huge requests to adapt the reference offer that it was not possible to finalise the BRxx offer path in 2012.

BIPT also regularly comes together with one **working group** (OWG or «Operational Working Group») where representatives of Belgacom and alternative operators discuss about the most appropriate solutions to solve the operational issues and to smooth cooperation and provision of wholesale services, necessary for the good operation of a competitive market.

Six sessions of this working group were planned in 2012. The following subjects were among others discussed during these sessions; some of them were developed following the issues identified in the framework of the audit of the operational processes at Belgacom⁵

1. The publication by Belgacom of operational processes inherent to regulated wholesale offers;
2. The development of the Remapping project. The purpose of this project is to ensure the monitoring by the alternative operator of the installations' remapping. This project also formalised a structured report regarding the technician's intervention at the customer;

⁵ Communication of 8 February 2011 regarding the audit of the operational processes at Belgacom <http://www.bipt.be/ShowDoc.aspx?objectID=3425&lang=EN>

3. The improvement of transparency regarding the orders blocked in Belgacom systems;
4. The development of an auxiliary process to improve the access of Certified Technicians to Belgacom's buildings when development works have not been finished yet;
5. The presentation and taking into account of alternative operators' opinions for different IT projects:
 - a. The SOAP Interface for UTS project enabling the integration of the incident-reporting system of Belgacom in the IT systems of alternative operators;
 - b. The OLO VDSL2 CPE project enabling the roll-out by alternative operators of their own CPE (modem) in the framework of the WBA VDSL2 regulated offer;
6. The clarification at alternative operators of the installation process of Do It Yourself type.

A meeting report is drawn up for each session of the working group; this document will be submitted for consultation. At this occasion the operators will also be invited to comment the implementation by BIPT of this working group and the evolutions it contemplates.

NGN/NGA cost models

The NGN/NGA cost model aims at determining the operating costs of one central network and new generation fixed access to calculate the unit costs of Belgacom different regulated wholesale offers, on which cost orientation was imposed. Thanks to these (BRIO, BRUO, BROBA and WBA/VDSL2) offers, alternative operators can provide services to final consumers through the historical operator network. The cost model will also be used to calculate the Fixed Termination Rates (FTR) applying to all fixed operators.

BIPT charged one consultant to develop the cost model. The outcome of the work was presented to operators. A public consultation on a preliminary version of the cost model was held on 4 January 2012. The reactions received after this consultation were analysed; the preliminary version of the model was amended where relevant. The model includes a number of separate calculation modules. As this is a large-scale project, works will continue in 2013.

Mobile network access

Following contacts with Bidco (the Telenet-Tecteo association which bought the 4th 3G licence) concerning for example radio access network sharing (*RAN sharing*), BIPT conducted a survey on mobile network access. Following this survey, the analysis of negotiations between operators and taking account of the market conditions, BIPT concluded that in the current market conditions, none of the available options allowed BIPT to intervene at this stage in a binding manner to impose mobile access network through *RAN-sharing*.



Market analyses in 2012 (fixed telephony access, leased lines, fixed termination)

As regards the **retail market access to the public telephone network at a fixed location**, a new analysis was drawn up by BIPT in 2012 and a final decision should be adopted begin 2013.

BIPT analysis no longer concludes to the existence of separate residential/business markets but maintains a separate market for high capacity accesses (multiple accesses) that previously existed in the business market 1. BIPT identified Belgacom as SMP operator on both market segments and imposed on her obligations, whose main ones are carrier selection/pre-selection, routing at the level of transit exchanges for secured numbers and the control of certain retail sales practices. Subscription resale imposed on Belgacom during the previous analysis was repealed.

For the leased lines market, BIPT launched on 16 July 2012 a national consultation on its draft decision and then amended it, out of consideration for the comments received from the sector and the other bodies consulted. In its draft decision BIPT contemplates deregulating the leased lines retail market while maintaining regulation on the wholesale market of leased lines terminating segments. BIPT more particularly proposes to extend the remedies imposed on «traditional» leased lines terminating segments to the so-called «new generation» lines (on the NGN network) to allow the competing operators of the incumbent operator to compete with him on upstream markets, especially in the professional market. BIPT considers notifying its draft decision to the European Commission during the second quarter of year 2013.

As regards the **fixed terminating market** (or more precisely «*the call termination market on individual public telephone networks provided at a fixed location*»), BIPT concluded that each call termination operator had significant power on its market and had imposed asymmetric pricing granting to alternative operators 15 % exceeding Belgacom's tariffs. The definition of relevant terminating markets is directly linked to the definition of the individual network of each operator. The central issue of this market analysis is, after having identified the SMP operators, to define the most appropriate pricing. BIPT adopted on 2 March 2012 a decision aligning the call termination rates of all operators on Belgacom's tariff (around 0.71 eurocent/minute), regardless of the technology used. Removing the asymmetry applied before this decision will allow eliminating as much as possible the differences currently existing in the retail market between some tariff plans making a distinction according to the person called.





The current status of the different market analyses such as mentioned in the Commission Recommendation on the relevant markets of 2007 (or 2003 where appropriate) is the following:

| Market | Title | Stage or final decision date | Main conclusion |
|--|---|--|---|
| <i>Recommendation of 2007</i> | | | |
| Market 1 | Access to the fixed public telephone network | European notification | Non-competitive market: Belgacom SMP |
| Market 2 | Call origination in the fixed public telephone network | Preparatory work | Not available |
| Market 3 | Call termination on individual fixed telephone networks | Decision of 2 March 2012 | Non-competitive market: 17 SMP operators |
| Market 4 | Wholesale physical access to the network infrastructure | CRC decision of 1 st July 2011 | Non-competitive market: Belgacom SMP |
| Market 5 | Wholesale provision of broadband access | CRC decision of 1 st July 2011 | Non-competitive market: Belgacom SMP |
| Market 6 | Wholesale terminating segments of leased lines. | Adaptation after public consultation | Provisional conclusion: non-competitive market: Belgacom SMP |
| Market 7 | Voice call termination on individual mobile networks | Decision of 10 August 2010 | Non-competitive market: 3 SMP ⁶ MNO |
| Other market | Title | Stage or final decision date | Main conclusion |
| Broadcasting market | Television broadcasting market on the bilingual territory of Brussels Capital | Decision of 1 st July 2011 still in force | Non competitive market: Brutele, Numericable, Telenet PSM |
| <i>Recommendation of 2003 [equivalent number of the 2007 Recommendation]</i> | | | |
| Markets 3 & 5 [-] | National telephone services for residential and non-residential customers | Decision of 6 November 2008 in force | Non-competitive markets: Belgacom SMP |
| Market 7 [-] | Minimum set of leased lines at retail level | Restoration decision of 14 September 2010 still in force; jointly reviewed with market 6 | Non-competitive market: Belgacom SMP Provisional conclusion: the market is no longer likely to be regulated <i>ex ante</i> |
| Market 8 [2] | Call origination in the fixed public telephone network | Decision of 11 August 2006 in force | Non-competitive market: Belgacom SMP |
| Market 13 [6] | Wholesale terminating segments of leased lines. | Decision of 14 September 2010 still in force | Non-competitive market: Belgacom SMP |

⁶ MNO: Mobile Network Operator

3. Scarce resources management (spectrum and numbering)

Radio spectrum management

According to Article 6.4 of the Radio Spectrum Policy Programme (RSPP) Member States must ensure that the **800 MHz band** (790 - 862 MHz frequency band) can be used for electronic communications services. But before assigning the 800 MHz band, the services present in this band had first to be moved: indeed, there were four operational radio broadcasting transmitters within the French Community and the ongoing version of the radio interface B 10 allocated channel 69 (854-862 MHz band) to wireless microphones.

In consequence actions had to be taken to migrate the 800 MHz band users, which would for example result in a change of Annex 2 to the Royal Decree of 18 December 2009. For that purpose BIPT published a communication on wireless microphones and other PSME equipment in the 470-862 MHz band and adopted the revision of radio interface B10.

Considering the interference risks pointed out in the context of the 800 MHz band assignment to mobile telephony, a communication on compatibility between LTE networks in the 800 MHz band on the one hand and digital television networks and cabled networks on the other hand, clarified the situation for the sector, which was also consulted on this occasion.

Finally BIPT launched a consultation in 2012 on the draft bill amending Article 30 of the Act of 13 June 2005 (ECA) and the draft Royal Decree on radio access in the 790-862 MHz frequency band. The draft bill aims at setting a minimum price for the 800 MHz frequency bands while the draft Royal Decree sets the radio spectrum allocation conditions, the technical parameters for its use and the rules for the national allocation procedure. These allocation conditions (price, technical conditions and allocation procedure) of the 800 MHz spectrum were preliminary analysed in a consulting report published on 14 November 2012 on the BIPT website.

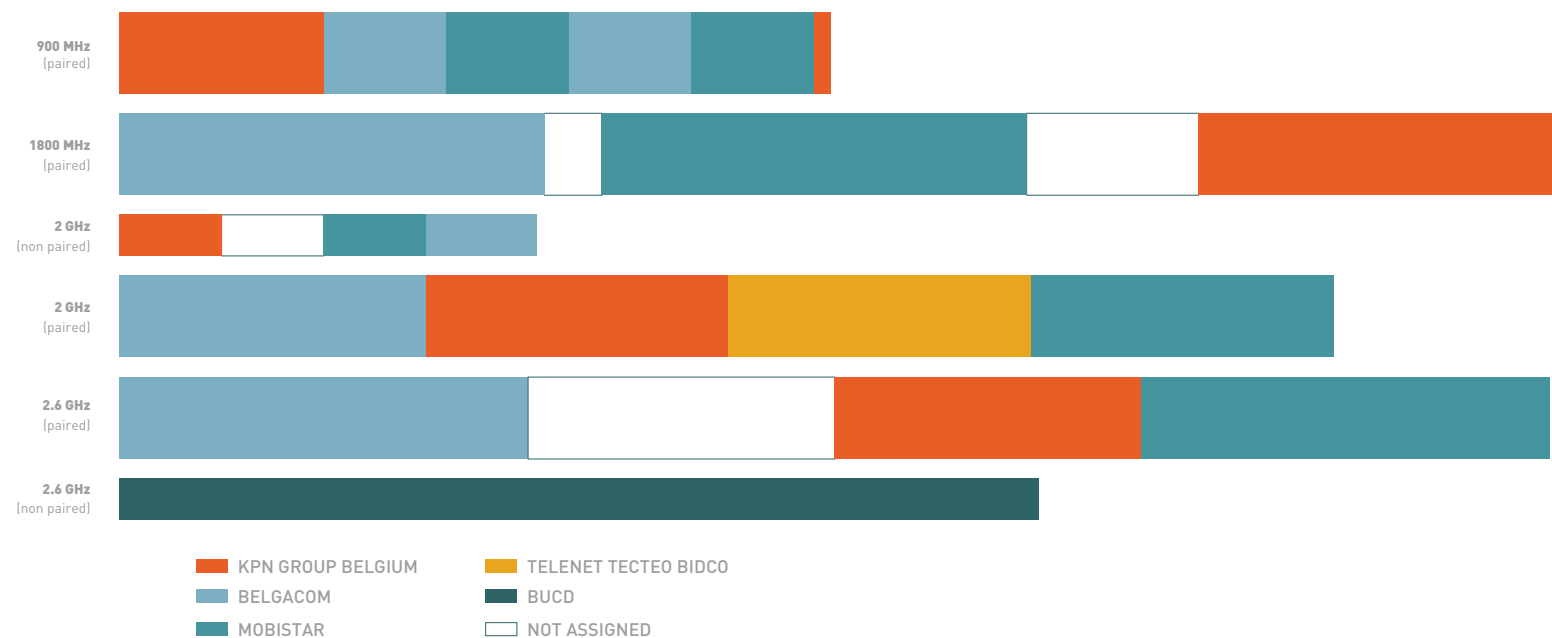
With these actions BIPT paved the way for the auction of the 800 MHz band in 2013.

As regards the 2.6 GHz band, BIPT postponed the start of the validity date of the user rights to 1st July 2012, notified at this date the user rights for the 2.6 GHz band to the selected operators and developed a procedure to verify that base stations comply with the decision on compatibility with radars. All these operations were necessary to allow the four operators, who had purchased frequencies in the 2.6 GHz band at the 2011 auction, starting the roll-out of their services.

For the 900 MHz and 1800 MHz bands, BIPT proposed a solution to 3G operators for the 1800 MHz band and, concerning the 900 MHz band, BIPT encouraged 3G operators to find the most appropriate solution among themselves. Given the complexity of the refarming in this band, Belgacom and Mobistar asked BIPT for more time. This request was accepted.



The current frequency allotment between operators can be summarised as follows:



| | 900 MHz (paired) | 1800 MHz (paired) | 2 GHz (non paired) | 2 GHz (paired) | 2.6 GHz (paired) | 2.6 GHz (non paired) |
|-----------------------------|------------------|-------------------|--------------------|----------------|------------------|----------------------|
| BELGACOM | 2 x 12 MHz | 2 x 20.8 MHz | 5.4 MHz | 2 x 15 MHz | 2 x 20 MHz | - |
| MOBISTAR | 2 x 12 MHz | 2 x 20.8 MHz | 5 MHz | 2 x 14.8 MHz | 2 x 20 MHz | - |
| KPN Group Belgium | 2 x 10.8 MHz | 2 x 22 MHz | 5 MHz | 2 x 14.8 MHz | 2 x 15 MHz | - |
| TELENET Tecteo Bidco | - | - | - | 2 x 14.8 MHz | - | - |
| BUCD | - | - | - | - | - | 45 MHz |

* BUCD BVBA acquired a 4G licence in the 2.6 GHz band on 28 November 2011.

Verification of the 3G coverage obligations

Each of the operators holding a 3G licence has to fulfil a double obligation:

- result obligation: 50 % population coverage;
- obligation of means: 85 % population coverage.

Measurements done by BIPT during the first quarter of 2011 proved that Belgacom and Mobistar met both obligations. However it was not the case yet for BASE, which broadly achieved the first coverage standard, but failed to achieve the second one. As BIPT considered that BASE had not made sufficient efforts to reach this coverage rate, BIPT then opened infringement proceedings. BASE had until 9 March 2012 to solve this situation.

In 2012 BIPT made new measurements in March and April to verify the required coverage rate. These measurements showed that BASE has now reached a coverage rate above 85 %. In consequence the infringement proceedings became irrelevant and were dropped.

At present three operators in Belgium have thus developed a 3G network, which coverage exceeds, in accordance with the requirements, 85 % of the population.

Communication on infrastructure sharing

Infrastructure sharing arrangements (mobile networks) are becoming more frequent and complex in the telecommunication sector in Europe. To anticipate possible arrangements of this kind in Belgium, BIPT published in January 2012 a communication laying down guidelines on infrastructure sharing.

In these guidelines, BIPT first analysed the different variants of network sharing (from passive network sharing to local loop sharing, «*RAN sharing*») that can be technically contemplated. The guidelines give then a legal interpretation of the rules that can be applied in this matter. The objective of this communication is to explain to (mobile) operators the regulatory conditions that apply to such partnership projects in order to improve regulatory predictability.

Numbering

BIPT adopted important decisions for **M2M (Machine to Machine)** services, communications services where data are automatically exchanged between equipment and/or applications without or with less human intervention. BIPT reserved number blocks for these applications and will impose its use from September 2013 onwards.

BIPT also held a public consultation to see whether the market needed **new series of numbers** for private individuals and companies. The consultation showed that there was no request in this sense.



4. Network integrity and security and relations with the authorities responsible for security

The Act of 10 July 2012 strengthened BIPT role regarding network security and the follow-up of security issues.

In 2012 BIPT sent to the Minister of Economy, Consumers Affairs and the North Sea an opinion on the **notification of security incidents**, issued after a survey conducted with the operators Belgacom, Mobistar and KPN Group Belgium. Moreover BIPT sent to the sector non-binding recommendations aiming at building a first common base and ensuring homogeneity at security policies level.

BIPT was tasked to realise a **cost model** to objectify the costs charged by operators to the FPS Justice and to enquiry and security services for any intervention linked to **identification or legal interception**. The consultant who was selected after a public contract submitted a draft model.

As regards Internet addressing, the **IPv4 address shortage** and the delayed migration to the IPv6 format caused operators to use techniques mainly consisting in sharing one global IPv4 address between several customers via NAT (*Network Address Translation*) technology. In cooperation with the legal authorities and the police services (particularly the FCCU (*Federal Computer Crime Unit*), BIPT analysed this practice to minimise the legal identification issues of users, as laid down in Article 127 of the ECA.

5. Postal regulation

In a liberalised postal services market, **monitoring of compliance with legislation** is one of the main tasks of BIPT. As laid down in its missions, BIPT is responsible for proactively controlling compliance with the regulatory framework, including the management contract, while paying particular attention to the universal service functioning and seeing to the consumers interests. bpost is the main operator on the Belgian postal market; moreover, bpost is charged of essential tasks as universal service provider and as operator responsible for a number of public services.

Targeted controls were achieved by BIPT own monitoring teams and were supported by statistical data to give a representative picture of the real situation on site. These controls were made in post offices, Postal Points and also concerned red letterboxes as well as for example the communication of oral and written information to users, accessibility to disabled people or opening hours.

As regards red letterboxes, results show that bpost nearly always complies with its legal obligation.

Controls in the post offices showed that bpost complies with its legal obligations, i.e the communication of written and oral information.

At Postal Point level, the communication of oral information could be improved. All results will be published in 2013.

6. Transposition of directives 2009/140/EC⁷ and 2009/136/EC⁸, and adoption of the Act of 10 July 2012

The objective of this European regulatory framework is to improve the functioning of the telecommunications sector **by strengthening competition and user rights**.

Therefore the Act of 10 July 2012 contains provisions to reduce the time needed to switch fixed or mobile operators, to limit the duration of contracts committing users to operators and to improve clarity of those contracts. So fixed-term contracts of 6 months that are renewed, are turned into permanent contracts. Moreover the subscriber is entitled to cancel at any time a contract that has been into force since at least 6 months without paying any compensation.

The Internet users rights and protection as well as the information on the download speed and volume of a broadband connection have also been improved, like access to emergency services.

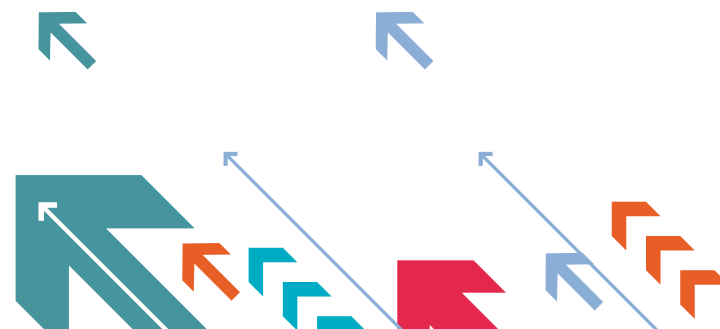
The purpose of the new legislative framework is also to strengthen the efficiency of the national regulatory authorities and to improve the general functioning of the electronic communications market while encouraging innovation and investments on it.

At frequency management level, the principle of technological neutrality has been enshrined: barring exceptions, all types of electronic communications technologies and services may be rolled out in the radio frequency bands entirely or partially reserved for the public electronic communications services.

At economic regulation level, a functional separation remedy is foreseen. It allows to split (voluntarily or imposed by BIPT) the SMP operator into two separate entities between wholesale provision and retail services provision.

Finally at universal service level, the social element now concerns both fixed or mobile telephony and Internet.

BIPT brought its experience during the transposition process.



⁷ Directive 2009/140/EC of the European Parliament and of the Council of 25 November 2009 amending Directives 2002/21/EC on a common regulatory framework for electronic communications networks, Directive 2002/19/EC on access to, and interconnection of, electronic communications networks and associated facilities, and Directive 2002/20/EC on the authorisation of electronic communications networks and services.

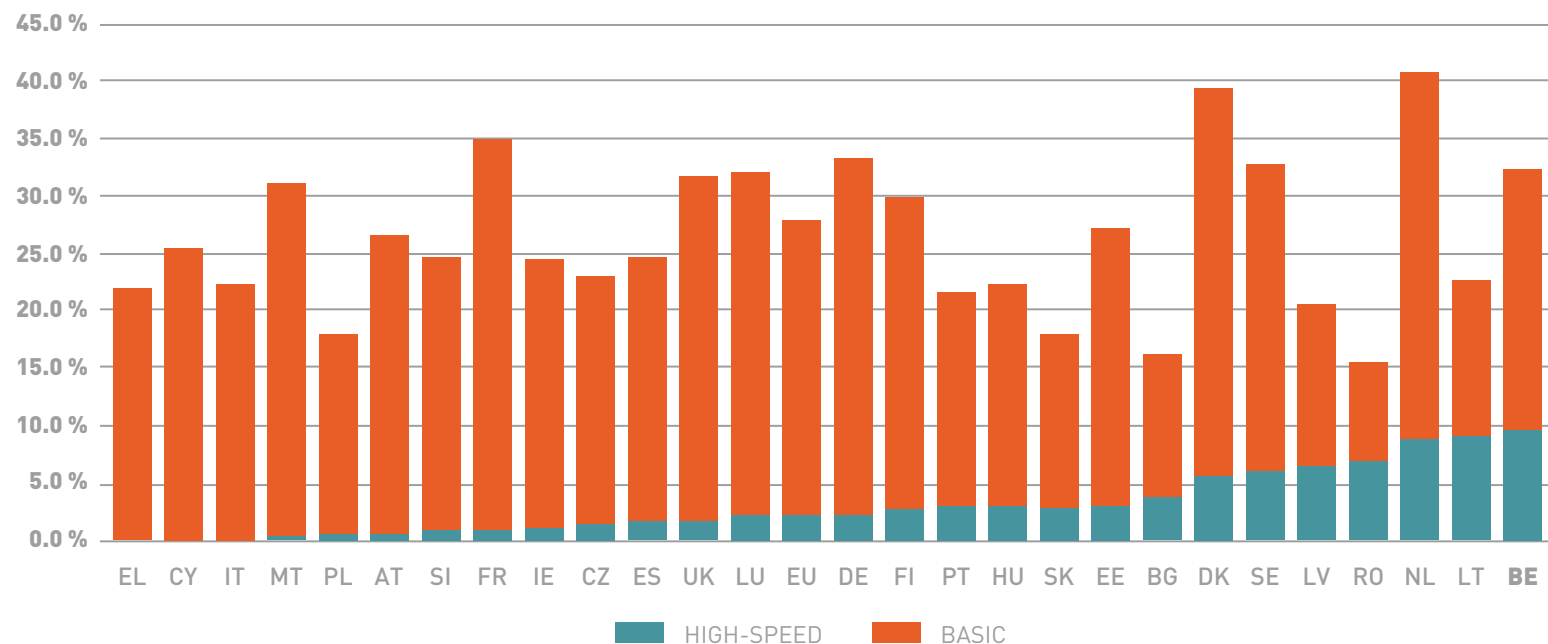
⁸ Directive 2009/136/EC of the European Parliament and of the Council of 25 November 2009 amending Directive 2002/22/EC on universal service and users' rights relating to electronic communications networks and services, Directive 2002/58/CE concerning the processing of personal data and the protection of privacy in the electronic communications sector and Regulation (EC) N° 2006/2004 on cooperation between national authorities responsible for the enforcement of consumer protection laws.



D. KEY FIGURES

1. Key figures relating to the electronic communications sector

As regards fixed broadband, the statistical data gathered by the European Commission show⁹ that Belgium holds a leading position in comparison with the other Member States. The figure below shows the fixed broadband penetration rate, split in two Internet speeds: in Belgium the penetration rate for fast Internet (at least 30 Mbps) is the highest.

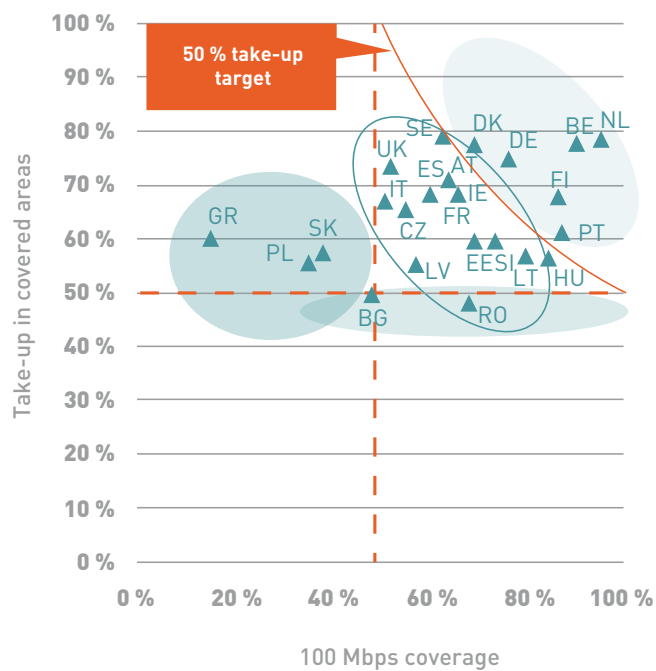


Penetration rate of average Internet (basic) and fast Internet (at least 30 Mbps), January 2012
 (Source: European Commission, «Telecommunication Market and Regulatory Developments»)

⁹ European Commission, «Belgium – 2011 – Telecommunication Market and Regulatory Developments», June 2012. http://ec.europa.eu/digital-agenda/sites/digital-agenda/files/BE_Country_Chapter_17th_Report_2.pdf

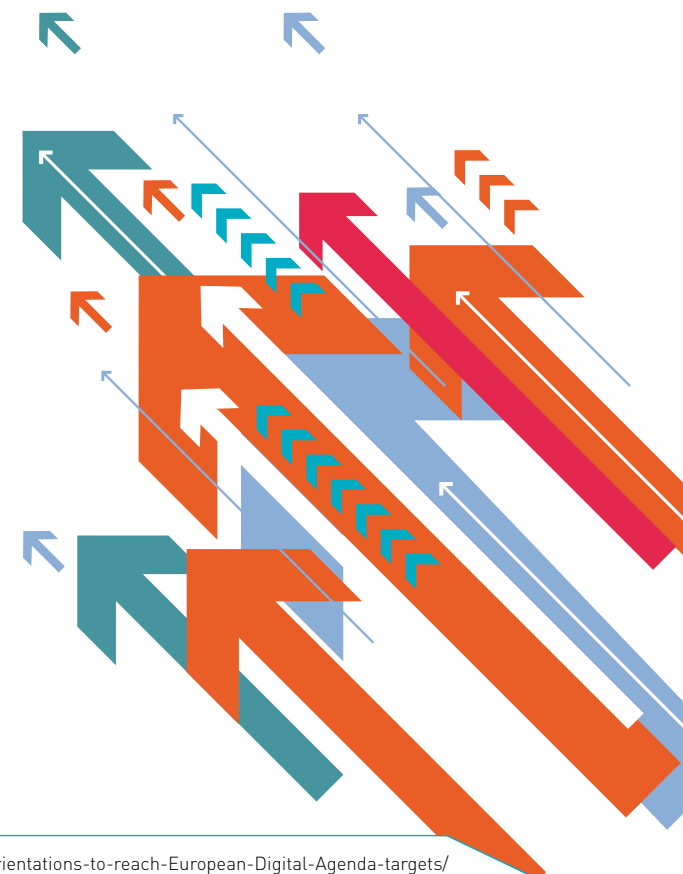
In the three countries obtaining the best results, three different explanations have led to this high penetration rate of super-fast Internet. In the Netherlands, this phenomenon can be explained by high cable coverage rate (95 %); in Lithuania, it can be attributed to good FTTH/FTTB network roll-out. Although this is not the case in Belgium, the good score obtained in comparison with other European countries results from investments allowing for high broadband speeds. Since 2004 Belgacom has been rolling out optical fibre until the street cabinet to reach large coverage rate above 80 % via the VDSL2 network. Cable operators have also improved their network and are now able to offer more than 100Mbit/s through DOCSIS 3.0.

In its study «Policy orientations to reach Digital Agenda targets» submitted at the Congress «Total Telecom and ETNO's European Regulatory summit» which took place on 30 May 2012, the consultant Analysys Mason also considers that Belgium is currently enjoying a rather good position to reach the objectives of the digital agenda 2020.



Forecast of likelihood of reaching EDA 100Mbps take-up target by country¹⁰

¹⁰ <http://www.analysismason.com/Research/Content/Reports/Policy-orientations-to-reach-European-Digital-Agenda-targets/>



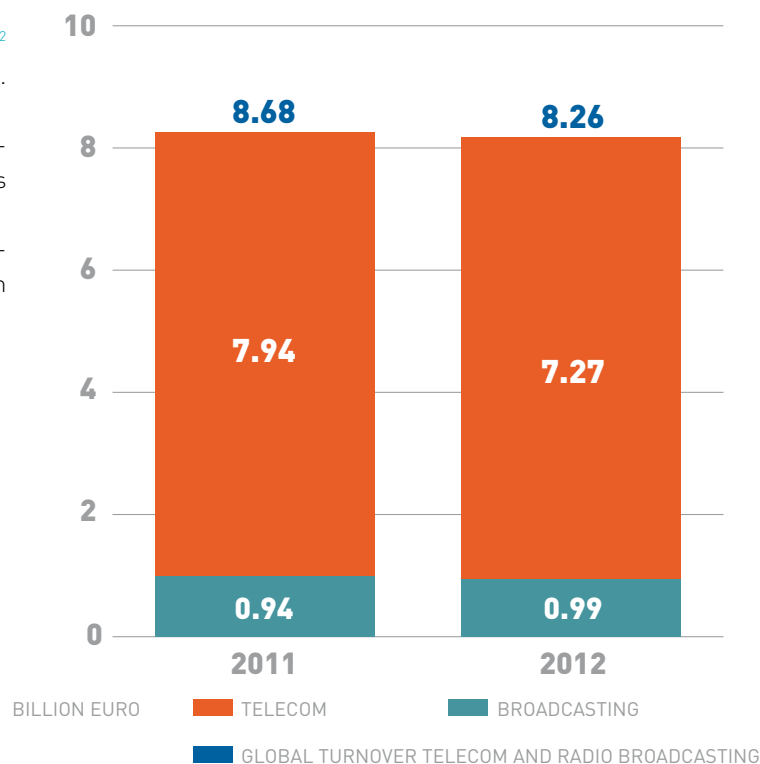


If a link is made between this position and the price level paid by the end-user, one observes once again that Belgium enjoys a better position than generally thought by the general public. This was proven by the comparative study¹¹ of telecommunication product prices in Belgium, France, Netherlands, Germany and in the United Kingdom conducted by BIPT in 2012. Belgium offers high quality Internet: for low price (€ 24.95), you can obtain fast Internet. If we consider *triple play* offers (Internet + TV + telephone), it is however true to say that a Belgian consumer would pay less in France for a comparable product. The price level in the Netherlands can be compared to the Belgian level. While basic *triple play* offers in Belgium are still in the spectrum average, like tariff plans for average use, *triple play* offers including *high-end* Internet are above the price average.

The following data include some of the figures published in the document¹² dedicated to the economic situation of the telecommunications sector in 2012.

In 2012 the total turnover of telecom and broadcasting activities of the eleven main operators¹³ decreases (4.8 %). This turnover however accounts for € 8.26 billion.

If broadcasting services register a positive trend (+ 5.5 %), the telecommunication services incomes decrease by 6.1 % to come to € 7.27 billion. Both the wholesale and the retail market experience this trend.



¹¹ Published in 2013.

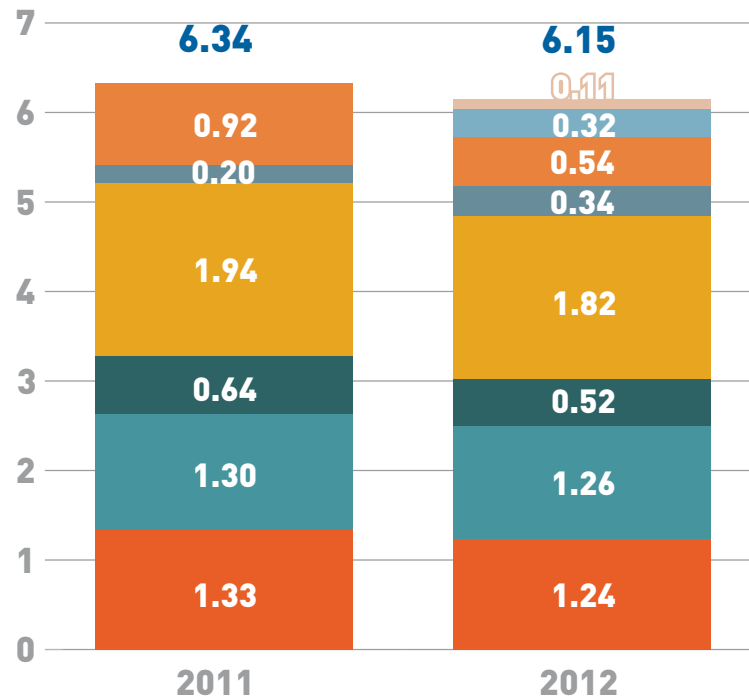
¹² Published in 2013.

¹³ Belgacom SA, KPN Group Belgium, BT Limited, Colt Telecom, Mobistar Enterprise services, Mobistar, Numericable, Telenet, Verizon Belgium Luxembourg SA, Brutélé, Tecteo

The retail telephony services incomes and the fixed broadband services incomes are going down unlike the incomes from the retail mobile broadband services.

The voice telephony services incomes fall by 6.3 % and amount to € 1.24 billion while mobile voice telephony incomes fall by 6.5 % and now add up to € 1.82 billion.

The retail mobile broadband services incomes are rising sharply: + 67 % and amount to € 0.34 billion.

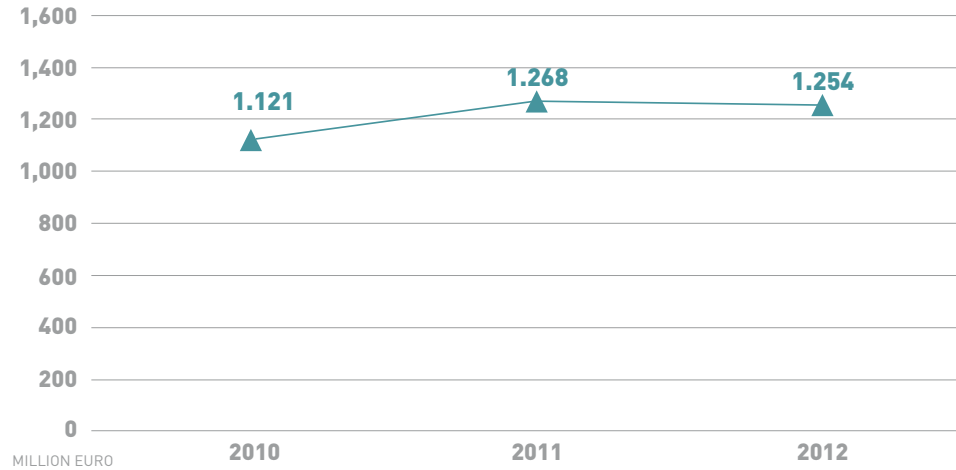


BILLION EURO

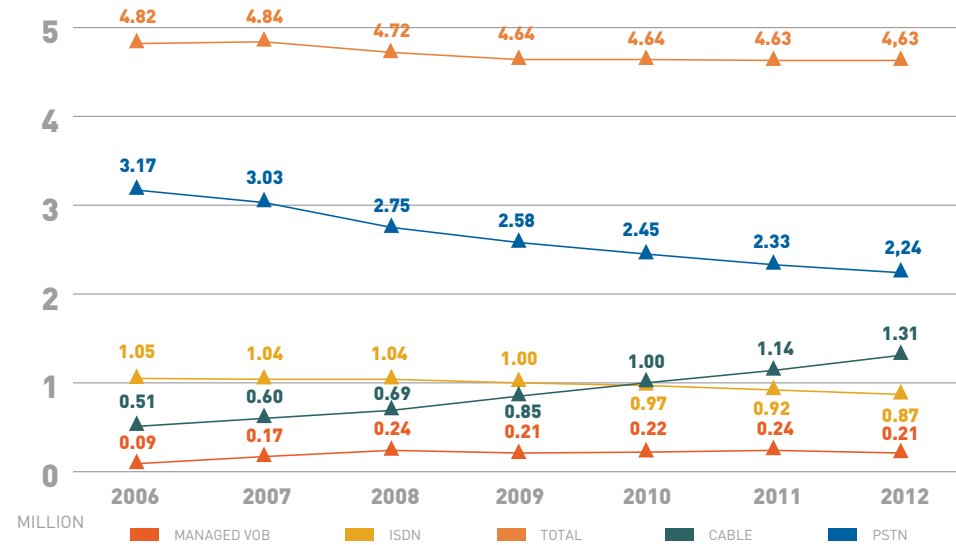
- FIXED VOICE
- FIXED BROADBAND
- OTHER FIXED
- VOICE MOBILE
- MOBILE BROADBAND
- OTHER MOBILE
- MOBILE EQUIPMENT
- FIXED EQUIPMENT



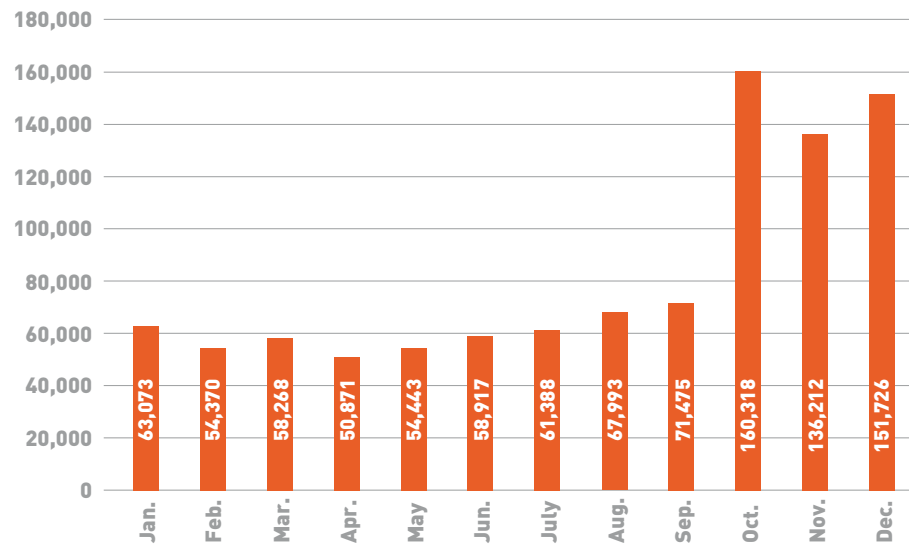
The investment level is decreasing by 1.1 % (€ 1.254 billion) but, as a percentage of the fixed and mobile telecommunications turnover, it is however rising (17.4 % against 16.6 %).



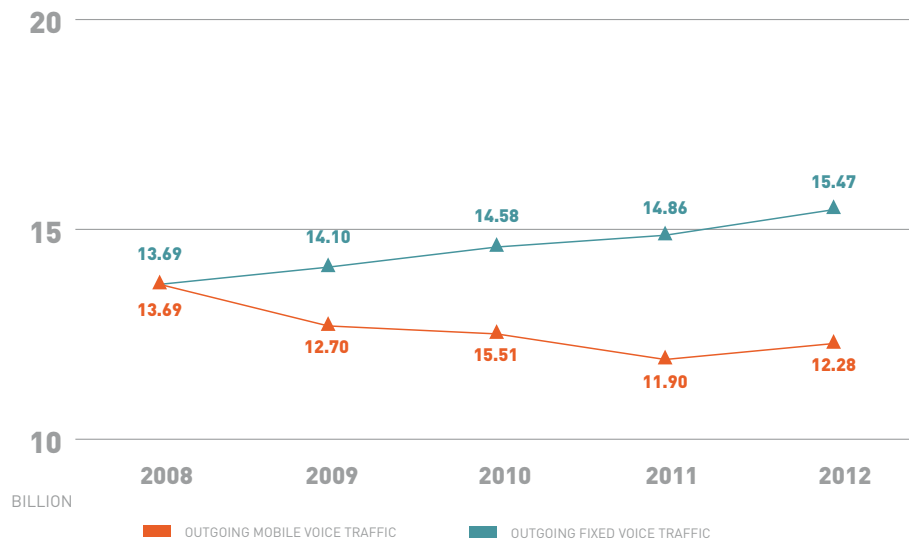
The number of fixed telephony connections remains constant (about 4.63 million) while the total number of mobile subscribers to voice service decreases for the first time (from 12.5 to 12.31 million, MVNO included).



The number of changes of operators increased following the entry into force in October 2012 of the Act of 10 July 2012. From October onwards, the number of number porting distinctly rose, mainly in the mobile market (90,000 additional mobile numbers porting per month after October 2012)

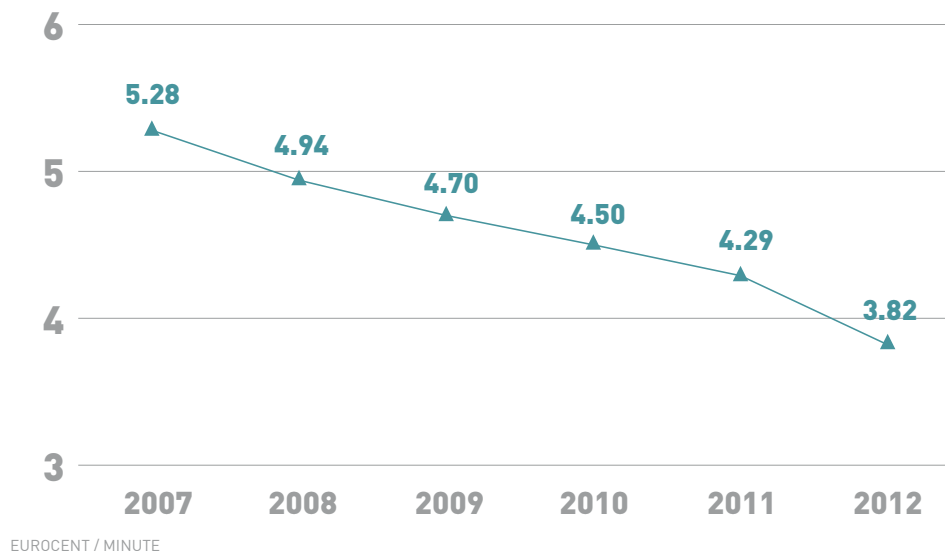


The volume of voice minutes consumed in fixed and mobile networks rose. The total number of voice minutes with a mobile phone rose by 4.1 % to reach 15.47 billion minutes. Fixed telephony has registered its first increase since several years (+3.2 % to 12.28 billion minutes) because of the increasing number of minutes from fixed phones to mobile phones: +29 % to 2.02 billion minutes.



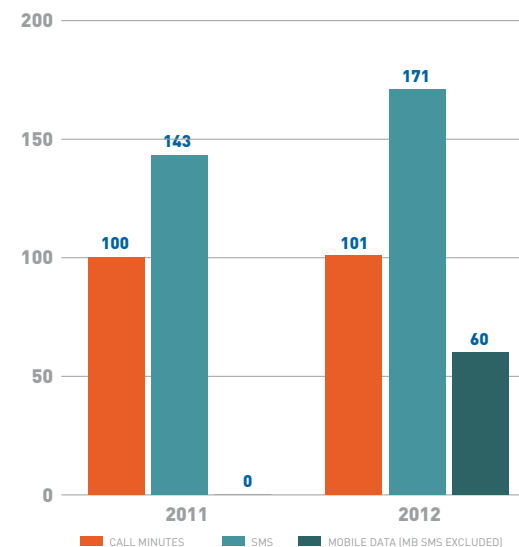
At the three mobile network operators, the average price for setting up a mobile voice call for a subscriber decreased from 13.8 eurocent/minute to 13.1 eurocent/minute.

The average cost for a fixed voice call decreased in 2012 from 4.29 eurocent/minute to 3.82 eurocent/minute.



Mobile usages increased in 2012. The monthly call volume of an average active voice consumer, having subscribed at a Belgian network operator, rose by 1 % and reached 101 minutes/month. The same consumer also sent 28 SMS more than in 2011 for a total number of 171 SMS per month.

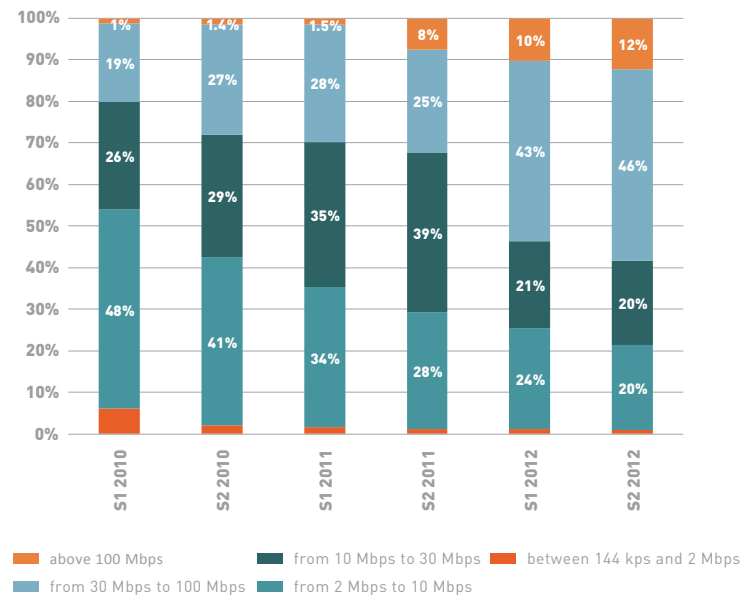
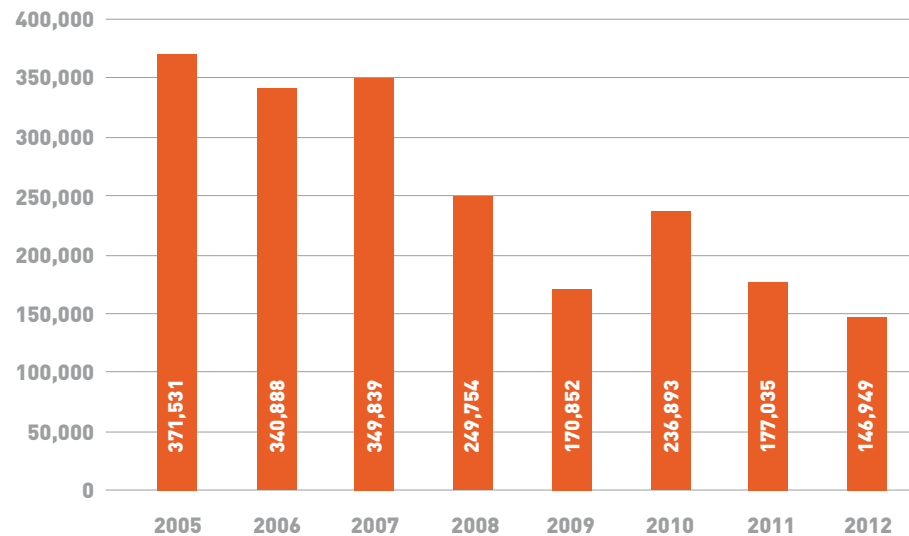
The number of mobile data users follows an upward trend: +62.2 % (i.e. 4,148,206). 39.7 % of the total number of active mobile data users consume mobile data and average consumption amounts to 60 megabytes per user.



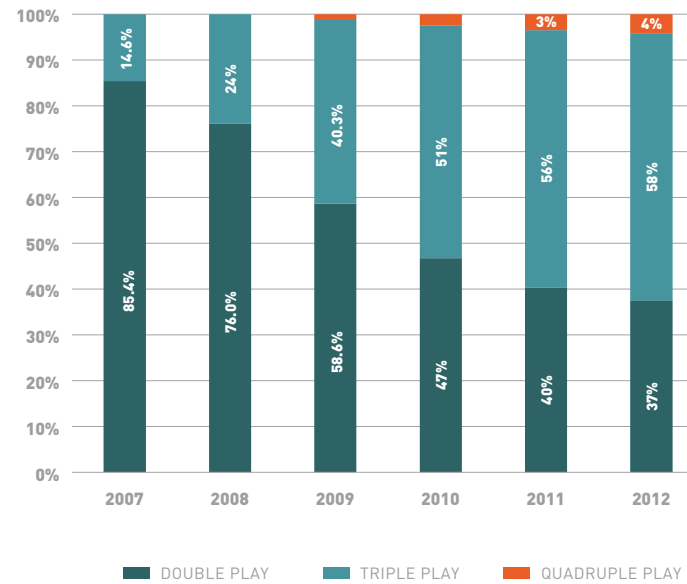
The broadband market is down in comparison with the previous years: +146,949 new lines in 2012, while the figures of 2011 and 2010 amounted to +177,035 in 2011 and +236,893 in 2010.

Mobile broadband penetration increased from 19 % to 32 %, i.e. a level nearly identical to the level of fixed broadband penetration (33.2 %).

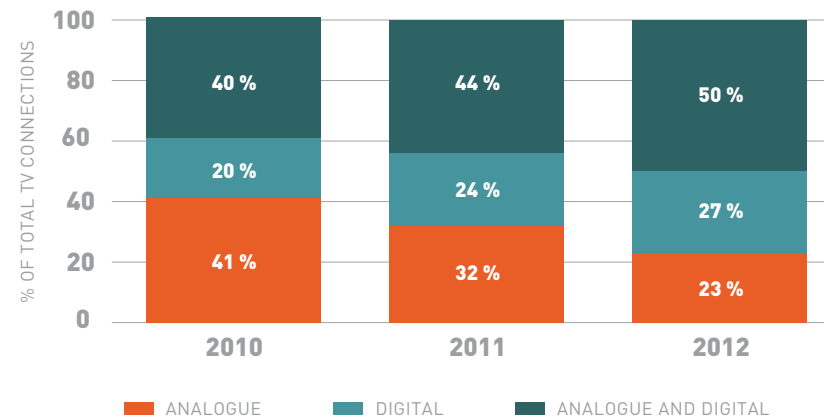
The trend to use broadband at still higher speeds went on. The proportion of broadband lines with speed faster than 30 Mbps climbed up to 58 % against 33 % in 2011.



In 2012 more than the half of households (57 %) bought several services at the same provider; they were 49 % in this case in 2011. The number of dual play bundles is losing ground (from 40 % to 37 %) to triple play (from 56 % to 58 %) and to quadruple play (4 % instead of 3 % one year earlier). 7.3 % of the residential bundles have a mobile element, instead of 6.3 % in 2011.



The share of digital television in the total number of TV connections rises and goes from 68 % to 77 %. In consequence the only one to decrease is analogue television to reach 23 % (instead of 32 %).



2. Key figures relating to the postal sector

1 / 7,997

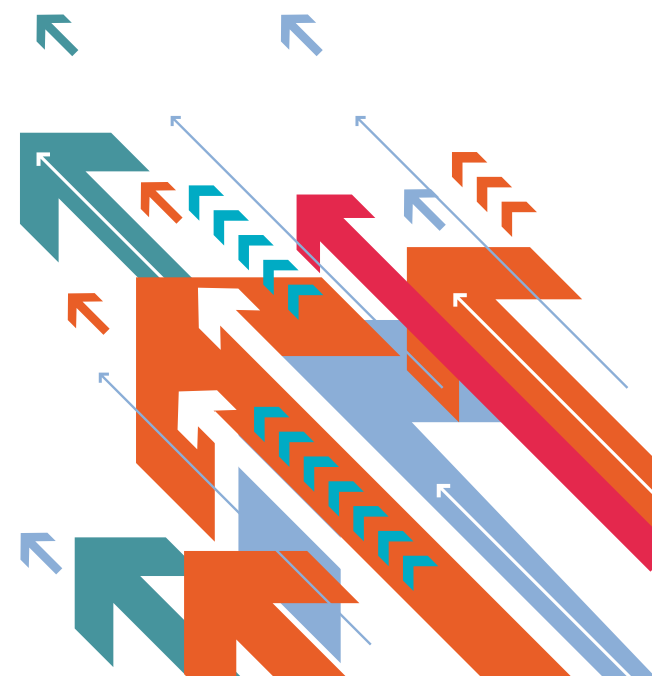
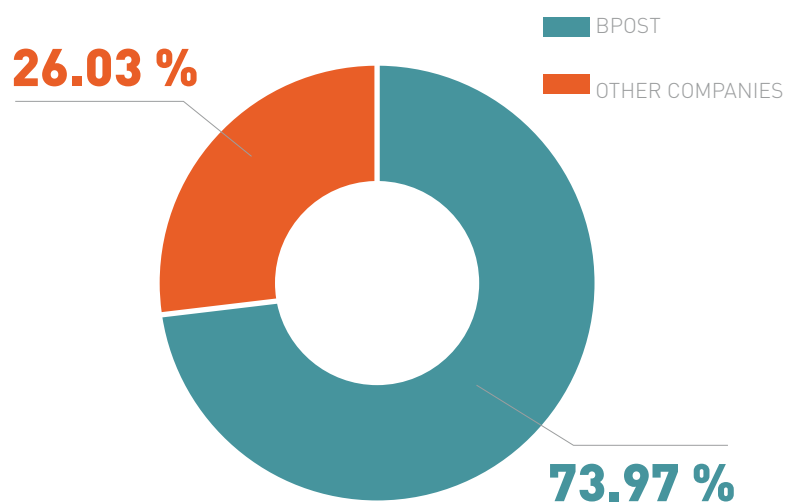
There is one postal office or one Postal Point for 7,997 inhabitants

- **One** operator, bpost, is responsible for the postal universal service.
- **1,006** other companies identify themselves as «express mail» providers, mainly in the express mail delivery segment.

The Belgian market is characterised by its heterogeneousness: five large companies represent 96 % of the sector turnover and bpost is the major operator with nearly 74 % of this turnover.

In spite of a strong downward trend of traditional post, the sector resists this downturn by developing innovative services and by responding to specific requests from e-commerce for parcel delivery.

OVERALL TURNOVER OF THE SECTOR:



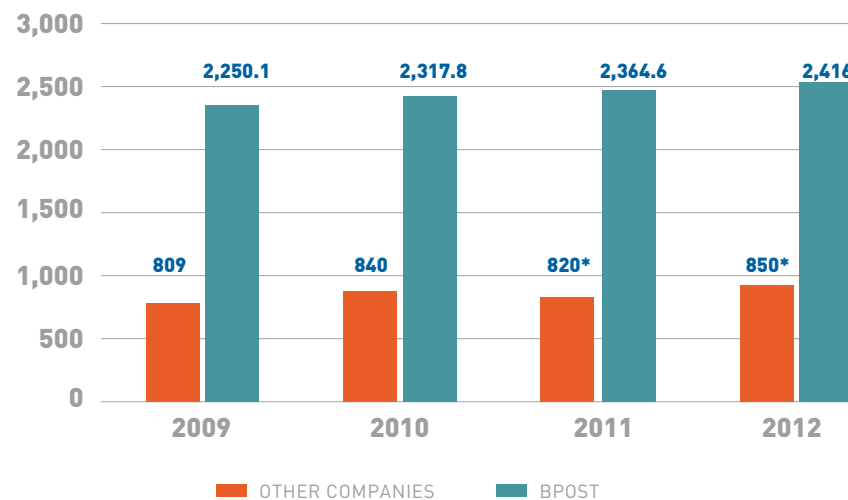


TURNOVER 2012 (IN MILLION EUR)

Source: National Bank of Belgium

*: BIPT estimation

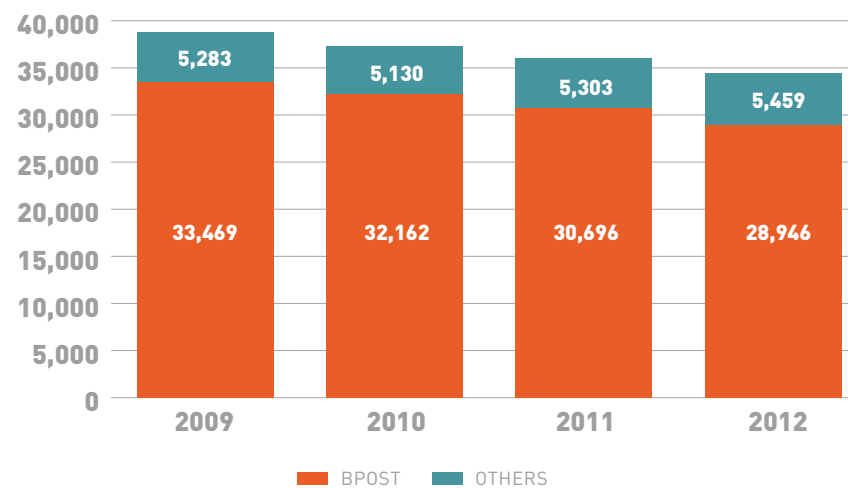
There has been a growth of about 3 % for the postal companies other than bpost, while bpost keeps an annual growth of about 2 %.



TOTAL NUMBER OF PEOPLE OCCUPIED IN THE INTERNAL POSTAL SECTOR

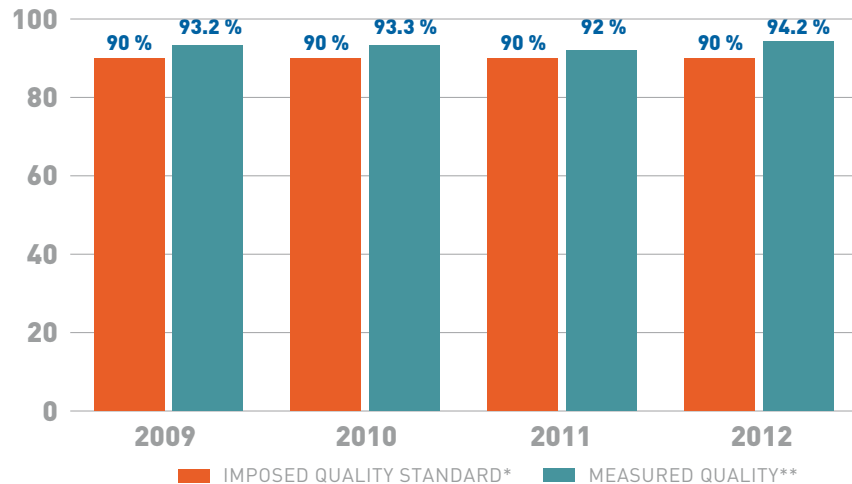
Source: workspace allocation by sector, status and NSSO branch of activity

As in previous years employment is rising at other postal operators while bpost reduces its workforce.



QUALITY: PERCENTAGE OF PRIOR LETTERS DELIVERED AT D+1

The figure reached in 2012 is the best of the four last financial years and exceeds the 2011 figure by more than 2 %



* This standard is specified in the fourth management contract concluded between bpost and the State.

** Source: Belex-Spectos







II - ACTIVITY REPORT



Table 1: Sales and Profitability Data

| Month | Revenue | Profit | Expenses | Net Income |
|-------|---------|--------|----------|------------|
| Jan | 1000 | 200 | 800 | 200 |
| Feb | 1200 | 250 | 950 | 250 |
| Mar | 1500 | 300 | 1200 | 300 |
| Apr | 1800 | 350 | 1450 | 350 |
| May | 2000 | 400 | 1600 | 400 |
| Jun | 2200 | 450 | 1750 | 450 |
| Jul | 2500 | 500 | 2000 | 500 |
| Aug | 2800 | 550 | 2250 | 550 |
| Sep | 3000 | 600 | 2400 | 600 |
| Oct | 3200 | 650 | 2550 | 650 |



A. REVIEW OF THE OPERATIONAL SERVICES ACTIVITIES

1. Management of the electromagnetic spectrum, licences and frequencies

The spectrum management and monitoring depend on BIPT powers which assigns and grants frequencies. The users of the electromagnetic spectrum are many and diverse.

Frequency management

BIPT is charged with managing the electromagnetic spectrum in Belgium. This task encompasses both the daily management of frequency assignments and coordinations and the long-term policy on frequency plans and adjustments. The main achievements of the Frequency management department within the Pool Assignment in 2012 are the following:

Frequency assignments for landmobile services are governed by the HCM Agreement (*Harmonised Calculation Method*, previously the Vienna/Berlin Agreement) and constitute one of the main activities of the Frequency Management department.

| Number of files processed by the mobile services HCM Agreement/ Number of coordinations | | 2012 |
|---|--|------|
| Coordinations from Belgium | | 83 |
| Incoming coordinations from France | | 761 |
| Incoming coordinations from the Netherlands | | 146 |
| Incoming coordinations from Germany | | 123 |
| Incoming coordinations from Luxembourg | | 0 |
| Incoming coordinations from the United Kingdom | | 0 |

| Number of files per category | | | |
|------------------------------|-----------|----------|-------|
| | CANCELLED | MODIFIED | NEW |
| 1 st category | 542 | 2,119 | 1,619 |
| 2 nd category | 0 | 12 | 16 |
| 3 rd category | 100 | 163 | 48 |
| 4 th category | - | - | - |
| 5 th category | - | - | - |
| 6 th category | 6 | 31 | 34 |

Although BIPT is not responsible for the frequency planning of broadcasting stations, its frequency management unit is responsible for the daily coordination applications and for the application of international agreements (Geneva 1975, Geneva 1984, Stockholm 1961, Wiesbaden 1995, Chester 1997, Maastricht 2002) as well as the LEGBAC agreement (compatibility between FM broadcasting and air navigation).

The unit is also responsible for coordinating frequencies for satellite links (earth stations, networks, etc.) and radio relay links as well as for the correspondence with the ITU Radiocommunications Office.

| Types of files | Number |
|--|--------------|
| Geneva Agreement 2006 (DVB-T: Digital Video Broadcasting-Terrestrial) | 223 |
| 1984 Geneva Agreement (FM radio broadcasting) | 898 |
| 1975 Geneva Agreement | 0 |
| 2002 Maastricht Agreement/Constanza 2007 (T-DAB: <i>Terrestrial Digital Audio Broadcasting</i>) | 0 |
| 2005 HCM Agreement (general), User rights | 128 |
| Earth stations (Art. 9), satellites (Art. 9), radio relay links | 836 |
| AOB (coordinations, interference, temporary frequencies, information requests, wind power projects, aeronautics, maritime navigation...) | 1,044 |
| Comixtelec (Joint commission on telecommunications) | 263 |
| ITU – Radiocommunications Office and Conferences | 143 |
| CEPT – ERO (European Radiocommunications Office) – ECC (Electronic Communications Committee) | 2 |
| Satellites organisations (Eutelsat, Intelsat, ESA (European Space Agency), etc.) | 2 |
| Total | 3,542 |





Licences for private radio communications networks and individual stations

The following table includes the total number of licences granted on 31 December 2012 in the different categories of individual stations or private radio communications networks, as listed in the Royal Decree of 18 December 2009 on private radio communications and user rights for fixed networks and trunk networks.

| Number of licences for private radio communications networks and individual stations | | FIXED TARIFFS | TEMPORARY |
|--|--|---------------|-----------|
| 1 st category | Private mobile networks | 3,876 | 974 |
| 2 nd category | Fixed networks (radio relay links) | 206 | 7 |
| 3 rd category | Mobile radio communications networks established by public bodies for medical and social aid | 612 | 15 |
| 4 th category | Jammers installed in prison facilities | - | - |
| 5 th category | Radio amateurs | 5,638 | - |
| 6 th category | Other radio communications networks (radars, demonstrations, tests...) | 38 | 25 |
| Satellites | Satellite networks | 55 | 40 |

Authorisation and recognition of operators

Test authorisations

In order to promote the introduction of new technologies for mobile electronic communications, a temporary authorisation was granted to the company Mobistar SA to test the 4G technology in the city of Antwerp.

Licensing of radio amateurs and maritime radio operators

The satisfactory operation of radio communications also depends on the competence of operators. BIPT therefore organises examinations for radio amateur certificates and for maritime radio operator certificates. The examinations for operators of aeronautical stations come under the Federal Public Service Mobility and Transport.

These examinations are organised in the BIPT offices. Multiple choice questions are available on a computer system for radio amateurs, VHF device operators and GMDSS (*General Maritime Distress and Safety System*) operators. Moreover, 8 training centres authorised by BIPT give mandatory courses to take part in the GMDSS examination.

Examinations

The number of registrations in 2012 to obtain a basic licence amounted to 141 (96 in 2011 and 175 in 2010). In 2012, 64 candidates passed the HAREC (*Harmonised Amateur Radio Examination Certificate*) examination (against 60 in 2011 and 85 in 2010).

The success rate amounted to 78.01 % for the basic licence in 2012 (against 82.29 % in 2011 and 80.6 % in 2010), and to 37.50 % for the HAREC examination (48.33 % in 2011 and 56.5 % in 2010) which is more difficult.

Maritime radio communications

a) Examinations and certificates

In 2012, 408 candidates passed the SRC¹⁴ examination (against 444 in 2011 and 587 in 2010) with a success rate of 88.73 % (against 83.78 % in 2011 and 87.2 % in 2010). The VHF examination attracted 1,223 candidates (against 1,213 in 2011 and 1,416 in 2010) for 1,102 successes, i.e. 90.11 % (against 85.80 % in 2011 and 84.9 % in 2010).

Concerning the GOC (*General Operator's Certificate*) examinations and the ROC (*Restricted Operator's Certificate*) examinations, the number of candidates in 2012 respectively amounted to 80 candidates (of which 60 successes) and to 174 candidates (140 successes).

More than 36,000 persons hold a certificate to use a ship station.

b) Maritime licences

In 2012 the total number of ship station licences amounted to 18,098 (against 16,240 in 2011 and 16,007 in 2010) distributed among 14,078 pleasure boats, 3,465 commercial river vessels, 409 seagoing vessels and 146 fishing boats.

971 new licences were granted, 606 were modified and 248 were removed.

Aeronautical radio communications

a) Certificates

In 2012 BIPT issued 325 certificates for the use of an aircraft station on the basis of examinations organised by the Federal Public Service Mobility and Transport against 328 in 2011 and 362 in 2010.

Nearly 6,000 persons currently hold a certificate to use an aircraft station.

b) Licences

Currently 3,226 licences for aeronautical stations are managed by BIPT; 1,261 for installations on board aircraft and 1,965 for portable stations.

In 2012, 84 licences were added, 63 modified and 135 removed.

¹⁴ Short Range Certificate.



2. Actions conducted to ensure interference free spectrum use

BIPT developed a new measurement technique for Wi-Fi networks. Indeed Wi-Fi network stations are subject to power limits expressed in «*Equivalent Isotropically Radiated Power*» (EIRP) but these limits can be exceeded with a switch of antenna or when increasing transmission power. Therefore BIPT developed and validated a measurement protocol to ensure compliance with these limits.

To avoid possible interference issues with radars in the upper band for the 4G network operation, BIPT conducted a survey on several techniques and laid down an accurate methodology allowing to verify whether radar equipment and 4G equipment are and will comply with the limitations. This methodology still has to be subject to field testing.

Within BIPT, the National spectrum monitoring department (NCS) is responsible for policing the radio waves in the broad sense of the word. Its various monitoring operations are quantified below:

NCS interventions Cases created between 1 January and 31 December 2012

| | |
|--|-------|
| Interference cases | 504 |
| Preventive checks on professional users (cat. 1, 2, 3, 4, 6) | 493 |
| Checks during events | 274 |
| Check of broadcasts (local radios) | 18 |
| Checks - others | 1,351 |
| Radiation measurements at transmission sites LNE Vlaanderen | 3 |
| Various cases - tasks done at the request of authorities | 384 |



3. Market monitoring in the context of Directive 1999/5/EC

BIPT monitors the market in the context of Directive 1999/5/EC on radio equipment and telecommunication terminal equipment and the mutual recognition of their conformity.

In 2012, 520 monitoring visits were made, mainly in stores and some thirty public contracts were examined as well. About ten product exchange centres were explored to discover new trends and to take this opportunity to inform exhibitors in time. However it was sometimes necessary to take repressive measures, as shown by the seizures in the table below.

| Equipment seized during checks in 2012 | | | |
|--|-----------|------------------------------------|--------------|
| TERMINAL EQUIPMENT | | RADIO EQUIPMENT | |
| Telephone equipment | 64 | USB, Bluetooth and Wi-Fi equipment | 439 |
| | | Radio controlled toys | 422 |
| | | Computer (radio) equipment | 284 |
| | | (Low power) FM transmitter | 243 |
| | | Wireless joysticks | 90 |
| | | GSM devices | 87 |
| | | Modelling devices | 65 |
| | | Other | 891 |
| Total | 64 | Total | 2,521 |

Postal items containing radio equipment are also frequently checked. In this regard about ninety visits were made at customs services in 2012. Many of these controlled items contain devices bought on the Internet – directly from the manufacturer or via an auction website. In many cases the equipment does not comply with the legal requirements and is seized. The fact that numerous devices not bearing the CE mark (like GSM devices, smartphones and tablets) are proposed through this auction sites is of major concern. The finding of an infringement always leads to the drafting of a report. In 2012, 560 initial reports were made. During the follow-up of the court cases, a further 43 reports were made.



B. REPORT OF THE HORIZONTAL SERVICES

This annual report cannot overlook BIPT other activities (horizontal activities, international activities, reconciliations, regulatory activities) which, contribute to the efficient running of the organisation and to the achievement of the objectives set out.

1. Council office

The Council office includes the Council secretariat, which assists the Council as a college, and the delivery service which processes the incoming and outgoing mail. In 2012, the service has been working to reach the simplification and automation objectives in accordance with the strategic as «administrative efficiency» of the strategic plan.

An electronic document management system was made operational in this context. The electronic handling of the incoming and outgoing documents produced by BIPT speeds up the process and allows everybody to both know the state of progress of one file but also to cooperate with colleagues from other departments in the progress of the file concerned.

The Council office also developed a centralised handling procedure of the numerous consultations launched by BIPT. This novelty has a positive impact in terms of administrative efficiency, automation and uniformity.

In addition to the above-mentioned tasks, the service took care of the internal distribution of parliamentary questions¹⁵, the update of the Council website, the preparation and follow-up of the Council meetings (agenda, documents, minutes, commitments and reports) and the follow-up of different lists (especially the lists of the delegations laid down in Article 16, paragraphs 2 and 3, of the Act¹⁶ on the status of BIPT).

2. Communication

Within the framework of the strategic as «Dialogue and communication», BIPT pursued its efforts to improve its communication with the stakeholders, including the media. No fewer than ten press releases were issued. All information request from journalists were centralised and were given an answer in a comprehensive and easily accessible form.

The unit continued to function as the interface between the outside world and the internal services by directly answering to the questions asked by phone or by electronic means, or by guiding the persons concerned to the most appropriate interlocutors. Internally the Communication unit also contributed to the update of the Intranet site and to the making of three numbers of a newsletter intended for the staff.

At last, the unit had the overall responsibility for the project of the new BIPT website, with the support of the IT department and a user group.

¹⁵ In 2012, 88 questions in total were received and handled by BIPT.

¹⁶ Act of 17 January 2003 on the status of the regulator of the Belgian postal and telecommunications sectors, Moniteur belge of 24 January 2003.

3. The Translation Department

Thanks to its very specialised know-how, the Translation department continued to deliver quality service to the organisation.

The tasks achieved were the following:

- translation of multidisciplinary texts in four languages: French, Dutch, English and German;
- quality control: review of internal and external websites and a considerable number of publications (letters, mails or internal notes, press releases, opinions, (market analysis) decisions, consultations,...);
- linguistic advice.

The department also conceived and managed the introduction of a formalised process in the context of an electronic document management system.

4. The IT Department

In 2012 the IT Department policy focused on supporting the following projects:

- electronic document management;
- new website;
- tariff simulator;
- developments of the social tariff database;
- Frelic project (frequency management - licences - accounting- monitoring);
- «Networks and Services» database.

The IT helpdesk helped users to solve different software or hardware issues; it also ensured network management, both as regards servers, Intranet, connections, protection, databases and maintenance of the existing applications.



5. Human Resources, staff and training

Personnel policies at BIPT mainly provide for the basis of the strategic as «Culture». This has been particularly materialised in the files below:

Recruitment of level A officers

Framework conversion took place to recruit in the future economists, jurists and one civil engineer.

Staff training

The policy defined in this matter in 2011 was continued. This process will gradually increase the expertise level in general and the know-how specific to regulation in particular.

Internal promotion examinations to level A

This type of examination was new to BIPT. These examinations opened new career prospects to the successful candidates of the tests. This will prepare the ground for 2013, year in which the last effective promotions of agents to the A level will take place.

Electronic file of Capelo retirement

Capelo means «*Carrière publique électronique - Elektronische loopbaan overheid*» (electronic public career). In 2012 one begun to register the historical career data of all BIPT (statutory and contractual) staff in the central Capelo database. Based on these data it was possible to enter the first retirement files for the staff which will be retiring in 2013.

6. International relations department

BEREC (Body of European Regulators of Electronic Communications)

The Body of European Regulators for Electronic Communications (BEREC) gathers the national regulatory authorities (NRA) responsible for electronic communications of the European Union Member countries. In 2012 the BEREC wrote what follows in its general policy declaration: «*The BEREC committed to independent, consistent, high-quality regulation of electronic communications markets for the benefit of Europe and its citizens.*»

In 2012 BIPT took part very actively in the BEREC activities, both at the level of expert working groups and the Board of Regulators.

The European Commission closely cooperated with the BEREC to gather data on the management of data traffic on electronic networks by operators. The results of this survey are important to achieve the digital agenda, because if we want to stimulate growth of broadband and services over broadband in Europe, we have to be sure that private individuals and companies know their rights and obligations. With this aim in mind, the BEREC published service quality guidelines on Net neutrality.



The BEREC also delivered an opinion to the European Commission regarding the new international *roaming* regulation that came into force in July 2012. Thanks to the BEREC efforts in this regard the tariffs of the Union's consumers diminished. Moreover the common points of view on wholesale trade of local access, broadband access and leased lines were reviewed.

One of the important tasks of the BEREC is to deliver opinions on the NRA individual decisions regarding market analyses, market definitions and SMP designation in the context of «Article 7» procedures. The second phase of this «Article 7» procedure is started when the Commission has serious doubts on the decisions considered by the NRAs. In these cases, the BEREC has to deliver an opinion to the Commission. In 2012, ten opinions «Article 7 - Phase 2» were delivered in total.

The BIPT staff took part in the following expert groups in 2012: *Benchmarking, BEREC-RSPG Cooperation, Convergence and Economic Analysis, Framework Implementation, End-User, International Roaming, Net Neutrality, Next Generation Networks, Remedies Monitoring, Regulatory Accounting, Termination Rates, Evaluation of BEREC and BEREC Office.*

At the last plenary meeting of the Board of Regulators in Malta in December, the BIPT Chairman was elected to the Vice-Chairmanship for 2013 and to the Chairmanship in 2014.¹⁷

UPU (Universal Postal Union)

The Universal Postal Congress, which takes place every four years, is the supreme authority of the Universal Postal Union (UPU). It gathers the plenipotentiaries of 192 Member countries, which come together to adopt a new world postal strategy and to set future rules regarding international postal exchanges. Between two Congresses, the Council of Administration (CA) made up of 41 Member countries and the Postal Operations Council, made up of 40 Member countries, continue the Union's work.

BIPT carefully prepared the UPU Congress which took place in Doha from 25 September to 15 October 2012. This Congress gathered more than 2,000 participants, of more than 60 ministers. Outstanding results, that might transform the postal sector into a vital component for economic development and social cohesion, were reached at this Congress.

BIPT played a very active part all along this Congress. Indeed it reported over several studies on the reform of the Union and the recasting of its Acts. Moreover BIPT chaired the important «Regulation» commission, which is tasked to review the Universal Postal Convention. The work done by BIPT at this Congress was recognised by all the Member countries and by the Director General of the UPU, Mr. Edouard Dayan. Thanks to its mastery of the organisation's internal procedures, BIPT made a decisive contribution by allowing the Congress to find a way out of an extremely difficult situation.

¹⁷ Following a decision by the Council of State on 17 January 2013 cancelling the appointment of Mr. Hindryckx as BIPT chairman, the BEREC had to make a new appointment in 2013.



Finally the proposals started by BIPT within the CA at the Geneva-Doha cycle were adopted by the Congress:

- re-writing of the General Regulations of the UPU;
- implementation of conferences on postal regulation.

ITU (International Telecommunication Union)

World Conference on International Telecommunications (WCIT-12) from 3 to 14 December 2012

BIPT took part in this important international conference aiming at reviewing the International Telecommunication Regulations (ITR). Before the conference, experts worked on common European proposals in co-operation with the European Commission and the CEPT (European Conference of Postal and Telecommunications Administrations). The objective of these European proposals was to further develop the international telecommunications services but without overloading the telecommunications sector with additional and useless regulation.

The negotiations on the most controversial proposals concerned the introduction of Internet governance and its regulation, routing, spam and cyber-security. In spite of the efforts made by the European countries, a number of additional provisions were added to the final text at the close of the conference (for example articles 5A «security and robustness of networks» and 5B on spam). For the majority of the Union Member States, these provisions could not be accepted, because they would lead to increased governmental control on international telecommunications services. For these reasons Belgium decided to not sign the treaty.

RSC/ RSPG (Radio Spectrum Committee / Radio Spectrum Policy Group)

Decision 243/2012/EU of the European Parliament and of the Council of 14 March 2012 establishing a multi-annual radio spectrum policy programme was published on 21 March 2012 in the Official Journal of the European Union. This is an important step in the spectrum policy until 2015.

Radio Spectrum international activities are an important part of task of the Pool Assignment. The radio spectrum nature and the correlated matters is such that they go beyond national boundaries. This aspect is further enhanced by the ambition to come to harmonised spectrum use within Europe.

Within the framework of the European Union, the Pool Assignment took part in the meetings and activities of the Radio Spectrum Committee (RSC) and the Radio Spectrum Policy Group (RSPG) within the Directorate General Information Society of the European Commission, which name has been shortened since July 2012 in «*DG Connect*». The RSPG working groups were also actively attended to.

The important issues dealt with in 2012 within the RSC were among others the determination of harmonised technical conditions in the 2 GHz band, the frequency issues regarding PMSE (*Program Making and Special Events*) and the decision update for short-range devices. Concerning the RSPG, BIPT put a lot of effort, as announced in its 2012 operational plan and, especially in the activities associated with spectrum shared use, in assisting the European Union in the international negotiations and bilateral co-ordination, and in the negotiations on the future spectrum for wireless broadband. Concerning the RSC and RSPG activities, consultations are taking place with the Communities, considering their competence in relation to broadcasting.

CEPT (European Conference of Postal and Telecommunications Administrations)

Within the CEPT, the Pool Assignments took part both in the plenary meetings of the Electronic Communications Committee (ECC) and in the activities of the Frequency Management (FM) working groups.

ETSI (European Telecommunications Standards Institute)

Moreover certain standardisation activities were also followed at the level of the European Telecommunications Standards Institute (ETSI) as well as the meetings of the plenary meeting of the ETSI members determining the organisation policy and strategy. Besides the Pool Assignments also participated in the meetings of the technical committee TC-ERM (*ETSI Radio Matters*) which develops numerous standards on radio equipment.

7. Conciliations between operators

In 2012 the conciliation procedure before BIPT made it three times possible for operators to find a compromise in a dispute. This type of procedure encourages fluid market functioning thanks to faster dispute settlement (about six months).

The conciliation college is made up of three effective members, of which one BIPT Council member and three alternate members. The conciliation procedure between operators is laid down in Article 14 of the Act of 17 January 2003 and is defined in detail by the Royal Decree of 5 May 2006.



8. Regulatory activities and dispute coordination

The legal department plays an important role in the preparation of regulation, in the dispute coordination and in the legal support for BIPT acts. This collaboration for the establishment of Council acts strengthens their legal security.

Legal support of BIPT acts

The legal department is associated with the whole decision-making process coming from BIPT different services, in particular regarding market analyses and enforcement of decisions.

The department also delivers opinions or analyses at its own initiative or in answer to internal requests. For example the service is associated with the award of public contracts from BIPT and with the general follow-up of public procurements.

Dispute coordination

BIPT legal department is responsible for the coordination of legal appeals mainly concerning the decisions adopted by BIPT. If appropriate BIPT can also be asked to ensure coordination of the disputes involving the Belgian State and concerning telecommunications or postal services. According to the procedures, exchange can also take place between BIPT and other state, federal or European authorities.

The following appeals needed intervention from the legal department:

1. Appeals before the Court of First Instance

- Belgacom brought an action aiming at recovering the 2G authorisation rights following amendment of Article 30 of the ECA by the Act of 15 March 2010. The case went to court but has not progressed waiting for the decision of the Court of Justice of the European Union in the matter at issue of the legislative amendment mentioned.

2. Appeals before the Brussels Court of Appeal

- KPN and Mobistar (intervener: Belgacom) brought an action for the annulment of the BIPT Council decision of 29 June 2010 regarding the market definition, the competitiveness analysis, the identification of SMP operators and the determination of appropriate remedies for market 7 - Voice call termination.

By judgement of 15 May 2012 the Court of Appeal suspended the Council decision. The Court confirms the core of BIPT approach and motivation and systematically rejects the objections of the mobile operators who contested the decision. However the Court maintains as plea for annulment that the draft decision should have been notified to the community regulators in accordance with the cooperation agreement. In view of the decision's general interest objectives, the Court considers however that annulment for procedural reasons should be limited in time. Therefore it requested the Constitutional Court to examine this possibility. The decision of 29 June 2010 remains in force awaiting the answer to the reply of the Constitutional



Court to the preliminary ruling. Then the Court will adopt a definitive decision and BIPT will be able to adopt a draft restoration decision which will be notified to the community regulators. Therefore the tariffs imposed remain in force.

- AIESH, Brutélé, Tecteo, Coditel (applicants and interveners), Belgacom (intervener for the suspension and applicant for the annulment), Mobistar and Telenet (interveners for the suspension and annulment) brought an action for suspension and annulment of the CRC decision of 1st July 2011 concerning the market analysis of the television broadcast on the Dutch-speaking territory, the bilingual territory of Brussels-Capital, the German-speaking territory and the French-speaking territory.
- Belgacom (interveners: Brutélé, Telenet, Tecteo) brought an action for annulment of the CRC decision of 1st July 2011 concerning the market analyses of broadband Internet.

By judgments of 4 September and 6 November 2012, the Brussels Court of Appeal rejected the actions for suspension brought against the decisions of the Regional Radiocommunication Conference (RRC) of 1st July 2011 on the analysis of the television broadcasting market.

The action to the merits is still pending.

- bpost brought an action for annulment of the Decision of the BIPT Council of 20 July 2011 on bpost conventional tariffs for the year 2010. The case went to court.
- Belgacom brought an action for annulment of the Decision of the BIPT Council of 11 August 2011 on the BRUO/BROBA/WBA VDSL2/BROTSOLL 2010 reference offers (*Open Calendar, Certified Technicians and BROBA Ethernet Dedicated VLAN*). The case remained listed, taking account of a new BRxx decision being prepared in 2012.
- Boone et consorts (interveners: Telenet-Tecteo-Bidco) brought an action for annulment against the BIPT Council decision of 14 July 2011 on the grant to Telenet-Tecteo-Bidco of user rights for the 1950.1-1964.9/2140.1-2154.9 Mhz frequency bands (3G licence).

By judgment of 4 December 2012 the Brussels Court of Appeal suspended the decision contested for breach of administrative formality.

BIPT immediately adopted a new decision with retroactive effect, rectifying this procedural infringement, in order to totally preserve all rights and obligations resulting from the 3G licence of Telenet-Tecteo-Bidco.

- KPN brought an action for annulment against the decision of the BIPT Council of 3 November 2011 imposing KPN to put an end to the non-compliance with Article 3, § 1 of the Royal Decree of 18 January 2001. This action was withdrawn.

- Telenet brought an action for annulment against the BIPT Council decision of 29 November 2011 concerning the imposition of an administrative fine on Telenet for non compliance with Article 108, §2 of the Act of 13/06/2005 of the ECA. The case went to court.

3. Appeals before the Constitutional Court

- Belgacom (interveners: Mobistar and KPN) brought an action against amendment of Article 30 of the ECA by the Act of 15 March 2010. The pleadings before the Court of Justice of the European Union were held and the Advocate General gave his opinion.

4. Appeals before the Council of State

- BIPT brought an action against the Decree of the Flemish Government of 12 October 2007 laying down the digital frequency plan for providers of radio and television broadcasting networks. The auditors' office of the Council of State submitted its report.



C. ANNUAL ACCOUNTS 2012

The Accounting Department ensures the proper collection of revenues and the payment of expenditure after evaluation. The department encodes data so that they can be immediately used as a source of functional information for BIPT financial policy.

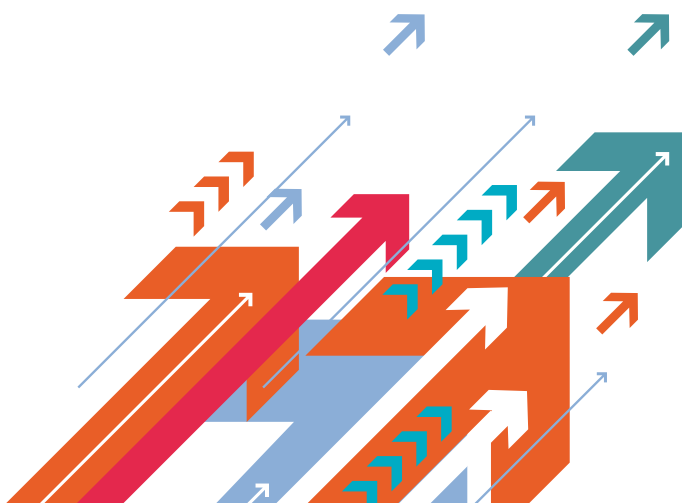
Its main tasks are:

- the proper collection of revenues and the proper payment of expenditure;
- the proper management of BIPT financial accounts both as regards revenues and expenditure;
- the accounting control of financial operations, including the use of cash;
- the preparation of BIPT annual accounts.

In 2012 BIPT specifically tackled the issue of non-payers. In this matter payment deadlines should be applied more strictly and unpaid invoices will be recovered more systematically by legal means.

The internal budgetary policy aims on the one hand to protect BIPT sound financial structure and on the other hand, to achieve budgetary control to guarantee at any moment that all the agreements made can be properly paid while allowing to switch priorities with the necessary flexibility. In 2012 particular attention was paid to the adaptation of internal financial procedures to better guarantee proper execution.

The accounts of BIPT and the two Offices of the Ombudsman are given in the following table. A part of the expenditure of the Offices of the Ombudsman is financed by the 2011 balance, explaining the difference between revenues and expenditure.





| Achievements of the office of the ombudsman for the postal sector in 2012 | | | |
|--|------------------|----------------------------|------------------|
| REVENUES | EUR | EXPENDITURE | EUR |
| Repayments | 141 | Staff | 1,374,490 |
| Services on behalf of third parties (sector contribution) | 1,810,947 | Functioning | 271,216 |
| | | Investment expenditure | 85,342 |
| | | Coordination organisations | 0 |
| TOTAL | 1,811,088 | TOTAL | 1,731,048 |

| Achievements of the office of the ombudsman for the telecommunications in 2012 | | | |
|---|------------------|----------------------------|------------------|
| REVENUES | EUR | EXPENDITURE | EUR |
| Repayments | 76,256 | Staff | 1,812,713 |
| Services on behalf of third parties (sector contribution) | 2,297,634 | Functioning | 441,204 |
| | | Investment expenditure | 9,366 |
| | | Coordination organisations | 0 |
| TOTAL | 2,373,890 | TOTAL | 2,263,283 |

| BIPT achievements - 2012 | | | |
|--|-------------------|----------------------------|-------------------|
| REVENUES | EUR | EXPENDITURE | EUR |
| Repayments | 386,933 | Staff | 21,785,964 |
| Licence and monitoring fees for private radio communications | 19,291,815 | Functioning | 6,101,000 |
| Public licence fees | 25,588,928 | Investment expenditure | 1,849,084 |
| Post | 2,499,328 | Coordination organisations | 1,289,571 |
| Miscellaneous | 4,177 | Treasury | 4,200,000 |
| Services performed for third parties | 563,207 | CF/RT ¹⁸ | 3,745,940 |
| TOTAL | 48,334,388 | TOTAL | 38,971,559 |

¹⁸ Wages entirely paid by IBPT of the staff at the radio/television licence fees collection department.



ANNEXES



A. FOLLOW-UP OF THE 2012 OPERATIONAL PLAN SHEETS

Strategic axis: efficient regulation

| OBJECTIVE | RESULT |
|---|---------------------------------|
| Postal sector: access regulation | Achieved |
| Electronic communications: NGN/NGA cost model | Continued in 2013 |
| Market analysis 1(07) | Continued in 2013 |
| Market analysis leased lines (markets 6(07) and 7(03)) | Continued in 2013 |
| Access to mobile networks | Achieved |
| Wholesale tariffs for obligations on the broadcasting market | Continued in 2013 |
| Market analysis 7(07) | Continued in 2013 |
| Market analysis 2(07) | Continued in 2013 |
| Market analysis (markets 3(03) and 5(03). | Continued in 2013 |
| Implementation of the broadcasting market analysis obligations | Continued in 2013 ¹⁹ |
| Implementation of the IPTV measures | Achieved |
| Improvement and follow-up of operational processes | Achieved |
| BRxx – Belgacom reference offers | Continued in 2013 ²⁰ |
| NGN/NGA implementation (LEX closing, vectoring, IP interconnection) | Achieved |
| Legal interception | Continued in 2013 |
| Notification of security incidents | Achieved |
| IPv6 roll-out - CGN use | Achieved |

¹⁹ As the cable operators' reference offers were not complying, public consultation could only be launched on 21 December 2012.

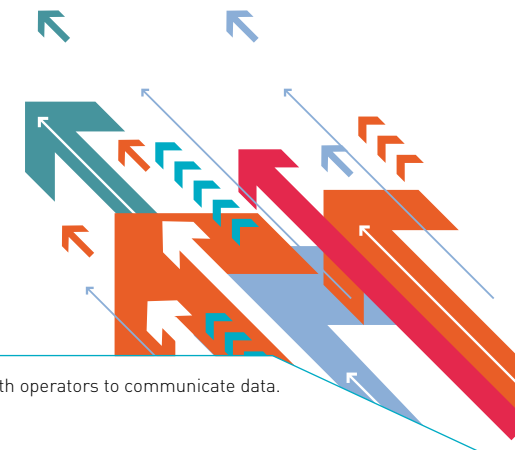
²⁰ As the reference offer was subject to a huge number of adaptation requests, the BRxx offer path could only be finalised in 2012.

Strategic axis: scarce resources management

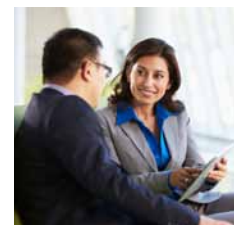
| OBJECTIVE | RESULT |
|----------------------------|----------|
| 800 MHz band | Achieved |
| 2.6 GHz band | Achieved |
| 900 MHz and 1800 MHz bands | Achieved |
| New number series | Achieved |

Strategic axis: promotion of consumer interests

| OBJECTIVE | RESULT |
|---|---------------------------------|
| Belgian consumer survey on the functioning of the electronic communications services market | Achieved |
| Selective call barring | Achieved |
| Control of the operators' compliance with consumer protection obligations | Achieved |
| Tariff simulator | Achieved |
| International benchmarking study on telecommunication prices | Achieved |
| Method to measure the download speed and volume of one broadband Internet connection | Achieved |
| Standardised information sheets for the benefit of consumers | Achieved |
| Drawing-up of FAQs | Achieved |
| Electronic communications services barometer | Continued in 2013 ²¹ |



²¹ Timing and achievement of the project depend on the collaboration with operators to communicate data.



| Strategic axis: social cohesion | |
|---|---------------------------------|
| OBJECTIVE | RESULT |
| Quality control of bpost service | Achieved |
| Universal service: declaration of conformity based on control of bpost cost accounting | Achieved |
| Universal service: postal universal service net cost calculation | Continued in 2013 ²² |
| Universal service: modernisation of the telecom universal service | Continued in 2013 ²³ |
| Price control of the products within the universal postal service area | Achieved |
| Definition of the speed level of functional Internet access | Continued in 2013 ²⁴ |
| Follow-up and control of the universal service application in the electronic communications sector | Achieved |
| Harmonisation of the social tariffs system and the secondary regulatory framework with the new primary regulatory framework | Achieved |
| Cost calculation of the provision of social tariffs borne by the providing operators | Continued in 2013 ²⁵ |
| Development of measures in favour of disabled users | Achieved |

| Strategic axis: administrative efficiency | |
|---|-------------------|
| OBJECTIVE | RESULT |
| Electronic document management | Achieved |
| «Networks and Services» database | Continued in 2013 |
| Automation of certain social tariffs functionalities | Achieved |
| FRELIC: computerisation of frequency and licence management | Continued in 2013 |
| Renewal of BIPT website | Continued in 2013 |

²² In 2013 data collection and verification of the universal service net cost calculation for 2011 will take place, then a consultation on a draft decision regarding verification will be held, before the adoption of the final decision. The timing and project achievement depend on a key element of success, i.e.: the approval of the Royal Decree deliberated in the Council of Ministers, as laid down by Article 144undecies of the Postal Act.

²³ The timing and achievement of this objective depend on several key elements of success, i.e.: the date of entry into force of the new regulatory framework; the granting of the budget allowing external consulting; the decisions of other authorities than BIPT to maintain or not universal service obligations; the adoption of a complemented and adapted regulatory framework to carry out the designation process of new universal service providers.

²⁴ In 2012 BIPT organised a consultation on the measurement method of the download speed of a fixed broadband connection. This will allow BIPT to submit an opinion in 2013 on the speed level to meet for functional Internet access as well as an adaptation draft of the regulatory framework to enable provision of functional Internet access by a consortium of operators, followed by the organisation of an appointing process of operators providing functional access.

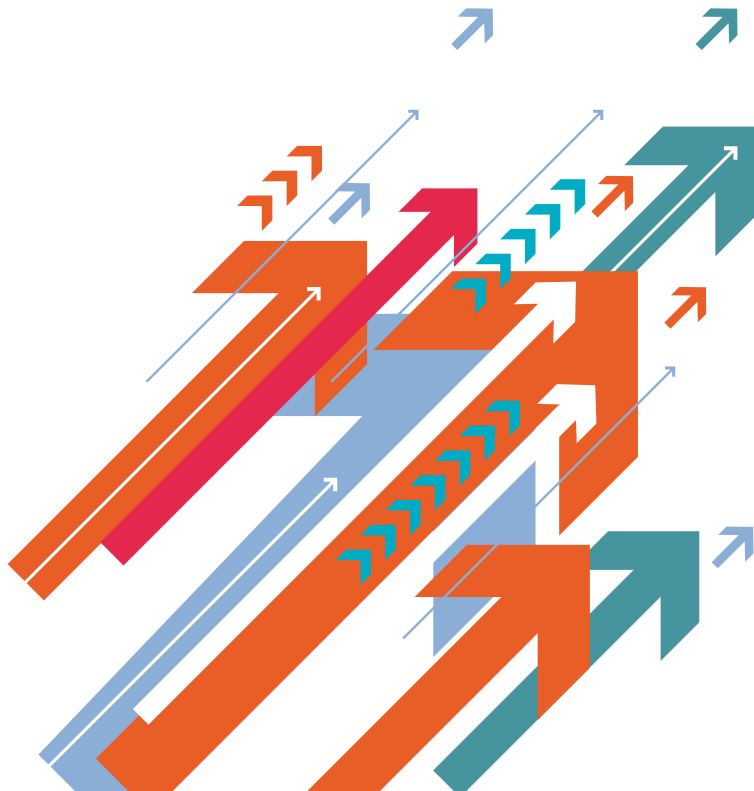
²⁵ The different steps linked to the achievement of this project are spread over years 2012 and 2013.

Strategic axis: targeted control

| OBJECTIVE | RESULT |
|--|----------|
| 3G coverage measurements | Achieved |
| Monitoring of postal operators | Achieved |
| Development of a new measurement technique of Wi-Fi networks | Achieved |
| Development of a new measurement technique of 4G radar | Achieved |

Strategic axis: dialogue and communication

| OBJECTIVE | RESULT |
|---|----------|
| Publication of the key figures of the 2011 electronic communications sector | Achieved |
| Publication of an observatory of the postal sector 2010 and 2011 | Achieved |





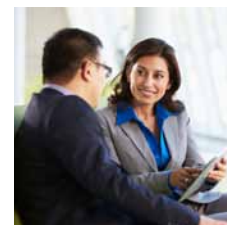
B. LIST OF THE COUNCIL ACTS ADOPTED IN 2012

1. Decisions of general interest

| DATE OF THE DECISION | TITLE |
|----------------------|--|
| 20/12/2012 | Decision of the BIPT Council of 20 December 2012 on the granting to ROW 44 INC of radio frequencies rights of use for mobile communications services on board of aircrafts flying over the Belgian territory |
| 20/12/2012 | Decision of the BIPT Council of 20 December 2012 on the granting to ONAIR SWITZERLAND SARL of radio frequencies rights of use for mobile communications services on board of aircrafts flying over the Belgian territory |
| 20/12/2012 | Decision of the BIPT Council of 20 December 2012 on the granting to TELENOR AVIATION AS of radio frequencies rights of use for mobile communications services on board of aircrafts flying over the Belgian territory |
| 4/12/2012 | Decision of the BIPT Council of 4 December 2012 regarding the communication of the speed of a broadband fixed connection |
| 20/11/2012 | Decision of the BIPT Council of 20 November 2012 regarding the maximum amounts to be proposed by operators to their customers in accordance with Article 112 of the Act on electronic communications |
| 4/10/2012 | Decision of the BIPT Council of 4 October 2012 regarding the reference offer on an alternative to multicast |
| 4/09/2012 | Decision of the BIPT Council of 4 September 2012 regarding the modification to the decision of the BIPT Council of 6 September 2011 concerning the determination of the numbering plan regarding M2M communication |
| 9/08/2012 | Decision of the BIPT Council of 9 August 2012 on the radio interfaces B10-01 to B10-12 (V3.1), F02-01 and F02-02 |
| 26/06/2012 | Decision of the BIPT Council of 26 June 2012 concerning the conformity of the cost accounting system for Belgacom for 2008 |
| 26/06/2012 | Decision of the BIPT Council of 26 June 2012 concerning the conformity of the cost accounting system for Belgacom for 2009 |
| 26/06/2012 | Decision of the BIPT Council of 26 June 2012 concerning the conformity of the cost accounting system for Belgacom for 2010 |
| 19/06/2012 | Decision of the BIPT Council of 19 June 2012 regarding the control of mail delivery times for the year 2010 for domestic prior single piece mail, domestic non prior single piece mail, domestic registered items, domestic single piece parcels and crossborder incoming prior single piece letter post |
| 14/06/2012 | Decision of the BIPT Council of 14 June 2012 regarding the notice given to KPN Group Belgium for non-compliance with Article 3, &1 of the Royal Decree of 18 January 2001 laying down the specifications and the procedure for granting licences for third-generation mobile telecommunications systems |
| 5/06/2012 | Decision of the BIPT Council of 5 June 2012 regarding Belgium's policy as regards extraterritorial offices of exchange |

| DATE OF THE DECISION | TITLE |
|----------------------|---|
| 29/05/2012 | Decision of the BIPT Council of 29 May 2012 on the granting to Belgacom SA of rights of use in the frequency band 2500-2520/2620-2640 MHz for the provision of electronic communications services on the Belgian territory |
| 29/05/2012 | Decision of the BIPT Council of 29 May 2012 on the granting to Mobistar SA of rights of use in the frequency band 2550-2570/2670-2690 MHz for the provision of electronic communications services on the Belgian territory |
| 8/05/2012 | Decision of the BIPT Council of 8 May 2012 concerning the conformity of the cost accounting system of Belgacom for 2010 |
| 24/04/2012 | Decision of the BIPT Council of 24 April 2012 concerning the frequencies, the power levels and the transmission modes that can be used by radio amateurs |
| 2/03/2012 | Decision of the BIPT Council of 2 March 2012 regarding the market analysis of the market for call termination on the public telephone network provided at a fixed location (public version) |
| 31/01/2012 | Decision of the BIPT Council of 31 January 2012 regarding Telenet's request of 7 December 2011 to remove additional passages from the non-confidential version of the Decision of the BIPT Council of 29 November 2011 imposing an administrative fine on Telenet for non-compliance with Article 108, §2 of the Act of 13/06/2005 on electronic communications |
| 4/01/2012 | Decision of the BIPT Council of 4 January 2012 concerning the approval of the alternative offer of Belgacom to the corrective measure «multicast» imposed by the CRC decision of 1 st July 2011 on the analysis of the broadband markets |
| 3/01/2012 | Decision of the BIPT Council of 3 January 2012 regarding the composition of the board mentioned in the Royal Decree of 5 May 2006 laying down a reconciliation procedure before the Belgian Institute for postal services and telecommunications for 2012 |





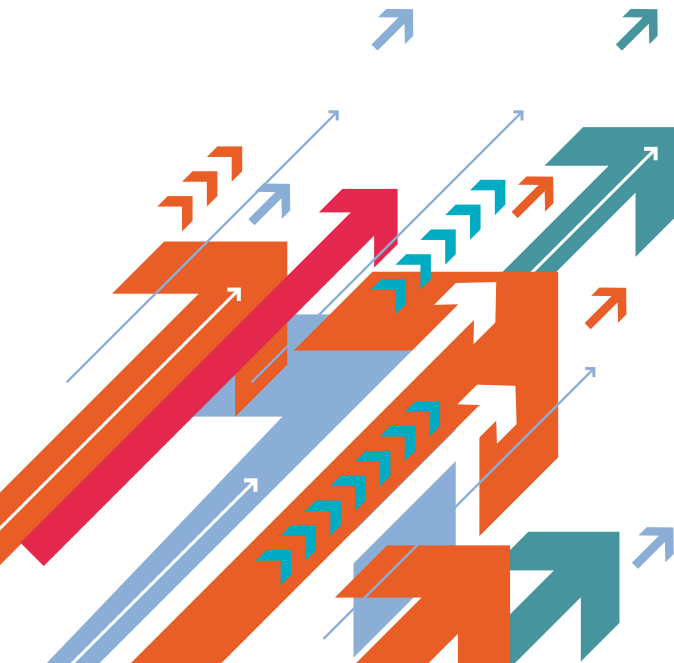
2. Consultations

| DATE OF THE CONSULTATION | TITLE |
|--------------------------|--|
| 21/12/2012 | Consultation of the BIPT Council on the draft operational plan 2013 |
| 21/12/2012 | Draft decision concerning the reference offer of Brutélé |
| 21/12/2012 | Draft decision concerning the reference offer of Telenet |
| 13/12/2012 | Consultation held by the BIPT Council on 13 December 2012 at the request of the Minister of Economy regarding the draft Royal Decree on the mobile communication services on board of aircrafts |
| 21/11/2012 | Consultation on the draft decision of BIPT laying down the precise requirements and the format of the consultation as referred to in Article 108, § 2, of the Act of 13 June 2005 and Article 6, § 2, of the Act of 15 May 2007 |
| 14/11/2012 | Consultation on the draft bill amending Article 30 of the Act of 13 June 2005 on electronic communications and the draft royal decree on radio access in the band 790-862 MHz |
| 17/10/2012 | Consultation organised by the BIPT Council at the request of the Private Office of the Minister of Economy of 17 October 2012 on the draft royal decree determining the content of the information sheets referred to in Articles 111, § 2 of the Act of 13 June 2005 and 5, § 2 of the Act of 15 May 2007 |
| 17/10/2012 | Consultation organised at the request of the BIPT Council of 12 September 2012 regarding the draft decision of the BIPT Council concerning the information provided by operators to consumers and end-users in order to enable them to make an independent evaluation of the cost of alternative usage plans (Article 111, § 3, of the Act on electronic communications) |
| 16/10/2012 | Consultation held by the BIPT Council on 22 August 2012 at the request of the private office of the Minister of Economy regarding a draft Royal Decree amending the Royal Decree of 7 March 2007 |
| 10/10/2012 | Consultation held by the BIPT Council at the request of the Private Office of the Minister of Economy of 11 September 2012 regarding the draft Royal Decree of 18 December 2009 on private radio communications and user rights for fixed networks and trunk networks |
| 4/10/2012 | BIPT Consultation on sending free alerts to consumers |
| 28/09/2012 | Consultation on the draft Royal Decree on the portability of the numbers of subscribers to electronic communications services |
| 21/09/2012 | BRxx Remapping - Proposal to adapt Belgacom reference offers in the context of the Remapping project (17/09/12) |
| 6/09/2012 | BIPT consultation on the method for calculation of the download speed of a fixed broadband connection |

| DATE OF THE CONSULTATION | TITLE |
|--------------------------|---|
| 3/09/2012 | Consultation at the request of the BIPT Council as commissioned on 31 August 2012 by the Private Office of the Minister for Economy concerning the draft Royal Decree replacing the Annex to the Royal Decree of 9 January 2003 on the terms and conditions of the legal collaboration obligation in case of judicial requests on electronic communications |
| 22/08/2012 | Consultation held by the BIPT Council as commissioned on 22 August 2012 by the Private Office of the Minister for Economy on the draft Royal Decree amending the Royal Decree of 7 March 2007 on the notification of electronic communications services and networks and amending the Royal Decree of 10 December 2009 amending the Royal Decree on the notification of electronic communications services and networks |
| 20/08/2012 | Consultation of the draft decision of the BIPT Council on the radio interfaces B18-01 and J03-02 |
| 16/08/2012 | Summary of the contributions received following the consultation of 21 March 2012 on the 800 MHz band |
| 16/07/2012 | Consultation on the BIPT draft decision with respect to markets 6(2007) and 7(2003) - 2 nd round |
| 6/07/2012 | Consultation organised by the BIPT Council at the request of the Private Office of the Economy Minister of 6 July 2012 regarding two draft Royal Decrees concerning the social element of the Universal Service |
| 28/06/2012 | Consultation on the draft decision of the BIPT Council of 19 June 2012 regarding the modification to the decision of the BIPT Council of 6 September 2011 concerning the determination of the numbering plan regarding M2M communication |
| 15/06/2012 | Summary of the consultation of 6 February 2012 on the possible introduction of 076 numbers for personal number services and 079 numbers for company numbers |
| 29/05/2012 | Draft decision on the reference offer regarding the multicast alternative |
| 19/04/2012 | Consultation held by the BIPT Council of 21 March 2012 on the 800 MHz band |
| 6/04/2012 | Consultation held by the BIPT Council on the draft decision regarding the control of mail delivery times for the year 2010 for domestic prior single piece mail, domestic non prior single piece mail, domestic registered items, domestic single piece parcels and crossborder incoming prior single piece letter post |
| 26/03/2012 | Consultation of the BIPT Council on the draft operational plan 2012 |
| 23/03/2012 | Consultation held by the BIPT Council on the draft decision of the BIPT Council concerning the frequencies, the power levels and the transmission modes that can be used by radio amateurs |
| 16/03/2012 | Consultation of the draft decision of the BIPT Council on the radio interfaces B10-01 to B10-12 (V3.1), F02-01 and F02-02 |
| 6/02/2012 | Consultation held by the BIPT Council on the possible introduction of 076 numbers for personal number services and 079 numbers for company numbers |
| 19/01/2012 | Draft decision of the BIPT Council on the analysis of bpost tariff proposal of individual full tariffs for the year 2012 |
| 19/01/2012 | Draft decision of the BIPT Council of 20 September 2011 on the analysis of bpost tariff protection of individual full tariffs for the year 2011 |



| DATE OF THE CONSULTATION | TITLE |
|--------------------------|---|
| 4/01/2012 | Consultation document for the draft NGN/NGA models |
| 4/01/2012 | BIPT NGN/NGA model - Service cost |
| 4/01/2012 | BIPT NGN/NGA model - Access network module |
| 4/01/2012 | BIPT NGN/NGA model - Core network module |
| 4/01/2012 | BIPT NGN/NGA model - Market module |
| 4/01/2012 | Presentation of the draft NGN/NGA models |
| 4/01/2012 | BIPT NGN/NGA model - List of model components |
| 4/01/2012 | BIPT NGN/NGA model - documentation for industry players |



3. Communications

| DATE OF THE COMMUNICATION | TITLE |
|---------------------------|--|
| 19/12/2012 | Communication of the BIPT Council of 11 December 2012 concerning the compatibility between LTE and cable networks/DVB-T |
| 5/12/2012 | Communication of the BIPT Council of 23 November 2012 regarding the verification of the operators' compliance with the legal provisions regarding the information of consumers on the duration of the contracts carried out by BIPT in October 2012 following the entry into force of the legal provisions |
| 30/11/2012 | Communication about the reference offers for the cable |
| 14/11/2012 | Communication of the BIPT Council of 14 November 2012 regarding the study of Aetha consulting limited & NERA Economic consulting «Regulations for award of the 790-862 MHz band» |
| 9/11/2012 | Communication about the reference offers for the cable |
| 10/08/2012 | Communication of the BIPT Council of 5 June 2012 regarding the targeted checks of operators' respect of specific measures regarding the protection of consumers carried out by BIPT in 2011 |
| 9/08/2012 | Communication of the BIPT Council of 17 July 2012 regarding communication on board of seagoing vessels on frequencies 457,550 MHz (25 kHz), 467,525 MHz (25 kHz) and 467,5375 MHz (12,5 kHz) |
| 13/07/2012 | FAQ about GSM and UMTS repeaters |
| 27/06/2012 | Communication of the BIPT Council of 19 June 2012 regarding the non-introduction of the special number series 076 and 079 respectively for personal numbers and business numbers |
| 16/05/2012 | Operational plan 2012 (final version) |
| 23/03/2012 | Communication of the BIPT Council regarding the compliance statement of the compliance system of the cost accounting system for bpost for 2007, 2008, 2009 based on the reports made by the College of Commissioners at bpost |
| 16/03/2012 | Prior consultation multicast |
| 16/03/2012 | Communication of the BIPT Council of 16 March 2012 on wireless microphones and other PMSE equipment in the 470-862 MHz band in radio interfaces B10 and F2 |
| 17/02/2012 | Reference offer from Brut  l   |
| 17/02/2012 | Reference offer from Numericable |
| 17/02/2012 | Reference offer from Telenet |
| 26/01/2012 | List of the postal operators who have been granted an individual licence for the provision of a service that is part of the universal service |
| 19/01/2012 | Communication of the BIPT Council of 8 November 2011 regarding the results of the customer satisfaction survey for the year 2010 |



4. Opinions

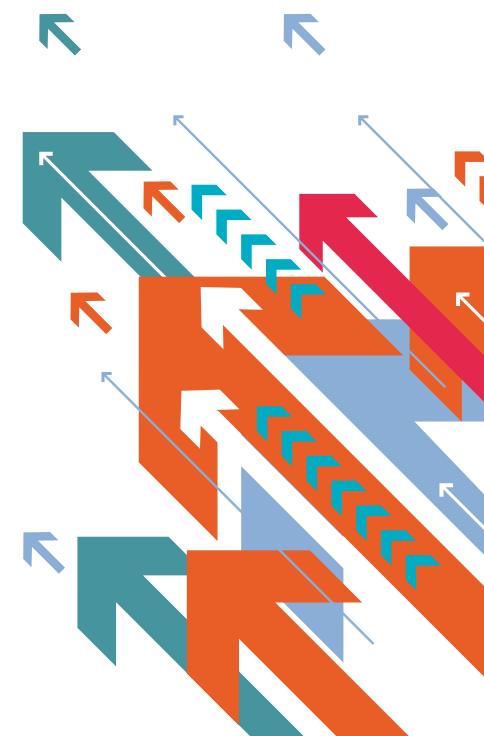
| DATE OF THE OPINION | TITLE |
|---------------------|---|
| 17/07/2012 | Opinion of the BIPT Council of 17 July 2012 concerning the draft Royal Decree replacing the Annex to the Royal Decree of 9 January 2003 on the terms and conditions of the legal collaboration obligation in case of judicial requests on electronic communications |
| 26/04/2012 | Opinion of the BIPT Council of 26 April 2012 on the legislative proposal amending the Act of 13 June 2005 on electronic communications as regards mobile termination rates |
| 26/04/2012 | Opinion of the BIPT Council of 26 April 2012 on the legislative proposal amending the Act of 13 June 2005 on electronic communications with a view to introducing a limitation of the cancellation fee in contracts regarding mobile voice telephony services |
| 17/02/2012 | Opinion of the BIPT Council of 17 February 2012 to Minister Vande Lanotte on the potential risks of security violation in mobile telephone networks and services within the framework of 2G and 2.5G technologies (public version) |

5. Press releases

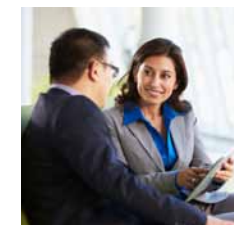
| DATE OF THE PRESS RELEASE | TITLE |
|---------------------------|---|
| 21/12/2012 | BIPT determines the information that operators should provide about speed and download volume of broadband fixed connections. |
| 14/11/2012 | BIPT launches a consultation for the auction of the 800 MHz band at the request of Minister Vande Lanotte |
| 6/11/2012 | The Brussels Court of Appeal rejects the request for a suspension from Brut  l  /Tecteo and Numericable against opening up the cable |
| 16/10/2012 | BIPT peremptorily adopted the decision which aims to open up Belgacom's IPTV |
| 4/10/2012 | BIPT suggests notifying consumers by means of SMS when the monthly fixed sum or ceilings above the fixed sum are exceeded |
| 24/07/2012 | BIPT emphasises that the installation and use of GSM or UMTS repeaters is strictly reserved for mobile operators |
| 21/06/2012 | BIPT publishes the 2011 electronic communications sector statistics |
| 20/06/2012 | Following infringement proceedings instituted by BIPT, BASE achieves the required 3G coverage rate |
| 21/05/2012 | The requests for annulment of BIPT's regulation of mobile termination rates are rejected on the merits, but the Court of Appeal asks notification to the Community regulators |
| 6/03/2012 | BIPT decreases call termination rates on fixed telephony networks |

C. GLOSSARY

- ADSL:** Asymmetric Digital Subscriber Line
AIESH: Association Intercommunale d'Électricité du Sud-Hainaut
BEREC: Body of European Regulators for Electronic Communications
BRIO: Belgacom Reference Interconnect Offer
BROBA: Belgacom Reference Offer Bitstream Access
BROTSoLL: Belgacom Reference Offer for Terminating Segments of Leased Lines
BRUO: Belgacom Reference Unbundling Offer
CA: Council of Administration
CB: Citizen's Band
CEPT: European Conference of Postal and Telecommunications Administrations
CERP: European Committee for Postal Regulation
COCOM: Communications Committee
CoMixTelec: Joint commission on telecommunications
CPS: Carrier Pre-Selection
CRC: Conference of Regulators of the electronic communications sector
CSA: Conseil supérieur de l'audiovisuel
CSC: Carrier Select Code
DNS: Domain Name System
DSLAM: Digital Subscriber Line Access Multiplexer
DVB-T: Digital Video Broadcasting - Terrestrial
ECA: Act of 13 June 2005 on electronic communications
ECC: Electronic Communications Committee
ECM: Electromagnetic compatibility
ENISA: European Network and Information Security Agency
ERGP: European Regulators Group for Postal services
ERO: European Radiocommunications Office
ESA: European Space Agency
ETSI: European Telecommunications Standard Institute
FAQ: Frequently asked question
FDD: Frequency Division Duplex
FPS: Federal public service
FTE: Full-time equivalent
GMDSS: General Maritime Distress and Safety System



GOC: General Operator's Certificate
GSM: Global System for Mobile communications
HAREC: Harmonised Amateur Radio Examination Certificate
HCM: Harmonised Calculation Method
IARN: International Audiotex Regulators Network
IP: Internet Protocol
IRG: Independent Regulators Group
ITU: International Telecommunication Union
LEGBAC: Limited Exploratory Group on Broadcasting to Aeronautic Compatibility
LL: Leased Line
LRIC: Long-Run Incremental Cost
LTE: Long Term Evolution
M2M: Machine to Machine
MSS: Mobile Satellite Services
MTR: Mobile Termination Rate
NCS: National Spectrum Monitoring Department
NGA: Next Generation Access
NGLL: Next Generation Leased Lines
NGN: Next Generation Network
NRA: National regulatory authority
PNCT: Plate-forme nationale de concertation Télécommunications or National consultation forum on telecommunications
PSI: Public Sector Information
R&TTE: Radio and Telecommunications Terminal Equipment
ROC: Restricted Operator's Certificate
RSC: Radio spectrum Committee
RSC: Radio Spectrum Committee
RSPG: Radio Spectrum Policy Group
SDSL: Symmetric DSL
SMP: Significant Market Power
SMS: Short Message Service
SRC: Short Range Certificate
STTS: Service des tarifs téléphoniques sociaux or social telephone tariffs department
T-DAB: Terrestrial Digital Audio Broadcasting
TDD: Time Division Duplex



TTS: social telephone tariff
UMTS: Universal Mobile Telecommunications System
UPU: Universal Postal Union
VDSL: Very High Rate DSL
VHF: Very High Frequencies
VoIP: Voice over IP
VRM: Vlaamse Regulator voor de Media
VSA: Voice Stream Access
WBA: Wholesale Broadband Access
WiMax: Worldwide interoperability for Microwave Access
WRC: World radio conference
WTO: World Trade Organisation
xDSL: Digital Subscriber Line



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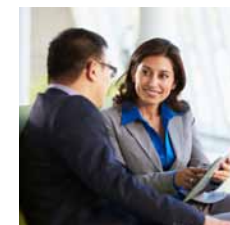
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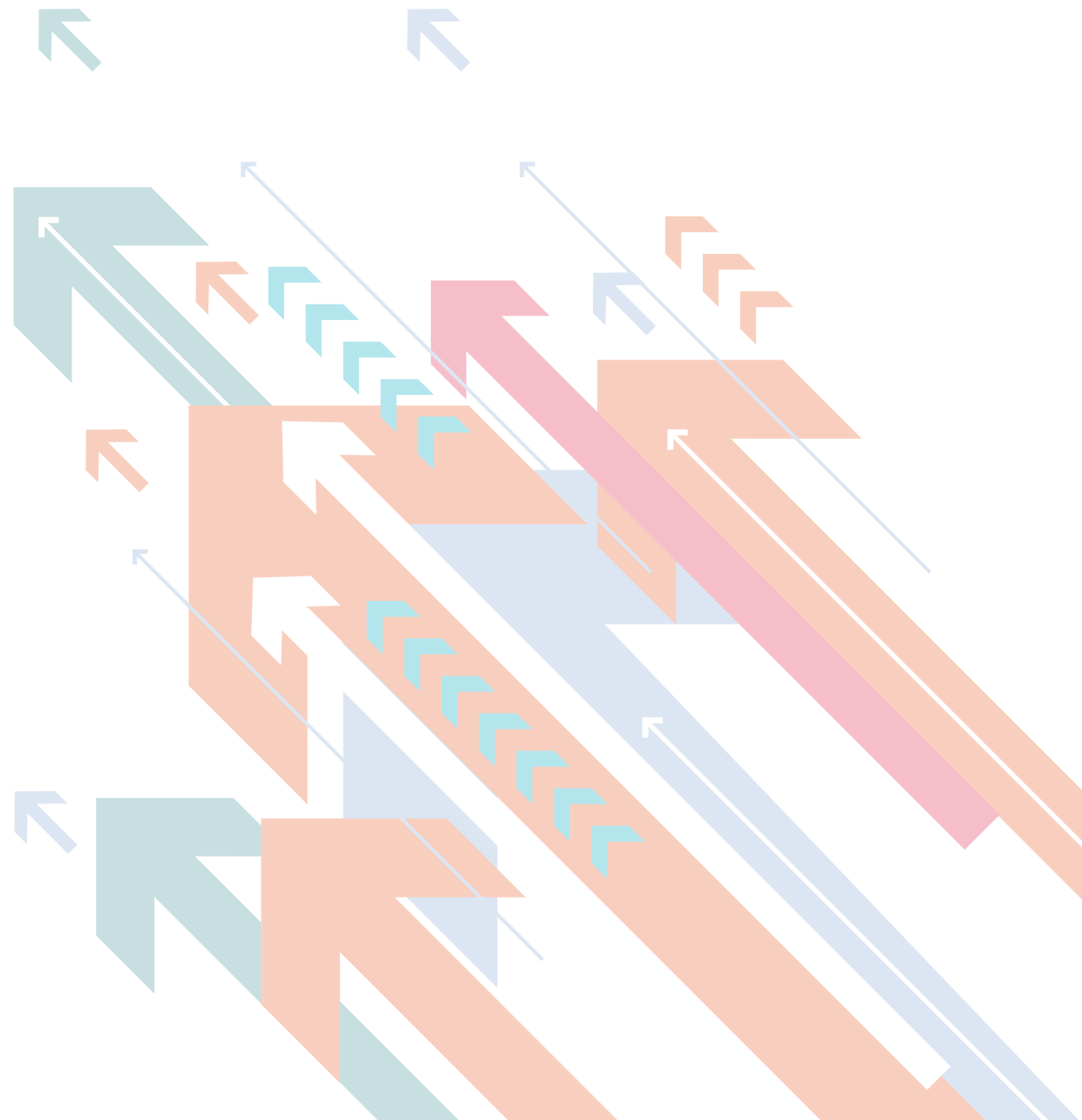
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