



**BIPT**

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## BELGIAN INSTITUTE FOR POSTAL SERVICES AND TELECOMMUNICATIONS

*PRESS RELEASE*

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### **The Court of Appeal confirms that early 2010 Belgacom neglected to correctly inform its subscribers upon Internet price increases**

**Brussels, 23 September 2011 – The Brussels Court of Appeal has rejected Belgacom’s appeal against the 800.000 EUR fine imposed by BIPT for violation of the legal obligation regarding transparency and the obligation to inform subscribers, upon the Internet tariff increases of February 2010. On 24 August 2010 Belgacom lodged an appeal against BIPT’s decision. In a ruling made public today, the Court of Appeal rules against Belgacom. It does, however, moderate the fine to 500,000 EUR.**

The Court of Appeal confirms that Belgacom neglected to correctly inform its subscribers of the possibility to terminate their subscriptions free of charge at the same time it notified them of the price increases.

On 5 February Belgacom announced that its Internet offer would change, entailing a tariff increase for two of its four main Internet offers. The tariffs for the “Internet Light” and “Internet Go” offers – remodelled into “Internet Comfort” and “Internet Favorite” – respectively went up by 0.95 EUR and 1.15 EUR per month. With the new offer also came a new download speed and a new monthly allowed download volume.

BIPT looked into the manner in which Belgacom communicated that price increase to its customers. That study showed that Belgacom had not fulfilled its transparency obligations with regard to its subscribers:

- Belgacom did not inform its subscribers of their right to cancel their contract free of charge at the same time as the notification of the price increases took place;
- Belgacom gave the impression that subscribers had to await receipt of the first invoice after the changes had taken effect in order to be able to cancel their contract free of charge, while, according to BIPT, Belgacom should have made clear that this was possible from the moment of the notification of the price increases;
- Belgacom moreover never informed part of its residential subscribers to whom the price increase was applied in the two individual communications, about the fact that the contract could be cancelled free of charge.

Following the infringement proceedings BIPT imposed an 800,000 EUR administrative fine on Belgacom in its decision of 28 June 2010. The Court of Appeal corroborates BIPT’s grievances against Belgacom but lowers the fine to 500,000 EUR partly because it was not proven that the violation occurred deliberately and partly because one of the grievances taken into account does not directly stem from the legal provisions (but does however fit within the goal aimed at).

This ruling of the Court of Appeal basically wraps up the case. As early as the final quarter of 2010, Belgacom's subscribers were offered the possibility, at the insistence of BIPT, to cancel their subscription free of charge according to the legal provisions.

Luc Hindryckx, Chairman of the BIPT Council:

*"BIPT conscientiously ensures that all telecom operators observe the telecom legislation, including the rules that protect consumers. We will continue to do so in the future. For promoting consumer interests is one of the priorities established in BIPT's strategic plan."*

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