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COMMUNICATIONS OUTLOOK 1999

TELECOMMUNICATIONS: Regulatory Issues

Country: BELGIUM

Date completed: 25 May 1998

The attached questionnaire was undertaken in preparation for the biennial OECD *Communications Outlook*. The responses provided by countries on telecommunication regulation were used to provide information supporting the analytical sections published in association with data. A similar questionnaire with responses on broadcasting regulation is also available. In some cases, data for individual firms, used to compile OECD totals, have not been published at the request of the respondent. For further information, including data, see **OECD Communications Outlook 1999** and <http://www.oecd.org/dsti/sti/it/index.htm>

TELECOMMUNICATIONS

Market Structure and Regulatory Status (Questions 1 -13)

1. Please provide details of the regulation of communication infrastructure, including the public switched telecommunication network (PSTN), provision in your country.

Infrastructure provision for following service	Regulatory Status (e.g. monopoly, duopoly, limited number, fully open to any applicant)	Number of licensed operators (1998)
Local PSTN	open market	11
National PSTN	open market	11
International PSTN	open market	11
Analogue Cellular Mobile (e.g. NMT etc.)	monopoly	1
Digital Cellular Mobile (e.g. GSM etc.)	limited number	2
Other Mobile Communication (e.g. PCS, PCN, CT-2 etc.)		0
Payphones	open market	unknown

2. Please provide details for the major public telecommunication operator (PTO) of public switched telecommunication services in your country. (PTOs are state and privately owned entities providing public switched telecommunication services over their own infrastructure)

Name of PTO	PTO Ownership Status (1998) (e.g. state owned/privately owned) If a balance of ownership exists please indicate the share (%) held by the government
Belgacom	Belgian State (51%); Ameritech, Tele Danmark, Singapore Telecom consortium (49%).

3. Please provide details of market share for the largest PTO in the following categories.

	The largest PTO's share (End 1997)
Local Access (% of access lines)	100%
National Long Distance (% of total minutes)	100%
International (% of total outgoing MiTT)	unknown

4. Please provide details of the number of subscribers by cellular and PCN mobile communication operators.

Name of Operator	Number of Subscribers (End 1997)
1. Belgacom Mobile	691 094
2. Mobistar	283 400
3.	

5. Please provide a description of the most significant recent policy changes affecting the provision of telecommunications services, as well as any draft laws, or regulatory proposals to be implemented in 1998.

A major piece of legislation was adopted on 19 December 1997, tailoring Belgian regulations to European Union obligations for free competition and harmonisation. This same Act governs the organisation of the market after liberalisation. In 1997, it was also decided to open up radio paging to competition and to allow a third mobile operator to enter the market.

6. Please provide a brief description of the responsibilities of the national regulatory authorities for public telecommunication services.

Telecommunications authorities (Minister of Telecommunications or IBPT) issue authorisations to operators, manage numbering and frequency plans and approve reference tariffs with regard to interconnections. IBPT has overall responsibility for monitoring and supervising the market.

7. Are there any foreign ownership, size of shareholding or other ownership restrictions on individuals and corporations investing in the incumbent PTO(s) in your country? Yes/ No

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8. Are there any communication infrastructures or services (e.g. cable television, terrestrial broadcasting, satellite broadcasting) PTOs in your country are not permitted to directly provide? In addition, please specify any restrictions on PTOs investing in companies that such infrastructure or services.

No.

9. Is the incumbent PTO(s) in your country allowed to provide mobile communication services? Yes/No

If 'yes', is there a requirement for accounting separation between the PTO's mobile and fixed operations?

Yes.

10. What selection procedures are used to determine licenses for new PTOs (e.g. calls for tenders, government appointments, license on request)?

Licenses on request, based *inter alia* on the applicants' economic and technical capabilities. Licenses are required for the following: public networks, voice telephony, mobile services.

11. Please specify any restrictions or obligations imposed on new competitive network suppliers?

Refer Section 92*bis* of the Act of 21 March 1991. Without prejudice to obligations under other legislation.

12. Are there any restrictions on the use of leased lines nationally or internationally (including resale)? Yes/No

No.

13. Under the communication regulation existing in your country how would national and international voice telephony services provided over the Internet, by entities other than a PTO, be defined and treated? Please mention any restrictions or obligations that may apply.

Such services are not considered voice telephony and may therefore be operated freely, subject to declaration.

Pricing (Questions 14 -15)

14. What, if any, conditions are applied to the tariffs set by PTOs? (Please include any price control information such as price caps and specify for which service they apply).

Universal service providers are required to charge residential customers reasonable tariffs for the basic voice telephony service. Price caps are in effect for basic voice telephony services.

15. If communication discount schemes are available in your country please provide information on one or more popular schemes applicable to residential users, dial-up Internet access users and a low user scheme from the incumbent PTO. In the space below please indicate the main features:

Residential User Discount Scheme: None.
Internet Access Discount Scheme: Reduced rate (50% off) after 10 minutes' connection time.
Low User Scheme: 50% off subscription charges for old people and the handicapped, as required by law.

Note: Residential user refers to an average consumer's home telephone service. A dial-up Internet user refers to a consumer accessing the Internet via a PC with a modem over the local public switched telecommunication network. Low user schemes is a term sometimes applied by PTOs to schemes designed for segments of the community that are financially disadvantaged.

Numbering/Domain Names (Questions 16 - 17)

16. Please describe the numbering policy in your country. Please mention the responsible authority and whether portability has been introduced and for which services (e.g. 800 numbers, cellular numbers, local PSTN numbers).

Belgium has opted for a fully integrated numbering plan, administered by IBPT. Portability is to be introduced on 1 January 2000.

17. Have there been any recent government policy initiatives in your country in respect to the administration of Internet top level domain names. (An example of a top level domain name is .be for Belgium). Yes/No

This issue is currently being studied.

Interconnection (Questions 18 - 21)

**18. Are PSTN interconnect or access charges a matter for commercial agreement between operators and if so is there provision for arbitration and by whom? Is there a requirement to publish the rate for PSTN interconnect or access charges? Yes/No
If 'yes' please provide a schedule of interconnection charges for the PSTN.**

There is a provision for arbitration by an "Interconnection Chamber".

19. For the purpose of establishing interconnect or access charges is accounting separation used?

Yes.

20. Once the interconnection or access charge has been established is it available as a standard rate for other service providers (including other PTOs and resellers)?

All providers having a strong market position must publish reference offers approved by the regulatory authorities.

21. Does regulation specify that competitive service providers can co-locate facilities on the same site as incumbent PTOs? Please indicate whether resellers and Internet Service Providers can co-locate equipment under the same terms and conditions as PTOs without being designated as a PTO?

Yes, in respect of providers of public networks.

Information for Updating OECD Tariff Comparison Baskets (Question 22)

22. Please provide the following information for your largest PTO.

What is the average duration of a local call (i.e. average time of a call in the lowest tariff band for PSTN)?		
What is the proportion of calls that fall within your lowest tariff band (i.e. local calls) as a percentage of total national calls?	Business (%)	Residential (%)
What percentage of calls from the fixed network (PSTN) terminate in mobile networks (e.g. analogue and digital cellular networks)?	Business (%)	Residential (%)
What percentage of total leased lines (i.e. leased circuits) are local (i.e. 2 km or less)?		

Universal Service/Consumer Issues (Questions 23 -25)

23. In the context of universal service policies which elements of telecommunication service are considered as part of universal service in your country?

Refer to Section 84 of the Act of 21 March 1991.

24. Please provide details of any explicit funding mechanism for universal service and its coverage.

Applications for compensation may be filed with the universal service fund after 1 January 2000. Operators of public networks, voice telephony operators, operators of other telecommunications services and publishers of telephone directories are required by law to contribute to the fund.

25. With what institutions other than telecommunication service providers can customers lodge complaints regarding these operators? (e.g. regulators, ombudsman, Ministry, etc.) Is there a requirement for annual reporting of the number of consumer complaints? If so how are complaints measured and reported.

There is a telecommunications mediation service having jurisdiction over the entire industry. This service publishes an annual report listing the various types of complaints and any follow-up action.