

KINGDOM OF BELGIUM
FEDERAL PUBLIC SERVICE FOR THE ECONOMY, SMEs, MIDDLE CLASSES AND ENERGY
[DATE]. - Preliminary draft Act on the establishment of a redundancy system for emergency calls
PHILIPPE, King of the Belgians, To all present, and those to come, greetings.
The House of Representatives has adopted and We sanction the following:
CHAPTER 1. General provision
Article 1. This Law governs a subject mentioned in Article 74 of the Constitution.
CHAPTER 2. Amendment of the Act of 13 June 2005 on electronic communications
Article 2. The following changes are made to Article 107 of the Act of 13 June 2005 on electronic communications, as last amended by the Act of 21 December 2021:
1. paragraph 3 is supplemented by the following subparagraph: 'The uninterrupted access referred to in the previous subparagraph shall be ensured, inter alia, by means of a redundancy system for emergency calls, in accordance with the procedures laid down in Article 107/1/1.';
2. In the second subparagraph of paragraph 7, the words 'or to certain categories of them' are inserted between the words 'obligations to operators' and the words 'to undertakings providing a network'.
Article 3. In Article 107/1(4) of that Act, the following amendments are made:
1. the words 'related to the application of this Article' shall be inserted between the words 'The management costs of the fund' and the words 'are borne by the operators';
2. the words 'pursuant to this Article' shall be inserted between the words 'that contribute to the fund' and the words ', in proportion to their contribution'.
Article 4. A new Article 107/1/1 is inserted into the same Act, worded as follows:
'Article 107/1/1. § 1. For the purposes of this Article, 'redundancy system for emergency calls' means the system which allows:
1. the routing of emergency calls to emergency services offering on-site assistance via the networks of at least two separate operators, each having at least one direct physical and logical link with all emergency call management centres ('direct path');
2. automated and immediate redirection in the event of an incident of emergency calls from a direct path to another direct path ('redirection system').
§ 2. The operators referred to in Article 107(3) shall conclude the necessary agreements and adapt their infrastructure in order to make use of a redundancy system for emergency calls made by their subscribers. They shall each implement this system through at least one direct interconnection with another operator and their own redirection system.

When, pursuant to subparagraph 1, an operator makes use of a redundancy system for emergency calls only by means of other operators' direct paths, he shall distribute the emergency calls to be routed equally between these direct routes.
When, pursuant to subparagraph 1, an operator implements a redundancy system for emergency calls, <i>inter alia</i> , by means of his own direct path(s), he shall carry out automated tests, in order to verify the correct routing of these calls through the third party direct path(s) used. The King can define the modalities for the implementation of these tests, such as the frequency of these tests.
§ 3. Operators referred to in Article 107(3) shall not be subject to the obligations referred to in paragraph 2, if the proportion of calls to emergency services offering on-site assistance made by their subscribers during the preceding three calendar years represents less than 1 % of the total number of emergency calls made to emergency services offering on-site assistance during those same years. On the other hand, they shall enter into the necessary agreements to ensure that calls to emergency services offering on-site assistance made by their subscribers benefit directly or indirectly from a redundancy system for emergency calls from an operator subject to the obligation laid down in paragraph 2.
On September 1 of each year, the public limited company ASTRID shall communicate to the Institute the number of calls registered for each operator referred to in Article 107(3). The Institute shall notify the operator concerned when the threshold referred to in subparagraph 1 is exceeded.
§ 4. Where there is no redundancy system for emergency calls, the King shall designate the operators responsible for carrying out this particular public service mission by means of a tendering procedure.
In the absence of the particular public service mission referred to in subparagraph 1 at the end of the tendering procedure, the King shall designate the operators responsible for carrying out this task, in accordance with the conditions laid down in Article 106(4).
This redundant routing system of emergency calls shall be accessible, on reasonable, proportionate and non-discriminatory terms, to all operators referred to in Article 107(3). The King may specify these conditions, after consulting the Institute.
§ 5. Costs incurred by operators designated in accordance with paragraph 4, as from the entry into force of this Article, and directly related to the implementation, provision and maintenance of their direct paths, the Interactive Call Response and Disaster Recovery System which are directly linked to the emergency call redundancy system, shall be borne by the operators referred to in Article 107(3) in proportion to the number of their active end-users active as of September 1 of the year in which these costs were incurred.
Active end-users shall mean all end-users who, during the six months preceding a specified date, or for part of those six months, could make use of the service concerned.
§ 6. The fund for emergency services offering on-site assistance set up under Article 107/1 shall be responsible for collecting the sums due pursuant to this Article by the operators referred to in Article 107(3), to reimburse each of these costs to the operator who incurred them and to reimburse the management costs referred to in § 7 to the Institute.
§ 7. The management costs of the fund linked to the implementation of this Article shall be borne by the operators referred to in Article 107(3) in proportion to their contribution set out in paragraph 5.

Management costs shall mean all costs incurred by the Institute by allocating human, financial and material resources to the fund, including costs for the Institute arising from the use of external experts.

§ 8. The Institute shall verify and approve the costs referred to in paragraph 5, on the basis of the principles laid down by the King. The Institute may appoint an independent auditor to verify the costs referred to in paragraph 5. These costs shall be borne by the operators referred to in Article 107(3) in proportion to their contribution set out in paragraph 5.

The total amount of reimbursements may not exceed the total amount of costs approved by the Institute. The King shall lay down, by decree deliberated in the Council of Ministers, the modalities for the reimbursement of any overcompensation.'

We promulgate this Act, order it to bear the Seal of the State and to be published by the Moniteur belge.

Done in Brussels on

PHILIPPE,

By the King:

The Minister of Telecommunications,

Petra DE SUTTER

The Minister for the Interior,

Annelies VERLINDEN

The Secretary of State for Digitalisation,

Mathieu MICHEL