



Broadcasting Decision CRTC 2009-162

Route reference:

Broadcasting Public Notice 2008-94

Ottawa, 27 March 2009

TVA Group Inc.

Montréal, Quebec

Application 2008-0565-8, received 16 April 2008

Suspension of the conditions of licence set out in Decisions 2001-384 and 2001-385 relating to the licensee's obligations to adhere to a code of professional conduct

*The Commission **approves** the application by Quebec Media Inc., on behalf of TVA Group Inc., to suspend conditions of licence numbers 2 and 3 set out in Appendix V of Decision 2001-384 and Appendix 2 of Decision 2001-385, in order to be subject to the Journalistic Independence Code approved by the Commission and established by the Canadian Broadcast Standards Council (CBSC). These conditions of licence will be suspended as long as the licensee is a member in good standing of the CBSC.*

Introduction

1. The Commission received an application by Quebecor Media Inc. (QMI), on behalf of TVA Group Inc., to suspend conditions of licence numbers 2 and 3 set out in Appendix V of Decision 2001-384 and Appendix 2 of Decision 2001-385, in order to be subject to the Journalistic Independence Code established by the Canadian Broadcast Standards Council (CBSC).

Background

2. At the time of the transfer of effective control of TVA Group Inc. to QMI (Decision 2001-384) and of the renewal of the licences of the national, French-language television network TVA and the French-language television programming undertaking CFTM-TV Montréal (Decision 2001-385), the Commission imposed on the licensee adherence to a code of professional conduct in order to ensure the independence and separation of the newsrooms of the licensee's television services and its affiliated newspapers.¹ In these decisions, the Commission noted the following:

¹ See conditions of licence numbers 2 and 3 relating to cross-ownership set out in Appendix V to Decision 2001-384 and Appendix 2 to Decision 2001-385.

If the Canadian Broadcast Standards Council (CBSC) adopts a code of conduct concerning cross-media ownership applicable to the industry as a whole, and if the code is approved by the Commission, the Commission would be prepared to consider suspending the application of conditions 2 and 3 above. The CBSC code of conduct would include an appropriate monitoring mechanism to be administered by the CBSC. Any application by the licensee to suspend these conditions should include confirmation that the licensee supports the CBSC code of conduct, including the monitoring mechanism, and that the licensee is a member in good standing of the CBSC.

3. On 15 January 2008, in Broadcasting Public Notice 2008-5, the Commission set out its new regulatory policy regarding the Journalistic Independence Code “subject to some clarifications in regard to the selection of its adjudicators and the presence of journalists on its panels adjudicating complaints related to the Journalistic Independence Code.” On 20 October 2008, in Broadcasting Public Notice 2008-95, the Commission approved the final version of the Journalistic Independence Code.
4. Given that the Commission has now approved a code of conduct concerning cross-media ownership, applicable to the industry as a whole, and given that QMI wishes to be subject to the Journalistic Independence Code, QMI requested the suspension of the following conditions of licence:
 2. The licensee shall adhere to the code of professional conduct it has established, and which the Commission approved in *Transfer of effective control of TVA to Quebecor Média inc.*, Decision CRTC 2001-384, 5 July 2001, to ensure the independence and separation of the newsrooms. Any amendment to the code must be approved by the Commission.
 3. The licensee shall maintain a monitoring committee to review any complaints relating to the independence and separation of the newsrooms. Any amendment to the mandate or operation of this committee must be approved by the Commission.

Commission’s analysis and determinations

5. The Commission received interventions offering general comments on this application, as well as interventions in opposition. The Commission notes that the concerns raised by the interveners correspond to the principal concerns brought forth during the public process leading to the approval of the Journalistic Independence Code, namely: the absence of a requirement relating to the separation of news gathering structures; the administration of the Journalistic Independence Code by the CBSC; and the lack of power on the part of the Commission to impose sanctions and penalties on licensees that contravene the principles set out in that code. The Commission notes that it has already expressed its support for the Journalistic Independence Code and that the new regulatory policy relating to that code applies to the industry as a whole.

6. The Commission notes that TVA Group Inc. has confirmed that it is a member in good standing of the CBSC. The Commission reminds TVA Group Inc. that it must adhere to all of the ethics codes administered by the CBSC.
7. The Commission further notes that the suspension of conditions of licence does not result in an elimination of a broadcasting licensee's responsibilities. Self-regulation of the broadcasting industry corresponds to a delegation of power on the part of the Commission to the CBSC. However, this delegation of power is not total. The Commission legally maintains its prerogative to intervene in the case of a complaint or in the case of non-conformity on the part of a broadcasting licensee.
8. In light of all of the above, the Commission **approves** the application by Quebecor Media Inc., on behalf of TVA Group Inc., to suspend the conditions of licence relating to the licensee's obligations to adhere to a code of professional conduct set out in Decisions 2001-384 and 2001-385, in order to be subject to the Journalistic Independence Code approved by the Commission and established by the CBSC. These conditions of licence will be suspended as long as the licensee is a member in good standing of the CBSC. Accordingly, the Commission replaces conditions of licence numbers 2 and 3 set out in Appendix V of Decision 2001-384 and Appendix 2 of Decision 2001-385 by the following **conditions of licence**:

2. The licensee shall adhere to the code of professional conduct it has established, and which the Commission approved in *Transfer of effective control of TVA to Quebecor Média inc.*, Decision CRTC 2001-384, 5 July 2001, to ensure the independence and separation of the newsrooms. Any amendment to the code must be approved by the Commission. However, the application of the foregoing condition of licence will be suspended as long as the licensee is a member in good standing of the Canadian Broadcast Standards Council.

3. The licensee shall maintain a monitoring committee to review any complaints relating to the independence and separation of the newsrooms. Any amendment to the mandate or operation of this committee must be approved by the Commission. However, the application of the foregoing condition of licence will be suspended as long as the licensee is a member in good standing of the Canadian Broadcast Standards Council.

Secretary General

Related documents

- *Journalistic Independence Code – Final approval – Selection of adjudicators and composition and operation of the Panel* – Regulatory policy, Broadcasting Public Notice CRTC 2008-95, 20 October 2008
- *Journalistic Independence Code* – Regulatory policy, Broadcasting Public Notice CRTC 2008-5, 15 January 2008

- *Licence renewals for the French-language national television network TVA and for the French-language television programming undertaking CFTM-TV Montréal, Decision CRTC 2001-385, 5 July 2001*
- *Transfer of effective control of TVA to Quebecor Média inc., Decision CRTC 2001-384, 5 July 2001*

This decision is to be appended to each licence. It is available in alternative format upon request and may also be examined in PDF format or in HTML at the following Internet site: <http://www.crtc.gc.ca>.