



Broadcasting Regulatory Policy CRTC 2010-905

PDF Version

Route reference: 2009-777

Additional reference: 2009-777-1

Ottawa, 3 December 2010

Revision of the definition of a Canadian program to include Canadian programs that have been dubbed in Canada and outside Canada

The Commission hereby revises the definition of a Canadian program so that, from now on, Canadian programs dubbed in Canada and outside Canada will be considered as part of the certification process.

Specifically, the Commission will award a Canadian program dubbed in Canada a time credit 25% greater than the time credit of the original version, for a period of two years from the date of the first broadcast. After this period, the dubbed version of the program will receive a time credit equal to the time credit of the original version. The Commission will also award a Canadian program dubbed outside Canada a time credit equal to the time credit of the original version. The Commission will maintain the time credits set out in Public Notice 2000-42 for foreign programs dubbed in Canada.

Additionally, the Commission will now consider voice-over translation as an eligible dubbing process.

The revised criteria are set out in Part VI of the appendix to this policy, which, as of its effective date, shall replace Appendix 1 to Public Notice 2000-42.

The determinations set out in this policy will be effective on 1 September 2011.

Background

1. In Broadcasting Notice of Consultation 2009-777, the Commission called for comments on a new definition of Canadian programs that also included the dubbing of Canadian programs. The Commission noted that its current policy, set out in Public Notice 2000-42, addresses the certification of foreign programs dubbed in Canada, but does not cover the certification of Canadian programs dubbed in Canada or outside Canada.
2. Consequently, the Commission called for comments on the time credits to be awarded to a Canadian program dubbed in Canada and to a Canadian program dubbed outside Canada in either official language or in a native Canadian language.

3. The Commission also asked parties to comment on whether it should revise the time credits awarded to foreign programs dubbed by a process of lip synchronization done in Canada using Canadian resources.
4. The Commission received 17 comments in response, including comments from:
 - the ministère de la Culture, des Communications et de la Condition féminine du Québec (MCCCFQ);
 - various associations, in particular the Canadian Film and Television Production Association (now the Canadian Media Production Association, or CMPA), the Alliance of Canadian Cinema, Television and Radio Artists (ACTRA), the Société des auteurs de radio, télévision et cinéma (SARTEC) and the Union des artistes (UDA), the Association nationale des doubleurs professionnels (ANDP) and the Canadian Association of Film Distributors and Exporters (CAFDE); and
 - broadcasters, for example, the Canadian Broadcasting Corporation (CBC), Quebecor Media Inc. (QMI), Corus Entertainment Inc. (Corus), Rogers Media Inc. (Rogers) and Astral Media Inc. (Astral).

The public record for this proceeding is available on the Commission's website at www.crtc.gc.ca under "Public Proceedings."

Commission's analysis and determinations

5. After examining the comments received, the Commission considers that the issues to be addressed are as follows:
 - the appropriate time credit for a Canadian program dubbed in Canada;
 - the appropriate time credit for a Canadian program dubbed outside Canada;
 - the appropriate time credit for a foreign program dubbed in Canada;
 - other proposals put forward by parties.

The appropriate time credit for a Canadian program dubbed in Canada

6. As mentioned above, Public Notice 2000-42 does not address the certification of Canadian programs dubbed in Canada in either official language or in a Native Canadian language. In Notice of Consultation 2009-777, the Commission asked parties to comment on whether it is appropriate to award a Canadian program dubbed in Canada a time credit equal to or greater than the time credit of the original Canadian program.

Positions of parties

7. Most of the interveners, including broadcasters and MCCCCFQ, proposed awarding an additional time credit to Canadian programs dubbed in Canada in recognition of the contribution of Canadian artists and production resources during the dubbing process.
8. However, some associations were of the view that there would be risks associated with giving the dubbed version of a program a time credit greater than the credit awarded to the original version of the program because of the potential adverse effects on the industry. According to CMPA, awarding an additional credit would give the dubbed versions an undue advantage and create imbalance in the Canadian content production sector. SARTEC and UDA agreed, and proposed that a time credit greater than 100% should be reserved for Canadian drama programming broadcast in the original language. CAFDE expressed concern that awarding an additional credit to Canadian programs dubbed in Canada would result in a decrease in the number of original programs and consequently, in a decrease in the number of dubbed programs.

Commission's determinations

9. The Commission considers that it is appropriate to award an additional time credit of 25% to Canadian programs dubbed in Canada in one of the official languages of Canada or in a Native Canadian language. The Commission is of the view that an additional 25% credit will encourage broadcasters to have Canadian programs dubbed in Canada. This will recognize the contribution of the artists and production resources in Canada's dubbing industry to the production of Canadian content and reinforce the identification of Canadian viewers with dubbed Canadian programs.
10. The Commission also considers that such an incentive will increase the number of exchanges between the country's two linguistic markets and bring them closer together. An English- or French-language program, once dubbed in the other language, can be rebroadcast in another market, find a new audience and gain visibility nationally and internationally.
11. The Commission notes that some interveners were concerned that the number of new original Canadian programs would decrease with the introduction of an additional time credit. Accordingly, the Commission has decided to limit the duration of the additional 25% credit to a period of two years from the date of the first broadcast. Once the two-year period has ended, the additional credit will be removed and the total time credit awarded to the dubbed version of the program will be equal to the credit given to its original version.

The appropriate time credit for a Canadian program dubbed outside Canada

12. Under Public Notice 2000-42, a program produced in Canada and dubbed outside Canada does not meet the Canadian certification requirements and does not receive any time credit. When the Commission receives an application for certification of a Canadian program dubbed outside Canada, it awards points based on the key functions performed by the lead performers because there is no criteria for the

dubbing of Canadian programs. Because the voices of Canadian actors are replaced by those of non-Canadians in the program, the dubbed version is not certified and the program does not get any time credit. The Commission notes that broadcasters appear to have little or no knowledge of this aspect of the Commission's policy on Canadian program certification. In Notice of Consultation 2009-777, the Commission asked parties to comment on whether a Canadian program dubbed outside Canada should be awarded a time credit equal to or less than the credit for the original Canadian program.

Positions of parties

13. Most of the interveners proposed that a Canadian program dubbed outside Canada receive the same time credit as that granted to the original version.
14. According to QMI, Astral, CBC, Corus, CMPA, CAFDE and ANDP, a Canadian program uses Canadian resources even if it is dubbed outside Canada, and its Canadian content deserves recognition. According to these interveners, a Canadian program dubbed outside Canada should receive the same time credit as the original program.
15. SARTEC and UDA submitted that a Canadian program dubbed outside Canada should be subject to a 25% time penalty because non-Canadian voices are substituted for the Canadian lead voices. Both interveners were of the view that, to ensure that Canadian programs are dubbed in Canada, not outside Canada, Canadian programs dubbed outside Canada should receive a time credit that is less than the credit for the original version.

Commission's determinations

16. The Commission notes the merits of the SARTEC and UDA proposal to apply a 25% time penalty to Canadian programs dubbed outside Canada. However, the Commission considers that it would be difficult to implement this idea and apply the penalty, given the current structure of the industry and the mandate of the different institutions involved.
17. In the Commission's view, even if a program produced in Canada is dubbed outside Canada, many Canadian creative, artistic and technical resources were required in its production, and the certification criteria should take this into account. Furthermore, the Commission notes that although the dubbing of Canadian programs outside Canada impacts the industry negatively, it could serve to promote and enhance the reputation of Canadian programming internationally.
18. The Commission therefore considers that it is fair to award Canadian programs dubbed outside Canada a time credit equal to that of the original version. In the Commission's view, this approach recognizes the contribution of Canadian artists and production resources to the creation of the original version and gives broadcasters and producers a degree of flexibility. This measure does not penalize the broadcaster for deciding to have the program dubbed outside Canada at the post-production stage,

and does not interfere with international co-production agreements, which, by their very nature, are often restrictive.

The appropriate time credit for a foreign program dubbed in Canada

19. In Part VI of Appendix 1 to Public Notice 2000-42, the Commission determined that a foreign program produced in either official language or in a native Canadian language and dubbed in Canada in the other official language or a Canadian native language qualifies for a credit equal to 25% of the program time. Additionally, a foreign program produced in a third language and dubbed in Canada in either official language or in a native Canadian language qualifies for a credit equal to 50% of the program time (to a maximum of 50 hours). In Notice of Consultation 2009-777, the Commission asked parties to comment on whether these credits should be revised.

Positions of parties

20. MCCCCFQ, CAFDE, SARTEC and UDA, CMPA and QMI, as well as Astral and Rogers stated that the current certification criteria have been effective in stimulating the Canadian dubbing industry. They submitted that the time credits set out in Public Notice 2000-42 should be maintained.
21. Other interveners, however, acknowledged that the current criteria have demonstrated their value but proposed that the time credits be revised.
22. ACTRA and ANDP suggested reducing to 25% the time credit awarded to foreign programs produced in a third language and dubbed in Canada. According to ACTRA, a program produced in a language other than Canada's official languages should not be awarded a credit that is double the credit given to foreign programs produced in either official language or in a native Canadian language. Similarly, ANDP stated that foreign programs produced in an official language of Canada and those produced in a third language and then dubbed in Canada should receive the same time credit. According to ANDP, there is no longer any reason to differentiate between the two, given developments in technology and communications systems.
23. Corus noted that certain third-language foreign programs require more than just dubbing and have to be adapted, which involves rewriting the script as well as redoing voices, sound tracks and sound effects. Corus stated that such adaptation requires a substantial number of Canadian resources, and that the time credit should thus be increased from 50% to 75% of the program time.
24. The CBC proposed a fixed time credit of 50% of the program time, applicable to all foreign programs dubbed in Canada, regardless of the language of the original version.

Commission's determinations

25. The Commission considers that dubbing certain foreign programs could require the use of a considerable number of Canadian resources, financial or otherwise. This is

especially the case for animated programs in third languages. The Commission therefore considers that ACTRA and ANDP's proposal to reduce to 25% the time credit for all foreign third-language programs dubbed in Canada is disproportionate relative to the efforts invested. This credit would be too modest.

26. The Commission also does not favour Corus's proposal to increase the time credit awarded to foreign animated third-language programs dubbed in Canadian from 50% to 75%. While the proposed time credit takes into account the Canadian resources involved dubbing foreign animated programs, it is too close to the time credit for Canadian programs.
27. As well, the CBC's proposal to award a fixed time credit of 50% for all foreign programs dubbed in Canada would be difficult to implement. If this proposal were applied not only to animated programs but to all foreign programs dubbed in Canada, it could open the way for the broadcast of a greater number of foreign programs, to the detriment of Canadian programs.
28. In light of all of the above, the Commission considers that the current certification criteria have proven their effectiveness and there is no need to revise the time credits established in Public Notice 2000-42 for foreign programs dubbed in Canada.

Other proposals made by parties

29. In addition to responding to the issues that the Commission raised in Notice of Consultation 2009-777, interveners proposed other revisions to the current certification criteria.
30. ANDP noted, among other things, that foreign documentary and reality programs have been gaining popularity recently and that these programs are dubbed using voice-over translation. According to ANDP, this method is more suitable for these programs than lip synchronization, the only dubbing method that is recognized by the Commission, and which is used primarily to dub drama programs. ANDP asked the Commission to recognize the Canadian content portion of programs by defining dubbing as "[Translation] the replacement of an original sound track with a version in another language," and eliminating all references to the dubbing procedure that is employed.
31. MCCCCFQ suggested adding another dubbing process, i.e., voice-over translation, to the process that is already recognized, i.e., lip synchronization. MCCCCFQ stated that the Commission should adopt an innovative approach to promote more systematic use of Quebec dubbing resources.

Commission's determinations

32. The Commission is not persuaded of the merits of ANDP's proposed adoption of a new definition for foreign programs dubbed in Canada. The Commission considers this definition is too general because any dubbed program would henceforth be

eligible for a time credit, and the Commission is concerned that implementing this definition would reduce the quality of dubbed programs.

33. With respect to the suggestion by MCCCCFQ, the Commission considers that voice-over translation requires the dubbing industry to invest time and resources comparable to those required for lip synchronization. The Commission also notes that, by adding this dubbing process to the certification criteria, the Commission could then award a time credit for dubbed scripted documentaries and reality programs and thus provide the Canadian dubbing industry with new business opportunities.
34. Accordingly, the Commission will now consider voice-over translation as an eligible dubbing process during its evaluation of all certification criteria for dubbed programs.

Effective date

35. In light of the foregoing, the Commission adopts a new definition of a Canadian program that includes Canadian programs dubbed in Canada or outside Canada. Further, the Commission amends the certification criteria for Canadian programs in order to consider voice-over translation as an eligible dubbing process. The revised criteria are set out in Part VI of the appendix to this policy, which, as of its effective date, shall replace Appendix 1 to Public Notice 2000-42.
36. The determinations set out in this policy shall take effect 1 September 2011.

Secretary General

Related documents

- *Call for comments on a new definition of “Canadian program” that includes the dubbing of Canadian programs*, Broadcasting Notice of Consultation CRTC 2009-777, 15 December 2009
- *Certification of Canadian Programs – A revised approach*, Public Notice CRTC 2000-42, 17 March 2000

Appendix to Broadcasting Regulatory Policy CRTC 2010-905

Material excluded from certification as a Canadian program (see Public Notice 1999-205)

- Infomercials, promotional and corporate videos/films, such as those produced by groups and businesses for public relations reasons, recruitment, etc. (category 14 – see the appendix to Broadcasting Regulatory Policy 2010-808).
- Other forms of advertising material.

Programs generally recognized as Canadian without formal certification

Programs produced solely by a licensee and which meet the Canadian program certification criteria set out in this appendix and Appendix II to this notice will be recognized as Canadian. Licensees need not apply for such certification or submit production information for such productions unless the drama credit is requested, or unless the Commission requests that licensees do so. This practice will also be applied to Interstitials (category 12) and Public Service Announcements (category 13) that meet the criteria and are not produced solely by a licensee.

News and public affairs programs produced solely by licensees are automatically recognized as Canadian programs, and not subject to the certification criteria.

Final certification

The Commission will issue final certification ("C" number) or special recognition ("SR" number) to a licensee, producer or property rights holder, where the program meets the definition of a Canadian program. The production must be underway, with all key creative personnel under contract and committed budgets in place.

Certification by CAVCO

Programs certified as Canadian by the Minister of Canadian Heritage on recommendation by Telefilm Canada or CAVCO will also be recognized as Canadian by the Commission.

Criteria: certification for Canadian programs

I. Basic definition of a Canadian program

The Commission will certify a Canadian program, a live, videotape or film production that meets the requirements listed in sections A, B and C, set out below:

A. Producer

Must be Canadian, must control and be the central decision-maker of a production from beginning to end. The producer must be prepared to demonstrate full decision-making power by submitting, upon request, ownership documents, contracts or affidavits. The producer must also submit, upon request, an independent legal opinion confirming that

financial and creative control of the production is Canadian. Any person fulfilling a producer-related function must be Canadian.

By exception to this rule, non-Canadians may receive courtesy or vanity credits for producer-related functions as described in the current CAVCO guidelines, providing:

- the remuneration to the Canadian producer must exceed the aggregate remuneration to foreign executive producers, and
- foreign executive producers must limit their time on the set to 25% of principal photography, and their role solely to that of observers.

The duties of foreign executive producers shall be limited to non-creative, non production-related functions. Such functions could include arranging financing and foreign distribution. The CAVCO guidelines provide a fuller description of the “individual production-related positions and screen credits.” The Commission will not, however, adopt CAVCO’s exemption for the writer credit.

B. The point system

A live action production or continuous-action animated production must earn a minimum of six points based on the key creative functions below being performed by Canadians. (A separate point system for other forms of animation is set out in Appendix II.)

Director – 2 points

Screenwriter – 2 points

Lead Performer

(or **first voice**) – 1 point

Second Lead Performer

(or **second voice**) – 1 point

Production Designer – 1 point

Director of Photography – 1 point

Music Composer – 1 point

Picture Editor – 1 point

Notwithstanding the above, at least one of the director or screenwriter positions and at least one of the two lead performers must be Canadian.

Determination of lead performers will take into account billing, screen-time and remuneration. In non-dramatic productions, the second lead must have at least 50% of the on-screen time (or off-screen time where narrators or interviewers are involved) and 50% of the remuneration of the first lead, plus billing appropriate for a second lead. Individuals not meeting these criteria will be considered as filling minor roles.

A production in which non-Canadians are the only lead performers will not be certified as Canadian. The addition of Canadians in minor roles will not be sufficient for a production to qualify.

In category 7, 8, and 9 programs (Drama & Comedy, Music & Dance, Variety) the leads will be the performers, i.e. actors, singers, dancers, etc. In other program types, the leads will usually be the host, narrator, commentator, moderator, interviewer, quizmaster, etc.

The host of a documentary is normally compensated; the subject is not. In a documentary series, the same subject is not usually prominent in every episode; the host is.

Upon application, where an applicant has provided compelling reasons why a production should receive certification as an exception, the Commission may certify as a Canadian program, a production in which the positions of either:

- a) director and writer are non-Canadian, or
- b) both lead performers are non-Canadians,

as long as Canadians fill all other key creative functions.

Interpretation notes may be found in section X below.

C. Expenditures

Services Costs represent the total cost of a production, minus the costs listed below. At least 75% of services costs must be paid to Canadians.

- Remuneration for producer(s) and co-producer(s) (except for producer-related positions);
- Remuneration for key creative personnel eligible for points;
- Post-production/lab costs;
- Accounting and legal fees;
- Insurance brokerage and financing costs;
- Indirect expenses;
- Contingency costs;
- Goods purchased, such as film/videotape supplies; and
- Other costs not directly related to production.

Post-Production/Lab Costs – At least 75% of such expenses must be paid for services provided in Canada by Canadians or Canadian companies. This does not include costs attributed to the picture editor.

The Commission may require audited statements and affidavits in support of an application. Where the Commission has not detailed specific descriptions or interpretations, those set out in the CAVCO certification guidelines may be used.

II. Series

A series means a program with two or more episodes produced by the same production company or producer. The principal photography for all the episodes must be completed within a 12-month period. The program must have a title, theme, and situation or set of characters common to each episode. Each episode must have the same duration.

The production elements of a series can vary, and some individual episodes might not meet the minimum requirements of the point system. The Commission has therefore determined that, in order for a licensee to claim Canadian certification for any episodes in a series which might not meet the six-point requirement,

- at least 60% of the series' episodes must meet or exceed this requirement;
- the episodes are broadcast or otherwise distributed at equitable times; and
- the entire series must attain an average of six points per episode.

For live action or continuous-action animated series, each episode must meet the two mandatory requirements for writer or director, and first or second lead performer (minimum of 3 points). For animated series, each episode must fulfil the three mandatory requirements for scriptwriter and storyboard supervisor or director, first or second voice/performer, and key animation (location) (minimum of 3 points).

The 150% dramatic program credit is unavailable to productions that require the application of the series averaging rule (60%) to obtain Canadian certification.

Episodes that are ineligible for certification for any reason will not be segregated from the remainder of the episodes.

III. Pre-1984 productions

Canadian certification will be granted to productions that were completed prior to 15 April 1984 if credible evidence is provided that the producer was Canadian, and that the production would have qualified under the point system, had it been in effect when the production was completed. The expenditure rules will not be applied. Productions certified under the pre-1984 definition will continue to be recognized as Canadian.

IV. Sports events

Live or live-to-tape productions of sports events or tournaments will be considered Canadian if a Canadian production company exercises control over the production and provides the commentators. If the event takes place outside Canada, the production would

qualify only if Canadian-based teams or athletes participate. Additionally, in all cases one of the major on-camera personalities (commentators, analysts or hosts) must be Canadian.

One quarter (25%) of the program time of broadcasts of sports events originating outside Canada, involving non-Canadian teams or athletes, shall be recognized as Canadian if a Canadian producer or production company provides a commentary in a language other than English.

Other types of sports programs are assessed under the point system and the expenditure rules.

V. Music video clips

Definition of a Canadian music video clip:

Music video clips are short films, videotape productions or concert excerpts (clips) not produced primarily for the program in which they are presented, and which normally contain one musical selection with visual material. Music video clips played in their entirety will be considered as Canadian where they meet the requirements of item 5 below, as well as one of the requirements or elements set out in paragraphs 1,2,3, or 4, below.

1. The music video clip meets at least two of the following audio conditions a) through e):

- a) the music is or lyrics are performed principally by a Canadian;
- b) the music is composed entirely by a Canadian;
- c) the lyrics are written entirely by a Canadian;
- d) consists of a live performance that is wholly recorded in Canada;
- e) the performance was recorded after 1 September 1991, and a Canadian who has collaborated with a non-Canadian receives at least 50% of the credit as composer and lyricist according to the records of a recognized performing rights society;

2. The music video clip is an instrumental performance of a musical composition that meets the conditions set out in 1b) or c) above;

3. The music video clip is a performance of a musical composition that a Canadian has composed for instruments only;

4. The music video clip has already been qualified as a Canadian music video clip under the regulations previously in effect, and

5. The music video clip meets at least one of the following conditions a) through c):

- a) the video director or producer is Canadian;

- b) the video production facilities are located in Canada; and
- c) the video has already been qualified as a Canadian selection under regulations previously in effect.

To be considered Canadian, all performances exceeding five minutes in length, including commercially released music videos appearing outside music video clip programs and logged as category 8b (Music Video clips), require a certification number from the Commission.

In order to be certified, a Canadian music video clip must be played in its entirety. It will not be credited if played in part as an opening, a bridge or a closing, or as a backdrop for program credits.

Music video programs:

Canadian program certification will be awarded to programs consisting predominately of music video clips and, in some cases including a host and other programming elements, if all elements other than the music video clips qualify as Canadian, and a minimum of 30% of the music video clips are Canadian. This provision is not applicable to music specialty services.

VI. Dubbing

Where a program recognized as Canadian by the Commission is dubbed in Canada in either official language of Canada or in a native Canadian language by a process of lip synchronization or voice-over translation using Canadian resources, the dubbed version of the program shall be awarded a supplementary time credit of 25% of that for the original version. This time credit is valid for a period of two years from the date of first broadcast of the dubbed version. After this period, the dubbed version shall be awarded the same time credit as the original version.

Where a program recognized as Canadian by the Commission is dubbed outside of Canada, the dubbed version of the program shall be awarded the same time credit as the original version.

Where a foreign program is produced in either official language of Canada or in a native Canadian language, and the audio portion of that program is converted into the other official language of Canada or a native Canadian language by a process of lip synchronization or voice-over translation, using Canadian resources, the dubbed version of the program shall be awarded a time credit of 25% of program time.

Where a foreign program is produced in a third language and the audio portion of that program is converted into either official language of Canada or a native Canadian language by a process of lip synchronization or voice-over translation, using Canadian resources, the dubbed version of the program shall be awarded a time credit of 50% of program time (to a maximum of 50 hours during each six-month reporting period).

VII. Special recognition for co-ventures

Co-ventures are defined as international co-productions not included under the treaties administered by Telefilm Canada. These include all ventures with co-producers of a foreign country that does not have a film or television production treaty with Canada. These also include ventures with co-producers of a treaty country, where such ventures are not specifically covered by a treaty. Even where some of the producer functions are performed by non-Canadians, certification of the program as Canadian is possible.

When broadcast or distributed by a licensee of the CRTC, such co-ventures will qualify for special recognition if co-venture agreements and other documentation substantiate that the Canadian production company:

- has no less than an equal measure of decision-making responsibility with other co-venture partners on all creative elements of the production, and
- is responsible for the administration of not less than the Canadian element of the production budget.

An application for Canadian certification must be submitted by the Canadian production company and must be accompanied by signed agreements or contracts between the co-venture partners. Such agreements or contracts will be kept confidential.

The decision-making responsibility for the production will be considered to be in the hands of a Canadian production company when that company:

- has sole or co-signing authority on the production bank account. For co-ventures shot entirely in Canada, the production bank account must be in Canada; for those shot partially in Canada, a Canadian bank account is required for the portion of the production shot in Canada. In the case of co-ventures shot entirely outside Canada, a Canadian bank account must exist, for payment of the Canadian elements of the program;
- has financial participation in the production and the entitlement to profit sharing. As of **1 September 2001**, the Canadian production company must retain a financial participation position of at least 50% and a 50% share of the profits;
- is at financial risk and has budgetary responsibility; and
- as at least an equal measure of approval over all elements of the production with the co-venture partners, regardless of the number of foreign persons fulfilling the functions of executive producer or producer.

A co-venture involving a co-producer from a Commonwealth or French-speaking country, or a country with which Canada has a film or television production treaty, may be considered for special recognition. Canadian certification will be granted if, in addition to meeting the foregoing requirements, the program attains five points, at least

50% of the costs for services are paid to Canadians, and at least 50% of post-production and laboratory costs (except for picture editor) are paid for services provided in Canada by Canadians or by Canadian companies. Notwithstanding the above, the director or the writer and at least one of the two lead performers must be Canadian. All other criteria for certification of a Canadian program apply to such co-ventures.

Any other co-venture will be required to meet the same point and expenditure minimum requirements as a domestic production (i.e. six points and 75% expenditure rules.)

VIII. Production packages

A “production package” is defined as two or more co-productions or co-ventures, undertaken by a Canadian production company, together with one or more non-Canadian production companies, where a production with minor foreign involvement that qualifies as a Canadian production, is matched with a foreign production with minor Canadian involvement.

A “twinning” involves matching a fully Canadian production with a foreign production, with virtually no Canadian involvement other than a financial one.

The Commission will be prepared to accept production packages and twinings as Canadian, under the following conditions:

- a) the Canadian copyright for both productions must be held by Canadians;
- b) the budgets of both Canadian and foreign productions must be approximately equal, within 15%;
- c) co-production agreements/contracts between the Canadian production company and foreign producers must be submitted to the Commission with the applications;
- d) the Canadian production company must have financial participation and profit sharing (at least 20%) in the Canadian and foreign productions;
- e) a broadcaster may receive credit for a production with fewer Canadian elements, if it broadcasts the production with more Canadian elements at an equitable time;
- f) all productions in a production package must fall within the same program category;
- g) production package programs are acceptable only in the categories of drama & comedy, variety, documentary and children's. Animated productions are excluded;
- h) matched (or twinned) productions must be approximately equal in duration;
- i) matched (or twinned) productions must receive equitable scheduling on the same Canadian station or network; and

j) ten-point productions in production packages will not qualify for the dramatic program credit of 150%.

While there is no requirement that the production with major Canadian involvement receive exposure in the other country, the Commission expects that the Canadian co-producer would include such an arrangement in his agreement with the non-Canadian co-producer.

IX. Dramatic program credit

Live action or continuous action animated dramas broadcast by a licensee may be awarded a 150% time credit. In order to qualify, a drama must meet the following criteria:

- a) it is produced by a licensee or a Canadian production company after 15 April 1984;
- b) it is recognized as a Canadian program (receives a "C" or "SR" number from the Commission) and achieves ten points;
- c) it is broadcast between the hours of 7:00 p.m. and 11:00 p.m., or, in the case of a dramatic program intended for children, at an appropriate children's viewing time; and
- d) it contains a minimum of 90% drama content.

A licensee will receive a 150% credit for each showing of a qualifying drama within a two-year period from the date of the first program broadcast. Series will be eligible for the credit for a single, two-year period for each cycle of the series, commencing with the broadcast of the first episode of that cycle. As announced in Public Notice 1999-97, as of 1 September 2000, this credit will become unavailable to the largest multi-station ownership groups as identified in that notice.

Programs that fail to achieve ten points will not be eligible for the credit, even if a Canadian fills each applicable position.

X. Interpretation notes

A. Citizenship/Date of Landing: A Canadian is a person who is a Canadian citizen as defined in the *Citizenship Act*, at the time of the commencement of the person's duties in relation to the production, and for the entire course of the filming or taping and post-production. Also eligible are permanent residents (landed immigrants who are not yet Canadian citizens) who have received their "Record of Landing" Certificate at the time described above.

B. Canadian production company: A Canadian production company is defined as a licensee of the CRTC, or a Canadian company carrying on business in Canada, with a Canadian business address, owned and controlled by Canadians, and whose principal

business is the production of film, videotape or live programs for distribution on television or in theatrical, industrial or educational markets.

C. Point System: In productions where some of the key creative positions are not utilized, and fewer than six points are therefore possible, certification will be granted if Canadians perform all key creative functions.

Points will be awarded in respect of a particular position only if all persons sharing the duties of that position are Canadian.

D. Producer: The producer is expected, among other things, to be involved in acquiring and developing the story, selecting and engaging the key creative personnel, budget preparation, financing, control of expenditures and distribution of the production.

E. Writer: Writer is defined to include screenwriter, script writer and, in the case of animation where applicable, storyboard supervisor.

All individuals involved in any stage of developing the screenplay (including outline or treatment, various drafts, dialogue polishing, and final shooting script) must be Canadian, or alternatively, the principal writer must be Canadian, and the screenplay must be based on a work authored by a Canadian and published in Canada.

To assess the qualification for this position, the Commission will examine on-screen credits, including the following:

- Story Editor (Executive, Senior, Junior)
- Creative Consultant
- Story Consultant, Executive Story Consultant
- Creative Producer

F. Production Designer: For a live action or continuous action animated production, the Art Director will be considered equivalent to Production Designer.

G. Director of Photography or Technical Director: If there is no Director of Photography, the equivalent is Chief Camera Operator. The position of Lighting Director is equivalent to Technical Director for videotape productions.

H. Music Composer: The point is awarded only if a Canadian has been commissioned to compose the original music specifically for the production. The rearrangement of existing music, even if it is Canadian, utilizes the position but does not earn the point. Existing stock, library, or archival music may be used in addition to the original music. The position of Music Director is not accepted as equivalent to Music Composer.

I. Picture Editor: Means Film Editor. The positions of Sound or Music Editor will not be acceptable in the place of Picture Editor. For videotape productions, the equivalent to Picture Editor is the Off-Line Editor.

J. Other matters:

With the exception of documentaries, productions that are made up predominantly of existing footage (stock, archival, library, B-roll, etc.) produced by a foreign producer will not be certified as Canadian, even if assembled or edited in Canada with Canadian narration.

Existing foreign productions or program segments will not be certified as Canadian or as Canadian documentaries by repackaging or adapting them using some or all of the following:

- excerpts from an original foreign production;
- the use of a significant portion of the original foreign production in essentially unedited chunks;
- the mention of the original foreign production in the credits.

Productions that have not used such mechanisms require more intense editing of stock footage. Relatively short portions of such footage are carefully selected from a variety of sources to illuminate and develop the subject.