



Broadcasting Regulatory Policy CRTC 2015-436

PDF version

References: 2015-86, 2014-190, 2014-190-1, 2014-190-2, 2014-190-3, 2014-190-4, 2009-562, 2009-562-1, 2009-562-2

Ottawa, 23 September 2015

Revised standard conditions of licence for Canadian discretionary services operating as national news services

Pursuant to its policy determination set out in Broadcasting Regulatory Policy 2015-86, the Commission issues revised standard conditions of licence for Canadian discretionary services operating as national news services.

These new requirements will ensure that Canadians have access to high-quality news and information, and are exposed to news and information from a diversity of views on matters of public concern. The revised standard conditions of licence are set out in the appendix to this document.

Introduction

1. In Broadcasting Regulatory Policy 2009-562-2, the Commission set out standard conditions of licence for competitive Canadian specialty services operating in the genre of national news, formerly known as Category C national news services. These requirements included conditions of licence relating to advertising and programming limits, Canadian content and accessibility.
2. In Broadcasting Regulatory Policy 2013-734, the Commission acknowledged that in light of the new mandatory distribution order for national news services, the current licensing criteria for these services may not be strict enough to ensure high-quality news programming. Consequently, in Broadcasting Notice of Consultation 2014-190, the Commission announced its intention to review the appropriateness of the licensing criteria for national news services as part of its consultation on the future of television (the Let's Talk TV proceeding).
3. Moreover, the Commission proposed additional obligations for national news services in Broadcasting Notice of Consultation 2014-190-3, including:
 - a) the broadcast of an average of 16 hours per day of original news coverage 7 days a week; and
 - b) a commitment that programming be drawn exclusively from news and current affairs programming.

In that notice, the Commission also proposed various licensing criteria for applicants seeking to obtain a licence to operate a national news service.

4. After considering the various proposals put forth by interveners during the Let's Talk TV proceeding, the Commission determined that licensing criteria for national news services must better reflect the national nature of these services and that these services must demonstrate the capacity to gather news and report events happening throughout Canada. The Commission also considered that the types of programming broadcast by national news services should be comprised almost exclusively of news-related programming.
5. Accordingly, in Broadcasting Regulatory Policy 2015-86, the Commission announced the introduction of new, more stringent licensing criteria for national news services. These new criteria, in conjunction with the current licensing requirements, will ensure that national news services provide high-quality news programming, reflective of all regions in Canada.

Commission's decisions

6. In light of all of the above, the Commission hereby issues revised standard **conditions of licence** applicable to new and existing national news services, set out in the appendix to this document. As described in Broadcasting Regulatory Policy 2015-86, these services will be subject to the following new requirements:
 - a) to offer at least 16 hours per day of original programming, seven days a week, averaged over the broadcast year. The original programming is not required to be first-run original programming;
 - b) to draw at least 95% of all programming broadcast during the broadcast month from program categories 1 News, 2(a) Analysis and interpretation, 2(b) Long-form documentary and 3 Reporting and actualities;
 - c) the maintenance and operation of a live broadcast facility and regional news bureaus in at least three regions other than in that of the live broadcast facility;
 - d) the ability to report on international news and events from a Canadian perspective; and
 - e) compliance with various codes of ethics.
7. With respect to existing services, the complete list of criteria will be applied at the time of the renewal of the licences and will be used to determine whether these services should continue to benefit from mandatory distribution as national news services. The Commission will also use these criteria to assess applications for new national news services. Further, all applicants will be required to:
 - a) provide evidence of demand for a new national news service; and
 - b) demonstrate that the proposed service will add programming diversity to the broadcasting system.

8. Finally, the Commission has amended the standard condition of licence limiting licensees of national news services to offering no more than 12 minutes of advertising material in each clock hour. As a result, these licensees may now average the amount of advertising material offered in each clock hour over the broadcast day. This change will provide licensees with greater flexibility to program their services.

Secretary General

Related documents

- *Let's Talk TV: Navigating the Road Ahead – Making informed choices about television providers and improving accessibility to television programming*, Broadcasting Regulatory Policy CRTC 2015-104, 26 March 2015
- *Let's Talk TV: The way forward – Creating compelling and diverse Canadian programming*, Broadcasting Regulatory Policy CRTC 2015-86, 12 March 2015
- *Let's Talk TV: Working document for discussion*, Broadcasting Notice of Consultation CRTC 2014-190-3, 21 August 2014
- *Let's Talk TV*, Broadcasting Notice of Consultation CRTC 2014-190, 24 April 2014
- *Distribution of Canadian Category C national news specialty services*, Broadcasting Regulatory Policy CRTC 2013-734, 19 December 2013
- *Quality standards for English-language closed captioning*, Broadcasting Regulatory Policy CRTC 2012-362, 5 July 2012
- *Conditions of licence for competitive Canadian specialty services operating in the genres of mainstream sports and national news – Definition of “broadcast day” for mainstream sports*, Broadcasting Regulatory Policy CRTC 2009-562-2, 25 May 2012
- *Quality standards for French-language closed captioning – Enforcement, monitoring and the future mandate of the French-language Closed Captioning Working Group*, Broadcasting Regulatory Policy CRTC 2011-741-1, 21 February 2012
- *Quality standards for French-language closed captioning*, Broadcasting Regulatory Policy CRTC 2011-741, 1 December 2011
- *Accessibility of telecommunications and broadcasting services*, Broadcasting and Telecom Regulatory Policy CRTC 2009-430, 21 July 2009
- *A new policy with respect to closed captioning*, Broadcasting Public Notice CRTC 2007-54, 17 May 2007

Appendix to Broadcasting Regulatory Policy CRTC 2015-436

Standard conditions of licence, expectations and encouragement for Canadian discretionary services operating as national news services

Conditions of licence

1. The licensee
 - (a) shall provide a national, English- or French-language discretionary programming service consisting of mainstream national news and information programming. The licensee shall provide updated news reports every 120 minutes.
 - (b) shall broadcast at least 16 hours per day of original programming, seven days a week, averaged over the broadcast year. This original programming is not required to be first-run original programming.
 - (c) may draw programming from all program categories set out in item 6 of Schedule I to the *Specialty Services Regulations, 1990*, as amended from time to time.
 - (d) shall devote at least 95% of all programming broadcast during the broadcast month to programs drawn from the following program categories:
 - 1 News
 - 2(a) Analysis and interpretation
 - 2(b) Long-form documentary
 - 3 Reporting and actualities
2. The licensee shall devote at least 90% of the broadcast day to Canadian programming, averaged over the broadcast year.
3. The licensee
 - (a) shall not distribute, subject to subsection (b), a daily average of more than 12 minutes of advertising material in each clock hour;
 - (b) may broadcast partisan political advertising during an election period, in addition to the 12 minutes of advertising material referred to in subsection 3(a); and
 - (c) shall not broadcast any advertising material other than national paid advertising.

4. The licensee shall operate a live broadcast facility and maintain news bureaus in at least three regions other than in that of the live broadcast facility.
5. The licensee must have the ability to report on international news and events from a Canadian perspective.
6. The licensee is authorized to make available for distribution an upgraded version of its service in high definition (HD) format, provided that not less than 95% of the video and audio components of the upgraded and standard definition version of the service are the same, exclusive of the commercial messages and of any part of the service carried on a subsidiary signal. All of the programming making up the 5% allowance shall be provided in HD format.
7. The licensee shall caption 100% of its programs over the broadcast day, consistent with the approach set out in *A new policy with respect to closed captioning*, Broadcasting Public Notice CRTC 2007-54, 17 May 2007.
8. The licensee shall adhere to the following Commission policies relating to the quality of closed captioning:
 - (a) *Quality standards for French-language closed captioning*, Broadcasting Regulatory Policy CRTC 2011-741, 1 December 2011
 - (b) *Quality standards for French-language closed captioning – Enforcement, monitoring and the future mandate of the French-language Closed Captioning Working Group*, Broadcasting Regulatory Policy CRTC 2011-741-1, 21 February 2012
 - (c) *Quality standards for English-language closed captioning*, Broadcasting Regulatory Policy CRTC 2012-362, 5 July 2012
9. In accordance with *Accessibility of telecommunications and broadcasting services*, Broadcasting and Telecom Regulatory Policy CRTC 2009-430, 21 July 2009, the licensee shall:
 - ensure that advertising, sponsorship messages and promos in the English and French languages are closed captioned; and
 - implement a monitoring system to ensure that, for any signal that is closed captioned, the correct signal is captioned, the captioning is included in its broadcast signal and this captioning reaches the distributor of that signal in its original form. “Original form” means, at a minimum, that the captioning provided by the licensee reaches the distributor unaltered, whether it is passed through in analog or in digital, including in high definition.
10. The licensee shall provide audio description for all the key elements of information programs, including news programming. For the purposes of this condition of licence, “audio description” refers to announcers reading aloud the textual and graphic information that is displayed on the screen during the information programs.

11. In accordance with *Let's talk TV: Navigating the Road Ahead – Making informed choices about television providers and improving accessibility to television programming*, Broadcasting Regulatory Policy CRTC 2015-104, 26 March 2015,
- (a) a licensee that was subject to described video requirements prior to renewal or that belongs to a vertically integrated entity shall provide, by September 2019, described video for programming broadcast between 7 p.m. and 11 p.m., seven days a week, drawn from program categories 2(b) Long-form documentary, 7 Drama and comedy, 9 Variety, 11(a) General entertainment and human interest and 11(b) Reality television, set out in item 6 of Schedule I to the *Specialty Services Regulations, 1990* (the Regulations), as well as programming targeting children;
 - (b) a licensee not subject to subsection (a) and whose service devotes 50% or more of its program schedule to programming drawn from program categories 7 Drama and comedy or 2(b) Long-form documentary, set out in item 6 of Schedule I to the Regulations, and/or to children's programming, is required to provide four hours of programming with described video per week by the fourth year of the first licence term in which this condition applies. The minimum four hours of described video programming broadcast each broadcast week may be drawn from the following program categories, set out in item 6 of Schedule I to the Regulations: 2(b) Long-form documentary, 7 Drama and comedy, 9 Variety, 11(a) General entertainment and human interest and 11(b) Reality television, and/or may be programming targeting children; and
 - (c) the licensee shall file an annual report relating to the provision of closed captioning on non-linear platforms by no later than 30 November of each year for the broadcast year ending the previous 31 August consistent with other reporting requirements.
12. The licensee shall comply with the following codes administered by the Canadian Broadcast Standards Council:
- the *RTDNA Code of (Journalistic)Ethics*
 - the *Canadian Association of Broadcasters' Code of Ethics*
 - the *Journalistic Independence Code*
13. The licensee shall adhere to the Canadian Association of Broadcasters' *Equitable Portrayal Code*, as amended from time to time and approved by the Commission. However, the application of the foregoing condition of licence will be suspended if the licensee is a member in good standing of the Canadian Broadcast Standards Council.
14. The licensee shall adhere to the *Broadcast Code for Advertising to Children*, as amended from time to time and approved by the Commission.

15. The licensee shall adhere to the Canadian Association of Broadcasters' *Violence Code*, as amended from time to time and approved by the Commission. However, application of the foregoing condition of licence will be suspended if the licensee is a member in good standing of the Canadian Broadcast Standards Council.

For the purposes of these conditions, "broadcast day," "broadcast month," "broadcast year" and "clock hour" shall have the same meaning as that set out in the *Television Broadcasting Regulations, 1987*.

Expectations

When captions are available, the Commission expects the licensee to provide viewers with a closed-captioned version of all programming aired during the overnight period.

The Commission expects the licensee to ensure that when programming with closed captioning on traditional platforms is made available on non-linear online platforms, the closed captioning is included.

The Commission expects the licensee to acquire and make available described versions of programming such that all content that was offered with described video at some point in the broadcasting system is offered with described video when it is rebroadcast.

Further, the Commission expects the licensee to:

- display a standard described video logo and air an audio announcement indicating the presence of described video before the broadcast of each described program; and
- make information available regarding the described programs that it will broadcast.

Encouragement

The Commission encourages broadcasters to repeat the standard described video logo and audio announcement indicating the presence of described video, following each commercial break.