



Broadcasting Decision CRTC 2021-427

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Reference: Part 1 application posted on 15 July 2021

Ottawa, 20 December 2021

TLN Media Group Inc.
Across Canada

Public record for this application: 2021-0454-5

EuroWorld Sport – Licence amendment

The Commission **approves** the application by TLN Media Group Inc. to amend the broadcasting licence for its discretionary service EuroWorld Sport by amending the requirement regarding the amount of live professional sports programming it can broadcast set out in standard condition of licence 8 in Appendix 2 to Broadcasting Regulatory Policy 2016-436 as it relates to the broadcast of live soccer, cricket and rugby.

Background

1. In Broadcasting Decision 2006-114, the Commission licensed EuroWorld Sport (called RCS Television at the time) as a Category 2 specialty service with the following condition of licence:

No more than 10% of all programming broadcast during the broadcast year shall be dedicated to sports other than cricket, rugby and soccer.

2. In Broadcasting Decision 2013-466, EuroWorld Sport's licence was renewed with a similar condition of licence:

The licensee shall devote no more than 10% of all programming broadcast during the broadcast year to sports other than cricket, rugby and soccer.

3. In Broadcasting Decision 2020-214, the Commission renewed the broadcasting licences for a group of TLN's discretionary services including EuroWorld Sport. That decision did not include any specific reference to the amount of sports programming EuroWorld Sport could broadcast. As part of that licence renewal process, TLN indicated that it would adhere to the standard requirements set out in Broadcasting Regulatory Policy 2016-436. That policy includes the following standard condition of licence:

The licensee shall not devote more than 10% of the programming broadcast during the broadcast month to live professional sports programming, which falls under program category 6(a) Professional sports.

Application

4. TLN Media Group Inc. (TLN) filed an application to amend the broadcasting licence for its discretionary service EuroWorld Sport. Specifically, TLN requested to amend the requirement set out in standard condition of licence 8 in Appendix 2 to Broadcasting Regulatory Policy 2016-436 regarding the amount of live professional sports programming it can broadcast.
5. In its application, TLN stated that it was not aware that adhering to the standard conditions of licence set out in Broadcasting Regulatory Policy 2016-436 would prevent it from continuing to air an unlimited amount of soccer, cricket or rugby matches as it has traditionally done since EuroWorld Sport was initially licensed in 2006. TLN argued that other sports discretionary services have enjoyed similar flexibility with regard to sports programming.
6. In a letter dated 30 July 2021, the Commission requested additional information from TLN regarding why the Commission should consider EuroWorld Sport to not be a mainstream sports service subject to the requirements set out in Broadcasting Regulatory Policy 2009-562-2.
7. In its response dated 6 August 2021, TLN reiterated that the requested exception represents a return to form for the service, that its removal was inadvertent, and that denial of this application would place EuroWorld Sport at a competitive disadvantage in relation to discretionary and streaming services operating with such an exception.
8. The Commission did not receive any interventions in regard to this application.

Commission's analysis

9. The Commission has the authority, pursuant to subsection 9(1) of the *Broadcasting Act* (the Act), to issue licences for such terms not exceeding seven years and subject to such conditions related to the circumstances of the licensee as it deems appropriate for the implementation of the broadcasting policy set out in subsection 3(1) of the Act, as well as to amend those conditions on application of the licensee.
10. The Commission has taken steps to prevent discretionary services offering sports programming from morphing into mainstream sports services without taking on the requirements imposed on mainstream services.
11. Mainstream sports services acquire premium sports programming rights, and their programming is typically dedicated to all aspects of sports with an emphasis on mainstream Canadian professional sports. In contrast, EuroWorld Sport is a niche service devoted exclusively to select sports (i.e., soccer, cricket and rugby). Therefore, the Commission is of the view that EuroWorld Sport would face considerable challenges operating under the mainstream sports service requirements set out in Appendix 1 to Broadcasting Regulatory Policy 2009-562-2.

12. The Commission recognizes that it has previously licensed EuroWorld Sport to air unlimited soccer, cricket and rugby programming. EuroWorld Sport is not currently held to a requirement to operate under a particular nature of service, but it has indicated that its business model is reliant on the broadcast of soccer, cricket and rugby and that approval of this application would allow EuroWorld Sport to continue to do so. The approval would represent the maintenance of the status quo and prevent the service from having to alter its programming in such a way that subscribers would be deprived of the programming they have been receiving.
13. Therefore, the Commission finds it appropriate to amend the condition of licence related to the broadcast of professional sports programming to allow EuroWorld Sport to broadcast unlimited soccer, cricket and rugby.

Conclusion

14. In light of the above, the Commission **approves** the application by TLN Media Group Inc. to amend the broadcasting licence for its discretionary service EuroWorld Sports by amending the requirement regarding the amount of live professional sports programming it can broadcast set out in standard condition of licence 8 in Appendix 2 to Broadcasting Regulatory Policy 2016-436 as it relates to the broadcast of soccer, cricket and rugby. Accordingly, the Commission amends the **conditions of licence** for EuroWorld Sport by adding the following:

For the purposes of condition of licence 8 as set out in Appendix 2 to *Standard requirements for television stations, discretionary services, and on-demand services*, Broadcasting Regulatory Policy CRTC 2016-436, 2 November 2016, the broadcast of soccer, cricket and rugby matches is excluded from the calculation of the 10% of programming.

Secretary General

Related documents

- *EuroWorld Sport, Mediaset Italia and Univision Canada – Licence renewals*, Broadcasting Decision CRTC 2020-214, 6 July 2020
- *Standard requirements for television stations, discretionary services, and on-demand services*, Broadcasting Regulatory Policy CRTC 2016-436, 2 November 2016
- *Various independent specialty Category B services – Licence renewals*, Broadcasting Decision CRTC 2013-466, 30 August 2013
- *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 services*, Broadcasting Regulatory Policy CRTC 2009-562-2, 25 May 2012
- *RCS Television – Category 2 specialty service*, Broadcasting Decision CRTC 2006-114, 4 April 2006

This decision is to be appended to the licence.