



## Broadcasting Decision CRTC 2024-165

PDF version

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Ottawa, 23 July 2024

**Canadian Broadcasting Corporation**  
Across Canada

*Public record: 2023-0391-5*

### **Canadian Broadcasting Corporation – English- and French-language audio-visual services – Amendments to conditions of service relating to Canadian programming expenditures and expenditures on programs of national interest**

#### **Summary**

The Commission received an application from the Canadian Broadcasting Corporation (CBC) to exclude, for its licensed English- and French-language audio-visual services, programming expenditures on the coverage of the Olympic and Paralympic Games. These expenditures are part of the calculations of the CBC's requirements relating to Canadian programming expenditures (CPE) and expenditures on programs of national interest (PNI).<sup>1</sup>

The CBC requested relief during the years of the Olympic and Paralympic Games because the broadcast of those games results in an increase in CPE, which in turn increases its PNI expenditure obligations<sup>2</sup>, as set out in its conditions of service. The CBC noted that without this relief, it would have to make challenging programming choices to comply with its PNI requirements. This could include lowering the expenditures it makes on other, non-PNI programming, including independent productions.

The Commission regularly provides relief to the CBC during Olympic years as it benefits the broadcaster and all Canadians. The Commission approves this application and recognizes the importance of both types of expenditures in contributing to the creation and presentation of Canadian programming.

This decision allows the CBC to maintain a valuable level of CPE and PNI expenditures while providing balanced programming. This decision also provides stability within the

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<sup>1</sup> CPE is an investment in Canadian content and PNI encourages spending on specific types of programs, such as dramas, documentaries and award shows.

<sup>2</sup> PNI is calculated as a percentage of the CBC's CPE in the current broadcast year.

independent production sector, including Indigenous producers, official language minority community producers, and producers from equity-deserving groups, and maintains diverse and quality productions for Canadians.

## Background

1. In Broadcasting Decision 2022-165, the Commission renewed the broadcasting licences for the Canadian Broadcasting Corporation's (CBC) various licensed English- and French-language audio and audio-visual services until 31 August 2027. In that decision, the Commission moved from a predominantly exhibition-based framework for the CBC's audio-visual services, which required the broadcast of specific amounts of certain types of programming, to an approach based predominantly on expenditures.
2. This change stemmed in part from the Commission's desire to implement a multi-platform approach to the regulation of the CBC's activities that recognized that exhibition requirements in an increasingly on-demand environment would be less suited to obtaining desired outcomes. It also stemmed from the Commission's recognition that the CBC had largely surpassed its exhibition requirements, in large part due to its broad mandate as Canada's public broadcaster as well as other factors such as its governance, public expectations and accountability both to the Commission and to Parliament.
3. In Appendix 3 to that decision, the Commission imposed various conditions of service<sup>3</sup> relating to Canadian programming expenditures (CPE) and expenditures on programs of national interest (PNI)<sup>4</sup> for the CBC's licensed English- and French-language audio-visual services.
4. As set out in conditions of service 20 and 23, the CBC must devote to CPE at least 85% of the amount it puts towards programming expenditures on its English- and French-language audio-visual programming services.
5. Further, as set out in conditions of service 26 and 29, respectively, the CBC must devote at least 42% of the amount it puts towards CPE on its French-language audio-visual programming services to the acquisition of, or investment in, Canadian French-language PNI, and at least 55% of the amount it puts towards CPE on its

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<sup>3</sup> Pursuant to subsections 49(1) and 50(2) of the *Online Streaming Act*, the conditions of licence that existed prior to the date of royal assent of that Act are deemed to be conditions imposed under an order made pursuant to subsection 9.1(1) of the new *Broadcasting Act*, or subsection 11.1(2) in the case of expenditures. As such, the conditions of licence for this licensee became conditions of service and continue to apply to the licensee except to the extent that they have been modified by this decision.

<sup>4</sup> For the English-language market, PNI includes programming drawn from program categories 2(b) Long-form documentary and 7 Drama and Comedy, as well as award shows of national or regional scope that celebrate Canadian creative talent and/or cultural diversity and achievements in Canadian arts and culture. For French-language markets, PNI include the above as well as programming drawn from program categories 8(a) Music and dance, 8(b) Music video clips, 8(c) Music video programs, and 9 Variety.

English-language audio-visual programming services to the acquisition of, or investment in, Canadian English-language PNI.

6. In addition, the Commission imposed conditions of service 22, 25, 28 and 31, which provide the CBC with information on how to calculate the expenditure requirements set out in conditions of service 20, 23, 26 and 29.
7. Finally, the Commission imposed condition of service 32, which grants the CBC the flexibility, in each broadcast year of the licence term, excluding the final year, to spend an amount on CPE (and thus on PNI) that is up to 10% less than the minimum required expenditure for each broadcast year so long as the minimum required expenditures for one year are made up in the next year, and so long as all required expenditures are made by the end of the licence term.

## **Application**

8. In June 2023, the CBC filed an application to amend some of its conditions of service relating to CPE and PNI expenditures for its English- and French-language audio-visual services. The requested amendments aim to exclude the CBC's programming expenditures relating to the Olympic and Paralympic Games<sup>5</sup> (summer and winter) from the calculation of its CPE and PNI expenditure requirements. The amendments would take effect beginning in the 2023–2024 broadcast year, the second year of the CBC's current licence term, and apply for the remainder of the licence term.
9. The CBC's PNI expenditure requirements are calculated as a percentage of its CPE. According to the CBC, including expenditures made on the coverage of the Olympic and Paralympic Games as part of its CPE would automatically increase its PNI expenditure requirements.<sup>6</sup> It submitted that since coverage of those games does not count as PNI, it will be very difficult to meet its PNI expenditure requirements over the course of the current licence term and meet the needs of Canadians through a diverse programming offering if its application is denied. It therefore requested that programming expenditures on the Olympic and Paralympic Games be excluded from the calculation of its required CPE (and consequently of its required PNI expenditures) for its licensed English- and French-language audio-visual services.
10. The CBC stated that in the absence of the relief it is requesting, and given that it has limited possibilities to lower costs associated with the coverage of the Olympic and Paralympic Games, it would have to make difficult programming choices in order to comply with its PNI expenditure requirements. This would likely include lowering expenditures on other non-PNI programming, including independently produced non-PNI productions.

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<sup>5</sup> Coverage of the Olympic and Paralympic Games falls under program category 6(b) Amateur sports. This counts as CPE but not PNI.

<sup>6</sup> The CBC indicated that for the 2017-2018, 2020-2021 and 2021-2022 broadcast years, in regard to Olympic and Paralympic Games programming, it spent from \$51 million to \$55 million each Olympic year for its English-language services, and \$16 million to \$18 million each Olympic year for its French-language services.

## Legal framework

11. The Commission has the authority, pursuant to subsection 11.1(2) of the *Broadcasting Act*, to make orders respecting expenditures. Such authority empowers the Commission to impose or vary spending requirements relating to Canadian programming, including PNI.

## Interventions and replies

12. Wapanatahk Media, which supported the application, submitted that approval of the CBC's request would give the public broadcaster more freedom to fund and share Indigenous non-PNI stories with audiences across Canada. It noted that this would be consistent with the Canadian government's mandate to support the meaningful participation of Indigenous peoples in the Canadian broadcasting system.
13. The Commission also received interventions in opposition from the Writers Guild of Canada (WGC), the Directors Guild of Canada (DGC), FRIENDS, the Association québécoise de la production médiatique (AQPM), the Canadian Media Producers Association (CMPA) and Alliance des producteurs francophones du Canada (APFC). The CBC replied to the opposing interventions.
14. On 9 February 2024, Commission staff sent a request for information letter to the CBC, in which it responded on 21 February 2024. The Commission published both the letter and the response on its website on 1 March 2024. The WGC, the AQPM, the APFC, the DGC, the CMPA and the Documentary Organization of Canada (DOC) filed comments, and the CBC replied to those comments.
15. In a Commission letter dated 2 May 2024, the Commission noted that pursuant to section 5.2 of the *Broadcasting Act*, it must consult with official language minority communities (OLMCs) when making decisions that could adversely affect them. It further noted that pursuant to section 41 of the *Official Languages Act*, measures taken under that Act in respect of OLMCs must be based on analyses which include dialogue and consultation activities with OLMCs and other stakeholders.
16. Accordingly, and to complete the record for the CBC's application, the Commission opened an additional comment period reserved exclusively for submissions from members of OLMCs, along with a reply period for the CBC. The DOC, along with Bow Films Inc., the Fédération culturelle canadienne-française (FCCF), APFC, and the Quebec English-Language Production Council (QEPC) filed comments, and the CBC filed a reply to those comments.

## Issues

17. After examining the record for this application in light of applicable regulations and policies, the Commission considers that it must address the following issues:
  - the CBC's delivery of balanced programming to Canadians; and
  - other considerations.

## **The CBC's delivery of balanced programming to Canadians**

18. The Commission has previously recognized the importance of the coverage of the Olympic Games and Paralympic Games. For example, in Broadcasting Decision 2021-425, the Commission approved an application by the CBC for temporary relief from its conditions of service relating to the provision of weekly local programming and described video requirements for a number of its English- and French-language conventional television programming undertakings during the duration of the Olympic Games owing to this importance.
19. In that decision, the Commission expressed the view that the broadcast of the Olympic Games contributes to the objectives of the *Broadcasting Act* by helping to maintain and enhance our national identity and cultural sovereignty (paragraph 3(1)(b)) as well as serving to safeguard, enrich and strengthen the cultural, political, social and economic fabric of Canada (subparagraph 3(1)(d)(i)). The broadcast of the Olympic games, and in particular of the Paralympic Games, contributes to ensuring that the broadcasting system, through its programming, serves the needs and interest of all Canadians, including Canadians of diverse abilities and disabilities, and reflects their circumstances and aspirations (subparagraph 3(1)(d)(iii)).
20. The CBC has a broad mandate, created by Parliament and enshrined in the *Broadcasting Act*. An important part of that mandate is the provision of balanced programming serving and reflecting a broad range of Canadian and Indigenous interests and experiences across all regions of Canada. In Appendix 3 to Broadcasting Decision 2022-165, the Commission imposed the following condition of service relating to balanced programming applicable to all of the CBC's audio-visual and audio services:

The Corporation shall, on its licensed television networks and stations, discretionary services, and radio networks and stations, present a reasonably balanced programming offering drawn from diverse categories of programming for a diversity of listeners and viewers. Programming shall include original Canadian programming, original first-run Canadian programming, programs of national interest and Canadian selections from multiple music categories. In-house and independent programming shall originate from, reflect and be relevant to all regions of Canada as well as Indigenous Peoples living in Canada, Canada's official language minority communities and Canadians in all their diversity. This balanced diverse audio and audiovisual programming shall be discoverable and promoted on all of the Corporation's licensed audio and audiovisual services.

### **Positions of interveners**

21. Certain interveners submitted that approval of the application could have an adverse effect on the CBC's level of PNI output. According to the DGC, approval of the application would result in less PNI being produced by the CBC. The DGC argued that an approval would undermine the CBC's condition of service relating to balanced programming, which identifies PNI as a key priority. The WGC noted that the CBC

did not raise programming balance as a problem in 2021 and argued that it needs to demonstrate why balanced programming would benefit from less PNI.

22. The WGC, the DGC, FRIENDS, the AQPM, the CMPA and the APFC submitted that approval of the application would also have an adverse effect on Canada's independent production industry and eventually lead to a reduction in expenditures on other types of programming. FRIENDS expressed concern over the risk that the CBC could reduce its expenditures on local news.
23. The APFC, the QEPC, the FCCF and Bow Films Inc. submitted that a decrease in spending on PNI and would directly harm OLMC producers. Interveners emphasized the duty of the CBC's French-language arm and of the Commission to protect and promote French language, pursuant to the *Official Languages Act* and the *Broadcasting Act*, respectively, and considered that approval of the application would be in contravention of those Acts.
24. Certain interveners stated that the CBC would be able to meet its expenditure requirements with the flexibility from which it already benefits through its conditions of service, while others considered the projections provided by the CBC to be relatively close to those requirements. The WGC, AQPM and the DGC considered that the CBC could fund additional PNI through other revenue streams, such as the advertising revenues generated by the Olympic and Paralympic Games or the additional government funding that was announced for the CBC. Finally, some interveners argued that in place of the requested relief, the Commission could recalculate CPE and PNI expenditure requirements based on more than three years of historical data.

#### **The CBC's reply**

25. In reply, the CBC addressed its requirement to maintain balance in its programming. It explained that balanced programming includes PNI and other programming genres, and that support for independent producers is not limited to producers of PNI programming. The CBC further noted that it has a finite amount of money, and that if its application is denied, it will not be able to meet its PNI expenditure requirements unless it makes cuts elsewhere, such as reducing the amount of independently produced non-PNI programming on its schedule. It stated that this would impact its ability to nurture non-PNI programming for more than one consecutive season given that the Olympics occur every two years.
26. In regard to concerns that approval of the application would result in less spending on French-language OLMC productions, the CBC submitted that excluding expenditures on coverage of the Olympic and Paralympic Games for the purpose of calculating CPE and PNI expenditure requirements would have no impact on the OLMC production requirements<sup>7</sup>. It noted that Olympic and Paralympic Games programming

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<sup>7</sup> The conditions of service relating to OLMCs are set out in Appendix 3 of Broadcasting Decision 2022-165, specifically conditions of service 4a, 4b, 6a, 6b, 8a, 8b, 10a and 10b.

is produced in-house, while the OLMC requirement is calculated as a proportion of independent production expenditures, and that variations on the volume of in-house productions have no impact on the CBC's requirements related to OLMC productions. It further noted that interveners referred solely to programming from independent OLMC producers and made no mention of in-house CBC programs that serve and reflect members of OLMCs. Further, the CBC submitted that approval of the application would not harm OLMC producers given that the condition of service on independent production expenditures related to OLMCs is not connected to its CPE requirements.

27. The CBC also maintained that approval of the application would be compliant with the *Official Languages Act* and would support broadcasting policy objectives, including those set out in the *Broadcasting Act* about OLMCs.
28. In regard to interveners' comments regarding flexibility already in place, the CBC indicated that it had factored in its ability to carry over expenditures into subsequent broadcast years and that this flexibility would not be sufficient to meet its PNI expenditure requirements. It added that the additional funding announced by the federal government is earmarked for employee salary and benefits, and does not help address the CBC's structural deficit and overall financial pressures.<sup>8</sup>

#### **The Commission's decisions**

29. The Commission has previously granted the CBC regulatory relief in the context of the Olympics. That relief has been related to the exhibition of programming<sup>9</sup> (specifically, the provision of local programming and/or described video). In this application, the CBC is requesting relief from an expenditure requirement for the duration of the licence term for its services.
30. In the context of the last licence renewal for the CBC's services, the Commission found that the public broadcaster clearly demonstrated its commitment to investing in PNI. The Commission nevertheless found it important to put requirements in place to ensure the continuity of PNI production.
31. At the same time, the CBC is required, by condition of service, to offer reasonably balanced audio-visual programming drawn from diverse categories for a diversity of viewers. While this includes PNI, it also includes original Canadian programming, as well as in-house and independent programming. Therefore, while PNI constitutes an integral element of balanced programming, it is not the only element.

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<sup>8</sup> The Commission has no control over the CBC's parliamentary funding – or on the conditions that may or may not be attached to funds granted to the CBC by Parliament. Rather, the Commission interprets the mandate set for CBC through the *Broadcasting Act* and sets requirements for the CBC through its conditions of service. The Commission does not consider the recent funding announcement to be relevant to the disposition of this application.

<sup>9</sup> See Broadcasting Decisions 2014-49, 2021-204 and 2021-425.

32. Spending on coverage of the Olympic and Paralympic Games forms a significant part of the CBC's total programming spending. According to the CBC's financial submissions, over the past five years it spent from \$51 million to \$55 million per Olympic year for its English-language audio-visual services and from \$16 million to \$18 million per Olympic year for its French-language audio-visual services. This represented around 10% of the broadcaster's total programming and production expenditures for the 2017-2018, 2020-2021 and 2021-2022 broadcast years.
33. Expenditures on programming drawn from program category 6(b) Amateur sports, which includes expenditures on the coverage of the Olympic and Paralympic Games, counts as CPE, but not PNI. Nevertheless, given that PNI expenditures are based on a percentage of CPE, expenditures on the coverage of the Olympic and Paralympic Games can have a significant impact on the PNI expenditures the CBC is required to make.
34. The CBC stated that if the Commission denies the application, it will most likely reallocate spending currently slated for non-PNI to PNI in order to meet and not further increase its overall requirements. The Commission notes that this could have adverse effects on Canadian independent programming, which accounted for over half of the CBC's conventional television programming spending in the 2021-2022 broadcast year. In this regard, the CBC indicated that except for news, sports and current affairs programming, all of its programming is independently produced.
35. Given this, along with the CBC's clearly stated position that it does not have the financial capacity to increase spending as a way to meet its requirements, the Commission finds that it would be difficult for the CBC to meet its overall balanced programming objectives and requirements if its application is denied. Further, the potential consequences of programming changes needed to meet PNI expenditure requirements would be potentially negative for Canadian independent productions, especially those associated with non-PNI programming. Having the CBC defund these types of programming risks causing harm to the CBC's provision of balanced programming.
36. An overall reduction in spending on independent productions, which could be an outcome of denial of the application, would have an impact on the level of productions from Indigenous producers, OLMC producers and producers from equity-deserving groups that the CBC is required to acquire. While PNI is of great importance to the broadcasting system, the Commission aims to encourage continued investment in non-PNI independent and OLMC productions as well.
37. The CBC's expenditure requirements relating to non-PNI programming, including programs from OLMC producers, are calculated as a percentage of total expenditures on independent Canadian programming, and not CPE. As such, any changes to the CBC's requirements relating to CPE (and consequently to PNI expenditures) would not necessarily have an impact on its Canadian independent programming expenditures allocated to OLMCs.



38. In light of the above, the Commission finds that approval of the CBC's application could help mitigate potential impacts on its expenditures on Canadian independent productions, thereby helping the CBC maintain its requirement to provide balanced programming on its audio-visual undertakings.
39. With this approval, the Commission expects the CBC to take steps to ensure that its levels of spending on PNI do not fluctuate significantly between Olympic and non-Olympic broadcasting years. The Commission intends to monitor the CBC's spending with this expectation in mind.

### **Other considerations**

#### **Timing of the application**

40. Certain interveners questioned the timing of the CBC's application. In this regard, the APFC, the DGC, FRIENDS and the WGC considered it inappropriate for the Commission to review the CBC's application at this time given that the Commission has not yet responded to the [order](#) issued by the Governor in Council in 2022 to refer back to the Commission for reconsideration and hearing the decision contained in Broadcasting Decision 2022-165. Intervenors also submitted that any significant review of conditions of service should be assessed within the context of the modernization of the regulatory framework following amendments made to the *Broadcasting Act*.
41. In reply, the CBC stated that interveners have not provided any compelling reasons to defer consideration of the present application.
42. The order issued by the Governor in Council does not consider the public broadcaster's CPE and PNI expenditure requirements, nor its expenditures on coverage of the Olympic and Paralympic Games. Therefore, waiting for the conclusion of a proceeding that should not have any direct impact on the present application would create unfair delays for the CBC.
43. Finally, the Commission finds that the current application is sufficiently targeted to the CBC's specific circumstances<sup>10</sup> to be treated on its own and not be included in a broader policy review following amendments made to the *Broadcasting Act*.
44. Accordingly, the Commission finds that there is no reason to defer its consideration of the CBC's application.

#### **The monetary benefits of broadcasting the Olympics and Paralympics**

45. The CMPA, the WGC and the DGC submitted that there are multiple self-serving benefits to broadcasting the Olympic and Paralympic Games. The CMPA stated that

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<sup>10</sup> The CBC is the only official Canadian broadcaster of the Olympic and Paralympic Games, and the only broadcaster for which PNI expenditure requirements are calculated as a percentage of its current broadcast year CPE.

such benefits include advertising revenues, bundle sales for other CBC content, the promotion of other parts of the CBC programming schedule, or even the possibility of sub-licensing coverage with other broadcast or multi-platform partners.

46. In reply, the CBC argued that, despite such benefits, broadcasting the Olympic and Paralympic Games is not profitable given that “the revenues from the Olympics do not offset the significant costs associated with providing world-class coverage of this event to Canadians from coast to coast to coast”.
47. The profitability, or the lack of profitability, of any given program can be balanced by the overall profitability of a service. The value of a specific program is also difficult to determine given the number of factors that can influence that value. Instead, when considering the impact of any regulatory action, the Commission will often consider the impact of that action on a licensee as well as the public interest. In regard to the impact on the CBC, the Commission notes that the CBC’s stated expenditures on Olympic and Paralympic Games programming are greater than the increase in the CBC’s conventional television advertising revenues during the last three Olympic years (i.e., 2018, 2020 and 2022) when compared to 2018-2019 and 2019-2020 broadcast years.
48. In light of the above, the Commission finds that any tangible monetary benefits for the CBC stemming from the broadcast of the Olympic and Paralympic Games would not be sufficient to make its request inappropriate.

## Conclusion

49. In light of all of the above, the Commission approves the application from the CBC to amend certain of its conditions of service relating to CPE and PNI expenditures for its English- and French-language audio-visual services.
50. Accordingly, the Commission replaces conditions of service 20, 22, 23, 25, 28 and 31 set out in Appendix 3 to Broadcasting Decision 2022-165, and, pursuant to subsection 11.1(2) of the *Broadcasting Act*, **orders** the Canadian Broadcasting Corporation to adhere to the **conditions of service** set out in the appendix to this decision for its licensed English- and French-language audio-visual services.
51. In regard to expenditures, under subsections 11.1(7) of the *Broadcasting Act*, the Commission is required to publish a copy of each order it proposes to make under subsection 11.1(2). In this case, the application itself, related to amendments to the CBC’s conditions of service regarding CPE and PNI expenditures, was published on the Commission’s website. Interested persons would have been sufficiently aware of what was proposed and had an opportunity to make representations with respect to the proposed conditions of service as part of the process. Accordingly, the Commission is satisfied that, in this case, the Part 1 process for this application was sufficient to achieve the purposes of the publication and consultation requirement in subsection 11.1(7) and no further process is required.

Secretary General

## Related documents

- *Canadian Broadcasting Corporation – Various audio and audiovisual services – Licence renewals*, Broadcasting Decision CRTC 2022-165 and Broadcasting Orders CRTC 2022-166 and 2022-167, 22 June 2022
- *Various English- and French-language conventional television stations – Licence amendments related to coverage of the Beijing 2022 Olympic Games*, Broadcasting Decision CRTC 2021-425, 17 December 2021
- *Various English- and French-language conventional television stations – Licence amendments related to coverage of the Tokyo 2020 Olympic Games*, Broadcasting Decision CRTC 2021-204, 16 June 2021
- *CBUT-DT Vancouver, British Columbia; CBRT-DT Calgary and CBXT-DT Edmonton, Alberta; CBKT-DT Regina, Saskatchewan; CBWT-DT Winnipeg, Manitoba; CBET-DT Windsor, CBLT-DT Toronto and CBOT-DT Ottawa, Ontario; CBMT-DT Montréal, Quebec; CBAT-DT Fredericton, New Brunswick; CBHT-DT Halifax, Nova Scotia; CBCT-DT Charlottetown, Prince Edward Island; CBNT-DT St. John's, Newfoundland and Labrador; CFYK-DT Yellowknife, Northwest Territories – Licence amendments related to coverage of the 2014 Sochi Olympic Games*, Broadcasting Decision CRTC 2014-49, 7 February 2014

*This decision is to be appended to each licence.*

## Appendix to Broadcasting Decision CRTC 2024-165

### Conditions of service relating to Canadian programming expenditures and expenditures on programs of national interest applicable to all English- and French-language television networks, television stations and discretionary services listed in Appendix 1 to *Canadian Broadcasting Corporation – Various audio and audiovisual services – Licence renewals*, Broadcasting Decision CRTC 2022-165, 22 June 2022

The Commission orders the Canadian Broadcasting Corporation to adhere to the following conditions of service relating to Canadian programming expenditures and to expenditures on programs of national interest for its English- and French-language audio-visual services, pursuant to subsection 11.1(2) of the *Broadcasting Act*, to replace conditions of service 20, 22, 23, 25, 28 and 31 set out in Appendix 3 to *Canadian Broadcasting Corporation – Various audio and audiovisual services – Licence renewals*, Broadcasting Decision CRTC 2022-165, 22 June 2022 (Broadcasting Decision 2022-165).

Changes to the conditions of service originally imposed in Appendix 3 to Broadcasting Decision 2022-165 are set out in bold. CPE and PNI expenditure conditions of service 21, 24, 26, 27, 29 and 30, which have not been amended, are included for context.

#### Expenditures – French-language Canadian programming

20. Each broadcast year, the Corporation shall devote not less than 85% of the amount it allocates to programming expenditures on its French-language audiovisual programming services to Canadian programming expenditures, **excluding expenditures made on programming drawn from program category 6(b) Amateur sports that relates to the Olympic and Paralympic Games.**

21. The Corporation may count expenditures made for the acquisition of or investment in Canadian programming by the French-language audiovisual digital media broadcasting undertakings that it operates towards fulfilling the requirement set out in condition of service 20.

22. For the purposes of calculating the expenditure requirement pursuant to condition of service 20, the denominator includes total expenditures on programming, **excluding expenditures made on programming drawn from program category 6(b) Amateur sports that relates to the Olympic and Paralympic Games**, for the Corporation's French-language licensed television services (network, all television stations and all discretionary services listed in Appendix 1 to *Canadian Broadcasting Corporation – Various audio and audiovisual services – Licence renewals*, Broadcasting Decision CRTC 2022-165, [22 June] 2022, excluding ICI RDI), and the French-language audiovisual digital media broadcasting undertakings that the Corporation operated in the reported broadcast year. The requirement (the numerator) is imposed on the above-noted French-language licensed television services (network, television stations and discretionary services, excluding ICI RDI).

### **Expenditures – English-language Canadian programming**

23. Each broadcast year, the Corporation shall devote not less than 85% of the amount it allocates to programming expenditures on its English-language audiovisual programming services to Canadian programming expenditures, **excluding expenditures made on programming drawn from program category 6(b) Amateur sports that relates to the Olympic and Paralympic Games.**

24. The Corporation may count expenditures made for the acquisition of or investment in Canadian programming by the English-language audiovisual digital media broadcasting undertakings that it operates towards fulfilling the requirement set out in condition of service 23.

25. For the purposes of calculating the expenditure requirement pursuant to condition of service 23, the denominator includes total expenditures on programming, **excluding expenditures made on programming drawn from program category 6(b) Amateur sports that relates to the Olympic and Paralympic Games,** for the Corporation's English-language licensed television services (network, all television stations and all discretionary services listed in Appendix 1 to *Canadian Broadcasting Corporation – Various audio and audiovisual services – Licence renewals*, Broadcasting Decision CRTC 2022-165, 22 June 2022, excluding CBC News Network), and the English-language audiovisual digital media broadcasting undertakings that the Corporation operated in the reported broadcast year. The requirement (the numerator) is imposed on the above-noted English-language licensed television services (network, television stations and discretionary services, excluding CBC News Network).

### **Expenditures – French-language programs of national interest**

26. Each broadcast year, the Corporation shall devote not less than 42% of the amount it allocates to Canadian programming expenditures on its French-language audiovisual programming services to the acquisition of or investment in Canadian French-language programs of national interest.

27. The Corporation may count expenditures made for the acquisition of or investment in Canadian programs of national interest by the French-language audiovisual digital media broadcasting undertakings that it operates towards fulfilling the requirement set out in condition of service 26.

28. For the purposes of calculating the expenditure requirement pursuant to condition of service 26, the denominator includes total expenditures on Canadian programming, **excluding expenditures made on programming drawn from program category 6(b) Amateur sports that relates to the Olympic and Paralympic Games,** for the Corporation's French-language licensed television services (network, all television stations and all discretionary services listed in Appendix 1 to *Canadian Broadcasting Corporation – Various audio and audiovisual services – Licence renewals*, Broadcasting Decision CRTC 2022-165, [22 June] 2022, excluding ICI RDI), and the French-language audiovisual digital media broadcasting undertakings that the Corporation operated in the reported broadcast year. The requirement (the numerator) is imposed on the above-noted French-language licensed television services (network, television stations and discretionary services, excluding ICI RDI).

**Expenditures – English-language programs of national interest**

29. Each broadcast year, the Corporation shall devote not less than 55% of the amount it allocates to Canadian programming expenditures on its English-language audiovisual programming services to the acquisition of or investment in Canadian English-language programs of national interest.

30. The Corporation may count expenditures made for the acquisition of or investment in Canadian programs of national interest by the English-language audiovisual digital media broadcasting undertakings that it operates towards fulfilling the requirement set out in condition of service 29.

31. For the purposes of calculating the expenditure requirement pursuant to condition of service 29, the denominator includes total expenditures on Canadian programming, **excluding expenditures made on programming drawn from program category 6(b) Amateur sports that relates to the Olympic and Paralympic Games**, for the Corporation's English-language licensed television services (network, all television stations and all discretionary services listed in Appendix 1 to *Canadian Broadcasting Corporation – Various audio and audiovisual services – Licence renewals*, Broadcasting Decision CRTC 2022-165, 22 June 2022, excluding CBC News Network), and the English-language audiovisual digital media broadcasting undertakings that the Corporation operated in the reported broadcast year. The requirement (the numerator) is imposed on the above-noted English-language licensed television services (network, television stations and discretionary services, excluding CBC News Network).