



Broadcasting Regulatory Policy CRTC 2026-95

PDF version

References: 2025-2, 2025-2-1, 2025-2-2, 2025-2-3, and 2025-2-4

Gatineau, 21 May 2026

Public record: 1011-NOC2025-0002

The Path Forward – Working towards a sustainable Canadian broadcasting system – Part 1 – Discoverability of Canadian and Indigenous content and services, and support for services of exceptional importance

Summary

The Canadian broadcasting system is in a period of rapid transformation, driven by technological change, the growth of online streaming services, and evolving consumer behaviours that have reshaped how content is produced, distributed, and consumed. This transformation has created both opportunities and challenges for participants in the broadcasting system.

As part of its broader regulatory plan to implement the modernized *Broadcasting Act* (the Act), the Commission launched a public consultation to examine the market dynamics between small, medium, and large programming, distribution, and online streaming services.

As part of that consultation, the Commission received 135 written submissions and held a public hearing over a three-week period in June and July 2025, with 66 appearing parties. Today, based on the public record, the Commission is issuing its first regulatory policy resulting from the public consultation. This regulatory policy complements Broadcasting Regulatory Policy 2026-96, also published today, where the Commission is introducing a new framework for Canadian programming expenditures (CPE).

In this regulatory policy, the Commission is addressing two issues that were considered in the consultation (Broadcasting Notice of Consultation 2025-2): the discoverability of Canadian and Indigenous content and services for domestic and global audiences, and how to support services of exceptional importance (SEIs). Other regulatory policies, such as those related to the distribution of programming services in the traditional and online environments, the rules of engagement between broadcasting undertakings, and dispute resolution, will be issued in the near future.

This regulatory policy is designed to support a flexible, adaptable, and sustainable broadcasting system that can accommodate and leverage different business models and approaches in the traditional and online environments, while also responding to technological changes and remaining effective over time.

To that end, the Commission is introducing a discoverability framework, guided by clear principles, to support the availability and visibility of Canadian and Indigenous content and services. The framework is foundational and sets clear expectations while allowing for flexibility across different business models. It will lead to measurable commitments to discoverability that will be reflected in tailored conditions of service. These commitments will be reviewed and renewed throughout the life cycle introduced in the framework, ensuring that the Commission's approach to discoverability remains relevant and effective as the industry continues to evolve. The Commission will also establish an industry working group to improve metadata for Canadian content in the audio-visual sector, ensuring that the data exist to support adaptable and sustainable discoverability commitments.

These measures will ensure that Canadian and Indigenous content and services reach audiences, however those audiences choose to access content. They include specific expectations regarding discoverability for French-language and official language minority community¹ content and services, and content and services that reflect Canada's regional and cultural diversity.

The present regulatory policy also lays out a modernized framework for the funding of SEIs, which provide important programming that helps to achieve the objectives of the Act. The Commission will ensure the long-term sustainability of SEIs through the establishment of a dedicated Services of Exceptional Importance Fund (SEIF). Broadcasting ownership groups with Canadian revenues of \$100 million or more (with the exception of Canada's public broadcaster) will contribute 1.55% of their audio-visual revenues to the SEIF. The SEIF's funding model will ensure that financial responsibility is distributed equitably across programming undertakings, broadcasting distribution undertakings (BDUs), and online undertakings. Services currently benefitting from mandatory distribution on the basic service and from mandated wholesale rates under paragraph 9.1(1)(h) of the Act will be the SEIs eligible to receive initial funding from the SEIF.

The Commission considers that relieving BDUs of the requirement to pay mandated wholesale rates, and extending the responsibility to support SEIs to all applicable broadcasting ownership groups, will reduce the financial burden currently held by BDUs and create a more equitable funding structure for SEIs. Therefore, once the Commission will have consulted on the implementation of the SEIF and the fund is operational, BDUs will no longer pay mandated wholesale rates directly to SEIs. In recognition of the contributions made to the funding of SEIs, the Commission is announcing in Broadcasting Regulatory Policy 2026-96 that contributions to the SEIF will form part of the broader CPE obligations for broadcasting ownership groups subject to such obligations.

This regulatory policy, and upcoming regulatory policies stemming from the public consultation, will establish the foundation for a flexible, adaptable, and sustainable regulatory framework and support the implementation of specific commitments through the Commission's tailored conditions of service proceeding.

¹ As set out in the Act, "official language minority community" means English-speaking communities in Quebec and French-speaking communities outside Quebec.

A dissenting opinion by Commissioner Bram Abramson is attached to this decision.

Introduction

1. In Broadcasting Notice of Consultation 2025-2 (the Notice), the Commission launched a public consultation to examine the market dynamics between small, medium, and large programming, distribution, and online services, and the tools available to ensure the sustainability and growth of Canada's broadcasting system. This proceeding is part of the Commission's broader regulatory plan to implement the modernized *Broadcasting Act* (the Act).
2. As stated in the Notice, a sustainable broadcasting system is one that effectively fulfills the policy objectives set out in the Act. It is also one that helps to achieve the cultural, social, and economic aspirations of Canadians. It responds to changes in technology and consumer demand by adapting to how Canadians discover, access, and consume content, especially Canadian and Indigenous content. It is financially stable and able to grow and evolve. It supports the production and distribution of diverse Canadian content in both official languages and Indigenous content through the contributions of the various private and public players that participate in the system.
3. Accordingly, decisions made in response to the Notice will help contribute to a system that is able to accommodate different business models and approaches, to respond to technological changes, and to stand the test of time. In other words, a system that is flexible, adaptable, and sustainable.
4. In the Notice, the Commission sought comments on, among other things:
 - how to establish a sustainable model for the delivery and discoverability of diverse content in order to ensure the equitable discoverability of Canadian and Indigenous content and services, including French-language programs; and
 - whether existing regulatory tools, such as mandatory distribution requirements, are effective and can be applied in the online environment.
5. Through this proceeding, the Commission was guided by various objectives, including:
 - to ensure that the Canadian broadcasting system be responsive to the preferences and interests of various audiences;
 - to encourage the development of Canadian expression by providing a wide range of programming and, through its programming and the employment opportunities arising from its operations, to serve the needs and interests of all Canadians; and
 - to ensure that Canadian and Indigenous programming services and original Canadian content, including French-language programs, are equitably discoverable.

6. Establishing a framework for discoverability is an important first step in the process of meeting those objectives. Accordingly, in this regulatory policy, the Commission sets out discoverability principles to guide broadcasting undertakings in developing measurable commitments that will form part of their tailored conditions of service. After conditions of service are finalized through a future consultation, broadcasting undertakings will report back regularly on their progress. The Commission will periodically review the impact of this framework on discoverability and renew the framework as needed.
7. Access to accurate metadata about audio-visual productions would help broadcasting undertakings make Canadian and Indigenous content and services more prominent and would help them measure and improve the steps they take in doing so. Accordingly, the Commission will establish a working group to cooperatively develop the necessary metadata standards and the processes needed to support the sharing of metadata within the audio-visual sector.
8. In addition, the Commission will establish a Services of Exceptional Importance Fund (SEIF), intended to support services of exceptional importance (SEIs)² in fulfilling their mandate.
9. This regulatory policy is the first to cover issues examined during this proceeding. Other issues considered as part of the consultation, such as access to the broadcasting system, rules of engagement, and dispute resolution, will be addressed in the near future.

Interventions

10. The Commission received 135 interventions in response to the Notice. A total of 66 parties appeared at the public hearing, which was held from 18 June to 4 July 2025. Many parties also filed replies to the interventions, undertakings, responses to requests for information, and final replies.
11. Canadian and non-Canadian audio and audio-visual broadcasting undertakings, including traditional and online undertakings, were parties to that consultation. They included distributors of content and services, public and private broadcasters, screen offices, and members of the creative and production sectors. They also included groups representing Indigenous peoples, equity-deserving groups, groups representing official language minority communities (OLMCs), public interest and research groups, and some individuals.

Legal framework

12. The *Online Streaming Act* came into force on 27 April 2023 and made significant changes to the *Broadcasting Act*. On 9 November 2023, the Government of Canada issued *Order Issuing Directions to the CRTC (Sustainable and Equitable Broadcasting Regulatory Framework)*³ (the

² Also known as mandatory distribution services or 9.1(1)(h) services in the traditional system. These SEIs benefit from mandatory distribution pursuant to an order under paragraph 9.1(1)(h) of the Act.

³ SOR/2023-239.

Policy Direction). The Policy Direction emphasizes the need to consider both established and emerging means of discoverability and showcasing to promote a wide range of Canadian programming.⁴ It also focuses on the need to support the sustainability of broadcasting undertakings that are of exceptional importance to the achievement of the objectives of the broadcasting policy for Canada set out in subsection 3(1) of the Act.⁵

13. The policy and regulatory objectives of the Act⁶ emphasize that the Canadian broadcasting system must encourage the development of Canadian expression and serve the needs and interests of all Canadians—including Indigenous peoples, Canadians from equity-deserving groups, and members of OLMCs. Further, the Act states that online undertakings should ensure the discoverability of Canadian programming services and original Canadian programs, and that they should clearly promote and recommend Canadian programming in both official languages and in Indigenous languages. The Act also highlights the role of Canadian independent broadcasting undertakings and the need to be sensitive to the administrative burden imposed by regulation. Moreover, the Act specifies that supervision and regulation must be carried out in a flexible manner that takes into account the nature, diversity, and size of broadcasting undertakings; that avoids obligations that do not contribute in a material manner to the implementation of the broadcasting policy; and that ensures that broadcasting undertakings that cannot make maximum or predominant use of Canadian creative and other human resources make the greatest practicable use of those resources.
14. Under paragraph 9.1(1)(e) of the Act, the Commission may make orders imposing conditions with respect to the presentation of programs and programming services for selection by the public, including the showcasing and the discoverability of Canadian programs and programming services, such as original French-language programs.
15. Paragraph 9.1(1)(h) of the Act allows the Commission to make orders requiring a person carrying on a distribution undertaking to carry, on the terms and conditions that the Commission considers appropriate, programming services specified by the Commission, that are provided by a broadcasting undertaking.
16. Paragraph 9.1(1)(o) of the Act allows the Commission to make orders imposing conditions for the provision to the Commission, by persons carrying on broadcasting undertakings, of any other information that the Commission considers necessary for the administration of this Act, including information related to programming and to audience measurement, other than information that could identify any individual audience member.

⁴ See section 6 of the Policy Direction.

⁵ See section 5 of the Policy Direction.

⁶ See subparagraphs 3(1)(d)(ii), 3(1)(d)(iii), 3(1)(d)(iii.1), 3(1)(d)(iii.3), 3(1)(d)(iii.5), 3(1)(d)(iii.6), 3(1)(i)(v), and 3(1)(q)(i), and paragraphs 3(1)(o), 3(1)(p), 3(1)(p.1), 3(1)(r), 5(2)(a), 5(2)(a.1), 5(2)(a.2), 5(2)(d), 5(2)(e), 5(2)(g), and 5(2)(h).

17. Subparagraph 11.1(1)(b.1) and subsection 11.1(2) of the Act allow the Commission to make regulations or orders respecting expenditures to be made by persons carrying on broadcasting undertakings for the purposes of supporting broadcasting undertakings offering programming services that, in the Commission's opinion, are of exceptional importance to the achievement of the objectives of the broadcasting policy set out in subsection 3(1) of the Act. Regulations or orders made under these provisions may provide that an expenditure is to be paid into any fund, other than a fund administered by the Commission. In addition, regulations or orders may provide for expenditures to be calculated according to any criteria that the Commission deems appropriate.
18. Finally, throughout this proceeding, the Commission has taken into account the needs and interests of OLMCs and the need to protect and promote the French language, consistent with the Commission's obligations under the *Broadcasting Act*, the *Official Languages Act*, and the Policy Direction. The Commission has also taken into account the needs and interests of Indigenous peoples. The Commission aims to harmonize the regulatory framework for the discoverability of Canadian and Indigenous programs and programming services with the broader policy initiatives that the Commission is currently considering as part of the ongoing co-development of an Indigenous Broadcasting Policy. The Commission will continue to consider these elements in its deliberations regarding the discoverability of diverse Canadian and Indigenous content.

Issues

19. After examining the record for this proceeding, the Commission considered the following issues:
 - how to create a framework to effectively support the discoverability of Canadian and Indigenous content and services;
 - how to ensure that this discoverability framework is reviewed and renewed over time;
 - how to address metadata requirements for audio-visual programming; and
 - how to ensure sustainable support for SEIs.

Discoverability of Canadian and Indigenous content and services

20. To succeed in the current, highly competitive broadcast environment, Canadian and Indigenous content and services need not only to be available, but also to reach their audiences by way of exposure. In order to do that, content and services need to be discoverable.
21. In the Notice, the Commission sought comments on current discoverability practices in both the traditional and online environments; on challenges for the discoverability of content and services; and on how it could encourage the discoverability of Canadian and Indigenous programming services across both broadcasting distribution undertakings (BDUs) and online undertakings, in both the English- and the French-language markets, and both domestically and internationally.

22. Broadcasting Notice of Consultation 2024-288 also sought comments on the discoverability and prominence⁷ of Canadian and Indigenous audio-visual content. That notice resulted in Broadcasting Regulatory Policy 2025-299, in which the Commission updated the definition of “Canadian program” and provided options that would enhance availability and discoverability both domestically and internationally.
23. The discoverability framework is intended to set out clear parameters and expectations for discoverability that apply to both audio and audio-visual content. However, the discoverability of audio content is also under consideration following Broadcasting Notice of Consultation 2025-52, and the Commission may make additional decisions related to discoverability of audio content through that process.
24. The Commission engaged Nordicity to prepare a third-party study⁸ examining how Canadian audio and video content, including sports and news, is found, promoted, and made visible in the traditional and online environments. The report resulting from that study was published after the record closed for this proceeding but will be considered on the record of the future tailored conditions of service proceeding.
25. The determinations set out in the following sections create a framework to support the discoverability of Canadian and Indigenous content and services. The framework will serve as the basis through which the Commission will establish, as conditions of service, specific, measurable commitments to discoverability. The sections below also include a non-exhaustive list of examples of the types of commitments broadcasting undertakings could make to improve discoverability.

Discoverability framework

26. Under the Act, broadcasting undertakings are expected to ensure the discoverability of Canadian and Indigenous content and services, and the Commission has the authority to impose discoverability requirements on such undertakings by way of conditions of service. Discoverability requirements may be related to both audio and audio-visual content and services, although the requirements for each are likely different given how content and services are distributed and promoted in the English- and French-language markets.
27. In its [Regulatory plan to modernize Canada’s broadcasting framework](#), the Commission announced that it will consult on tailored conditions of service to finalize individual requirements for broadcasting undertakings, including any relevant discoverability requirements. It is intended to be a clear, consistent process that reflects the different contributions that different platforms

⁷ Prominence is an aspect of discoverability and a term often used in reference to visibility on online streaming services.

⁸ This report is titled *Audience at the centre: Discoverability, Promotion, and Prominence of Canadian Content Across the Broadcasting System*.

can make to the broadcasting system, including commitments related to the discoverability of Canadian content and services.

Positions of parties

28. Interveners generally agreed that, in an increasingly competitive online environment, discoverability of Canadian and Indigenous content and services is essential, and that while it is important to ensure those content and services are available, availability alone is insufficient to ensure audiences can find or be exposed to such content.
29. Some domestic interveners⁹ supported enforceable discoverability requirements. Among those who supported such requirements were TLN Media Group Inc. (TLN) and the Shaw-Rocket Fund, who suggested such measures be implemented through regulatory measures tailored to traditional and online environments. The Independent Broadcast Group (IBG) proposed a principles-based approach to discoverability, with platform-specific obligations established through conditions of service or other orders. The Directors Guild of Canada (DGC) proposed that platforms be required to report to the Commission on their discoverability strategies, including how content is surfaced through recommendations and promotions.
30. Other interveners emphasized the importance of flexibility in requirements. Non-Canadian broadcasting undertakings generally opposed prescriptive discoverability obligations, arguing that they already take steps to make Canadian content discoverable on their platforms.¹⁰ They expressed the view that, if discoverability requirements are imposed, they would prefer to see those requirements tailored to each platform, rather than applied by way of general regulations. Rogers Communications Canada Inc. (Rogers) and Cogeco Inc. (Cogeco) generally opposed prescriptive rules and expressed a preference for market-driven and flexible approaches to discoverability. The Canadian Broadcasting Corporation (CBC) supported discoverability obligations but emphasized the need for a flexible implementation approach. BCE Inc. (Bell) expressed a preference for principles-based requirements over prescriptive rules.
31. In their interventions, the IBG and the Documentary Organization of Canada (DOC) proposed a funding mechanism for expenses related to promotion and discoverability. Other interveners, including the CBC and the DGC, submitted that while discoverability measures are important, they should not come at the expense of funding for content creation.

Commission's decision

32. The Commission has built a discoverability framework based on the following overarching outcome, which serves as a definition for discoverability: content and services are discoverable if

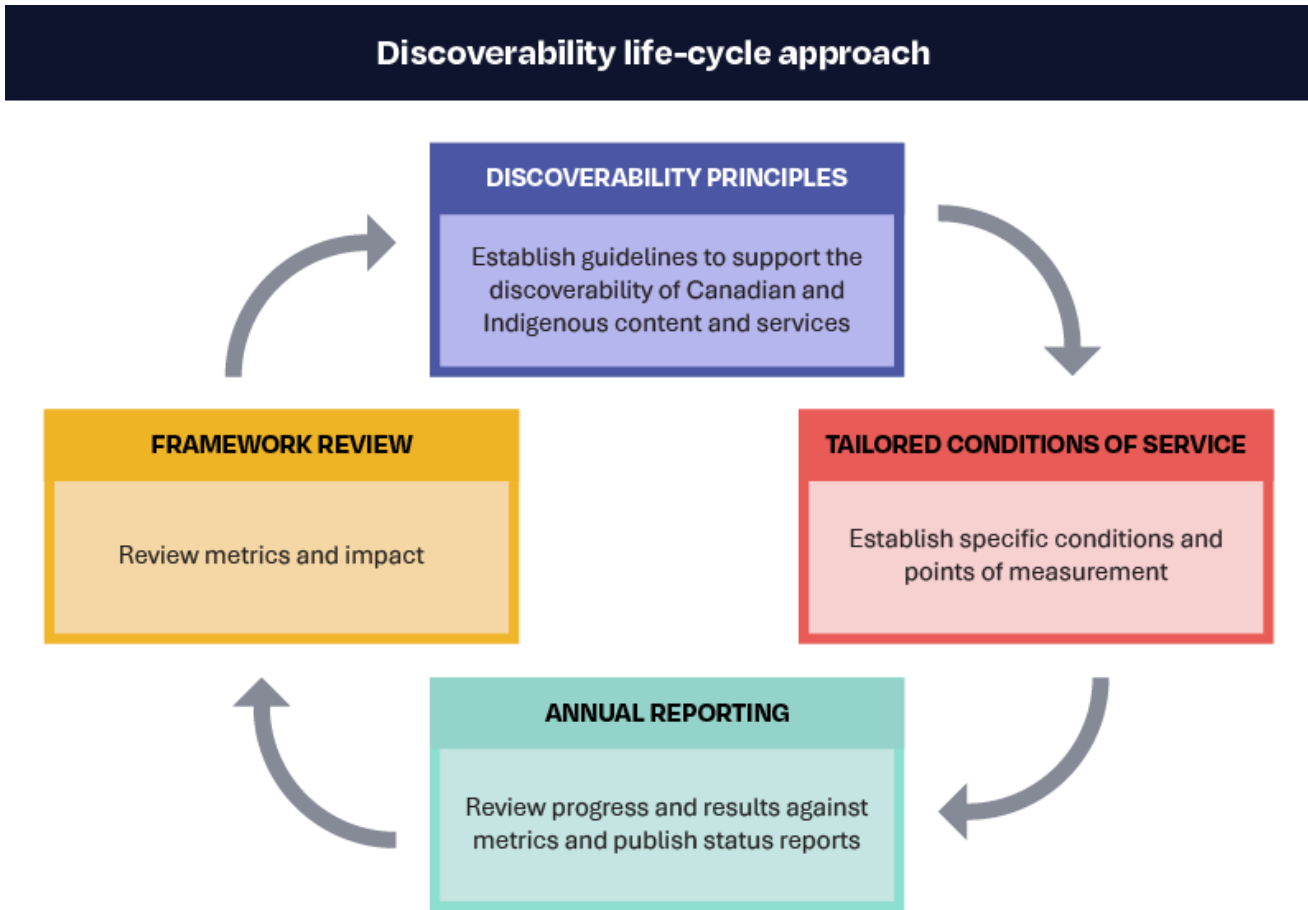
⁹ The Independent Broadcast Group (IBG), with support from its members, the Canadian Broadcasting Corporation (CBC), Société de télédiffusion du Québec (Télé-Québec), Accessible Media Inc. (AMI), the Ontario Educational Communications Authority (TVO), Unifor, and the Association québécoise de la production médiatique (AQPM).

¹⁰ Apple Canada Inc. (Apple), Spotify, Amazon Canada (Amazon), Roku Inc. (Roku), Motion Picture Association – Canada (MPA-Canada), and Netflix Services Canada ULC (Netflix).

they are made available and visible to audiences, including when an audience member is not actively seeking such content and services. The framework sets clear expectations for the discoverability of Canadian and Indigenous content and services while recognizing and reflecting the variety of ways in which content and services can be made available and the ongoing evolution of the broadcasting sector.

33. The Commission notes that there is no standardized, widely accepted methodology for measuring the availability and visibility of content and services on various platforms. Nor do all broadcasting undertakings rely on standard definitions to identify programs or audio tracks as Canadian, so content currently appearing in Canada-specific recommendations and playlists may not meet the regulatory definition of Canadian content or, in the case of audio-visual content, be certified as a Canadian program. Given this context, the Commission considers that it would be premature to impose standard industry requirements related to activities meant to improve discoverability, measurements to monitor discoverability, or discoverability targets to reach.
34. To ensure that broadcasting undertakings have guidance on and flexibility regarding how to address discoverability, the Commission is establishing a discoverability framework, which it will refine over time using a four-stage life-cycle approach, as described below:
 - (i) **Establishing the framework and discoverability outcomes:** In this regulatory policy, the Commission is establishing this framework and a set of broad outcomes (see Discoverability outcomes section below) that will guide its decision-making and provide guidance to broadcasting undertakings during future stages of the framework.
 - (ii) **Establishing specific commitments:** When establishing tailored conditions of service, the Commission will expect broadcasting undertakings to make concrete commitments demonstrating how they will deliver on the discoverability framework and achieve the expected outcomes. This expectation will include, among others, the commitment to measure discoverability activities and work towards establishing measurable, outcome-based discoverability targets. As an initial step, broadcasting undertakings will be expected to establish baseline measurements for discoverability and consumption on their platforms.
 - (iii) **Monitoring and reporting on commitments:** The framework aims to encourage and measure activities that will have a significant impact on the discoverability of Canadian and Indigenous content and services. It also recognizes that different business models may rely on different types of activities to achieve these outcomes or may warrant different measurements and targets. Broadcasting undertakings are expected to meet their commitments, and to monitor and report on how they have implemented their commitments and the effectiveness of their activities in improving the discoverability of Canadian and Indigenous content and services. Where the activities are not effective in improving discoverability, the Commission may adjust conditions of service to ensure that broadcasting undertakings are contributing to discoverability.

- (iv) **Periodic review:** The Commission will periodically review the effectiveness of discoverability commitments across the broadcasting sector and adjust the framework or principles if needed. At this stage in the life-cycle, the Commission may establish more specific or industry-wide requirements but may not need to impose any additional regulatory measures where discoverability targets are being fully met. It expects to conduct the first such review after three years of measurement and reporting.



Discoverability outcomes

35. The Commission is establishing broad expected outcomes related to discoverability. The outcomes are intended to set clear parameters regarding the discoverability of Canadian and Indigenous content and services and to provide guidance on specific commitments to be set for broadcasting undertakings under paragraph 9.1(1)(e) of the Act during the future tailored conditions of service proceeding. The examples of actions given in paragraphs 41 through 43 below are a non-exhaustive list of the types of commitments that broadcasting undertakings could

make, but they are not intended to limit a broadcasting undertaking's ability to find innovative options for making content and services discoverable on its platform.

36. The guidance is intended to foster a sustainable model for the discoverability of diverse Canadian and Indigenous content. Discoverability efforts should be made with both domestic and global audiences in mind. In today's market, fostering such a model will require cooperation from everyone in the broadcasting system, including creators and producers, programmers, distributors, and online undertakings, in both the audio and the audio-visual sectors. The Commission notes that the challenges facing discoverability may be different for English and French content, as well as for Indigenous content, and that the best approaches to discoverability may differ across different linguistic and cultural markets.

Positions of parties

37. Many interveners¹¹ proposed general principles for discoverability or specific measures that would support the discoverability of Canadian and Indigenous programs and services, and that could be implemented through conditions of service where appropriate. Proposed discoverability requirements included:

- prioritizing Canadian programs on landing pages, in search results, and in electronic program guides;¹²
- ensuring Canadian services are readily accessible and visible to Canadians on their devices, including through direct access buttons on remote controls;¹³ and
- enabling robust access to data to ensure transparency, accountability, and the ability to assess the effectiveness of promotion and prominence efforts.¹⁴

38. Several interveners¹⁵ suggested that certain services or types of programming should be given priority in terms of access, distribution, and/or prominence, including those currently subject to

¹¹ The IBG, with support from its members, the DGC, the CBC, Unifor, the AQPM, the Canadian Association of Broadcasters (CAB), the Canadian Media Producers Association (CMPA), Telefilm Canada (Telefilm), Aboriginal Peoples Television Network (APTN), Blue Ant Media Inc., the Writers Guild of Canada (WGC), the Alliance des producteurs francophones du Canada (APFC), the Association des professionnels de l'édition musicale (APEM), ACCORD, Stingray Group Inc. (Stingray), RNC MEDIA INC. (RNC Media), and Télé Inter-Rives ltée.

¹² The interveners who proposed these requirements included the IBG, with support from its members, TLN, the CBC, Unifor, the CAB, the News Forum (TNF), and the Office des télécommunications éducatives de langue française de l'Ontario (TFO).

¹³ The interveners who proposed these requirements included the CBC, Télé-Québec, AMI, TVO, the AQPM, the CMPA, Atlantic Digital Networks (Toon-A-Vision), and St. Andrews Community Channel / CHCO-TV (CHCO-TV).

¹⁴ The interveners who proposed these requirements included the CBC, Unifor, the AQPM, Telefilm, DGC, APEM, ACCORD, Anthem Sports and Entertainment (Anthem), and TFO.

¹⁵ Unifor, Télé-Québec, the Shaw-Rocket Fund, RNC Media, TNF, the Indigenous Screen Office (ISO), the DGC, Knowledge Network Corporation (Knowledge Network), WildBrain Television (WildBrain), and Toon-A-Vision.

9.1(1)(h) distribution orders under the Act, children's programming and services, and community services.

39. Discoverability is not strictly a function of online platforms. The IBG, with support from its members, noted that rules around packaging and channel placement are important elements of discoverability for their services on BDUs and that BDUs prioritize their own services over independent services. Unifor and the News Forum Inc. (TNF) suggested that news services, in particular, should be given priority placement on BDUs. Rogers, Bell, and Quebecor Media Inc. (Quebecor) submitted that these prominence rules reduce the flexibility of BDUs in designing service offerings to meet consumer needs and restrict their ability to compete in the marketplace.

Commission's decisions

40. The Commission expects everyone operating in the Canadian broadcasting system to take concrete steps to achieve the following outcomes:
- audiences have access to, and can easily find and consume, a full range of Canadian and Indigenous content and services, including in French, English, and Indigenous languages;
 - Canadian and Indigenous content and services are prominently presented and promoted to audiences; and
 - the availability, prominence, and consumption of Canadian and Indigenous content and services are transparently measured, as are the impact and effectiveness of the steps taken to improve those discoverability outcomes.
41. Access to content and services includes access to general interest content and services in both official languages and in Indigenous languages, to OLMC content, and to content and services that reflect Canada's regional and cultural diversity. Examples of actions that would support this outcome include:
- ensuring that diverse Canadian and Indigenous content is featured equitably in search results and that audiences can easily filter their recommendations and search results to find, for example, any content available in French or any original French-language content;
 - prominently featuring local, regional, and accessible programming, including news;
 - facilitating the installation, integration, and/or promotion of SEIs and local streaming apps and stations on smart TVs, set-top boxes, or other devices, so that they are easily available and visible to consumers;
 - investing in or providing support for technical upgrades to allow content and services to be made available through online platforms; and

- distributing¹⁶ and promoting Canadian content both domestically and internationally.
42. Canadian and Indigenous content and services, including SEIs, should be presented consistently when audiences are browsing through landing pages, recommendations, categories, carousels, and playlists. They should not be limited to Canada-specific silos and should be presented equitably in relation to other content and services, including content and services directly affiliated with the platform on which they are presented. Canadian and Indigenous services should be given visibility no less favourable than comparable non-Canadian services are given. This visibility includes placements in carousels, app stores, channel listings, and other areas where services or the content they offer are integrated. Examples of actions that would support this outcome include:
- including Canadian and Indigenous content, including content from SEIs, in appropriate general interest categories, playlists, or curated collections, not just in dedicated spotlight categories for Canadian or Indigenous content;
 - ensuring that Canadian and Indigenous services and the content they offer receive equitable access to prominent impressions (for example, through carousels, recommendations, featured content, advertising blocks, or similar placements);
 - making a percentage of prominent advertising impressions available to Canadian services, including on a low-cost basis to SEIs or those presenting local programming;
 - providing Canadian and Indigenous services with prominent and appropriate positions within electronic program guides; and
 - cooperating on marketing and promotion within the broadcasting system and in the broader cultural context, such as social media and music festivals, both within Canada and internationally.
43. Broadcasting undertakings must measure the availability and prominence of and engagement with Canadian and Indigenous content and services, using standardized metrics where possible. They must also implement metrics that measure not only the steps they have taken, but how their efforts affect the prominence of and engagement with content and services on their platforms. Information regarding discoverability should be shared with producers and programming service providers to improve availability and prominence of Canadian and Indigenous content and services. Examples of actions that would support this outcome include:
- recording the availability of Canadian and Indigenous content in the service's catalogue throughout the year, including the availability of content in French and Indigenous languages;

¹⁶ Where rights allow for international distribution.

- measuring the number of impressions for Canadian and Indigenous content and the click-through rate for those impressions;
- measuring the number of downloads and accesses of services through the platform;
- measuring the viewership and listenership for Canadian and Indigenous content on the platform (for example, streaming data on top tracks, viewing time, or viewing starts) and setting targets for viewership or listenership; and
- providing partners with information on referral paths for their content or services to allow them to determine the most useful avenues for promotion.

Metadata requirements for audio-visual programming

Issue

44. The Commission has established a framework for discoverability of Canadian and Indigenous content and services, with the intention to establish specific discoverability commitments as tailored conditions of service. In order to determine whether it is meeting the outcomes set out in the framework and the individual discoverability commitments, while also meeting the objectives of the Act, the Commission will need adequate baseline metrics.
45. There is currently no standard set of metrics used to track and report on the availability, discoverability, and consumption of content in the online streaming segment of the industry.
46. Furthermore, in discussing their current practices related to discoverability, some parties noted that they do not have access to complete, accurate metadata and/or that metadata may not be available on a timely basis. For audio-visual programs, the metadata would include information indicating whether a program is certified as Canadian content or whether content or services fall into other categories that may be the subject of discoverability requirements (for example, Indigenous, French-language, or OLMC content or services, or those that reflect Canada's regional and cultural diversity, including original French-language content).

Positions of parties

47. Many parties identified as a priority the need to improve metadata about Canadian and Indigenous programming and services. In their interventions, the Canadian Media Producers Association (CMPA), Apple Canada Inc. (Apple), and TELUS noted that although there are existing international metadata standards for audio-visual content (for example, International Standard Audiovisual Number [ISAN] and Entertainment Identifier Registry [EIDR]), there is not a trusted source linking those identification numbers to Canadian content certification status.

48. The CMPA noted that accurate metadata is a baseline requirement for access and discoverability. Several interveners¹⁷ indicated that they do not receive accurate metadata on certified Canadian programs and therefore make their own determinations regarding what to promote as Canadian. The Ontario Library Association noted that metadata gaps extend to multiple indicators, including those related to language, Indigenous content, and community-based programming.
49. WildBrain Television (WildBrain) noted the lack of standardization around metadata across BDUs and online streaming services, and highlighted that it requires material investments to address the varying needs of different systems.
50. Apple, Amazon Canada (Amazon), and Google LLC (Google) expressed the view that metadata obligations are potentially burdensome and advocated for keeping regulatory requirements to a minimum. While they indicated they would welcome access to better metadata, they emphasized the need for a flexible regulatory approach, given that they work with multiple international jurisdictions. They also expressed concern that certain metadata obligations could interfere with commercial relationships, and with negotiations and arrangements with rights holders. Despite its reservations, Amazon indicated that it would be willing to participate in an industry working group to develop consistent metadata standards.
51. Other interveners also submitted that accurate metadata flowing through the system could support larger reporting and data sharing initiatives and address information asymmetry within the industry, including for audience measurement,¹⁸ supporting fair negotiations involving content creators,¹⁹ and tracking market concentration and competitive dynamics as part of the Commission's regulatory oversight.²⁰ Telefilm Canada (Telefilm), the Association des professionnels de l'édition musicale (APEM), and On Screen Manitoba also emphasized that reporting and data sharing initiatives should address Indigenous, regional, French-language, and at-risk programming.

Commission's decision

52. The Commission considers that consistent access to accurate, complete, and timely metadata would help all broadcasting undertakings to direct their discoverability efforts for Canadian and Indigenous content and services and to adapt their offerings to meet audience demand. It would also help the Commission monitor the success of those efforts. Standard metrics around availability, discoverability, and consumption of content and services would also help the Commission monitor the health of the Canadian broadcasting industry.

¹⁷ Rogers, Apple, Amazon Canada (Amazon), and Google LLC (Google).

¹⁸ The IBG, with support from its members, the AQPM, CMPA, Stingray, Bell, Quebecor, On Screen Manitoba, and Ethnic Channels Group Limited.

¹⁹ The CMPA, the APEM, and the Association québécoise de l'industrie du disque, du spectacle et de la vidéo (ADISQ).

²⁰ The APEM, the ADISQ, Telefilm, and the Public Interest Advocacy Centre.

53. In the Commission's view, the industry requires a standardized approach to metadata and metrics, including technical elements such as definitions, calculations, and allowable values and process elements such as trusted sources of data and verification procedures.
54. Although there are existing international standards for audio-visual metadata, such as ISAN and EIDR, these standards are not used universally in Canada and do not include all the information required to support discoverability and measurement of Canadian and Indigenous content and services.
55. Many different organizations participate in generating, storing, sharing, verifying, or using metadata and metrics, including production companies, production funds, screen offices, programming services, broadcasters, distributors, and organizations whose mandates include certifying Canadian content, such as the Canadian Radio-television and Telecommunications Commission (CRTC), the Canadian Audio-Visual Certification Office (CAVCO), and Telefilm. Other organizations also work with metadata and metrics, such as international standards organizations and organizations that provide measurement tools and data to the industry.
56. With the above in mind, the Commission considers that a cooperative approach is needed to study and assess the current use of metadata and metrics within the industry and to develop standards for metadata and metrics. The Commission considers that a working group would be appropriate for developing a consensus on standards for metadata and metrics in the audio-visual sector. As such, the Commission intends to establish a working group for the broadcasting sector, focused on metadata and metrics for audio-visual content.
57. Metadata requirements for audio content are significantly different from those for audio-visual content and are not intended to be addressed through this working group. Issues related to audio metadata are a subject of Broadcasting Notice 2025-52, and the Commission may take steps to address metadata issues as a part of that proceeding. The Commission is also developing an open database to facilitate the identification of Canadian musical selections through a separate initiative.
58. The Commission currently uses working groups in the telecommunications sector, through the CRTC Interconnection Steering Committee (CISC). The administrative guidelines for CISC will provide a useful model for this working group, and the Commission intends to use them as much as possible for the metadata working group. CISC's administrative guidelines include relevant processes for task initiation, task work consensus reports, task impasse, dispute resolution, and the submission and publication of documents.
59. Participation in the working group will be voluntary and open to all interested parties, but the Commission expects relevant stakeholders to ensure that representatives with the relevant expertise actively participate in the processes and work quickly towards timely solutions to metadata issues.

60. The Commission will provide further details on the new working group and its initial assigned tasks in the near future.

Support for services of exceptional importance

Issue

61. Over the years, the Commission has required the mandatory distribution by BDUs of a limited number of Canadian programming undertakings that it considers to be of exceptional importance.²¹ These services contribute to the Canadian broadcasting system by providing news; programming with a focus on Indigenous communities, OLMCs, or accessibility; or other types of programming that help to achieve certain objectives of the Act that would be difficult to meet without the existence of these SEIs. Historically, these services were referred to as 9.1(1)(h) services.
62. In addition to being required to carry certain designated SEIs as part of their basic service by way of a broadcasting order, BDUs must, in most cases, pay each service a regulated wholesale rate²² (i.e., a fixed monthly fee per basic subscriber) set by the Commission. This model has historically generated stable, predictable revenue for SEIs in the traditional system, independent of ratings or advertising performance. The model enables these services to provide programming that by nature may be difficult to monetize, but that is nonetheless essential to ensuring a diversity of programming to the overall benefit of the Canadian broadcasting system.
63. SEI revenues are directly tied to a BDU's subscriber base. As many households shift their viewing online, BDU revenues and subscription numbers decline, as does the funding base for SEIs. As a result, SEIs are facing financial instability, which could limit their ability to meet their obligations and to continue to offer essential programming for Canadians. In addition, the current funding model places the financial burden of supporting SEIs solely on BDUs, which are themselves facing declining revenues.
64. Among the issues examined as part of this proceeding was the support for SEIs and, more specifically, the long-term sustainability of these services.

The current wholesale rate model for supporting SEIs and whether it remains appropriate

65. Over the last few years, programming undertakings operating in the traditional environment and BDUs have experienced a significant migration of their audiences and revenues online. Between

²¹ Pursuant to paragraph 9.1(1)(h) of the Act, the Commission can require a terrestrial or direct-to-home satellite BDU to carry programming services according to the terms and conditions specified by the Commission. When applying for mandatory distribution, services must demonstrate that their proposals would meet the criteria set out in Broadcasting Regulatory Policy 2010-629.

²² The wholesale rates are set in the distribution orders, as per paragraph 11 of Broadcasting Regulatory Policy 2010-629.

2022 and 2024, BDUs reported a revenue decrease of 13%.²³ In addition to revenue declines, over the same period, BDUs also reported a 6%²⁴ decline in the number of subscribers.

66. In the Notice, the Commission sought comments on whether the current supports for SEIs were still effective.

Positions of parties

67. Some interveners²⁵ submitted that the current wholesale rate model is no longer sufficient to sustain SEIs. They argued that declining BDU subscriptions and revenues have eroded the funding base on which SEIs depend, and that the Commission's inability under paragraph 9.1(1)(i) of the Act to impose compensation terms on online undertakings leaves a structural gap that commercial negotiations cannot fill.²⁶ Some interveners²⁷ noted that SEIs rely primarily on BDU wholesale fees, which are declining, while online undertakings are not subject to equivalent obligations under the current framework.

68. Many interveners²⁸ submitted, in varying terms, that the current model is no longer viable and that a new mechanism is required.

69. Aboriginal Peoples Television Network (APTN) agreed that a supplementary mechanism is needed for the online environment, while maintaining that the existing BDU wholesale fee structure should be preserved in the interim given its role in providing baseline funding stability.

70. BDUs generally shared reservations regarding any funding model that would require them to meet additional financial obligations for 9.1(1)(h) services without support from online undertakings. Cogeco argued that mandatory distribution already constitutes a substantial financial contribution and that BDUs should receive regulatory credit for wholesale costs paid for 9.1(1)(h) services.

Commission's decision

71. As BDU subscriptions continue to decline, the current model becomes increasingly untenable. Many SEIs have filed applications for wholesale rate increases in recent years,²⁹ citing a decline

²³ Total BDU revenues from \$7.421 billion in Broadcast Year 2022 to \$6.444 billion in Broadcast Year 2024 - Communications Market Reports - Open Data | CRTC, Data - BDU, U-T6.

²⁴ Total BDU subscribers from 9.639 million in Broadcast Year 2022 to 9.051 million in Broadcast Year 2024 - 2024 Distribution_Statistical and Financial Summaries.xlsx, CRTC Data – BDU.

²⁵ The IBG, with support from its members, AMI, Pelmorex Weather Networks (Pelmorex), Cable Public Affairs Channel Inc. (CPAC Inc.), TV5 Québec Canada (TV5), the Deaf Wireless Canada Committee (DWCC), and Friends of Canadian Media (FoCM).

²⁶ The IBG, with support from its members, Pelmorex, CPAC Inc., DWCC, and FoCM.

²⁷ The IBG, with support from its members, AMI, Pelmorex, CPAC Inc., TV5, DWCC, and Bragg Communications Inc. (Eastlink).

²⁸ The IBG, with support from its members, AMI, Pelmorex, CPAC Inc., TV5, DWCC, and FoCM.

²⁹ See Broadcasting Decisions 2026-90, 2026-71, 2026-66, 2024-314, and 2024-106.

in operating revenues due to the consumer shift to online platforms. These challenges suggest that the current wholesale rate model no longer provides predictable or sustainable funding. At the same time, the Commission recognizes that continuing to place the full burden of SEI support on BDUs is neither sustainable nor equitable, given the challenges they are facing.

72. Since SEIs provide programming that helps to achieve certain objectives of the Act that would otherwise be difficult to meet, the Commission considers that their long-term sustainability and financial stability should be supported equitably by various types of broadcasting undertakings, in a way that reflects their capacity to contribute.³⁰
73. The Commission notes that online undertakings play an increasingly important role in shaping what Canadians watch and how they discover content. The significant reach they have over Canadian audiences' attention makes their participation in sustaining SEIs essential to the integrity and equity of the Canadian broadcasting system. Therefore, the Commission considers that online undertakings should also contribute to the support of SEIs.

The most appropriate mechanism to support SEIs in the long term

74. In the Notice, the Commission sought comments on whether support for SEIs, such as mandatory distribution pursuant to paragraph 9.1(1)(h) of the Act, should be similar for both the traditional and online environments, or whether a different approach should be adopted in each case. Based on the comments received, the Commission considered what would be the most appropriate mechanisms to support SEIs in the traditional and online environments in order to ensure the long-term sustainability of these services.

Positions of parties

75. Of the interveners who addressed the question of financial support for SEIs, the majority favoured the establishment of a dedicated fund. Pelmorex Weather Networks (Pelmorex) noted the unusual breadth of this consensus, observing that it is rare for the Commission to hear such unanimous support from both broadcasters and BDUs for a single regulatory tool.
76. However, BDUs were generally aligned in their reservations regarding any funding model that would require them to meet additional financial obligations toward SEIs without support from online undertakings. Bell and Quebecor both recommended the creation of a dedicated fund, to which both BDUs and online undertakings should contribute to support SEIs.
77. Apple and the Motion Picture Association – Canada (MPA-Canada), expressed opposition to a fund, submitting that any fund-based mechanism or financial contribution obligation would be outside the scope of this proceeding and/or inconsistent with the Commission's authority

³⁰ "Capacity to contribute" will be based on broadcasting ownership groups' respective Canadian broadcasting revenues. See paragraph 87 below for details on the threshold.

regarding online undertakings. Apple and Amazon submitted that additional regulatory payments would reduce incentives to invest in Canadian content and would hinder innovation.

Commission's decision

78. The Commission has considered the various funding models proposed during this proceeding and has determined that the establishment of a dedicated fund to support SEIs would best serve the policy objectives of the Act and ensure the long-term sustainability of SEIs. SEIs serve the Canadian broadcasting system as a whole, and it follows that responsibility for their support should be shared equitably across various types of undertakings, including online undertakings, in a way that reflects their capacity to contribute. The Commission considers that a dedicated fund is the mechanism best suited to achieve this equity and to allow SEIs to fulfill their mandates without being overly exposed to the revenue volatility of only one segment of the industry.
79. The Commission is of the view that well-supported SEIs strengthen the range of choices available to Canadians, ensuring that Canadian options, including French-language content, Indigenous content, and content created by and for equity-deserving groups, OLMCs, and Canadians of diverse backgrounds, remain a meaningful part of the broadcasting system.
80. Regarding the legal concerns raised by some online undertakings, the Commission notes that the issue of support for SEIs was explicitly raised in the Notice and that parties to the proceeding had the opportunity to address the proposal for a fund. With respect to the Commission's jurisdiction to direct money to a fund, the Commission notes that, pursuant to section 11.1 of the Act, it has the jurisdiction to create regulations or make orders directing any broadcasting undertaking to contribute to a fund to support SEIs.

Structure and applicability of the fund

Positions of parties

81. Several interveners,³¹ emphasized that any fund that supports SEIs must be structured as a distinct mechanism and must not redirect or replace existing contributions to Canadian programming. The CMPA specifically opposed proposals of a fund to support SEIs by diverting existing Canadian Media Fund (CMF) contributions. The CMF urged that, should the Commission determine that new SEI funding mechanisms are appropriate, any such financial obligations should be imposed at the broadcasting ownership group level and should not be limited to BDUs and non-Canadian online undertakings.
82. Intervenors who addressed the question of financial support for SEIs³² generally proposed that a fund supporting SEIs should be funded by mandatory contributions from online undertakings

³¹ The IBG, with support from its members, Unifor, TLN, CMPA, CPAC Inc., TV5, and the Canadian Media Fund (CMF).

³² The IBG, with support from its members, Unifor, the CAB, AMI, TLN, Pelmorex, CPAC Inc., DWCC, FoCM, TV5, and the Canada Deaf Grassroots Movement.

under subparagraph 11.1(1)(b.1) of the Act, with fund allocations directed to SEIs. The IBG, with support from its members, submitted that allocations should initially be based on regulated wholesale fee revenues and market size, that the fund should support both programming and core operational costs, and that funding obligations should be established independently of distribution questions.

83. Bell, Cogeco, and TV5 Québec Canada (TV5) expressed the view that the current framework places a disproportionate burden on BDUs and should be adjusted, either by redistributing funding obligations across traditional and online undertakings or by recognizing existing wholesale payments made by BDUs for the distribution of SEIs as part of their contributions to Canadian programming.³³ In addition, Bell submitted that a fund-based solution should be imposed “off the top” of contributions from both BDUs and online undertakings, meaning that mandatory contributions to a fund supporting SEIs would be collected prior to determining other expenditure requirements, such as Canadian programming expenditures (CPE).
84. Accessible Media Inc. (AMI) deferred to the Commission for the determination of the key parameters of a potential SEIF, including contribution levels, given the Commission’s access to more granular financial data across the broadcasting system. Cable Public Affairs Channel Inc. (CPAC Inc.) recommended a follow-up proceeding to establish the fund’s modalities.
85. APTN and the Indigenous Screen Office (ISO) called for dedicated fund flows directed to Indigenous services operating under mandatory distribution orders. Although it supported a fund-based mechanism, APTN submitted that services should not be required to offer programming for free in exchange for access to the fund.

Commission’s decision

86. Interveners offered a range of views on how a fund to support SEIs should be structured and who should contribute to it. Based on the various proposals that were submitted, the Commission is of the view that a fund financed at the broadcasting ownership group³⁴ level by both traditional undertakings (BDUs and programming undertakings) and online undertakings in the audio-visual sector represents the most appropriate and forward-looking mechanism to ensure continued sustainability of SEIs, including support for their transition online.
87. The SEIF will be financed through mandatory contributions from all broadcasting ownership groups reporting \$100 million or more in Canadian revenues in the previous year. For the purposes of calculating this threshold, Canadian revenues shall include annual Canadian gross broadcasting revenues,³⁵ plus annual gross broadcasting revenues generated by exempt BDUs, less revenue derived from providing audiobook services, podcast services, or video game

³³ Under paragraphs 34 and 52 of the *Broadcasting Distribution Regulations*.

³⁴ As defined in Broadcasting Regulatory Policy 2024-121, “broadcasting ownership group” means a group of all operators that are affiliates of one another or, in the case of an operator that is not an affiliate of any other operator, that operator.

³⁵ As defined in Broadcasting Regulatory Policy 2024-121-1 and Broadcasting Order 2024-194.

services, and revenue associated with user-generated content. Broadcasting ownership groups meeting the \$100 million threshold will be required to contribute 1.55% of their Canadian audio-visual revenues from their programming undertakings, BDUs (licensed and exempt), and online undertakings³⁶ to the SEIF. The CBC has a unique role as Canada's public broadcaster and, given its unique mandate, it will not be required to contribute to the fund.

88. The Commission estimates that with a 1.55% contribution rate, the funding allocated to the fund will be comparable to current wholesale rate payments, with some flexibility to designate new SEIs in the future, as required. Contributions to the SEIF will form part of the broader CPE obligations for broadcasting ownership groups that will be subject to such obligations, which are detailed in Broadcasting Regulatory Policy 2026-96.
89. Given that the SEIF is designed to replace the existing funding model, only SEIs that currently benefit from distribution on the basic service and a mandated wholesale rate under paragraph 9.1(1)(h) of the Act will be those initially eligible to receive funding. Consequently, services whose distribution is mandated by a distribution order under paragraph 9.1(1)(h) of the Act will be ineligible for SEIF funding if that order does not currently specify a wholesale rate. Should the Commission modify the list of designated recipients in the future, only those services that will be designated at that time will receive SEIF funding.
90. With the establishment of the SEIF, BDUs will continue to be required to distribute SEIs pursuant to mandatory distribution orders,³⁷ but will no longer be required to pay wholesale rates to support these services. The Commission considers that, as a condition of receiving SEIF funding, SEIs should make their services available for distribution by BDUs and online undertakings without any wholesale rate attached to them.³⁸ Details regarding this condition will be considered during the implementation of the SEIF.
91. The Commission considers that relieving BDUs of the requirement to pay mandated wholesale rates, and extending the responsibility to support SEIs to all applicable broadcasting ownership groups, will reduce the financial burden currently held by most BDUs and create a more equitable funding structure for SEIs. This reduction in financial obligations is intended to support the continued viability of BDU operations and, by extension, the continuity of service to the subscribers who rely on them, including Canadians in rural, remote, and underserved communities, where BDUs remain the primary means of accessing broadcasting services.
92. In light of the above, the Commission finds that a fund, financed at the broadcasting ownership group level, is the most equitable approach to providing stable, structural, and predictable funding

³⁶ In the case of online undertakings, "revenues" refers to "Annual contribution revenues" as defined in Broadcasting Regulatory Policy 2024-121-1 and Broadcasting Order 2024-194.

³⁷ The distribution of SEIs by online undertakings will be considered in a future decision.

³⁸ Consistent with current broadcasting orders, licensed BDUs would continue not to be required to distribute SEIs unless the SEI or a third party, first, ensures the transmission of the service by any technological means available to the BDU's head end or satellite uplink centre, or to another location agreed upon by the BDU and the licensee, and, second, bears the costs of the transmission to the connection point.

for SEIs in the long term. The Commission considers that this approach distributes financial responsibility across all broadcasting ownership groups that benefit from Canada’s broadcasting system and that are best positioned to contribute—regardless of whether they operate programming undertakings, BDUs, or online undertakings in the audio-visual sector. At its core, the SEIF is more than a funding mechanism for individual services; it is a structural investment in the programming that makes meaningful contributions to the objectives of the Act. It ensures that Canadians have access to Canadian and Indigenous content in French and in Indigenous languages, and to content created by and for equity-deserving groups, OLMCs, and Canadians of diverse backgrounds. It sustains the distribution of that content into Canadian homes, while ensuring SEIs get the support they need to continue providing programming of exceptional importance to the achievement of the objectives of the Act and to successfully transition online.

Implementation of the SEIF

93. The Commission will consult on the implementation of the SEIF in the near future. The process of implementation will address matters such as the fund’s administration, governance structure, and accountability framework; funding allocation methods and eligibility criteria;³⁹ and the possibility of a periodic review mechanism.⁴⁰ As part of this process, the Commission also intends to amend, where appropriate, the *Broadcasting Distribution Regulations* and the exemption order for terrestrial BDUs serving fewer than 20,000 subscribers.⁴¹
94. The Commission may choose to review the criteria for assessing applications for mandatory distribution on the digital basic service⁴² in the future in order to ensure that the criteria are still appropriate. Eligibility for the SEIF by services currently designated under paragraph 9.1(1)(h) of the Act could be reviewed once revised criteria for mandatory distribution have been established and/or at the time of their respective licence renewal.
95. Until the Commission implements the SEIF and amends the distribution orders, BDUs will continue to be required to distribute SEIs under the existing orders. Therefore, the wholesale rates will continue to be maintained until the fund is operational and in a position to distribute the funds to the SEIs.

Conclusion

96. This regulatory policy is the first arising from the proceeding. To learn about further decisions as they are announced, follow the Commission’s [Regulatory plan to modernize Canada’s broadcasting framework](#).

³⁹ These criteria will include the requirement for SEIs to make their services available for distribution by BDUs and online undertakings at no cost.

⁴⁰ More specifically, the Commission will consult on whether a periodic review mechanism should be introduced to allow the fund to evolve, including adding services to or removing services from the list of SEIs eligible to receive funding.

⁴¹ Broadcasting Order 2017-320.

⁴² Established in Broadcasting Regulatory Policy 2010-629.

Secretary General

Dissenting opinion of Commissioner Bram Abramson

1. Consider the perfectionist children's tailor. She monitors fashion trends. She measures her customers carefully. Her work is painstaking. The coat is finally ready and beautifully made. But the child has already outgrown it. The tailor's failure is one of timing, not craftsmanship.
2. I concur in the majority's direction, which is careful and serious. It recognizes the dangers in intruding on changing business models, interfaces, recommendation systems, and forms of distribution and monetization. At the same time, it is not reducible to pious platitudes because it calls on undertakings to demonstrate concrete commitments, establish baseline measurements, and report on the effectiveness of their activities. That creates a sandbox that is both an opportunity and a credible constraint. Tailored conditions of service are coming, so be prepared to show us your work. This is regulation in the shadow of regulation.
3. Where I part company is narrower, but important. Audiences today have the online tools to research the most minute detail of a nearly-forgotten television episode identified only through fleeting recall of select episode details. A hummed melody or stray lyric can summon the long-lost catalogue history of obscure B-sides and last year's deep cuts alike. Yet those building the systems performing these feats have no data feed to label, and to communicate to users, which of these programs or songs are Canadian. We assign tasks like discoverability without having addressed this foundational gap. That is not, in my view, as it should be.
4. A coordination failure occurs when parties bear administrative burdens individually that could more efficiently be shared collectively. For years, radio and television undertakings have borne the costs of absent shared metadata infrastructures that would funnel fragmented labelling practices into common attribution schemas. Now we are on a path to enveloping large online audio and audio-visual undertakings in that environment. Yet, while the Regulatory Policy acknowledges that definitions remain inconsistent and methodologies unresolved, it continues to defer the standards work to resolve these uncertainties to later.
5. I dissent. Later is now. The Commission has the tools. What has been missing is the decision to use them. The challenge before the Commission is not scarcity of content, but abundance without shared legibility. Canadian creators no longer struggle only, or even primarily, to produce works. They struggle to remain visible, attributable, and strategically positioned within globally-intermediated systems optimized around a fluid economics of proprietary and shared data architectures. In that environment, metadata is not administrative exhaust. It is cultural and commercial infrastructure. The best time to begin building this shared infrastructure was years ago. With significant decisions still pending, the second-best time is today.
6. Rather than decide to provide further details in the future, I would therefore have immediately launched an action-oriented work program to ensure that, within months rather than years, the Commission and its stakeholders could put baseline facts on the record, develop draft schemas and common definitions, and maintain a standing process capable of resolving disputes around

interoperability, attribution, and comparability before tailored conditions begin to harden into regulatory practice.

Legibility infrastructure as present necessity

7. The majority decision sets out, and links together, a principles-based discoverability framework with the Commission's intent to launch an industry working group on metadata. There is no standard set of metrics to track and report on the availability, discoverability, and consumption of attributed content, so the Commission cannot yet know whether undertakings are meeting the outcomes set out in the framework or individual discoverability commitments. Instead, a lifecycle approach:
 - establishes broad outcomes in terms of principles, rather than measurable results;
 - defers specific commitments to future proceedings that will establish tailored conditions of service; and
 - expects undertakings themselves to monitor and report on implementation and effectiveness, presumably on their own terms.
8. Whether to establish industry-wide requirements, which is where comparable cross-provider metrics would presumably become relevant, is in this approach to be reviewed at a final stage of the lifecycle, following three years of measurement and reporting.
9. There is a gap here.
10. The absence of shared informational infrastructure is not a technical inconvenience. It risks undermining consistency, comparability, and reviewability across any future tailored conditions of service. If undertakings are assessed against materially different and often self-designed metrics, definitions, metadata structures, and reporting assumptions, then we risk moving from principled regulation towards idiosyncratic, platform-specific negotiations conducted on incompatible informational terms. That creates uncertainty for undertakings, complicates meaningful public accountability, and weakens the transparency and consistency that principled regulatory oversight requires. A framework that depends on measurement ought not defer the conditions that make measurement meaningful.
11. The category error that drives this risk is in treating metrics development and discoverability obligations as separate policy problems. In my respectful view, this is a mistake. Data governance and shared legibility infrastructure are not future policy. They are present institutional plumbing. The distribution, discovery, recommendation, metadata, and attribution layers where change is fastest are precisely those where the Commission can supervise least effectively, and assess least consistently, without shared informational rails. Platforms already understand their own data environments fluently, so shared schema and metadata standards do not function merely as

compliance machinery. They are interoperable rails that reduce informational asymmetries between platforms, creators, distributors, regulators, and the public.

12. The longer we delay building those rails, the more we risk falling into exactly the idiosyncrasy trap at the tailored conditions of service stage. Absent common shared informational infrastructure that could drive interoperable reporting assumptions, public policy becomes reactive to privately-governed informational architectures that neither creators nor regulators can meaningfully interrogate on common terms. Measurable commitments risk becoming non-comparable, reducing their value for oversight and accountability and replacing coherent governance with conceptual ambiguity and bilateral negotiation.
13. This creates a sandbox problem. The difficulty of comparing undertakings' approaches on consistent terms absent interoperable metrics, is only one face of the category error in which we treat legibility infrastructure as a parallel policy problem rather than a prior plumbing project. The other is reliance on tailored conditions of service themselves as the primary mechanism through which measurable commitments are reflected, refined, and adjusted. Once a residual category is established, hard problems will tend to drift towards it, threatening consistency now, predictability later, and fairness throughout. Tailored conditions should sit atop shared informational rules. They cannot substitute for them. That is why, in my view, what is wanted is a present work program, not the announcement of initial tasks that remain later to come.

Using the tools we have

14. Moving quickly but carefully means leaning into the machinery the Commission already possesses, rather than trying to invent new ones.
15. First, I would have requested, simultaneous with and recorded in the Regulatory Policy, the following information from a broad range of stakeholders whose responses would be submitted on the public record, subject to confidentiality claims, within 45 days:
 - a) If required to report on how audiences interact with Canadian content, as defined in Broadcasting Regulatory Policy 2025-299 (audio-visual content) and in subsection 2.2(2) of the *Radio Regulations* (audio content),¹ on which data fields would you rely from the following categories: (a) distinct to your platform, including data fields presented to those causing content to be ingested into your catalogue, and (b) generally available to market participants in shared industry databases?
 - b) Do you make regular use of standard data fields or metadata schema in relation to relevant cultural attributes other than Canadian content related to works you catalogue, including

¹ The majority has elected to leave data legibility questions relating to the audio sector to the audio policy proceeding initiated by Broadcasting Notice of Consultation 2025-52. While I agree that that proceeding is likely the better home for policy issues, the evident data and metadata coordination gaps in the audio sector would likewise have persuaded me to move immediately to actioning the audio sector's information infrastructure gap as a prior plumbing matter. The record on this proceeding is sufficient to do so.

Indigenous, French-language, affiliation with Black or other racialized communities or with Canadians of diverse ethnocultural backgrounds, socio-economic statuses, abilities and disabilities, sexual orientations, gender identities and expressions, or ages? If so, please identify the data field, schema, and schema steward.

- c) It may be appropriate for the CRTC to reformat its list of certified Canadian audio-visual programs² and, likewise, to invite other industry bodies to reformat their similar lists of certified audio-visual programs,³ in a common, machine-readable, structured data format that includes key fields so as to provide for easier content identification. Accordingly, please comment on the value added by routinely including two or more of the following key fields within such a format in order to assist in the process of qualifying certain audio-visual content as Canadian: (a) ISAN; (b) V-ISAN; (c) EIDR identifier; (d) EIDR Edit ID; (e) CRID (TV-Anytime); (f) Content ID (MovieLabs); (g) IMDb Title ID; (h) any other relevant metadata fields that the Commission should consider (including provenance).
- d) In the event the CRTC proceeded as described in the preceding question, assume the data would be published in a persistent machine-readable format accompanied by clear documentation. In that case, would you have a preference as to the format in which the data were presented (XML, JSON, RESTful API), or are all of relatively equal usefulness?

16. Prompt transposition of these RFI responses to the public record would create a basis for working groups to move forward, and against which to hold subsequent claims to account.
17. Second, while the majority acknowledges that the telecommunications sector's CRTC Interconnection Steering Committee (CISC), grounded in *CISC Administrative Guidelines* (Guidelines), will provide a useful model, I would have proceeded immediately to extend CISC to the broadcasting sector.
18. To be sure, not all CISC groups have proceeded efficiently in the telecommunications sector. Every standard-setting process risks becoming a site for delay and obfuscation. The standards-capture risk is real and inherent in any standard-setting process. Better-resourced interveners with sophisticated legal and compliance infrastructure are better-placed to shape the process in their favour. Less-resourced interveners face greater challenges in committing the resources and institutional capacity that sustained engagement requires over time. This public participation challenge is one that has been raised in another setting.⁴ Engagement from stakeholders intent on reaching a solution, and an incentive structure from the regulator that makes a negotiated solution a better result than the absence of one, are fundamental to success.

² [List of Canadian Programs Certified by the Commission](#).

³ [Canadian Film or Video Production Tax Credit Program \(CPTC—Certified Productions; Directories \(Telefilm\)\)](#).

⁴ Broadcasting and Telecom Notice of Consultation 2025-94, paragraph 11, Q10 (“Should funding be available for informal Commission activities that take place before or outside of formal Commission proceedings [for example, the CRTC Interconnection Steering Committee meetings, informal consultations, and roundtable meetings]? If so, which activities should be eligible for funding?”)

19. But a disciplined governance process that provides institutional coordination infrastructure, including Commission participation, oversight, and decision-making on consensus and non-consensus reports that CISC working groups submit to it, offers the best chance of avoiding these dangers.⁵ If stakeholders wish the Commission to move quickly, we must make use of what we have to continually move forward. Operationally, adding to CISC the broadcasting sector may consist of as few as two steps, which could have been undertaken in parallel to preparing the Regulatory Policy:

- a) Revise the Guidelines to rename CISC to “CRTC-Industry Steering Committee,” and include a Broadcasting Data Working Group (BDWG) with a two-sentence description in the Guidelines’ list of “Organization and Working Group Mandates” (Appendix 1). It may be preferable to add “Telecom” or “Broadcast” in brackets after the name of each group in this list, for clarity. Hence:

15. Broadcasting Data Working Group (Broadcasting).

The mandate of the Broadcasting Data WG is to undertake tasks related to standards and best practices for audio and audio-visual metadata legibility on matters assigned by the CRTC that fall within the scope of the CRTC jurisdiction. Specific tasks may be assigned by the CRTC or originated by the public. Upon completion, reports are forwarded to the CRTC for consideration.

- b) Appoint, via the CISC Steering Committee which provides CISC oversight, a staff member to act as initial chair of the BDWG and, in that role, to sit on the CISC Steering Committee itself (whose membership, like all CISC committees, is open). Because the format and culture of CISC groups would be new to broadcasting, it may be desirable also to assign an experienced CISC shepherd from the Commission’s Telecom sector as a co-lead to help guide on administrative and organizational matters for a limited period.

20. Third, having undertaken these changes, the Regulatory Policy would have tasked the BDWG CISC with six reports within three years. For each of the audio-visual and the audio sectors, the BDWG would have been tasked to report back on:

- a) attribution metadata, with BDWG’s report on audiovisual attribution due within 12 months of RFI publication, and on audio attribution due within nine months of Commission determinations as to a revised approach, if any, in defining “Canadian musical selection”;
- b) consumption metadata, with BDWG’s report due within 12 months of the previous report’s submission; and

⁵ See, by contrast, the Set-Top Box Working Group, which did not function with such an infrastructure: Broadcasting Regulatory Policy 2015-86, paragraphs 154-162, and Broadcasting Decision 2018-263, paragraph 113 (“Given the time that has elapsed since the formation of the STB Working Group, the Commission no longer considers it to be appropriate for that working group to proceed in the absence of firm deadlines.”).

c) availability and discoverability metadata, due 12 months after the above.

21. The tasking instructions would have underlined the need, within the attribution environment, for a registration approach for trusted data publishers to play a key role as potential custodians and authenticators of the personal information required to perform cultural attribute validation. They would have included the instruction to prioritize lightweight, interoperable schemas that leverage international standards and existing industry practice to the greatest extent possible. They would have recognized that, as in other CISC working groups that address Canadian implementations of evolving cross-border issues, a significant portion of the work may include review, validation, and endorsement as the Canadian standard of existing international standards.⁶
22. An initial BDWG meeting would follow. Task sponsors would be encouraged to step up and engage in dialogue with stakeholders. The work would proceed apace.
23. I recognize the competing risk the majority is attempting to manage. Premature standardization can lock in flawed assumptions and reduce flexibility before the ecosystem is sufficiently understood. That concern is legitimate, and the staged approach here is designed to respect it. But proceeding carefully and less than apace carries another risk: chasing after an environment that has already outgrown our process. The proposed request for information asks parties to describe their current metadata environments, identifier usage, attribution systems, and interoperability constraints. It does not require compliance with a final standard. The task process is versioned and revisable. At no stage does the proposal attempt to centrally engineer outcomes or freeze innovation. Rather, it seeks to ensure that when tailored conditions of service are ventured, they are built atop shared informational infrastructure. The risk of premature standardization is real. The risk of arriving at governance without shared legibility infrastructure is greater and, under our own lifecycle design, difficult to reverse. If stakeholders wish for the path forward to be travelled more quickly, this is what it looks like.

A sandbox without metrics is a beach

24. Canadian content can clearly compete in global markets. The Commission should not, and cannot, attempt to centrally manage culture in such an environment.
25. But the systems doing that finding cannot tell their audiences, or auditors, about key cultural attributes, starting with which works are Canadian. Nor can the creators behind that content rely on being surfaced as such. That is not a content problem. It is a coordination failure we have chosen, so far, to defer. Deferral is itself a decision that continues to shape, by inaction, the informational infrastructure that future tailored conditions will have to navigate. Neither should

⁶ The relationship between the Emergency Services Working Group – Telecom (ESWG-T) and North American Number Authority (NENA) standards, which it has variously endorsed, Canadianized, or both, is both instructive and recent in this regard.

the Commission continue to defer responsibility for those portions of the infrastructure that most closely contact the policy objectives of the *Broadcasting Act*.

26. The question is whether to begin to play a more mindful role in that evolution now, or to continue to watch the practical architecture of attribution and discoverability governance harden around the accumulated operational logic of other systems. A careful children's tailor measures before cutting, and re-measures as the child grows. The work of building shared informational infrastructure is that measurement. Without it, even the most carefully tailored framework risks arriving too late or fitting unevenly. The time to build our measuring tools is now.

Related documents

- *The Path Forward – Supporting the creation and distribution of Canadian programming in the audio-visual sector – Part 2 – A modernized framework for Canadian programming expenditures*, Broadcasting Regulatory Policy CRTC 2026-96, 21 May 2026
- *Canal M – Application to increase the mandatory per subscriber monthly wholesale rate*, Broadcasting Decision CRTC 2026-90, 15 May 2026
- *TV5/UNIS TV – Application to increase the mandatory per subscriber monthly wholesale rates*, Broadcasting Decision CRTC 2026-71, 22 April 2026
- *CPAC – Application to increase the mandatory per subscriber monthly wholesale rate*, Broadcasting Decision CRTC 2026-66, 13 April 2026
- *The Path Forward – Defining “Canadian program” and supporting the creation and distribution of Canadian programming in the audio-visual sector – Part 1 – Certification framework for Canadian programs, artificial intelligence, data collection and publication, and reporting requirements*, Broadcasting Regulatory Policy CRTC 2025-299, 18 November 2025
- *The Path Forward – Supporting Canadian and Indigenous audio content*, Broadcasting Notice of Consultation CRTC 2025-52, 20 February 2025
- *The Path Forward – Working towards a sustainable Canadian broadcasting system*, Broadcasting Notice of Consultation CRTC 2025-2, 9 January 2025
- *AMI-tv and AMI-télé – Application to increase the monthly per subscriber wholesale rates*, Broadcasting Decision CRTC 2024-314, 3 December 2024
- *The Path Forward – Defining “Canadian program” and supporting the creation and distribution of Canadian programming in the audio-visual sector*, Broadcasting Notice of Consultation CRTC 2024-288, 15 November 2024
- *The Path Forward – Supporting Canadian and Indigenous content through base contributions – Finalization of conditions of service*, Broadcasting Regulatory Policy CRTC 2024-121-1 and Broadcasting Order CRTC 2024-194, 29 August 2024
- *The Path Forward – Supporting Canadian and Indigenous content through base contributions*, Broadcasting Regulatory Policy CRTC 2024-121, 4 June 2024
- *Aboriginal Peoples Television Network Incorporated – Licence amendment and mandatory distribution order of the service across Canada*, Broadcasting Decision CRTC 2024-106 and Broadcasting Order CRTC 2024-107, 14 May 2024

- *Revised exemption order for terrestrial broadcasting distribution undertakings serving fewer than 20,000 subscribers*, Broadcasting Regulatory Policy CRTC 2017-319 and Broadcasting Order CRTC 2017-320, 31 August 2017
- *Criteria for assessing applications for mandatory distribution on the digital basic service*, Broadcasting Regulatory Policy CRTC 2010-629, 27 August 2010
- *Call for comments – A new approach to funding public interest participation in Commission proceedings*, Broadcasting and Telecom Notice of Consultation CRTC 2025-94, 12 May 2025
- *Renewal of licences for various terrestrial broadcasting distribution undertakings that will expire in August 2018 – Introductory decision*, Broadcasting Decision CRTC 2018-263, 2 August 2018
- *The Way Forward – Creating compelling and diverse Canadian programming*, Broadcasting Regulatory Policy CRTC 2015-86, 12 March 2015