



Broadcasting Regulatory Policy CRTC 2026-96

PDF version

References: 2024-288, 2024-288-1, 2024-288-2, 2024-288-3, 2024-288-4 and 2025-299

Gatineau, 21 May 2026

Public record: 1011-NOC2024-0288

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

Summary

As part of its broader regulatory plan to implement the modernized *Broadcasting Act* (the Act), the Commission launched a public consultation to modernize its definition of “Canadian program” in the audio-visual sector and to support the creation of Canadian and Indigenous content, including through a modernized Canadian programming expenditures (CPE) framework.

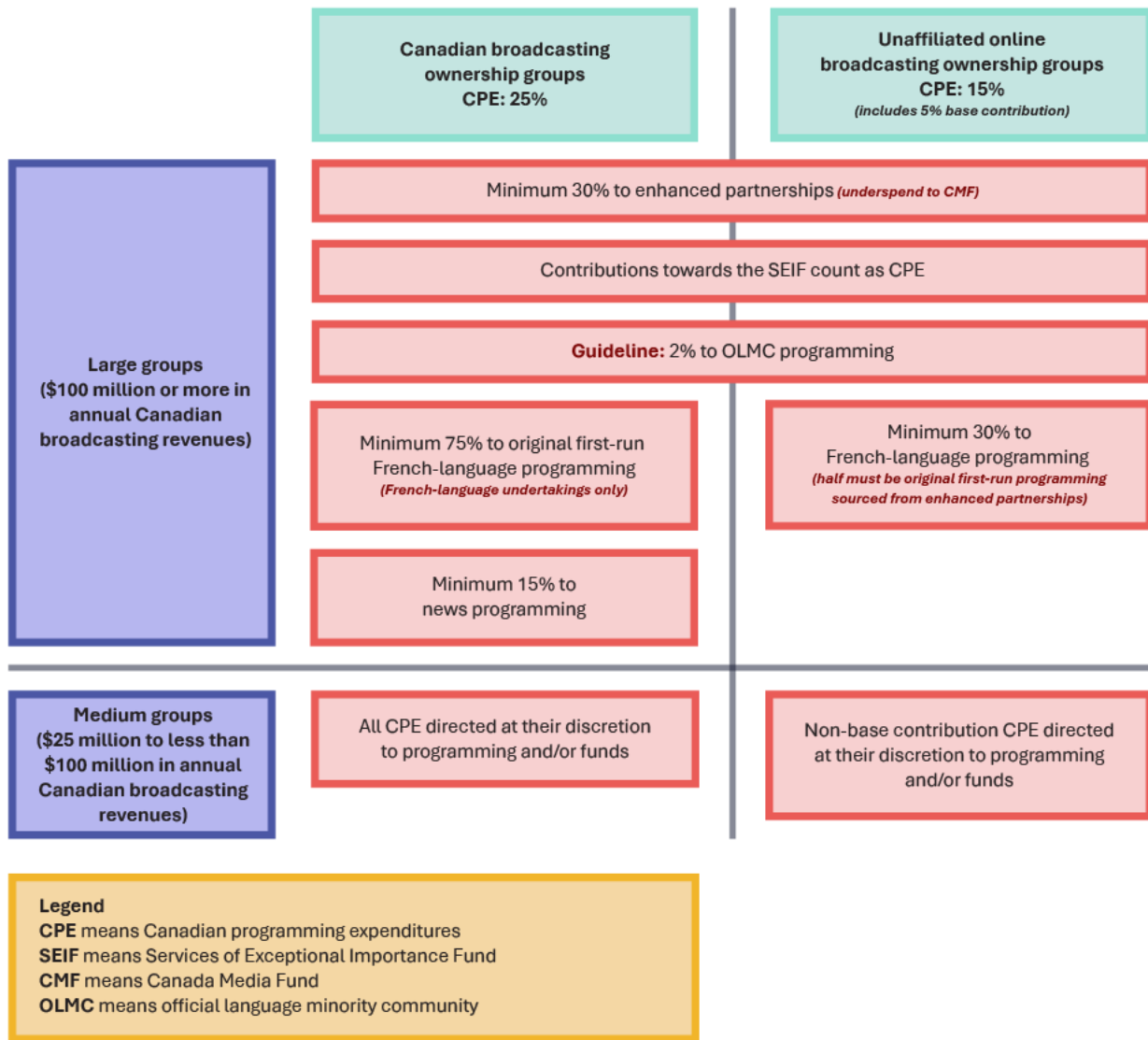
As part of this consultation, the Commission received 480 written submissions and heard from 78 appearing parties during a public hearing over a three-week period in May 2025.

On 18 November 2025, the Commission published its first decision resulting from that public consultation. The decision included a modernized definition of what constitutes a Canadian program.

Today, based on the public record, the Commission is issuing its second decision, which addresses the remaining issues and sets out a modernized and more equitable CPE framework. The framework will apply to private Canadian broadcasters (Canadian broadcasting ownership groups) and online streaming services (unaffiliated online broadcasting ownership groups) operating in Canada with annual Canadian broadcasting revenues of \$25 million or more. This means that those with revenues below that threshold will no longer be subject to CPE requirements, which will reduce the overall regulatory burden in the broadcasting system.

The modernized CPE framework sets clear thresholds and minimum requirements aimed at supporting the production of Canadian and Indigenous content and ensuring that such content is made available to Canadians across the country. It is designed to be equitable and flexible so that private Canadian broadcasters and online streaming services can contribute to the financial stability and sustainability of the Canadian broadcasting system through their CPE requirements. The graphic below summarizes the key elements of the framework.

Overview of the modernized CPE framework



Under this framework, private Canadian broadcasters will be required to contribute 25% of their annual Canadian broadcasting revenues to CPE, providing relief from their current requirements, which range from 30% to 45%. The CPE requirement for online streaming services will be 15%, which includes their 5% base contribution requirement established in Broadcasting Regulatory Policy 2024-121-1.

In terms of funding allocation, the Commission recognizes that private Canadian broadcasters and online streaming services have different business models, scale and reach, and their impact on the

Canadian broadcasting system varies largely depending on their size and economic footprint. As such, the Commission is of the view that the large private Canadian broadcasters and large online streaming services with annual Canadian broadcasting revenues of \$100 million or more are better suited than their smaller counterparts to make more significant contributions to certain key policy outcomes.

Accordingly, as part of their overall CPE contribution, large private Canadian broadcasters and large online streaming services with annual Canadian broadcasting revenues of \$100 million or more will be required to invest in French-language programming and programming made by official language minority communities (OLMCs), to help ensure support for the continued cultural vitality of these communities. Large private Canadian broadcasters will also be required to contribute at least 15% of their CPE to support Canadian news.

This decision sets, as a guideline, that all large private Canadian broadcasters and large online streaming services will devote approximately 2% of their annual CPE to OLMC programming. Large private Canadian broadcasters and large online streaming services will further be required to invest in production partnerships with Canadians that hold the majority of the copyright in the Canadian programming (referred to as “enhanced partnerships” in the graphic above), and contribute to a new fund for services of exceptional importance, which is established in Broadcasting Regulatory Policy 2026-95.

The Commission recognizes that medium private Canadian broadcasters and medium online streaming services with annual Canadian broadcasting revenues of at least \$25 million but less than \$100 million need greater flexibility to compete for audiences. That is why the Commission grants them full flexibility in how they want to allocate their CPE, to direct production expenditures and/or to funds, in the way that best aligns with their business models. Additionally, medium private Canadian broadcasters will be able to count up to 10% of their CPE toward spending on international marketing and the promotion of Canadian programs. This measured flexibility will help to ensure that Canadian programming remains visible and competitive in an increasingly global and digital marketplace, while supporting the participation of medium-sized players in the broadcasting system.

These requirements will be established for each affected private Canadian broadcaster and online streaming service through future proceedings on tailored conditions of service.

Today’s decision complements Broadcasting Regulatory Policy 2026-95, also published today, where the Commission addresses the discoverability of Canadian and Indigenous content and services, and support for services of exceptional importance.

Introduction

1. The *Online Streaming Act*, which amended the *Broadcasting Act* (the Act), requires the Commission to modernize the Canadian broadcasting framework and ensure that online streaming services make meaningful contributions to Canadian and Indigenous content.

2. As part of its work to implement the changes to the Act, the Commission required certain unaffiliated online undertakings¹ with annual contributions revenues of \$25 million or more to make base contributions to support the creation of Canadian and Indigenous content. These requirements were established in Broadcasting Regulatory Policy 2024-121-1.
3. Building on that decision on base contributions, the Commission launched a broad public proceeding through Broadcasting Notice of Consultation 2024-288 (the Notice) to modernize its definition of “Canadian program” for the audio-visual sector and the framework for expenditures that all audio-visual broadcasting undertakings (traditional and online) make toward this Canadian content.
4. Throughout this proceeding, the Commission was guided by the following objectives:
 - to better support and promote Canadian stories through audio-visual programming that makes use of Canadian creativity and other resources, including French-language, Indigenous and news content;
 - to facilitate flexible audio-visual Canadian programming and a financial support ecosystem that encourages a variety of productions, and a variety of business models and broadcast and distribution models;
 - to better recognize the role played by Canadian key creators in the creation, broadcast and distribution of audio-visual Canadian programming;
 - to foster a sustainable Canadian broadcasting system where Canadian creators are able to profit from their creations, including through intellectual property rights;
 - to further the exportability and discoverability of Canadian programming; and
 - to ensure that Canada’s diversity is reflected in the Canadian broadcasting system.
5. As part of the proceeding, the Commission published Broadcasting Regulatory Policy 2025-299 on 18 November 2025. That regulatory policy modernizes the Commission’s approach to the certification of Canadian content in a fast-changing broadcasting environment.
6. The present regulatory policy is the second of two resulting from the proceeding launched with the Notice. It lays out a modernized Canadian programming expenditure (CPE) framework and

¹ “Unaffiliated online undertaking” means online undertakings whose operator, regardless of national origin, a) is not a licensee; b) is not affiliated with a licensee; c) is not the operator of an exempt broadcasting undertaking pursuant to an exemption order that requires the undertaking to be licensable; d) is not a person operating, or affiliated with a person operating an undertaking as in a), b) or c). For greater clarity, this means operators subject to requirements reflected in Broadcasting Order 2024-194.

establishes CPE requirements for Canadian broadcasting undertakings² and unaffiliated online undertakings operating in Canada’s broadcasting system.

7. This modernized CPE framework creates an equitable, flexible and adaptable approach to the funding of Canadian audio-visual programming. The framework aligns with the Commission’s decisions outlined in Broadcasting Regulatory Policy 2025-299 to help ensure that meaningful partnerships between Canadian broadcasting undertakings, unaffiliated online undertakings, Canadian producers and non-Canadian elements of the Canadian broadcasting system are incentivized and supported by a regulatory framework that benefits Canadian audiences.
8. The CPE framework applies contribution requirements to certain Canadian broadcasting undertakings and unaffiliated online undertakings. In this regulatory policy, the Commission is not applying new contribution requirements on services that benefit from mandatory distribution orders issued under paragraph 9.1(1)(h) of the Act (9.1(1)(h) services), public broadcasting undertakings such as those owned by the Canadian Broadcasting Corporation (CBC), designated educational broadcasting undertakings, and community broadcasting undertakings. They also do not apply to broadcasting distributions undertakings (BDUs), and on-demand programming services operated by non-vertically integrated broadcasting groups.
9. Following the issuance of this regulatory policy, the Commission intends to consult on and establish orders containing tailored conditions of service for the broadcasting undertakings that operate in Canada.

Interventions

10. As part of this proceeding, the Commission received 480 written submissions and heard from 78 appearing parties during a public hearing over a three-week period in May 2025.
11. Parties to this consultation included Canadian and non-Canadian audio-visual undertakings, distributors, public broadcasters, private broadcasters, the creative and production sector, equity-deserving groups, groups representing official language minority communities³ (OLMCs) and Indigenous peoples, screen offices, public interest and research groups, and numerous individuals.

² “Canadian broadcasting undertaking” means broadcasting undertakings whose operator a) is a licensee; b) operates an exempt broadcasting undertaking pursuant to an exemption order that requires the undertaking to be licensable; or c) is an operator affiliated with a licensed or exempt broadcasting undertaking as in a) or b). For greater clarity, this includes online undertakings whose operator is not subject to requirements reflected in Broadcasting Order 2024-194.

³ As set out in the Act, “official language minority community” means “English-speaking communities in Quebec and French-speaking communities outside Quebec”.

12. The record of this proceeding also includes several applications⁴ received from Canadian broadcasters that operate under the group-based approach to the licensing of private television services⁵ (the applicants) and have sought relief in regard to their CPE requirements and/or programs of national interest (PNI) expenditure requirements. The Commission's determinations set out in this regulatory policy address many of the issues raised by these applicants.

Legal framework

13. The *Online Streaming Act* came into force on 27 April 2023 and made significant changes to the *Broadcasting Act*. Those changes require the Commission to modernize the Canadian broadcasting framework and ensure that Canadian and non-Canadian audio-visual broadcasting undertakings, including online undertakings, contribute to the Canadian broadcasting system by, among other things, investing in Canadian and Indigenous audio-visual content.
14. On 9 November 2023, the Government of Canada issued [*Order Issuing Directions to the CRTC \(Sustainable and Equitable Broadcasting Regulatory Framework\)*](#) (the Policy Direction). Among other things, the Policy Direction emphasizes the need to support Canadian and Indigenous content and ensure equitable contributions by all players that are tied to clear objectives.
15. Under the Act, the Commission must regulate and supervise the Canadian broadcasting system in a flexible manner that takes into account the diversity of Canadian society, including the regions, languages, cultures, abilities, and circumstances of the people and businesses that contribute to, benefit from, and make use of the Canadian broadcasting system. The Commission must regulate with a view to implementing the broadcasting policy and regulatory policy set out in subsections 3(1) and 5(2) of the Act, respectively.
16. As set out in the broadcasting policy for Canada, each broadcasting undertaking must contribute in an appropriate manner to implementing broadcasting policy objectives (paragraph 3(1)(a.1) of the Act). These objectives include the creation, production and provision of Canadian and Indigenous content in Canada's two official languages, including content produced by and for OLMCs, as well as in Indigenous languages (paragraph 5(2)(e)). The Act also includes the need to support the production and broadcasting of original French-language programs (subparagraph 3(1)(d)(iii.2)).
17. Each Canadian broadcasting undertaking must employ and make maximum use of Canadian creative and other human resources in the creation, production and presentation of programming, where practicable in regard to the nature of the service provided by the undertaking (paragraph 3(1)(f) of the Act). "Foreign" online undertakings' particular contribution includes making the

⁴ Rogers Communications Canada Inc. ([2023-0373-3](#)), Bell Media Inc. ([2023-0379-1](#) and [2023-0380-9](#)), Quebecor Media Inc., on behalf of TVA Group Inc. ([2022-0986-6](#)), Corus Entertainment Inc. ([2022-0946-0](#)) and Blue Ant Media Inc. ([2024-0385-6](#)).

⁵ See Broadcasting Regulatory Policy 2010-167.

greatest practicable use of Canadian creative and other human resources, and contributing in an equitable manner to the creation, production and presentation of Canadian programming, taking into account the linguistic duality of the market they serve (paragraph 3(1)(f.1)). Further, the Act (paragraph 5(2)(a.1)) and the Policy Direction require the Commission, when regulating the Canadian broadcasting system, to take into account the nature and diversity of services provided by broadcasting undertakings, along with their size and impact on the Canadian creation and production industry.

18. The Commission is also required, under section 5.1 of the *Broadcasting Act* and section 41 of the *Official Languages Act*, to take actions to enhance the vitality of OLMCs in Canada and support and assist their development.
19. Subsection 9.1(1) of the Act allows the Commission to make orders imposing various conditions on the carrying on of broadcasting undertakings for the implementation of the broadcasting policy set out in subsection 3(1). Section 11.1 allows the Commission to require persons carrying on broadcasting undertakings to make expenditures on, among other things, developing, financing, producing or promoting Canadian and Indigenous programs, training Canadian creators, and supporting broadcasting undertakings that offer services of exceptional importance to the achievement of the objectives of the broadcasting policy for Canada.
20. In exercising this authority, the Commission is guided by the Policy Direction, including sections 4 (support for Canadian programming), 8 (flexible and adaptable regulatory framework), 12 (regulations and orders) and 14 (engagement with, notably, Indigenous peoples and partners, broadcasters and creators, and support to Indigenous broadcasting undertakings). These provisions direct the Commission to ensure equitable financial and non-financial contributions, support a flexible and adaptable regulatory framework, minimize regulatory burden where appropriate, and ensure that expenditure requirements are clear, proportionate, regularly reviewed, and responsive to the diversity of broadcasting services.

Current frameworks for contributions to Canadian programs

21. Expenditures made on Canadian programming are a cornerstone of the audio-visual regulatory framework that delivers well-financed, varied and comprehensive Canadian programming to Canadian audiences.
22. Under the current CPE framework, generally, Canadian broadcasting ownership groups, some of which include distribution undertakings, must each year devote a minimum percentage of their gross revenues derived from Canadian broadcasting activities in the previous broadcast year to Canadian programming. The required contribution levels and the recipients of those contributions vary depending on the nature, size and role of broadcasting undertakings and the groups they form part of in the broadcasting system. Contribution requirements may involve expenditures for the acquisition of or investment in specific types of programs, or expenditures toward eligible production funds.

23. In addition to setting contribution levels, the current framework directs spending toward areas of what has been considered distinctly in need, such as expenditures on PNI, independent production, and original French-language programming.
24. Further, the Commission currently ensures that CPE and other programming related expenses are distributed throughout the Canadian broadcasting system:
- most local television stations have expenditure requirements for locally reflective and locally relevant news;⁶
 - BDUs⁷ must allocate 5% of their annual gross revenues derived from broadcasting activities to initiatives supporting Canadian programming. These include contributions to the Independent Local News Fund (ILNF), certified independent production funds (CIPFs) and the Canada Media Fund (CMF);
 - on-demand services must contribute 5% of their gross annual revenues to existing Canadian independent production funds,⁸ like a CIPF and the CMF; and
 - certain unaffiliated online undertakings must contribute 5% of their annual contributions revenues to certain funds, including the CMF, CIPFs and the ILNF.⁹

Toward a modernized CPE framework

25. The present regulatory policy modifies the CPE requirements for Canadian broadcasting undertakings and for unaffiliated online undertakings. The present regulatory policy does not modify the contributions made by 9.1(1)(h) services, public broadcasting undertakings such as those owned by the CBC, designated educational broadcasting undertakings, and community broadcasting undertakings. It also does not apply to BDUs and on-demand services operated by non-vertically integrated broadcasting groups, which are discussed in greater detail below. Any changes to their requirements will be considered at the time of the examination of their respective conditions of service.
26. In this regulatory policy, the Commission is mindful of the changing landscape of the Canadian broadcasting system. In the Commission's view, the funding that underpins the Canadian broadcasting and production system cannot and should not rest entirely on Canadian broadcasters. Further, Canadian broadcasters require additional flexibility to target their investment in the

⁶ "Locally reflective news" refers to programming that meets the criteria set out in paragraphs 56 to 58 of Broadcasting Regulatory Policy 2016-224.

⁷ That is, all licensed BDUs, as well as exempt BDUs serving more than 2,000 subscribers, regardless of whether they operate as part of a larger ownership group.

⁸ As set out by condition of service in the appendix to Broadcasting Regulatory Policy 2017-138.

⁹ Pursuant to Broadcasting Order 2024-194, set out in the appendix to Broadcasting Regulatory Policy 2024-121-1.

Canadian broadcasting system to ensure that their financial contributions make the greatest difference and impact.

27. At the same time, unaffiliated online undertakings – often referred to as “streamers” as they provide streaming services over the Internet and are not tied to Canadian broadcasters –, particularly those that derive significant revenues in Canada, form an important part of the Canadian broadcasting system. More and more, audiences consume content made available by these unaffiliated online undertakings. This has caused marked shifts in viewing and spending habits that highlight the crucial role that these undertakings must now play in ensuring that the objectives outlined in the Act are met. The Commission is mindful of the importance of ensuring that their contributions to the Canadian broadcasting system are equitable, though not necessarily equal to those of Canadian broadcasters.
28. The Commission has tailored the application of its framework to take into account the size of the various types of broadcasting undertakings (which includes Canadian broadcasting undertakings and unaffiliated online undertakings) in the Canadian broadcasting system and their presence in both the English- and French-language markets. The application of the framework also takes into account the nature of the services offered by broadcasting undertakings and their ability and suitability to ensure that certain public policy objectives are met. The Commission will weigh these factors against the amount each of these elements should contribute and the manner in which they direct those contributions. It has also considered the size of the various broadcasting undertakings operating in Canada and how their size can and should affect the amount, style and flexibility of the contributions they should make.

Issues

29. After examining the record for this proceeding, the Commission considered the following issues in regard to a modernized CPE contribution framework:
 - how to apply the modernized CPE framework to broadcasting undertakings;
 - how to establish a tailored and more equitable approach to setting CPE allocation requirements;
 - how to provide targeted regulatory support to certain program genres and independent producers; and
 - other matters.

Application of the modernized CPE framework to broadcasting undertakings

30. The Canadian broadcasting system includes a wide array of broadcasting undertakings that vary significantly in size, scope and mandate. From large-scale national networks and private commercial broadcasters to smaller independent services, the system accommodates a vast

spectrum of players. A modernized CPE framework must ensure that expenditure requirements are proportional to their objectives, equitable, flexible, and adaptable, and applied in a proportionate fashion on all players in the Canadian broadcasting system.

Broadcasting ownership group approach

31. In the Notice, the Commission expressed the preliminary view that an updated framework for expenditures on Canadian programming should apply a broadcasting ownership group approach, such as that used for base contributions as set out in Broadcasting Regulatory Policy 2024-121.

Positions of parties

32. A number of interveners opposed the Commission's preliminary view. For example, the Motion Picture Association – Canada (MPA-C) submitted that whether and how online undertakings should contribute should be determined on the basis of the individual broadcasting undertakings and not at the ownership level. AMC Networks Inc. (AMC) and Apple Canada Inc. (Apple) raised concerns about scale and business-model differences, with AMC submitting that undertakings below the threshold should remain exempt even if part of a larger group. Apple submitted that CPE requirements should reflect the distinct business models of different undertakings and ownership groups.
33. Canadian broadcasting ownership groups including BCE Inc. (BCE), Rogers Communications Inc. (Rogers), and Quebecor Media Inc. (Quebecor) supported a broadcasting ownership group approach for CPE, citing their need for greater flexibility and alignment with evolving corporate structures. Quebecor favoured including online undertakings in such groups, while BCE maintained that revenues from affiliated online services should be excluded. TELUS Communications Inc. (TELUS) did not oppose a group approach to CPE, provided requirements were not extended to affiliated online services or third-party aggregators. Apple and other interveners also supported a group approach, noting that it accommodates diverse business models and extends existing flexibility to unaffiliated online undertakings subject to CPE requirements.
34. The Canadian Media Producers Association (CMPA) submitted that a modernized framework should also include broadcasters' affiliated online undertakings. It noted that broadcasters now operate as multiplatform providers with significant online revenues and argued that excluding online revenues would not reflect current realities or advance objectives of the Act.

Commission's decisions

35. In Broadcasting Regulatory Policy 2010-167, the Commission set out a group-based approach to the licensing of private television services. Under that approach, the Commission determined that for large private ownership groups, requirements would be set at the group level rather than at the undertaking level.

36. Since the introduction of Broadcasting Regulatory Policy 2010-167, the Commission has issued various licensing and renewal decisions based on this group-based approach and has reiterated the appropriateness of the approach in recent regulatory policies.¹⁰ Under the modernized Act, the Commission has more flexibility to impose contribution requirements on all, some or specific persons carrying on broadcasting undertakings (operators¹¹), rather than conditions on undertakings specifically.
37. The Commission is of the view that adopting a broadcasting ownership group approach for a modernized CPE framework is in line with the *Online Undertakings Registration Regulations* and the *Broadcasting Fees Regulations*. More importantly, it ensures regulatory consistency with the base contribution framework set out in Broadcasting Regulatory Policy 2024-121 and with the approach relating to data collection and publication that the Commission adopted in Broadcasting Regulatory Policy 2025-299.
38. The record for this proceeding largely supports a CPE framework that provides groups and/or undertakings with the flexibility and adaptability they need to meet their regulatory requirements. Recognizing the importance of the ability for these groups to plan and manage their overall CPE requirements at the group level, rather than for each individual service or undertaking, ensures that investments can be targeted to fit audience demand, respond to a competitive landscape, and adapt as needs change. A broadcasting ownership group approach is also more adaptable to the scale of the various broadcasting groups.
39. Based on the above, the Commission determines that the modernized CPE framework will establish CPE requirements at the broadcasting ownership group level, for the purposes of applying the modernized CPE framework.
40. In practice, this means that Canadian broadcasting ownership groups¹² and unaffiliated online broadcasting ownership groups¹³ (jointly referred to as “broadcasting ownership groups”) will have full flexibility as to how they allocate their CPE to meet their requirements. A given group will be able to choose which of its traditional services (such as over-the-air [OTA] television stations and discretionary services, including news and sports services) and/or online services will contribute to meeting its CPE requirements, in a way that is adaptable to its business model and without limitations. For vertically integrated groups with both programming and distribution undertakings, this includes their on-demand services as well. One exception is for on-demand

¹⁰ In particular, in Broadcasting Regulatory Policy 2024-121 for the purposes of base contributions and Broadcasting Regulatory Policy 2025-299 for the purposes of data collection and publication.

¹¹ As defined in Broadcasting Order 2024-194, “operator” means a person that carries on a broadcasting undertaking to which the Act applies.

¹² “Canadian broadcasting ownership groups” are broadcasting ownership groups comprised of Canadian broadcasting undertakings as defined at paragraph 6.

¹³ “Unaffiliated online broadcasting ownership groups” are broadcasting ownership groups comprised of unaffiliated online undertakings as defined at paragraph 2.

services affiliated with independent BDUs. As discussed later in this regulatory policy, special consideration for these services is made to ensure that they contribute in an equitable manner that is proportionate to their impact on the broadcasting system.

41. For the purposes of the modernized CPE framework, the Commission adopts the definition of “broadcasting ownership group” set out in Broadcasting Order 2024-194.¹⁴ This includes both Canadian broadcasting ownership groups and unaffiliated online broadcasting ownership groups.

Revenue threshold for the application of CPE requirements

42. Revenues are an important determinant of when and how much a broadcasting ownership group should contribute to meeting the policy objectives of the Act. In the Notice, the Commission expressed the preliminary view that broadcasting ownership groups that have \$25 million or more in annual Canadian gross broadcasting revenues less excluded revenue (as defined in Broadcasting Regulatory Policies 2024-121/2024-121-1), either individually or as part of a broadcasting ownership group if applicable, should be required to make CPE.

Positions of parties

43. Several interveners¹⁵ supported a \$25 million threshold for triggering CPE requirements. Many emphasized the need consistency and proportionality in contribution requirements regardless of the revenue threshold.
44. The MPA-C and Amazon, among others, submitted that a \$25 million threshold risks capturing small or niche services that do not independently meet the threshold, which would not adequately reflect investment realities or the diversity of the broadcasting market. The MPA-C expressed its preference for a higher, \$50 million threshold applied at the individual undertaking level. It noted that doing otherwise would unfairly regulate thematic and niche online services that are owned within larger groups but do not individually generate significant revenue. Roku, Inc. (Roku) proposed a progressive regulatory regime in which CPE requirements would apply only to online undertakings with over \$50 million in annual Canadian broadcasting revenues, with requirements to be phased in as platforms grow larger.
45. Other interveners supported a lower threshold. For example, Quebecor and the Association québécoise de la production médiatique (AQPM) submitted that requirements must be equitable and proportional to a group’s size while minimizing regulatory burden. Quebecor proposed that the framework include a \$10 million individual undertaking threshold and a \$25 million group

¹⁴ “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”. “Operator” and “affiliate” have the same meanings as in Broadcasting Order 2024-194.

¹⁵ Such as Blue Ant Media Inc., the Canadian Association of Broadcasters, the Writers Guild of Canada (WGC), the CMPA, Channel Zero Inc. and the Independent Broadcasters Group.

threshold. The AQPM similarly noted that a lower \$10 million threshold would better reflect the realities of the Quebec production market and ensure greater contributions to the system.

46. Certain interveners, such as the MPA-C and Apple, stated that hybrid video-on-demand (HVOD) undertakings should not be excluded from CPE requirements given that they operate as online undertakings and compete directly in the same audio-visual market as other online undertakings.

Commission's decisions

47. When it issued Broadcasting Regulatory Policy 2024-121-1 and Broadcasting Order 2024-194, the Commission set a base contribution requirement for certain unaffiliated online undertakings that targeted areas of immediate need. This base contribution requirement applied to unaffiliated online undertakings that are part of a broadcasting ownership group whose annual Canadian gross broadcasting revenues less any excluded revenue amounted to \$25 million or more in Canada (Canadian revenues). The Commission indicated that in its view, this approach would capture the largest broadcasting ownership groups operating in Canada and ensure that they contribute in a way that is commensurate with the place they occupy and the role they play in the system. It also indicated that this approach would ensure that smaller players can continue to operate without having contribution requirements.
48. The present regulatory policy ensures that CPE are proportional, appropriate, and equitable relative to each broadcasting ownership group's impact on the Canadian broadcasting system, while minimizing regulatory burden for smaller groups.
49. Based on the above, the Commission determines that CPE requirements in any given year will apply to all broadcasting ownership groups with annual Canadian gross broadcasting revenues,¹⁶ less excluded revenue, of \$25 million or more. The broadcasting ownership groups that do not meet that threshold have a lesser impact on the broadcasting system, and as such will not be required to make such expenditures. This will also reduce the overall regulatory burden in the broadcasting system.
50. The Commission notes that revenues associated with exempt undertakings fall within the definition of excluded revenue. Presently, this includes revenues of HVOD undertakings, since they operate under an exemption order.¹⁷ HVOD undertakings are generally considered hybrid because they are offered on BDU platforms and are streamed as stand-alone online undertakings (i.e., without requiring a BDU subscription).
51. HVOD undertakings are functionally online undertakings. Considering their potential footprint in the broadcasting system, the Commission is of the preliminary view that the modernized CPE framework should apply to undertakings that currently operate under the HVOD undertaking

¹⁶ As defined in Broadcasting Order 2024-194.

¹⁷ See section C of Appendix 2 to Broadcasting Regulatory Policy 2023-331.

exemption order. The Commission is also of the preliminary view that it should repeal the part of the exemption order applicable to HVOD undertakings set out in Appendix 2 to Broadcasting Order 2023-331 and make consequential amendments to other orders or regulations to ensure that Canadian revenues from those undertakings are fully captured, where appropriate. The Commission intends to launch a public proceeding on these matters in the near future.

CPE contribution levels

52. Not all broadcasting ownership groups have the ability to make the same types of investments in Canadian programming. Historically, the Commission has imposed requirements based on broadcasting ownership groups' size, scale and resources.
53. As part of this proceeding, the Commission examined how to ensure that all audio-visual broadcasting undertakings contribute equitably to the creation of Canadian programming. It sought comments on an appropriate level(s) of contributions, whether Canadian broadcasting ownership groups and unaffiliated online broadcasting ownership groups should have similar or different requirements, and how requirements can be equitable and respect varying business models.

Positions of parties

54. Several interveners¹⁸ proposed a minimum CPE requirement of 30% for all broadcasting ownership groups. The CMPA submitted that a 30% CPE requirement is appropriate for large broadcasting undertakings and should apply to revenues from their affiliated online undertakings. The Alliance des producteurs francophones du Canada (APFC), supported by the Fédération culturelle canadienne-française (FCCF), stated that all broadcasting undertakings (including online undertakings) should make CPE contributions. While it did not propose specific CPE levels, the APFC specified that the requirement for Canadian broadcasting undertakings should not be lower than the current requirements, while the CPE levels for unaffiliated online undertakings should not differ fundamentally from those already applicable to Canadian broadcasting undertakings.
55. Other interveners favoured different minimum CPE requirements. For example, the Independent Broadcast Group (IBG) and Channel Zero Inc. (Channel Zero) proposed a 25%–30% CPE requirement with flexibility for independent services, emphasizing that online undertakings must be included to ensure equity under paragraph 3(1)(f.1) of the Act. Blue Ant Media Inc. and Corus Entertainment Inc. (Corus) supported a 20% CPE requirement for both Canadian and online undertakings. Corus characterized this as a midpoint between existing requirements on Canadian broadcasting ownership groups and lower requirements for unaffiliated online undertakings and stated that exempting Canadian online services could incentivize regulatory avoidance. Unaffiliated online undertakings, including Netflix Services Canada ULC (Netflix), Apple, and

¹⁸ Such as the WGC, the Canadian Independent Screen Fund for BPOC Creators, Friends of Canadian Media, Unifor and the CMPA.

Roku, generally supported CPE requirements of 5% or less for unaffiliated online undertakings, citing international benchmarks, differing business models, and existing contribution mechanisms. They opposed broadcaster-level CPE requirements for online services.

56. Rogers proposed a uniform 5% CPE requirement for all broadcasting ownership groups and sought to exclude sports revenues. Quebecor emphasized the importance of reducing the financial, administrative and regulatory burden for broadcasting ownership groups and reiterated that unaffiliated online broadcasting ownership groups should contribute at least 20% directly and exclusively to independent production funds.
57. Many interveners supported a flexible approach to CPE requirements based on business models and existing contributions. Many proposed CPE requirements ranging from 20% to 30% for any type of broadcasting ownership group, while others proposed lower requirements for online services. Intervenors representing unaffiliated online broadcasting ownership groups like the MPA-C and Netflix strongly advocated for their contributions to be lower than those of Canadian broadcasting ownership groups, arguing that the legislation and the legislator's intent was clearly to make this distinction in the regulatory framework.

Commission's decisions

58. In establishing CPE contribution requirements, the Commission must first determine the revenues on which they should be calculated.
59. Under the current base contribution and CPE frameworks, various broadcasting ownership groups that operate audio-visual programming undertakings are subject to expenditure requirements that support the production and availability of audio-visual Canadian programming. The expenditures are based on Canadian revenues in the previous broadcast year. Certain revenues are excluded to ensure that the activities through which revenues are made fall under the Commission's jurisdiction and achieve the objectives for contributions to Canadian programming.
60. For regulatory consistency and to maintain an equitable approach, the Commission determines that annual CPE requirements are to be calculated against online revenues or programming revenues, or both, as defined below:
 - **online revenues:** the total revenues attributable to an online undertaking derived from its Canadian broadcasting activities during the previous broadcast year (i.e., the broadcast year ending on 31 August of the year that precedes the broadcast year within which the revenue calculation is being made) less any excluded revenue. When calculating online revenues, if an undertaking's service is being resold (either directly to consumers or as part of a bundle), only the portion remitted to the undertaking should be included. The remaining portion (the portion retained by a reseller) should be counted by the reseller only. The Commission may accommodate requests for alternative reporting periods and permit respondents to file data based on the closest quarter of their respective reporting years.

- **programming revenues:** the total revenues attributable to an audio-visual programming undertaking derived from its Canadian broadcasting activities during the previous broadcast year (i.e., the broadcast year ending on 31 August of the year that precedes the broadcast year within which the revenue calculation is being made) less any excluded revenue. For clarity, this includes revenues from OTA television stations, discretionary services (including news and sports services), and on-demand services.

For the purposes of the above:

- **excluded revenue:** revenue derived from providing audiobook services, podcast services or video game services;¹⁹ revenue associated with user-generated content; and revenue derived from broadcasting activities that are carried out by broadcasting undertakings that are, by order, exempted from licensing requirements or exempted from all regulations made under Part II of the Act, unless, in either case, otherwise specified in an exemption order.
61. Broadcasting ownership groups vary in terms of the portfolio of services they offer. As such, the revenues that should be included for the needs of calculating their CPE requirements will vary accordingly. As an example, a broadcasting ownership group that offers programming over a few OTA television stations and a number of discretionary services, including a sports service, and operates a BDU would include all the revenues generated from these services, with the exception of those of its BDU activities. If that group includes online undertakings, the revenues derived from those online undertakings will count in their CPE requirements calculations. As another example, a broadcasting ownership group made up of a single unaffiliated online undertaking being carried on in Canada must take into account the revenues generated from its activity in Canada only to calculate its CPE requirements.
 62. An equitable CPE framework would establish CPE requirements that reflect the nature, size and impact of different broadcasting ownership groups operating in the Canadian broadcasting ecosystem. CPE requirements should also reflect the practical differences among groups in regard to their business models as well as regulatory context, while providing robust support for Canadian audio-visual programming. Equitable and appropriate CPE requirements must also take into account the distinct policy objectives relating to Canadian broadcasting undertakings and unaffiliated online undertakings set out in paragraphs 3(1)(f) and (f.1) of the Act.
 63. Under the current CPE framework, large Canadian vertically integrated broadcasting ownership groups (namely, Bell, Rogers, and Quebecor) are subject to annual CPE requirements of between

¹⁹ As set out in Broadcasting Order 2024-194, “audiobook service” means “the transmission or retransmission of audiobooks over the Internet for reception by the public by means of broadcasting receiving apparatus”; “podcast service” means “the transmission or retransmission of podcasts over the Internet for reception by the public by means of broadcasting receiving apparatus”; and “video game service” means “the transmission or retransmission of video games over the Internet for reception by the public by means of broadcasting receiving apparatus”.

30% and 45%, depending on the language market in which their undertakings operate. For most independent Canadian broadcasters, CPE requirements are in the 20% to 30% range, with a general minimum of 10% for independent discretionary services.²⁰

64. The record of this proceeding reiterates that unaffiliated online undertakings benefit from their place in the Canadian broadcasting system by generating significant revenues and drawing significant Canadian audiences. Unaffiliated online undertakings operate and serve audiences nationally and across both official language markets, and should therefore contribute to English-language, French-language, Indigenous and OLMC programming.
65. At the same time, the record also indicates that Canadian broadcasting ownership groups have been seeking relief in terms of their CPE requirements and the associated requirements to fund a variety of programming. The Commission is of the view that it must recalibrate the contributions of Canadian broadcasting ownership groups with those of unaffiliated online broadcasting ownership groups. Contributions by private elements of the broadcasting system must be meaningful but also equitable, flexible and adaptable to ensure the sustainability of the Canadian production system while ensuring that broadcasting ownership groups are able to meet the needs of the market, including the needs of Canadian viewers.
66. In making its determinations, the Commission recognizes that different broadcasting ownership groups play different roles in the Canadian broadcasting system. The Commission also notes that, at the international level, several jurisdictions have set contribution levels on foreign online services. These contribution levels are reflective of other countries' jurisdictions, legislation and market conditions.
67. As set out in the Act, the Commission must take into account the nature and diversity of the services provided by broadcasting undertakings, as well as their size, and their impact on the Canadian creation and production industry, particularly with respect to employment in Canada and Canadian programming.
68. In light of these considerations, the Commission finds it appropriate and equitable to recalibrate the contributions to the system. Specifically, the Commission finds that a 25% contribution requirement for Canadian broadcasting ownership groups and a 15% contribution requirement for unaffiliated online broadcasting ownership groups will help to ensure that the policy objectives set out in the Act are met.
69. As such, the Commission determines that for broadcasting ownership groups that meet or exceed the applicability revenue threshold of \$25 million in Canadian revenues:
 - Canadian broadcasting ownership groups will be required to devote at least 25% of their programming revenues and online revenues, as defined above, to CPE; and

²⁰ See Broadcasting Regulatory Policy 2015-86.

- unaffiliated online broadcasting ownership groups will be required to devote at least 15% of their online revenues, as defined above, to CPE.
70. These levels would balance out the need for each of these sets of broadcasting ownership groups to best contribute to the Canadian broadcasting system and consider how best those contributions can result in the advancement of the objective of facilitating a financial support ecosystem that encourages a variety of productions. These levels recognize the variety of business models and broadcast and distribution models, appropriately balance the need to stabilize overall CPE contributions in the broadcasting system, and ensure equitable requirements across all broadcasting ownership groups.
 71. Canadian broadcasting ownership groups and unaffiliated online broadcasting ownership groups whose annual Canadian gross broadcasting revenues are less than \$25 million have a lesser impact on the broadcasting system than their larger counterparts and, for that reason, will no longer be subject to CPE requirements. The Commission considers that imposing CPE requirements on these broadcasting ownership groups would be disproportionate to their scale and capacity and inconsistent with its other determinations.
 72. To the extent that Canadian broadcasting ownership groups whose revenues are less than \$25 million are currently subject to CPE requirements, such requirements may be formally phased out through future processes upon application. However, the intention of eliminating CPE requirements is not to eliminate all other requirements. Such Canadian broadcasting ownership groups remain subject to all other currently applicable regulatory requirements, including those relating to accessibility, news, and exhibition.
 73. The Commission notes that the base contribution requirements set in Broadcasting Regulatory Policy 2024-121 were a first step toward establishing a modernized CPE framework for applicable unaffiliated online undertakings. In that regulatory policy, the Commission determined that base contributions would be beneficial to the system and stated that it would determine how to adjust the contributions of unaffiliated online undertakings as it moves forward with implementing the modernized Act. Accordingly, the modernized CPE framework for unaffiliated online undertakings takes into account these base contributions to the Canadian broadcasting system and builds upon them in a coherent and integrated manner.
 74. As a result, the 5% base contribution requirement set out in Broadcasting Regulatory Policy 2024-121 is included within the overall 15% CPE requirement for unaffiliated online broadcasting ownership groups subject to CPE requirements. This will provide stability for recipient funds and support a balanced and sustainable level of contributions across the audio-visual broadcasting ecosystem.
 75. The modernized framework will ensure a stable level of contributions that will continue to deliver over \$2 billion in contributions to Canadian programming. This level of funding will represent a floor, not a ceiling, and the Commission expects that broadcasting ownership groups will, overall, continue to exceed their requirements. The Commission is of the view that this equitable

approach, which includes both Canadian broadcasting ownership groups and unaffiliated online broadcasting ownership groups, will yield sustainable results for the Canadian broadcasting system.

Establishment of a tailored and equitable approach to setting CPE allocation requirements

76. A modernized CPE framework must ensure that the financial contributions made by the different broadcasting ownership groups that meet or exceed the \$25 million revenue threshold are equitable and flexible, so that each furthers the implementation of the broadcasting policy objectives in an appropriate way.

Equitable allocations based on size and type

77. In considering how broadcasting ownership groups' CPE contributions should be allocated, the Commission considered whether it would be appropriate that allocations differ across broadcasting ownership groups' sizes and types, and what the verifiable needs are in the Canadian industry. As set out in the Act, certain priorities include support to program genres and independent producers, programming produced by and for OLMCs, French-language programming, news content, and programming for and by Indigenous peoples and equity-deserving groups. The Commission also considered training as a possible area of need.

Positions of parties

78. Many interveners highlighted the importance of ensuring that undertakings operating in Canada contribute in an equitable manner, commensurate to the nature of their services and their size. Many interveners in the production sector, including independent producers and production funds, advocated for stable and predictable funding for their sector in order to achieve the Act's policy objectives.

Commission's decisions

79. The Canadian broadcasting system requires stability in terms of funding being made available for Canadian programming. In the Commission's view, allowing for full flexibility for how CPE are allocated to all broadcasting ownership groups could result in the underfunding of certain elements in the broadcasting system and, consequently, undermine the achievement of the objectives of the Act. The Commission considers that relying on revenue thresholds to establish a proportionate approach to CPE requirements whereby broadcasting ownership groups with the largest revenues are subject to more directed CPE requirements than others given their greater impact on the system is the most appropriate and equitable approach. In the Commission's view, such an approach is equitable and consistent with the Commission's longstanding approach to CPE whereby broadcasting ownership groups and unaffiliated online undertakings with higher broadcasting revenues in Canada should contribute to the Canadian broadcasting system by way of higher CPE requirements.

80. In light of the above, the Commission considers that medium broadcasting ownership groups, which are defined as broadcasting ownership groups with annual Canadian gross broadcasting revenues of at least \$25 million and less than \$100 million, have a different impact in the Canadian broadcasting system than large broadcasting ownership groups, which are defined as broadcasting ownership groups with annual Canadian broadcasting revenues of \$100 million or more. As such, medium broadcasting ownership groups should be subject to more flexible CPE requirements. The Commission also reiterates that reducing regulatory burden and maximizing flexibility where appropriate are important objectives of this policy framework and contribute to its overall effectiveness.

81. Accordingly, the Commission determines that:

- Small Canadian broadcasting ownership groups and unaffiliated online broadcasting ownership groups (those with less than \$25 million in revenues) will not be subject to CPE requirements.
- Medium Canadian broadcasting ownership groups and unaffiliated online broadcasting ownership groups will have full flexibility²¹ in how they allocate their CPE to direct expenditures, indirect expenditures, or a combination of both direct and indirect expenditures.
- Large Canadian broadcasting ownership groups and unaffiliated online broadcasting ownership groups will have specific expenditure requirements as set out in the following sections.

82. As noted above, CPE requirements can be met with a combination of direct and indirect expenditures:

- “Direct expenditures” means direct investment in Canadian programs (commissioning and production of content), acquisitions of Canadian programming, or expenses relating to dubbing in Canada using Canadian human resources. Public Notice 1993-93 sets out the allowable expenses regarding CPE. The Commission is not implementing any changes to the decisions it made in Public Notice 1993-93 other than that relating to equity investments as detailed below.
- “Indirect expenditures” means contributions to production funds, in this case exclusively contributions to the CMF, CIPFs and the Broadcasting Accessibility Fund (BAF).

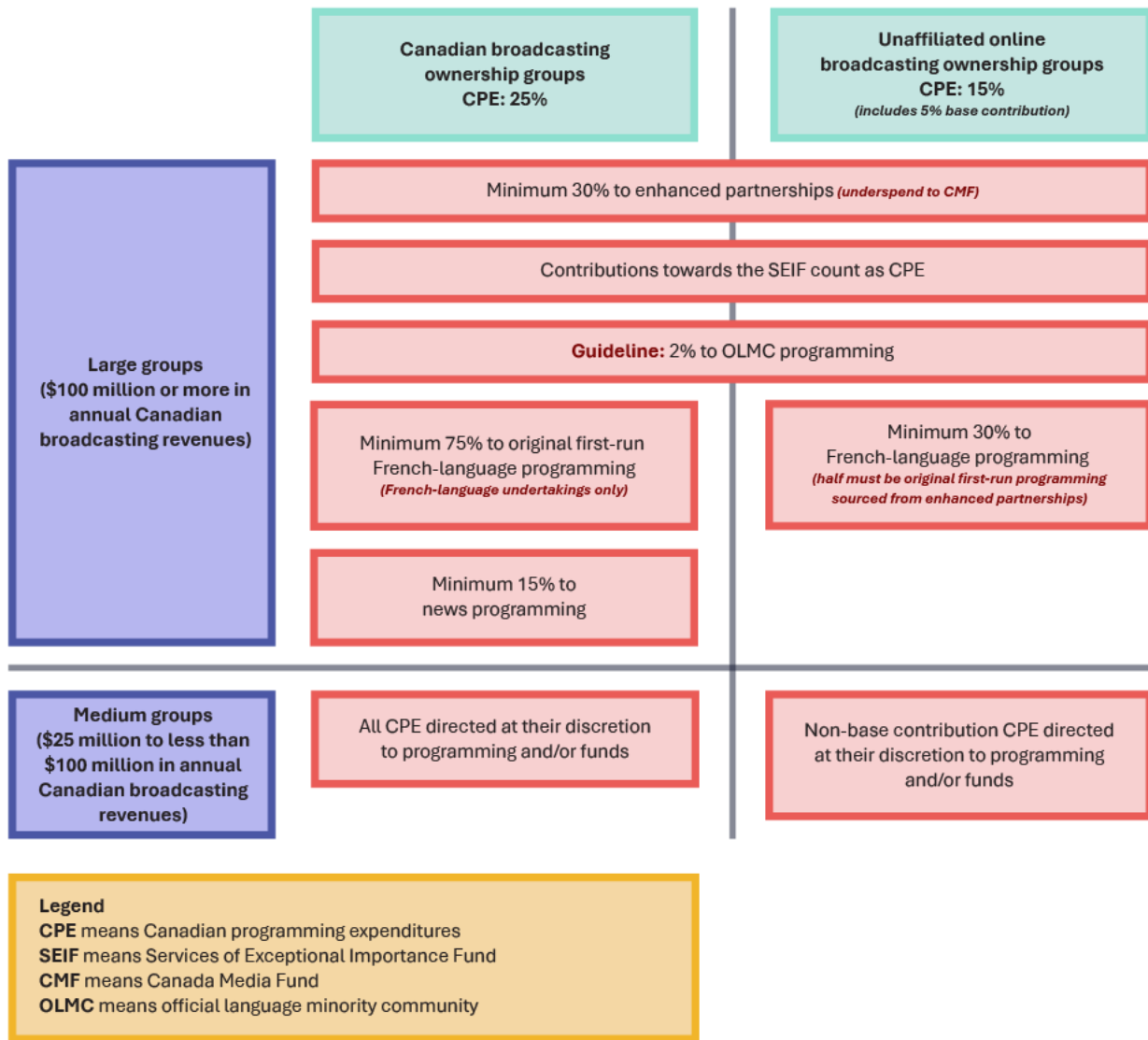
83. The Commission notes that medium unaffiliated online broadcasting ownership groups remain subject to the base contribution requirements reflected in Broadcasting Order 2024-194. However, aside from these requirements, these groups retain discretion to allocate their remaining

²¹ For unaffiliated online undertakings, this flexibility does not apply to amounts dedicated to base contributions.

CPE expenditures across direct and indirect expenditures as defined above, consistent with a proportionate and balanced regulatory approach.

84. Large broadcasting ownership groups, by virtue of their scale, business models, and overall influence, have the greatest impact on the Canadian broadcasting system. Given this impact, the Commission finds that these groups should be subject to more structured and targeted CPE requirements to ensure that they make meaningful and commensurate contributions to the achievement of the broadcasting policy objectives set out in the Act, as well as the Commission's policy objectives. The Commission considers that a more prescriptive approach for large broadcasting ownership groups is necessary to support key elements of the system, including the creation and presentation of Canadian and French-language programming, news, and programming that reflects OLMCs. Accordingly, the Commission determines that large broadcasting ownership groups will be subject to robust CPE requirements, including in terms of allocation. The details of these requirements are set out in the sections that follow.
85. The Commission recognizes that revenues fluctuate from one year to the other and that broadcasting ownership groups that in a given year might generate revenues in the vicinity of the \$25 million and \$100 million thresholds could end up in the next year qualifying for a different set of CPE requirements. Accordingly, the Commission determines that CPE requirements will be based, in any given broadcast year, on the broadcasting ownership groups' annual Canadian gross broadcasting revenues less excluded revenue (as defined in paragraph 60) generated in the previous broadcast year. Their revenues will be assessed on an annual basis through the broadcasting annual returns. This will allow broadcasting ownership groups to know which category (i.e., small, medium or large) they fall into and, therefore, determine earlier in the broadcast year how to allocate their contributions.
86. The graphic below represents the modernized CPE contribution requirements for large and medium broadcasting ownership groups.

Overview of the modernized CPE framework



87. The Commission determines that under the modernized CPE framework, CPE spending by large Canadian broadcasting ownership groups will be allocated to initiatives that include the following:

- the Services of Exceptional Importance Fund²² (SEIF) (contributions toward the SEIF consistent with Broadcasting Regulatory Policy 2026-95 may be counted toward CPE requirements);
- enhanced partnerships²³ (minimum 30%);
- news programming (minimum 15%);
- original first-run French-language programming (for French-language undertakings only) (minimum 75%); and
- OLMC programming.²⁴

88. The Commission also determines that CPE spending by medium broadcasting ownership groups (for clarity, Canadian broadcasting ownership groups and unaffiliated online broadcasting ownership groups) can be allocated entirely at their discretion either to direct expenditures (creation and acquisition of Canadian programming, and dubbing) or to indirect expenditures (the CMF and CIPFs, and the BAF), or a mix of both, with the exception of the 5% base contribution for unaffiliated online broadcasting ownership groups.

89. Large unaffiliated online broadcasting ownership groups will be required to allocate CPE to direct expenditures or to initiatives that include the following:

- base contribution: 5% base contribution (to be allocated in accordance with the determinations made in regard to base contributions with the exception of the modification to the flexibility granted in their contribution order discussed at paragraph 213 of this regulatory policy);
- the SEIF (contributions toward the SEIF consistent with Broadcasting Regulatory Policy 2026-95 may be counted toward CPE requirements);
- French-language programming, of which at least half must be original first-run programming sourced from enhanced partnerships (minimum 30%);

²² Specifically, the SEIF, which is financed through mandatory contributions of 1.55% of total Canadian broadcasting revenues from all private audio-visual entities exceeding \$100 million in Canadian gross broadcasting revenues. In Broadcasting Regulatory Policy 2026-95, also issued today, the Commission established the SEIF.

²³ See the section below entitled “Enhanced partnerships with Canadian broadcasters and with Canadian independent producers”.

²⁴ As discussed below in the section entitled “Programming by and for OLMCs”.

- enhanced partnerships (minimum 30%) (any underspend needs to be directed to the CMF); and
- OLMC programming.

90. Medium unaffiliated online broadcasting ownership groups will be required to make expenditures on CPE which include:

- 5% base contribution (to be allocated in accordance with the determinations made in regard to base contributions with the exception of the modification to the flexibility granted in their contribution order discussed at paragraph 213 of this regulatory policy); and
- remaining CPE, which they may, at their discretion, allocate either to direct expenditures (creation and acquisition of Canadian programming, and dubbing) or to indirect expenditures (the CMF, CIPFs, and the BAF), or a mix of both.

91. Further details on these allocations are set out below. These allocations will be finalized in tailored conditions of service.

Incorporating BDUs into the modernized CPE framework

92. As noted above, this regulatory policy does not modify the contributions made by 9.1(1)(h) services, public broadcasting undertakings such as those owned by the CBC, designated educational broadcasting undertakings, and community broadcasting undertakings. As for BDUs, the Commission has considered, as part of this regulatory policy, how best they should continue to be required to financially contribute to the policy objectives of the Act.

Positions of parties

93. Bragg Communications Inc., carrying on business as Eastlink, stated that exempt BDUs that serve small, rural communities and that have limited revenues should continue to be exempt from CPE requirements. It added that BDU-related services (such as on-demand services) and online community channels should also remain exempt, given their minimal revenues and their function as extensions of core BDU services.

94. Other interveners, including TELUS, Rogers and Access Communications Co-operative Limited, proposed reducing the regulatory burden through measures such as relief from specific contribution requirements, recognition of payments to 9.1(1)(h) services, or increased flexibility in allocating expenditures.

Commission's decisions

95. The Commission has historically set distinct requirements on independent broadcasters and on vertically integrated broadcasting ownership groups that operate under the group-based

approach.²⁵ This distinction reflects the fact that these broadcasting ownership groups differ in material ways in terms of their roles in and impact on the broadcasting system.

96. Under the current CPE framework, BDUs are not subject to CPE requirements. However, all BDUs, whether part of a vertically integrated broadcasting ownership group or not, are required to contribute to the policy objectives regarding Canadian programming set out in the Act. Licensed BDUs and exempt BDUs that have more than 2,000 subscribers must contribute the equivalent of 5% of their Canadian revenues to a variety of initiatives that ensure that various objectives, including support for independent production, and support for news and other local expression such as community programming, are met. Furthermore, BDUs — whether part of a vertically integrated broadcasting ownership group or operated as an independent undertaking — contribute to the support of 9.1(1)(h) services through mandated carriage and wholesale rates. In Broadcasting Regulatory Policy 2026-95, also issued today, the Commission reiterated that financial support from BDUs toward 9.1(1)(h) services remains an important component of the overall support system for Canadian programming, and modernized its regulatory tools by establishing the SEIF.
97. Given their distinct business models and their contributions to the system under their own regulatory frameworks, the Commission considers that BDU revenues should not be included in the revenues that determine the amount of CPE a broadcasting ownership group must contribute. However, BDU revenues are included in the revenues taken into account for the purposes of the group-based revenue threshold for applying the CPE framework. Accordingly, all licensed and exempt BDUs will continue to make contributions as set out in the *Broadcasting Distribution Regulations*, and as set out in Broadcasting Order 2017-320 and their applicable conditions of service.²⁶
98. In regard to on-demand services, the Commission considers it necessary to maintain the existing distinction between services affiliated with BDUs owned by vertically integrated entities and those affiliated with independent BDUs. As noted above, on-demand services affiliated with independent BDUs must, by condition of service, contribute 5% of the service's Canadian revenues to an existing, independently administered Canadian independent production fund.²⁷ The Commission finds that the current requirement remains appropriate and continues to ensure that on-demand services affiliated with independent BDUs make a meaningful and proportionate contribution to the Canadian broadcasting system.
99. In light of the above, the Commission determines that, under the modernized CPE framework, licensed and exempt BDUs will continue to be required to make contributions in line with those

²⁵ See Broadcasting Regulatory Policy 2010-167.

²⁶ Set out in the appendix to Broadcasting Regulatory Policy 2017-319.

²⁷ See Broadcasting Regulatory Policy 2017-138.

set out in the *Broadcasting Distribution Regulations* and in Broadcasting Order 2017-320, subject to the new provisions set out in Broadcasting Regulatory Policy 2026-95.

100. On-demand services affiliated with independent (non-vertically integrated) BDUs will continue to be subject to contribution requirements in line with the condition of service to this effect set out in Broadcasting Regulatory Policy 2017-138.

Provision of regulatory support to program genres and independent producers

Programs of national interest (PNI)

101. PNI expenditure requirements support the creation of programming that has historically been difficult to produce and monetize. In the Notice, the Commission acknowledged that there have been important changes to the Canadian broadcasting system since PNI expenditure requirements were first put into place. The Commission expressed a preliminary view that in an “on-demand” system driven by online undertakings whose business models focus on the programming that PNI expenditures were designed to support, the current approach to PNI is no longer needed.

Positions of parties

102. The views of interveners differed on whether the PNI expenditure framework remains the appropriate tool to support genres that are difficult to produce and monetize, also referred to as “at risk” programming. For example, Rogers submitted that local news is especially vulnerable, while documentaries, drama and children’s programming appear better positioned to adapt to global online markets. Streamers such as Paramount Global (Paramount) and Netflix stated that “at risk” claims should be supported by objective evidence of sustained market failure, and that changes in audience behaviour should not alone justify intervention.
103. Other interveners submitted that several genres are structurally vulnerable. For example, the CBC identified PNI, children’s programming and news as programming unlikely to exist without regulatory intervention. The Screen Composers Guild of Canada submitted that all categories of Canadian programming are at risk given broader pressures on the sector. Some interveners²⁸ identified children’s and youth programming, documentaries, scripted drama, feature films, and Indigenous storytelling as areas requiring continued support. In regard to the French-language market, the AQPM stated that documentaries, drama, and music and variety programming remain expensive to produce and difficult to monetize, while being important to the achievement of the policy objectives of the Act.
104. Views also diverged on the future of the PNI framework. Quebecor stated that the market alone ensures a continuous and steady supply of PNI, without the need for regulation. It noted that in the French-language market, these programs are central to the business model of many

²⁸ The CMPA, the Indigenous Screen Office, and the Directors Guild of Canada (DGC).

broadcasters, both traditional and online. Several Canadian broadcasters²⁹ submitted that the current PNI framework is too rigid, financially burdensome, outdated, and no longer suited to market conditions.

105. Other interveners,³⁰ on the other hand, submitted that eliminating PNI would place Canadian drama, documentaries and independent production at risk. The Société professionnelle des auteurs, compositeurs du Québec et des artistes entrepreneurs (SPACQ-AE) noted that it risked shifting its spending toward other types of programming. Some interveners, including Friends of Canadian Media, proposed limited flexibility if paired with new requirements, such as increased spending on local news or requirements for non-Canadian online undertakings.
106. Online undertakings generally expressed support for greater flexibility. Apple submitted that drama and documentaries are already well represented online, while MPA-C proposed replacing prescriptive PNI expenditure requirements with incentives such as CPE credits. Intervenors from OLMCs noted the need to protect and strengthen support for OLMC production if the Commission changes the PNI framework.

Commission's decision

107. In the Commission's view, it is important to have a diversity of Canadian programming in the Canadian broadcasting system. This provides meaningful choices to Canadians, assuming such programming is made discoverable. When supporting this objective and the wider objectives outlined in the Act, the Commission has used regulatory tools where necessary. Over time, mechanisms including exhibition requirements and broad and targeted expenditure requirements have supported the development of a wide range of Canadian programs that reflect Canadian values, interests, and cultural expression. Nonetheless, the Commission recognizes that the effectiveness and relevance of particular regulatory tools in achieving specific objectives may evolve and become disproportionately burdensome.
108. The criteria for identifying PNI were most recently set out in Broadcasting Regulatory Policy 2015-86. The Commission indicated that programming should be designated as PNI only if:
- it is generally expensive to produce and carries with it a greater risk of unprofitability;
 - the widespread availability of such programming to Canadians is necessary to the achievement of the objectives of the Act; and
 - in the absence of regulatory support, such programming would not otherwise be available to Canadians.

²⁹ Quebecor, BCE, and Rogers.

³⁰ The WGC, the DGC, and Friends of Canadian Media.

109. In the English-language television market, PNI include long-form documentaries, drama and comedy programs, and award shows. In the French-language television market, PNI include the same types of programs for the English-language market with the addition of music, dance and variety shows.³¹
110. The current PNI framework includes the requirement that 75% of PNI expenditures be allocated toward Canadian independent production companies. The goal of this framework is to ensure that programming provided by the Canadian broadcasting system is varied and to encourage the development of Canadian expression. It also supports the Canadian independent production sector.
111. The PNI framework is imposed on the largest Canadian broadcasting groups, such as Bell, Corus and Rogers, and, in the French-language market specifically, TVA Group, and provides limited flexibility in regard to those broad requirements. While the framework provides some predictability for the Canadian production sector by ensuring that certain genres of programming are commissioned universally by the largest Canadian broadcast groups, it provides little ability for these businesses to adapt to changing audience demands and increased competition from large and well-financed unaffiliated online undertakings. In the context of the present proceeding, Bell, Rogers and Corus stated that these constraints can undermine their financial sustainability and, ultimately, their contributions to the Canadian broadcasting system. Quebecor stated that these constraints impose a heavy regulatory burden on traditional broadcasters.
112. It is clear from the record of this proceeding that many interveners considered that several genres of programming remain at risk. These include news, children's programming, long-form documentaries and, in the French-language market, variety, music and French-language drama.
113. The Commission recognizes that some genres of Canadian programs face greater challenges than others in adapting to the online environment. However, views on what program genres are most at risk, and which are most important, vary. Those views are also subject to change over time as investments shift, as new business opportunities are created and others replaced, and as audience demand changes. What is clear is that the production of a diversity of genres of programming is critical to the advancement of the objectives of the Act and that audiences must continue to benefit from such diversity.
114. It is the Commission's view that regulatory tools other than PNI expenditure requirements can better support independent producers and facilitate creating a variety of programming. In particular, the recent changes made to the definition of "Canadian program" (notably regarding measures that incentivize the sharing of copyright in the program), as well as the decisions set out

³¹ Current PNI expenditure requirements (as a percentage of Canadian revenues) for large French-language Canadian broadcasting ownership groups range from 15% to 18%. For large English-language Canadian broadcasting ownership groups, they range from 5% to 13.5%. The program categories for television and their definitions are set out in the appendix to Broadcasting Regulatory Policy 2010-808. This policy also sets out the criteria and mechanisms used by the Commission for determining which award shows may qualify as PNI.

in the present regulatory policy (regarding in particular enhanced partnerships, discussed below, that will be required among various elements of the Canadian broadcasting system), may impact the genres of programming that will be most at risk in the future. The Commission also recognizes that the measures taken in regard to discoverability and to support for services of exceptional importance announced in Broadcasting Regulatory Policy 2026-95, and, ultimately, the programming these services broadcast, will benefit the production of a diverse range of programming, the availability of this programming throughout the Canadian broadcasting system, and the discoverability of this programming by Canadian and global audiences.

115. In light of the above, the Commission is discontinuing the PNI framework that was first established in Broadcasting Regulatory Policy 2010-167.
116. The Commission will closely monitor the impact of this decision, and will ensure through future processes, including on tailored conditions of service, that the system continues to support the diverse range of genres – including children’s programming and informative and educational documentary programming – that are critical to the achievement of the policy objectives outlined in the Act.

Enhanced partnerships with Canadian broadcasters and with Canadian independent producers

117. In the Notice, the Commission asked what regulatory measures could be used to better support Canadian independent productions. Encouraging partnerships between broadcasters and independent producers has long been a staple of the Canadian broadcasting regulatory framework. This approach has encouraged the strengthening of Canada’s independent production sector while ensuring that producers who owned the copyright to their programs were supported by the largest broadcasting groups in the Canadian broadcasting system.
118. In modernizing the definition of a Canadian program in Broadcasting Regulatory Policy 2025-299, the Commission reaffirmed the importance of production partnerships in the production, distribution and discoverability of Canadian programming, and indicated that it would address additional supports for the independent production sector at a later date. The Commission continues to be of the view that partnerships between and with Canadians that retain a majority stake in the copyright of a program must remain an integral part of the broadcasting regulatory framework.

Positions of parties

119. Several interveners highlighted the importance of the Canadian independent production sector and the need to support it through regulatory requirements. The APFC submitted that independent production must remain mandatory to counter anti-competitive practices and to protect content diversity and Canada’s cultural sovereignty. Similarly, the CMPA and the AQPM proposed reserving a substantial share of CPE for independent productions and noted that Canadians should retain the intellectual property rights to these works.

120. The CMPA submitted that any changes to the PNI framework must be accompanied by a specific independent production expenditure requirement to fulfill the objectives of the Act. Lionsgate Canada supported eliminating the PNI framework only if it is replaced with a mandated independent production expenditure requirement of not less than 75% of overall CPE. Other interveners noted that there would be cultural consequences if these independent production requirements are removed. According to the Directors Guild of Canada, removing PNI expenditure requirements would result in “irreparable harm,” including a projected \$200 million revenue loss that would threaten domestic talent pipelines and Indigenous and under-represented creators. The AQPM noted that there has been a 29.4% decline in spending on French-language independent productions and submitted that removing PNI expenditure requirements entirely would severely reduce content diversity and harm the development of the minority French-language market.
121. Some interveners also highlighted the importance of Canadian copyright ownership and meaningful participation by Canadian independent producers. For example, the CMPA proposed independent production expenditure rules that it claimed would ensure that a meaningful portion of CPE supports productions where independent producers retain ownership and economic interests, including copyright and any potential financial benefits generated by a program.
122. The MPA-C proposed non-mandatory incentives or CPE credits, supporting flexible models that allow shared or non-Canadian ownership while encouraging collaboration with Canadian creators. The Canadian Internet Society opposed mandatory domestic intellectual property ownership or requiring unaffiliated online broadcasting ownership groups to acquire content from Canadian independent producers, advocating instead for flexible models that balance ownership with enhanced Canadian key creative and cultural elements.

Commission’s decisions

123. In Broadcasting Regulatory Policy 2025-299, which modernized the criteria for defining a Canadian program, the Commission introduced for the first time minimum Canadian copyright ownership criteria to incentivize partnerships between and with Canadian broadcasters and Canadian independent producers. These provisions balance Canadian creative control and ownership while helping to facilitate partnerships and continued international investments in the Canadian broadcasting system.
124. Canadian independent producers are a vital economic and cultural engine within the Canadian broadcasting ecosystem. Canadian producers also provide a critical independent voice that ensures a diversity of perspectives – including from Indigenous and French-language communities, and equity-deserving groups – are reflected on screen.
125. Canadian broadcasting ownership groups also play a crucial role. As discussed in this regulatory policy and in Broadcasting Regulatory Policy 2025-299, Canadian broadcasters are eligible to retain copyright in a variety of productions. Like Canadian independent producers, they have meaningful insight into the needs and wants of Canadian audiences along with an understanding

of Canadian cultural tastes. Canadian broadcasters also have the ability to meaningfully fund Canadian productions and to help ensure that Canadian programming can be made discoverable for both Canadian and international audiences.

126. The record of the proceeding generally supports the implementation of regulatory safeguards to support independent producers. The Commission acknowledges that, with the above-noted discontinuation of the PNI framework, new regulatory mechanisms must be adopted to ensure that Canadian independent producers continue to bring a significant contribution to the production of Canadian programs, consistent with the objectives of the Act.
127. The Commission is of the view that mandating and otherwise encouraging partnerships where Canadian broadcasters or Canadian independent producers hold a majority of copyright in Canadian programs constitute a powerful mechanism to ensure that each of these elements benefit in a significant and equitable manner from the exploitation of the programs they co-produce, whether it be with national or international partners.
128. As noted above, large Canadian broadcasting ownership groups and unaffiliated online broadcasting ownership groups – regardless of national origin, and given their scale, audience reach and significant investments in programming – are best positioned to drive sustainable outcomes for the Canadian broadcasting sector. The Commission therefore considers that they should have the primary responsibility for supporting Canadian independent production, as their business models and market presence enable them to do so in a meaningful and effective manner.
129. On that basis, the Commission considers it necessary to introduce minimum levels of investment applicable to large broadcasting ownership groups to support productions in which Canadians hold a majority copyright ownership interest in a program, thereby ensuring that programs can be effectively monetized and that these partnerships can grow and remain viable over time. The Commission estimates that this will fund approximately 95% of the overall investments in Canadian programming. More specifically, the Commission is introducing the concept of minimum investments in “enhanced partnerships” as a targeted regulatory tool to advance these objectives.
130. The Commission defines “enhanced partnerships”, which applies to large broadcasting ownership groups, as follows, depending on who makes up the partnership:
 - **Enhanced partnerships for large Canadian broadcasting ownership groups:** Partnerships with Canadian independent producers that hold more than 50% of copyright in the program.
 - **Enhanced partnerships for large unaffiliated online broadcasting ownership groups:** Partnerships with Canadian broadcasters or Canadian independent producers that hold more than 50% of copyright in the program.

131. In implementing these new safeguards, the Commission considers that it needs to modernize the definition of “Canadian independent producer” so that it better reflects the current environment. Accordingly, the Commission defines “Canadian independent producer” as follows:

“Canadian independent producer” means a Canadian company (i.e., a company carrying on business in Canada, with a Canadian business address, owned and controlled by Canadians) whose business is the production of film, videotape or live programs for distribution and in which the operator of the broadcasting undertaking and any company related to the operator owns or controls, directly or indirectly, in aggregate, less than 30% of the equity.

132. To ensure meaningful support for these enhanced partnerships, the Commission determines that for large Canadian broadcasting ownership groups, a minimum of 30% of their CPE must be devoted to enhanced partnerships with Canadian independent producers. For large unaffiliated online broadcasting ownership groups, the Commission determines that a minimum of 30% of their CPE must be devoted to enhanced partnerships with either Canadian broadcasters or Canadian independent producers. The Commission will impose requirements to this effect through tailored conditions of service.

133. The Commission notes that the CMF has a proven track record in terms of successfully supporting and financing audio-visual content in Canada, and in particular French-language content.³² In the Commission’s view, financial contributions to the CMF therefore contribute to supporting the needs of a wide range of independent producers and of Canadian programs. As such, the Commission determines that large broadcasting ownership groups, if they are unable to meet the requirements for enhanced partnerships, will be required to contribute the equivalent of any underspent amounts to the CMF.

Programming by and for OLMCs

134. Programming made by OLMC producers³³ helps to ensure that a diversity of perspectives are provided in the Canadian broadcasting system and supports the vitality and development of OLMCs in Canada.³⁴ Since 2017, the Commission has relied on CPE-based incentives to help

³² See Broadcasting Regulatory Policy 2024-121, paragraphs 130 to 132.

³³ As per Broadcasting Decision 2022-165 and Broadcasting Orders 2022-166 and 2022-167, “OLMC producer” is defined as follows: a company that meets the definition of “independent production company” and that, if operating in the province of Quebec, produces original English-language programming, or if operating outside of the province of Quebec, produces original French-language programming. To be considered and OLMC producer in Canada, a company must: (a) if it produces original programs in English, have its head office in the province of Quebec and be owned and operated by a resident of the province of Quebec; (b) if it produces original programs in French, have its head office outside the province of Quebec and be owned and operated by a resident outside of the province of Quebec.

³⁴ Subsection 2(3) of the Act states that the Commission must interpret and apply the Act in a manner that is consistent with the federal commitment to supporting OLMCs. This is reinforced in section 5.1 of the Act, which states that, in regulating and supervising the Canadian broadcasting system and exercising its powers under the Act, the Commission

ensure that audio-visual programming created by OLMC producers is financed and made available to Canadians through Canadian broadcasting undertakings. The Commission has heard publicly from OLMCs that these incentives have not necessarily delivered the outcomes sought when they were implemented. In the Notice, the Commission sought comments on how the modernized CPE framework could best support Canadian programs created by and for OLMCs.

Positions of parties

135. Groups representing OLMCs called on the Commission to adopt specific minimum expenditure requirements for OLMC programs and producers, arguing that the existing CPE credit incentive³⁵ for OLMC production is ineffective. For example, the APFC called for mandatory CPE requirements for all broadcasting ownership groups to fund original French-language content by and for French OLMCs. It argued that all broadcasting ownership groups capable of commissioning content should be required to meet minimum requirements while undertakings unable to commission should make mandatory contributions to dedicated funds earmarked for OLMC content creation. The APFC and the FCCF considered expenditures on Canadian programs to be the most direct and effective regulatory tool to ensure investment in Canadian programming by and for OLMCs, and argued that without this support, these communities cannot survive let alone thrive.
136. The APFC, the Quebec English-language Production Council (QEPC), and the English Language Arts Network stated that at least 10% of the total investment in Canadian programming in each official language should be devoted to OLMC production in order to create parallel, equitable requirements for both linguistic communities.
137. The QEPC further submitted that the Commission's supports for English OLMCs are inadequate. It requested that the Commission specify that, for the purposes of CPE in Quebec, OLMC producers (individuals or companies) must have at their core one or more individuals who self-identifies as an OLMC producer and resides in Quebec. In the QEPC's view, the status quo means that CPE credits and associated data are unreliable supports and resources for English OLMCs and are out of step with the requirements under the *Broadcasting Act* and the *Official Languages Act*.
138. Rogers stated that it provides support for OLMCs through its carriage, on the basic service of its BDUs, of 9.1(1)(h) services such as CPAC and TV5, and through mandatory funding for such services. Netflix stated that the Commission should incentivize expenditures appropriate to

must enhance the vitality of OLMCs in Canada and support and assist in their development. Section 41 of the *Official Languages Act* also requires the Commission to take positive measures to similarly support OLMCs and to protect and promote French, which is in a minority position in the country and continent, and to foster the full recognition and use of both official languages in Canadian society.

³⁵ In Broadcasting Decision 2017-143, the Commission introduced a 25% CPE credit applicable against CPE requirements for large Canadian broadcasting ownership groups making expenditures on Canadian programming produced by OLMC producers.

linguistic markets' unique needs, such as the CPE credit for large private television ownership groups to support the creation of Canadian programming for OLMCs.

Commission's decisions

139. The Act and the Policy Direction include a number of provisions to support the production and broadcasting of programs by and for OLMCs. Under the Policy Direction, the Commission must ensure that expenditure requirements support the creation and availability of programming by creators from OLMCs in both official languages, taking into consideration the challenges they face.
140. Since 2017, several Canadian broadcasting ownership groups have been incentivized to finance and broadcast OLMC productions. Through their conditions of service, these groups benefit from a 25% CPE credit for expenditures on OLMC productions.³⁶ The Commission notes that over the last five years, CPE toward French-language OLMC programming reported by the Canadian broadcasting ownership groups (discretionary services and OTA television stations) increased from 2.8% to 3.6%, while for English-language OLMC programming, it decreased from 0.4% to 0.1%.
141. At the same time, in Broadcasting Regulatory Policy 2024-121 and, subsequently, in Broadcasting Regulatory Policy 2024-121-1, the Commission introduced incentives for the financing by CIPFs of OLMC productions. Specifically, the Commission decided that for certain CIPFs to be eligible to receive funding from unaffiliated online undertakings, they would need to dedicate a permanent envelope to support OLMC productions.³⁷
142. Moreover, in Secretary General letters dated 27 March 2026, the Commission approved applications by Coalition M.É.D.I.A. for the [M.É.D.I.A. Fund](#) and by the QEPC for the [Vox Fund](#) to be recognized as CIPFs, and to be eligible to receive contributions from unaffiliated online undertakings. The QEPC is an organization that represents the interests of English-language OLMC producers in the province of Quebec.
143. Programs produced by and for OLMCs enhance the diversity of available Canadian programs and contribute to meeting the specific needs and interests of those communities. OLMC programs help to foster the full recognition and use of both English and French in Canadian society, including by supporting the production and broadcasting of original programs in both languages. That said, the record of this proceeding indicates that the current tools (in particular, the CPE credit for OLMC producers and productions) are inadequate to accomplish this mandate. While incentives are a helpful tool, sometimes direct expenditure requirements serve objectives better,

³⁶ See Broadcasting Decisions 2017-143 (French-language groups) and 2017-148 (English-language groups).

³⁷ These CIPFs were required to provide evidence to the Commission that such envelopes had been created. To date, the Bell Fund, the Independent Production Fund, the TELUS Fund, the Quebecor Fund, the Shaw Rocket Fund and the Telefilm Canada Talent Fund have aligned their operations to support OLMCs in the manner expected by the Commission in Broadcasting Regulatory Policy 2024-121.

in particular to ensure the creation of Canadian programs that fulfill the policy objectives of the Act.³⁸ The Commission considers that setting CPE allocations to OLMC producers would be appropriate to more adequately support the above-noted outcomes.

144. Since 2017, the Commission has moved from a largely incentive-based system toward a requirements-based approach to ensure that OLMC producers are supported. This has been true for the commercial element of the Canadian broadcasting system. It has also been true for the Commission's approach for the public element as evidenced through the important spending requirements it imposed on the CBC in its most recent licence renewal decision.³⁹ The CBC now has specific requirements when it comes to supporting OLMC programming, although the Commission notes that these requirements were established with the CBC's specific mandate and particular mode of financing in mind.
145. While the Commission considers that a more prescriptive approach for large broadcasting ownership groups to support OLMCs is required, it is also of the view that ensuring partnerships are created between OLMCs and these large broadcasting ownership groups in Canada is equally important. However, it is important for these large broadcasting ownership groups to have the flexibility and the ability to respond to the realities of the market and audience demand. As such, the Commission must balance firm commitments with the ability for OLMCs and large broadcasting ownership groups to work together to achieve public policy objectives. While the approach taken for the CBC is instructive in this context as the national public broadcaster, the Commission finds that the requirements imposed on the CBC, which were established with its specific mandate and particular mode of financing in mind, are not appropriate for private broadcasting ownership groups.
146. Accordingly, the Commission sets as a guideline for large broadcasting ownership groups that they devote 2% of their annual CPE to OLMC programming. Further, it will expect them to make specific commitments to OLMC producers when it sets out their tailored conditions of service. The Commission will further expect to be provided with evidence of discussions with OLMC producers, along with evidence of production deals or agreements, or other evidence to support that direct partnerships are being made with OLMC producers.
147. The Commission also determines that the current 25% CPE credit for OLMC programming will be discontinued, as it has not been an effective tool for achieving the public policy objectives.
148. Finally, the Commission notes concerns raised by interveners regarding the current definitions of "OLMC production" and "OLMC producer", including whether they yield optimal outcomes for OLMC producers. The Commission will consider whether refinements to these definitions are required as part of a future process.

³⁸ Policy Direction, subsections 8(d) and 12(e).

³⁹ See Broadcasting Decision 2022-165 and Broadcasting Orders 2022-166 and 2022-167.

French-language programming and original first-run French-language programming

149. An effective regulatory framework must acknowledge the differences between Canada's English- and French-language markets. The French-language broadcasting undertakings belonging to Canadian broadcasting ownership groups play a central role in this ecosystem as principal commissioners and exhibitors of original Canadian French-language programming and as key points of connection between francophone audiences and Canadian stories. Unaffiliated online undertakings contribute to original French-language content through their current base contribution requirements. However, this support is modest compared to that provided by Canadian broadcasting ownership groups. Regulatory requirements are needed most where the market may not provide adequate support for certain types of content. In this regard, the Commission is of the view that specific regulatory supports are required to ensure the continued sustainability and discoverability of French-language content across all types of platforms. Further, the *Broadcasting Act* and *Official Languages Act* require the Commission to take concrete measures to support French-language programming and culture.
150. In the Notice, the Commission recognized the importance of supporting French-language content and the need to further support its creation, production and distribution. The Commission also sought comments on whether different approaches should be undertaken for the English- and French-language markets in a modernized CPE framework, such as minimum expenditure requirements for Canadian original programs. The Notice highlighted that the Act requires that expenditures on Canadian programs include a minimum share of expenditures that are to be allocated to Canadian original French-language programs in the case of broadcasting undertakings that offer programs in both official languages.

Positions of parties

151. Several interveners⁴⁰ acknowledged that the French- and English-language markets operate under distinct conditions that warrant differentiated regulatory requirements. The CBC submitted that requirements for the French-language market should support original French-language production and meet the needs of OLMCs outside Quebec. The CMPA similarly highlighted structural differences between the two markets and added that the Commission's model must evolve to reflect the business and distribution realities of online services, whose libraries may include programming across genres, categories and languages. BCE proposed maintaining its existing CPE levels of 30% for its English-language broadcasting ownership group and 40% for its French-language broadcasting ownership group, noting that Canadian programming is expensive and risky to produce.

⁴⁰ For example, the CBC, the CMPA, BCE, the AQPM, and the Association des réalisateurs et réalisatrices du Québec, the Guilde des musiciennes et musiciens du Québec, the Société des auteurs de radio, télévision et cinéma and the Union des artistes (collectively, ARRQ-GMMQ-SARTEC-UDA) (joint intervention).

152. Certain interveners⁴¹ stated that CPE requirements must, at a minimum, maintain existing levels and ensure increased investment in French-language production. The APFC and the AQPM noted that mandatory expenditure requirements are essential to sustain original French-language production, particularly in OLMC contexts, noting that reduced requirements could undermine the richness and diversity of domestic French-language content. The Association des réalisateurs et réalisatrices du Québec, the Guilde des musiciennes et musiciens du Québec, the Société des auteurs de radio, télévision et cinéma and the Union des artistes (joint intervention) similarly noted the minority status of French in North America and structural financing disadvantages, and that targeted measures are required to ensure the creation and availability of original French-language programming.
153. In contrast, some unaffiliated online broadcasting ownership groups⁴² and the MPA-C generally advocated for a more flexible and market-responsive framework. Netflix and Apple submitted that French-language CPE requirements should be adaptable, proportionate, and reflective of global business models. Paramount stated that undertakings that do not offer programming in both official languages should not be subject to mandatory French-language CPE requirements. Collectively, these interveners considered that overly prescriptive requirements could create production inefficiencies and favoured flexibility in how requirements are met.

Commission's decisions

154. The Commission has consistently recognized that the English- and French-language broadcasting markets operate under distinct structural, economic, and cultural conditions, which justify differentiated regulatory approaches. In implementing the group-based, expenditure-focused framework established in Broadcasting Regulatory Policy 2015-86, the Commission applied a more flexible, case-by-case approach in the smaller and more varied French-language market, placing greater emphasis on local, regional and cultural relevance. For this reason, the CPE requirements of French-language undertakings have been significantly higher than their counterparts. For instance, Corus and TVA Group have 35% CPE requirements for their discretionary services, while Bell (40%) and TVA Group (45%) have an even higher requirement on their conventional services.
155. Requirements relating to original French-language programming are essential for sustaining the cultural vitality and continued development of the French-language broadcasting system. In Broadcasting Decision 2018-334, the Commission determined that large French-language broadcasting ownership groups must allocate 75% of their overall CPE to original French-language programs.⁴³ At that time, the Commission noted that as the penetration rate of online

⁴¹ The DGC, the AQPM, the APFC, and ARRQ-GMMQ-SARTEC-UDA.

⁴² Netflix, Apple, and Paramount.

⁴³ As set out in Broadcasting Regulatory Policy 2018-334, “original French-language program” means a Canadian program produced in French and broadcast for the first time in the French-language market, which excludes dubbed Canadian programs.

services had increased in the French-language market, revenues of the large broadcasting ownership groups had diminished. The Commission was concerned that some of the large broadcasting ownership groups projected to spend less of their CPE on original French-language programming as a result and indicated that this regulatory measure would help maintain spending levels for this type of programming.

156. While French-language content maintains a strong domestic presence in Canada, it is increasingly diluted in a sea of content brought to the market by unaffiliated online undertakings. The content libraries of large unaffiliated online undertakings are predominantly oriented toward English-language programming, with original French-language Canadian content remaining comparatively limited. These unaffiliated online undertakings often operate on the international stage, and their massive content libraries that are available in Canada are made up predominantly of English-language content that may, or may not, be dubbed into French. Since these undertakings are offered to audiences across the country, French-speaking audiences in Canada are left with content that does not necessarily respond to their needs or cultural distinctiveness. This stands in sharp contrast to Canadian broadcasting ownership groups such as Bell, Corus, and TVA Group, which remain deeply committed to producing and serving high volumes of French-language content to the French-language market.
157. In the Commission's view, consistent and strong support for the creation, presentation and promotion of French-language programming is critical. Furthermore, it is essential that the large broadcasting ownership groups that make the greatest impact in Canada in terms of audience reach and revenues be required to make meaningful contributions to support Canadian French-language programming and, in particular, original first-run French-language programming.
158. Direct contributions to French-language programming fall into two primary categories: the acquisition of Canadian French-language programming that has already been produced, or the commissioning of original first-run French-language Canadian programming. Requirements relating to original first-run French-language Canadian programming are intended to ensure sustained investment in the creation of new works and to ensure that Canadians have access to new Canadian stories as they first enter the marketplace. Original first-run programming plays a particularly important role in advancing the Commission's policy objectives by supporting the meaningful participation of Canadians in key creative roles, strengthening the French-language creative industry, and anchoring production activity in Canada.
159. The Commission considers that an original first-run programming requirement is a necessary part of the modernized CPE framework, as it ensures that regulatory contributions support the creation of new French-language works that meaningfully use Canadians in key creative roles, stimulate the French-language creative sector, and reinforce a virtuous cycle in which regulatory requirements directly fuel domestic creative output. This also aligns with the Commission's recent determinations on Canadian content (Broadcasting Regulatory Policy 2025-299), which modernized the identification of key creative roles in order to update the definition of "Canadian program." At the same time, the acquisition of pre-existing original Canadian programming plays

an important role by supporting francophone creators and Canadian rights holders who hold copyright in the program and benefit financially from the ongoing exploitation of their works, and helps ensure the programming in the system is varied and comprehensive.

160. The objective is therefore to strike an appropriate balance that ensures French-language programming is well financed and that French-language producers can engage in meaningful partnerships with all elements of the Canadian broadcasting system. At the same time, the Commission must ensure that large broadcasting ownership groups still benefit from certain flexibilities to ensure that they can provide programming to French-language audiences that remains culturally distinct and in a way that meets their needs and interests.
161. As noted above, the Commission currently requires large Canadian broadcasting ownership groups operating certain French-language broadcasting undertakings to devote 75% of their annual CPE to original French-language programming. The Commission considers this threshold to be effective in ensuring a strong supply of French-language content within the broadcasting system and, as such, will maintain this requirement. The Commission notes that French-language undertakings generally exceed this requirement on a consistent basis.
162. To further strengthen the CPE framework and support the vitality and cultural expression of the French-language market, the Commission determines that large Canadian broadcasting ownership groups operating French-language services must continue to devote 75% of their annual CPE for those services to original first-run⁴⁴ French-language programming. However, it recognizes that some ownership groups operate exclusively French-language undertakings (e.g., Quebecor), while others operate a mix of French- and English-language services, which necessitates a differentiated approach. In this context, the Commission intends to ensure that expenditures historically made by Canadian French-language broadcasting undertakings remain dedicated to creating content for the French-language market and are not used to satisfy other group-level requirements. Accordingly, the existing 75% original first-run programming requirement for French-language undertakings will be applied to large Canadian broadcasting ownership groups, with these considerations in mind, through tailored conditions of service.
163. In establishing requirements for large unaffiliated online broadcasting ownership groups, the Commission assessed a range of factors, including the public record, and domestic and international benchmarks related to production expenditures, volumes, and budgets. Commission data show that CPE by programming undertakings owned by Canadian broadcasting ownership groups with revenues of \$25 million or more in Canada is not distributed equally between the French- and English-language markets. Among these groups, approximately 25% of CPE flows, overall, to French-language production. However, these amounts relate mainly, directly or indirectly, to the investments made by Canadian broadcasting undertakings in French-language content. The Commission is mindful that comparatively little investment in Canadian French-language programming is made by unaffiliated online broadcasting ownership groups. Further,

⁴⁴ The Commission's updated definition of "original first-run" is set out below.

the Commission is aware that to help ensure that French-language content is sustainable going forward, particularly as unaffiliated online broadcasting ownership groups take a greater place in the Canadian market, additional investment will be required. Moreover, the Commission acknowledges that all of these unaffiliated online undertakings are available nationally and are international in their scope, which makes the potential return to the Canadian broadcasting system on their investment in French-language content important.

164. Therefore, the Commission determines that large unaffiliated online broadcasting ownership groups must allocate 30% of their annual CPE to support French-language programming. This will ensure that these large groups, which will benefit from a lower CPE requirement overall compared to their Canadian counterparts, nevertheless make a significant investment in Canadian French-language programming. This approach will undoubtedly open new doors to the French-language independent production sector and benefit French-Canadian audiences who will have access to more relevant content on more platforms than before.
165. Consistent with the Commission's prior determination that original first-run programming is central to achieving meaningful cultural outcomes, the Commission considers it necessary to ensure that the French-language requirement translates into sustained investment in the creation of new works. Accordingly, to ensure that this requirement directly supports the creation of new programming, the Commission further determines that large unaffiliated online broadcasting ownership groups must direct at least half (50%) of this 30% to original first-run French-language programming. The Commission considers that a split strikes an appropriate balance by ensuring a meaningful contribution to the creation of new French-language programming while allowing producers to continue deriving value from existing library intellectual property. This approach preserves flexibility and adaptability for services to respond to audience demand and evolving business models, while still advancing the vitality and sustainability of the French-language production sector.
166. While certain unaffiliated online broadcasting ownership groups may not have significant expertise in the French-Canadian production market, French-Canadian independent producers and broadcasters that operate French-language undertakings do. To ensure that the content made through the required investments in Canadian French-language production is relevant to a French-Canadian audience and to ensure that independent producers and Canadian broadcasting ownership groups can benefit from partnerships with unaffiliated online broadcasting ownership groups, the Commission determines that this original first-run programming must be sourced through enhanced partnerships⁴⁵ with Canadian broadcasters or Canadian independent producers that retain 50% or more of the copyright in the original first-run French-language productions.
167. The Commission is of the view that these requirements are in keeping with subsection 11.1(3) of the *Broadcasting Act* and also are positive measures to protect and promote the French language

⁴⁵ See the above section entitled "Enhanced partnerships with Canadian broadcasters and with Canadian independent producers".

and foster its full recognition and use in Canadian society in keeping with section 41 of the *Official Languages Act*.

168. For the purposes of the above requirements, the Commission provides the following definition of “original first-run”:

“**Original first-run**” means the first broadcast of a program that has not previously been broadcast, distributed, or made available by another broadcasting undertaking in Canada. Programming made in partnership by Canadian broadcasting undertakings or unaffiliated online undertakings can be claimed by both partners as an original first-run program. This definition excludes all dubbed programming.

169. Finally, the Commission clarifies that expenditures on French-language programming that result from the following regulatory measures are eligible to count toward the French-language program requirements set out above:

- **Spending on OLMC programming:** As set out in paragraph 146 above, large broadcasting ownership groups are expected to allocate a minimum of 2% of their overall annual CPE to OLMC Canadian programming as a guideline.
- **Contributions to the SEIF:** Contributions made by large broadcasting ownership groups to a fund that specifically supports broadcasting undertakings offering French-language programming of exceptional importance. For clarification purposes, SEIF contributions allocated to any service of exceptional importance that is not exclusively offering French-language programming are not eligible.
- **Base contributions:** Many of the production funds that are recipients of the base contribution framework established in Broadcasting Regulatory Policy 2024-121 allocate funding to French-language programming. Unaffiliated online broadcasting ownership groups can make use of the previous broadcast year’s publicly available annual reports published by the various funds (including the CMF, CIPFs and the ILNF) to determine the proportions of funding those various funds allocated to French-language content. As an example, if an unaffiliated online broadcasting ownership group provides support to the CMF, the ILNF, the BAF and the Quebecor Fund in the 2026-2027 broadcast year, only the proportion of the money expended by those funds to French-language content can be counted toward that undertaking’s French-language requirements. To determine what that proportion is, the group would rely on the funds’ annual reports for the 2025-2026 broadcast year. All other contributions would only count as eligible contributions toward an unaffiliated online broadcasting ownership groups’ contribution requirements for programming in English or other languages.

News programming

170. At the outset of the present proceeding, the Commission added to the record public opinion research from Phoenix Strategic Perspectives Inc. that presents, among other things, the views and attitudes of Canadians on the quality and diversity of news programming, the types of news programming that are considered important, and how the availability of news programming differs in urban and rural areas. In particular, the report indicated that the vast majority of Canadians found that staying informed through news was important, and most Canadians surveyed stated that they consumed news at least once a week. Significant numbers of Canadians also indicated that they consumed news from online or television sources and that the top priority for them when selecting news was trustworthiness.
171. Subsection 12(j) of the Policy Direction emphasizes the importance of sustainable support by the entire Canadian broadcasting system for news and current events programming, including a broad range of original local and regional news and community programming. The Commission addressed, in part, the question of news in Broadcasting Regulatory Policy 2024-121. It identified news programming as an area of “immediate need” that requires regulatory support as it is otherwise not sustainable in the Canadian broadcasting system. Accordingly, the Commission allocated a portion of base contributions to the ILNF to assist in producing such content. While this measure provided targeted support for a specific part of the Canadian broadcasting system, the Commission is mindful that broader and more sustainable support may be required.
172. In the Notice, the Commission expressed the following preliminary views on news programming:
- news programming, which is risky to produce and difficult to monetize in the current broadcasting system, is of particular importance and crucial to meeting the objectives of the Act; and
 - although support for news programming should be a priority, it may not be necessary for such support to be provided by all broadcasting ownership groups.

Positions of parties

173. Interveners broadly agreed that news programming is at risk but differed on how responsibility for its support should be allocated. For example, the MPA-C supported the Commission’s preliminary view that it may not be necessary that support for news programming be provided by all broadcasting undertakings, noting that its member services do not produce such content. Apple and Google LLC similarly stated that imposing news funding requirements on unaffiliated online undertakings would be inappropriate given their distinct business models. Apple added that, in its case, this would be inconsistent with the Act’s requirement that contributions reflect the nature of services provided.
174. The Canadian Association of Broadcasters (CAB) pointed out the role that Canadian broadcasting undertakings play, especially in areas such as the production of news. It stated that “the foreign

entrants in the Canadian market” cannot replace them. It further proposed reducing requirements to contribute to the traditional category of PNI for granting greater flexibility to operators of Canadian broadcasting undertakings, specifying that some broadcasting undertakings “would prefer to direct their money toward news.”

175. Certain interveners⁴⁶ noted that unaffiliated online undertakings should contribute to news through investment in directed funds. In particular, Channel Zero agreed with the Commission’s characterization of news programming as risky to produce and difficult to monetize in the current broadcasting system and supported the view that such programming is of particular importance and crucial to meeting the objectives of the Act.
176. Several interveners proposed mechanisms to strengthen news funding within the existing system. For example, Rogers stated that vertically integrated Canadian broadcasting ownership groups should be allowed to offset their expenditures on local news against any requirements to contribute to third-party funds, in particular, the ILNF. It provided examples supporting that news programming is demonstrably at risk and stated that no party to this proceeding supplied evidence to the contrary. In Corus’s view, operators of conventional services, which provide the majority of news programming in the system, should have the option of accepting a baseline spending requirement on news, which would count toward their overall CPE requirements. The IBG agreed that Canadian news is at risk and must be supported. It suggested assessing news expenditure requirements case by case, taking into consideration financial resources and third-party funding (such as ILNF), support for 9.1(1)(h) services, and provincial funding.
177. Quebecor supported prioritizing news and information programming, emphasizing its exceptional importance for society and the persistent challenges associated with its monetization. It noted that regulatory support should focus on strengthening and expanding funding mechanisms dedicated to the production of news. Quebecor also called for a reduction in administrative burden associated with such programming.

Commission’s decisions

178. News programming plays a vital role in the Canadian broadcasting system. It is critical in safeguarding, enriching, and strengthening the cultural, political, social and economic fabric of Canada. At the same time, news is increasingly difficult and costly for broadcasters to make and broadcast. The Commission finds that the broadcasting landscape has and continues to evolve such that news content that used to be produced by and made available on traditional media increasingly competes with online sources, both verified and unverified.
179. The provision of fact-based journalism entails significant and ongoing expenditures. At the same time, structural conditions in the current media environment — notably, declining advertising revenues, fragmented audiences, shifting consumption habits, and competition from low-cost or

⁴⁶ For example, Aboriginal Peoples Television Network Incorporated, Accessible Media Inc., the CAB, and Channel Zero.

content generated through artificial intelligence (AI) — are limiting the sustainability of investments without additional regulatory support. Credible, fact-checked journalism depends on continued investment in skilled staff, editorial oversight, and technical infrastructure, which the above-noted pressures increasingly strain.

180. Canadian owned and controlled sources are more likely to produce news with a Canadian perspective on local, regional, national and international events. The Commission considers that Canadian broadcasting undertakings, as main producers of news, are best positioned to support this programming. By contrast, unaffiliated online undertakings currently have a comparatively minor role to play in contributing to the creation of Canadian news programming. They generally do not produce or present a significant portion of Canadian news. Their contributions to Canadian news were set as a part of their base contributions to the ILNF. These base contributions remain consistent with the Commission's approach to news content support where certain broadcasting undertakings that do not produce news themselves are nonetheless required to support the creation of Canadian news programming. The Commission will therefore maintain the requirement set out in the base contribution decision.
181. Large Canadian broadcasting ownership groups are, in the Commission's view, best placed to make the largest investments in the creation and broadcast of news on multiple platforms. Most have the existing infrastructure in place, both domestically and abroad, the expertise, the necessary human resources, and the necessary financial resources across all of their platforms to ensure that Canadians continue to benefit from news programming across multiple platforms. Large Canadian broadcasting ownership groups also have the ability to ensure that this programming can be made discoverable. The Commission therefore finds that minimum investments by the large Canadian broadcasting ownership groups are necessary.
182. In light of the above, the Commission determines that large Canadian broadcasting ownership groups must devote to the production and presentation of Canadian-produced news programming an amount equal to the greater of:
 - 15% of the group's total CPE; or
 - the group's average expenditures on news over the previous three broadcast years.
183. The Commission will also establish specific French-language news requirements for those large Canadian broadcasting ownership groups that are subject to news programming requirements and that operate in both official language markets (such as Bell and Corus). The specific allocation to French-language news will be informed by three-year average historical spending toward French-language CPE for those Canadian broadcasting ownership groups.
184. Finally, the Commission intends to launch a public consultation to help ensure that Canadians have access to timely local and national news on radio and on television.

Programming by and for Indigenous peoples

185. The Commission recognizes that programming by and for Indigenous peoples is essential to ensuring that the Canadian broadcasting system reflects the full diversity of Canada and supports Indigenous cultural expression, languages, and storytelling. Indigenous programming plays a critical role in advancing reconciliation, affirming Indigenous identities, and enabling Indigenous creators to exercise creative and editorial control over their stories. Supporting the creation, distribution, and discoverability of Indigenous programming also contributes to a more inclusive and sustainable broadcasting system. This is consistent with the objectives of the Act and with the Commission’s broader efforts to modernize the regulatory framework, including through the ongoing co-development of an Indigenous Broadcasting Policy.⁴⁷
186. In the Notice, the Commission sought comments on how the modernized CPE framework may best support Indigenous content.⁴⁸

Positions of parties

187. Aboriginal Peoples Television Network Incorporated (APTN) submitted that Indigenous productions should recognize the role of Indigenous broadcasters in developing, creating, and exhibiting Indigenous stories. The Indigenous Screen Office (ISO) submitted that Indigenous drama, comedy, feature films, long-form documentaries, and children’s and youth programming are essential vehicles for Indigenous storytelling and remain at risk without clear and measurable support.
188. The Documentary Organization of Canada (DOC) supported directing CPE to Indigenous programming and to funds mandated to serve Indigenous communities and equity-deserving groups, including the ISO, the Black Screen Office (BSO), and the Canadian Independent Screen Fund for BIPOC Creators (CISF). Other interveners⁴⁹ similarly supported system-wide measures, including minimum or dedicated expenditures, reporting requirements, accessibility supports, and meaningful opportunities for Indigenous and equity-deserving creators.
189. Corus stated that the Commission should use incentives for mainstream broadcasters to commission Indigenous content. The MPA-C similarly supported a flexible, incentive-based approach, submitting that such an approach would better support the creation and distribution of Canadian content by under-represented communities.

⁴⁷ See Broadcasting Notice of Consultation 2024-67, including paragraph 88, in which the Commission seeks comments on the policy initiatives that could ensure a stable financial base for the creation, production, promotion and distribution of Indigenous content.

⁴⁸ The Commission notes that it will address the issue of defining “Indigenous content” as part of the Indigenous Broadcasting Policy proceeding announced in Broadcasting Notice of Consultation 2024-67.

⁴⁹ The Racial Equity Media Collective, BIPOC TV & Film, the BSO, the Alliance of Canadian Cinema, Television and Radio Artists (ACTRA), and the Deaf Wireless Canada Committee.

Commission's decisions

190. Indigenous content-related matters, including the financing of Indigenous programming, are currently under consideration as part of a separate proceeding on the co-development of an Indigenous Broadcasting Policy. Nevertheless, in the context of modernizing the CPE framework, the Commission wants to ensure that the framework is aligned with broader regulatory initiatives that support Indigenous storytelling, participation, and self-determination within the broadcasting system. Through mandatory contributions to the CMF and through independent production funds such as the ISO, broadcasting undertakings subject to CPE requirements currently provide support for content created by and for Indigenous peoples.
191. Depending on their business models, large broadcasting ownership groups are differently positioned to support the production and broadcasting of original programs by and for Indigenous peoples, whether through the creation of such programming, its acquisition, or contributions to funds that support its production. Accordingly, determining the appropriate nature and scope of contributions for Indigenous programming would, in the Commission's view, be best done through tailored conditions of service, based on proposals made by large broadcasting ownership groups. This approach would better recognize the different business models of large broadcasting ownership groups while optimizing the nature and scope of contributions to adequately address the unique needs of Indigenous peoples on a case-by-case basis.
192. In light of the above, the Commission determines that large broadcasting ownership groups will be required to develop measures to create opportunities for producers from Indigenous communities as part of future consultations to establish tailored conditions of service. They will be required to report on those measures as a part of their annual reporting and demonstrate how those measures make a meaningful impact in supporting Indigenous creators. Specific CPE allocations toward Indigenous programming will be discussed at that time. Further, any future requirements in this area will be established in accordance with the determinations set out in the upcoming Indigenous Broadcasting Policy.
193. The Commission currently grants a 50% CPE credit against CPE requirements for expenditures on Canadian programming produced by Indigenous producers. This CPE credit applies to both large and various medium broadcasting ownership groups. These groups can claim this credit for up to a maximum of 10% of the group's overall CPE requirement. To encourage the reflection of Indigenous peoples in programming, the Commission determines that it is appropriate to grant the 50% CPE credit for programming produced by and for Indigenous producers, for both large and medium broadcasting ownership groups subject to CPE requirements.

Programming by and for equity-deserving groups

194. The Commission recognizes that programming created by and for equity-deserving groups⁵⁰ is essential to ensuring that the Canadian broadcasting system reflects Canada's diversity and supports a diversity of programming, voices, perspectives, and lived experiences. The Commission further acknowledges that creators from equity-deserving groups have faced systemic barriers to participation in the broadcasting system, which have contributed to their ongoing underrepresentation both on screen and in key creative roles. Supporting programming from equity-deserving groups, including through meaningful partnerships, contributes to Canadian artistic and cultural expression, strengthens representation across the audio-visual sector, and advances a more inclusive and sustainable broadcasting system.

Positions of parties

195. Various intervenors stated that programming by and for equity-deserving groups should be supported by CPE through prescriptive and/or incentive-based measures and by all groups (traditional and online) subject to CPE requirements. For example, the DOC supported proposals to use CPE mechanisms to ensure support for programming by Black and racialized creators, and creators from other equity-deserving groups. The Writers Guild of Canada expressed support for policies that sustain programming created by and for equity-deserving groups and Canadians of diverse backgrounds. The Deaf Wireless Canada Committee stated that CPE credits should be awarded for productions that incorporate robust accessibility measures.
196. The BSO, while acknowledging the important role played by services such as OUTtv and Accessible Media Inc. in serving specific communities, stated that these services should not be viewed as the sole venues for representation of 2SLGBTQI+ Canadians and Canadians with disabilities. In its view, meaningful inclusion requires representation throughout the broader Canadian broadcasting system, rather than being concentrated within particular services.
197. BIPOC TV & Film submitted that voices of equity-deserving groups have historically been underrepresented and underfunded, making regulatory support particularly important.

Commission's decisions

198. Currently, through contributions to independent production funds such as the BSO, the BAF and the CISF, certain broadcasting ownership groups already provide support for equity-deserving creators and content they produce. Notably, certain unaffiliated online broadcasting ownership groups are required to contribute 0.5% of their annual contributions revenues to one or a combination of these three funds to support the creation and availability of programming by

⁵⁰ Equity-deserving groups include racialized people, people with disabilities, individuals who identify as 2SLGBTQI+ and women.

producers who are members of equity-deserving groups, as established in Broadcasting Regulatory Policy 2024-121.

199. The same decision stipulates that a further 0.5% of contributions from unaffiliated online broadcasting ownership groups that offer audio-visual content specifically is directed to CIPFs that support OLMC producers and diverse communities. As set out in Broadcasting Decision 2025-201, CIPFs such as the Bell Fund, the Independent Production Fund, the TELUS Fund, the Quebecor Fund, the Shaw Rocket Fund and the Telefilm Canada Talent Fund are now eligible to receive contributions from unaffiliated online broadcasting ownership groups that offer audio-visual content to support producers from OLMCs and diverse communities.
200. That said, the Commission considers that additional measures would further the objectives of the Act, by strengthening diversity and inclusion within the broadcasting landscape, ensuring that equity-deserving groups have a meaningful role in shaping content that reflects their experiences and perspectives, and supporting their full participation and representation in the Canadian broadcasting system.
201. In the Commission's view, determining the appropriate nature and scope of contributions for programming from equity-deserving groups would best be done through tailored conditions of service.
202. Accordingly, the Commission determines that large broadcasting ownership groups will be required to develop measures to create opportunities for producers from equity-deserving groups as part of the future consultations to establish tailored conditions of service. They will be required to report on those measures as a part of the process and demonstrate how those measures make a meaningful impact in supporting creators from equity-deserving groups. Specific measures to support equity-deserving groups will be discussed at that time.

Training and capacity building initiatives

203. Training and capacity building initiatives can support the development of skills, experience, and professional networks across the broadcasting sector. Such initiatives may be particularly beneficial for creators and producers from communities that face challenges or barriers, including Indigenous communities and equity-deserving groups. When appropriately designed, training and capacity building contributions can enhance access to industry opportunities, strengthen the creative ecosystem, and support the long-term sustainability of Canadian programming.

Positions of parties

204. Certain interveners⁵¹ stated that training and capacity building should be recognized as small, additional or optional contributions, often best managed by third-party funds and industry training and development programs. The Canadian Film Centre, the National Screen Institute and the

⁵¹ The IBG, the CBC, Rogers, and the CMPA.

Institut national de l'image et du son (CFC/NSI/L'inis) jointly submitted that the modernized CPE framework must include a specific allocation to a national training fund to provide support to Canadian and Indigenous creators. They also submitted that it would be appropriate to allow broadcasting undertakings, including online services, to count training programs spending toward their CPE. The CMPA and the CFC/NSI/L'inis indicated that 2.5% of total contributions should be allocated to these training programs, noting similar treatment in France.

205. Certain unaffiliated online broadcasting ownership groups⁵² consistently supported a flexible approach to what counts as eligible CPE. They emphasized that expenditures on training and capacity building should be recognized as legitimate and impactful contributions, not secondary to or less important than direct production spending.
206. The APFC submitted that while training and capacity building are important, they should not be considered a substitute for direct expenditures on Canadian programming.

Commission's decisions

207. All broadcasting groups, and in particular large broadcasting ownership groups, may contribute to the development of Canadian producers and creators through the provision of expertise, mentoring, or training opportunities. The Commission recognizes that the record clearly supports the inclusion of training and capacity building initiatives as eligible expenditures under the CPE framework. The Policy Direction further directs the Commission to ensure that expenditures requirements supporting training and capacity building activities support and promote Canadian creators of programs.⁵³ Moreover, the Act authorizes the Commission to make regulations and orders for conditions of service to support, promote and train Canadian creators of audio-visual programs.⁵⁴
208. That said, the primary intent of CPE requirements is to ensure that all broadcasting ownership groups make direct investments in the production of Canadian programming. In the Commission's view, allowing unlimited expenditures on training and capacity building initiatives to count toward CPE risks unduly diverting financial resources away from the creation of actual screen content. It is also the Commission's view that it should limit the eligible expenditures on training and capacity building initiatives.

⁵² Apple, Paramount, and Amazon.

⁵³ Subsection 12(k), which directs the Commission to make regulations that "support activities and services — including training and development activities, conferences, the activities of organizations that represent creators and the development of digital and open-source tools and solutions — that support and promote Canadian creators of audio or audio-visual programs for broadcasting by broadcasting undertakings, including social media creators".

⁵⁴ Paragraph 11.1(1)(b).

209. Accordingly, the Commission determines that spending toward training and capacity building initiatives for Canadian creators of audio-visual programs may be recognized as CPE, on a case-by-case basis, where:

- large broadcasting ownership groups clearly demonstrate that the training provides a clear benefit to the system;
- the spending qualifies as a third-party expenditure;⁵⁵ and
- the spending delivers tangible, measurable outcomes.

210. Should large broadcasting ownership groups wish to submit training and capacity building initiatives as CPE expenditures, they must demonstrate that the initiative meets the above criteria during the future consultations to establish tailored conditions of services. This would provide flexibility for large broadcasting ownership groups to respond to market realities while ensuring a clear benefit to the Canadian broadcasting system.

211. The Commission will determine whether credit should be given for third-party training at the time of the consultations to establish tailored condition of service. Eligible training expenditures may be subject to caps or other limits to be determined at that time.

Other matters

Flexibility granted to unaffiliated online undertakings in their contribution order

212. In Broadcasting Order 2024-194, the Commission provided unaffiliated online broadcasting ownership groups with flexibility to fulfill a portion of their requirements by permitting up to 1.5% of the 2% minimum contribution otherwise directed to the CMF to be allocated to direct investments in Canadian programming.⁵⁶ The determinations made in this regulatory policy will significantly change the way different broadcasting ownership groups support the production of Canadian programming. In the Commission's view, this modernized CPE framework recalibrates the contributions required from each broadcasting ownership group in a way that is equitable and balances out direct contributions to Canadian programming and indirect contributions to independent production funds, including to the CMF.

⁵⁵ See the Commission's tangible benefits policy, set out in Broadcasting Regulatory Policy 2014-459, in regard to third-party expenditures (paragraphs 30-31).

⁵⁶ In Broadcasting Regulatory Policy 2024-121, the Commission set out that 2% of online undertakings' contributions should be allocated to the CMF and/or direct expenditures toward certified Canadian content. To provide flexibility and to encourage online undertakings to produce Canadian content, the Commission allowed online undertakings to contribute up to 1.5% of this allocation to the production or acquisition of certified Canadian content while the remainder (0.5%) must be allocated to the CMF.

213. In light of the changes brought to the CPE framework, the Commission is of the view that the flexibility previously granted to the unaffiliated online broadcasting ownership groups subject to contribution orders is no longer necessary. As such, large and medium unaffiliated online broadcasting ownership groups must now contribute a minimum of 2% of their CPE to the CMF in the modernized CPE framework. The Commission intends to implement this change as part of the future consultations to establish tailored conditions of service.

Matters relating to targeted adjustments to expenditure eligibility

214. The CPE framework requires the Commission to determine which types of expenditures are eligible for meeting CPE requirements. The Commission's policy on eligible expenditures is set out in Public Notice 1993-93. In Broadcasting Notice of Consultation 2024-288, the Commission sought comments on the types of expenditures that should qualify under a modernized framework.

215. In this section, the Commission considers whether the following targeted adjustments to expenditure eligibility are appropriate:

- international promotional expenditures;
- equity investments; and
- dubbing.

International promotional expenditures

216. Promotional expenditures can support the discoverability of Canadian programming by helping audiences in Canada and abroad find and access that content. Marketing and promotional activities may increase audiences' awareness and visibility, particularly in a competitive and increasingly global audio-visual environment. This in turn strengthens the financial viability of creators and reinforces production partners' and broadcasters' capacity to make investments in the production of new Canadian programs.

217. In Broadcasting Regulatory Policy 2015-86, the Commission gave independent broadcasting undertakings (i.e., those not affiliated with a vertically integrated company) the flexibility to count expenses for the third-party promotion of Canadian programs toward their CPE requirements, up to a maximum of 10%.

Positions of parties

218. Several interveners supported a broader interpretation of eligible CPE that would include promotion, discoverability, marketing, audience development, training, and related activities. The MPA-C submitted that eligible CPE should include marketing and promotional expenditures, including on-screen and off-screen promotion and support for Canadian creators. It submitted that promotion is now closely tied to discoverability and audience development. The IBG similarly

supported recognizing expenses relating to direct marketing support, discoverability measures, and promotional tools as eligible CPE, particularly in the online environment. The Disability Screen Office supported including expenditures related to training, infrastructure, discoverability, marketing, promotion, market attendance, and festivals, submitting that such expenditures support the sustainability and visibility of Canadian programming.

219. Other interveners commented on the eligibility criteria for promotional expenditures. TV5 Québec Canada proposed widening eligible promotional expenditures that qualify for independent services by allowing all promotional expenses for Canadian programs on an independent service to qualify as CPE. The SPACQ-AE submitted that the primary focus of CPE requirements should remain on direct and indirect investment in the creation and production of original Canadian programming, and that operating expenses should not be allowed to count toward CPE requirements.

Commission's decisions

220. In the Commission's view, international promotion can support the discoverability of Canadian programming. Moreover, as the Commission indicated in Broadcasting Regulatory Policy 2015-86, vertically integrated broadcasting ownership groups generally have greater promotional resources and opportunities to promote programming across their own services and platforms. This continues to be the case. The record of this proceeding demonstrates that expenditures on international promotional and discoverability are already part of most large broadcasting ownership groups' business models and constitute, in certain cases, a significant portion of their production budgets. Accordingly, permitting such large broadcasting ownership groups to count international promotional expenditures toward CPE would risk diluting their expenditures on the development and production of Canadian programming, which are critical to the achievement of the policy objectives of the Act.
221. By contrast, as noted above, in Broadcasting Regulatory Policy 2015-86, the Commission permitted independent broadcasting undertakings, which are smaller compared to the vertically integrated broadcasting ownership groups, to count promotional expenses as CPE. Granting a limited promotional expense credit for medium Canadian broadcasting ownership groups may provide targeted flexibility to support the visibility and exportability of Canadian programming without materially reducing production-related spending in the Canadian broadcasting system. For these medium Canadian broadcasting ownership groups that are subject to CPE requirements, allowing a portion of expenditures on international promotion to be counted toward these requirements can serve as an important incentive to invest in the promotion and visibility of Canadian content. This approach supports the exportability and discoverability of Canadian programming and formats, both domestically and internationally, by encouraging a broader range of undertakings to actively promote Canadian content across traditional and online platforms. It is also in line with the determinations the Commission made in Broadcasting Regulatory Policy 2026-95 regarding the discoverability of Canadian content.

222. In the Commission's view, this measured flexibility would help to ensure that Canadian programming remains visible and competitive in an increasingly global and digital marketplace, while supporting the participation of medium-sized players in the system. A 10% cap would strike an appropriate balance between creating an incentive and not unduly diluting CPE.
223. In light of the above, the Commission determines that medium Canadian broadcasting ownership groups will be permitted to use up to 10% of their required CPE to support expenditures made for the discoverability of Canadian content outside of Canada. The Commission will examine proposals in this regard when it assesses these groups' tailored conditions of service.
224. In doing so, the Commission will seek to ensure that these expenditures help audiences to have access to and easily find a full range of Canadian and Indigenous content, including content in French, English, and Indigenous languages.

Equity investments

225. In Public Notice 1993-93, the Commission took a position that profits from equity investments in programming should count against a broadcasting undertaking's investment in CPE such that profit would require additional CPE spending. Conversely, it allowed for losses taken on equity investments to count toward CPE spending. While this measure may have been meant to increase spending on CPE, this approach, in conjunction with the Canadian system for tax credits and funds such as the CMF, acted as a disincentive to Canadian broadcasting ownership groups from taking an equity investment in programming that they do not produce in-house.
226. In Broadcasting Regulatory Policy 2025-299, the Commission took steps to allow additional elements of the Canadian broadcasting system, such as Canadian broadcasters, Canadian independent producers and non-Canadian online undertakings, to take equity positions in productions and to incentivize Canadian copyright ownership in the programs. Maintaining an element of the CPE framework that is inconsistent with the objectives of that regulatory policy would not allow for the full diversity of potential partnerships available in the Canadian broadcasting system.
227. While the record for the present proceeding did not directly address whether Public Notice 1993-93 should be revised to indicate that equity investments should be deemed eligible CPE, it did speak to the importance of modernizing the CPE framework in a manner that aligns with today's business models, whether in the creation, production or distribution of Canadian programs.
228. Accordingly, the Commission eliminates the disincentives on equity investments whereby equity investments in productions are not eligible CPE. Therefore, any amount spent toward equity investments in a production will count toward CPE. Broadcasting ownership groups will no longer be able to claim losses on those equity investments toward their overall CPE spending. Moreover, broadcasting ownership groups will no longer need to make up CPE spending for any profits made on those equity investments. For clarity, one dollar invested in the equity of a production will count as one dollar toward a broadcasting ownership group's required CPE.

Dubbing

229. Under the current CPE framework, broadcasters may claim expenses related to the dubbing of a production where the dubbing was undertaken in Canada using Canadian resources. In Broadcasting Regulatory Policy 2025-299, the Commission maintained its longstanding policy to accord time credit for dubbed programs broadcast on linear services. The time credit applies where the program is dubbed in Canada using Canadian resources. Eligible dubbing expenses should be defined in a way that aligns with the determinations made by the Commission in Broadcasting Regulatory Policy 2025-299.

Positions of parties

230. Certain interveners supported recognizing dubbing expenses as eligible CPE, particularly where the dubbing work is performed in Canada by Canadian workers and talent. For example, APTN stated that spending on dubbing into Indigenous languages should qualify as eligible CPE regardless of whether the underlying production is Canadian, Indigenous, or foreign produced, given the contribution that dubbing makes to the preservation, accessibility, and promotion of Indigenous languages and cultures.

231. Paramount and Netflix also supported allowing unaffiliated online undertakings to claim CPE credits for qualifying dubbing expenses under the same conditions that apply to Canadian broadcasters. Netflix emphasized the importance of such credits for the province of Quebec's post-production industry. Paramount stated that a cap on dubbing credits was not necessary, but that if one were imposed, it should apply equally to all broadcasting undertakings.

Commission's decision

232. The Commission stated in Broadcasting Regulatory Policy 2025-299 that while AI may serve as a potential tool to assist in the creation of Canadian content, humans should hold creative control to support economic opportunities and remuneration for Canadian creators. It indicated that it would apply this lens when evaluating whether a production meets the criteria for key creative positions and functions, and other criteria used to certify productions as Canadian programs.

233. In the Commission's view, it is necessary to clarify what criteria apply for dubbing expenses to be eligible as CPE in a manner that is consistent with the definition of "Canadian program" set out in Broadcasting Regulatory Policy 2025-299.

234. Accordingly, the Commission updates its criteria for eligible dubbing expenses as follows: Dubbed programming made available to Canadian audiences must be dubbed in Canada using Canadian human resources for dubbing expenses to qualify as allowable CPE.

Applications from broadcasters seeking relief from expenditure requirements

235. This decision will reduce certain regulatory burdens and provide greater flexibility across the broadcasting system in a manner proportionate to the size and nature of broadcasting

undertakings. Small broadcasting ownership groups will not be subject to CPE requirements, thereby reducing administrative and reporting requirements for these groups. Medium broadcasting ownership groups will benefit from greater flexibility in how they meet their requirements, allowing them to tailor contributions in a manner that best supports their operations and programming strategies. For large Canadian broadcasting ownership groups, the Commission is reducing certain CPE requirements to provide additional flexibility while maintaining meaningful contributions to the Canadian broadcasting system.

236. In the Notice, the Commission indicated that it had received applications⁵⁷ from broadcasters operating under the group-based licensing approach seeking relief from their CPE and/or PNI expenditure requirements in recent years. These applications and any interventions received in response to them were added to the public record of this proceeding.
237. The modernized CPE framework establishes a revised regulatory CPE framework that brings significant changes to expenditure requirements. Accordingly, the Commission considers it appropriate to close the Part 1 applications that were placed on the record for this proceeding.

Implementation – Phasing in new requirements

238. The modernized CPE framework introduces a series of new and amended requirements that will result in changes to both who is required to contribute to CPE, the nature of those contributions, and to whom the contributions should be made. As a result of updated definitions, thresholds, and requirement structures, certain groups that were previously not subject to contribution requirements may now be required to contribute, while others may see their requirements reduced or phased out.
239. In regard to implementation, as indicated in this regulatory policy, a number of requirements will be established through tailored conditions of service. The Commission may also use regulations where appropriate. For others, the Commission will assess how best to phase in, phase out or adjust requirements, including those set out in regulations, conditions of service, or other orders.

Secretary General

⁵⁷ Rogers Communications Canada Inc. ([2023-0373-3](#)), Bell Media Inc. ([2023-0379-1](#) and [2023-0380-9](#)), Quebecor Media Inc., on behalf of TVA Group Inc. ([2022-0986-6](#)), Corus Entertainment Inc. ([2022-0946-0](#)) and Blue Ant Media Inc. ([2024-0385-6](#)).

Related documents

- *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*, Broadcasting Regulatory Policy CRTC 2026-95, 21 May 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
- *Applications filed by Certified Independent Production Funds seeking eligibility to receive contributions from audio-visual online undertakings*, Broadcasting Decision CRTC 2025-201, 8 August 2025
- *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, as amended by Broadcasting Notices of Consultation CRTC 2024-288-1, 26 February 2025; 2024-288-2, 24 March 2025; 2024-288-3, 31 March 2025; and 2024-288-4, 29 May 2025
- *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
- *Call for comments – Co-development of an Indigenous Broadcasting Policy*, Broadcasting Notice of Consultation CRTC 2024-67, 22 March 2024
- *Review of exemption orders and transition from conditions of exemption to conditions of service for broadcasting online undertakings*, Broadcasting Regulatory Policy CRTC 2023-331 and Broadcasting Order CRTC 2023-332, 29 September 2023
- *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
- *Reconsideration of licence renewals decisions regarding the licence renewals for the television services of large French-language private ownership groups*, Broadcasting Decision CRTC 2018-334, 30 August 2018

- *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
- *Renewal of licences for the television services of large English-language ownership groups – Introductory decision*, Broadcasting Decision CRTC 2017-148, 15 May 2017
- *Renewal of licences for the television services of large French-language ownership groups – Introductory decision*, Broadcasting Decision CRTC 2017-143, 15 May 2017
- *Standard requirements for on-demand services*, Broadcasting Regulatory Policy CRTC 2017-138, 10 May 2017
- *Policy framework for local and community television*, Broadcasting Regulatory Policy CRTC 2016-224, 15 June 2016
- *Let's Talk TV – The way forward – Creating compelling and diverse Canadian programming*, Broadcasting Regulatory Policy CRTC 2015-86, 12 March 2015
- *Simplified approach to tangible benefits and determining the value of the transaction*, Broadcasting Regulatory Policy CRTC 2014-459, 5 September 2014
- *Definitions for television program categories*, Broadcasting Regulatory Policy CRTC 2010-808, 1 November 2010
- *A group-based approach to the licensing of private television services*, Broadcasting Regulatory Policy CRTC 2010-167, 22 March 2010
- *The reporting of Canadian programming expenditures*, Public Notice CRTC 1993-93, 22 June 1993