



Montreal, September 28, 2018

Mr. Claude Doucet  
Secretary General  
Canadian Radio-television and Telecommunications Commission  
Ottawa, Ontario K1A 0N2

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**Subject: Legislative Review of Broadcasting and Telecommunications –  
Coalition for Culture and Media call for interim measures**

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Dear Mr. Doucet:

As you are aware, the Coalition for Culture and Media is concerned about the future of the Canadian broadcasting system and more broadly about the future of Canadian culture and media. The coalition participated in the *Call for comments on the Governor in Council's request for a report on future programming distribution models – Broadcasting Notice of Consultation CRTC 2017-359*, in December 2017. That consultation led the Commission to publish a report last May, in response to which the coalition praised the accuracy of the findings in a statement issued the same day:

"Several of these findings respond to the coalition's expectations, in particular when it comes to regulating all online streaming services and making all industry players contribute - including foreign operators – to the financing of production and promotion of Canadian content. The coalition is also pleased that the CRTC has rejected the idea of deregulating traditional broadcasters (radio, television, cable operators) and appreciates the CRTC's acknowledgement of the urgency to address the current situation.

The recommendations issued in the report are an encouraging first step towards a fair regulation, but the coalition remains concerned about the commission's conclusion that the current regulatory model is ill-equipped to regulate online services. While the coalition is open to new approaches, other jurisdictions are applying policies, such as enforcing a percentage of local content, that should not be excluded for the Canadian context."<sup>1</sup>

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<sup>1</sup> Coalition for Culture and Media, *Finally! The CRTC recommends regulating digital media: is the government listening?*, Montreal, June 1, 2018.

Subsequently, an expert committee was established by the Federal Government to identify possible solutions for amendments to the *Broadcasting Act*, the *Telecommunications Act* and the *Radiocommunication Act*. This committee is scheduled to report in January 2020, which means that the legislation cannot reasonably be expected to be revised before 2022 or 2023 at the earliest.

As eager as the coalition may be to work with the government on this legislative review, it is concerned about the minimum four or five-year period imposed on workers and businesses in the sector before the implementation of fundamental legislative changes in support of Canadian culture and communications. The Commission itself has acknowledged in its report that certain sub-sectors are already in decline or have reached maturity. This is the case for traditional television and AM/FM radio, which are facing competition from comparable but unregulated online services.

The Coalition for Culture and Media agrees with the CRTC that there is a continuing need to regulate system players and to establish "... clear roles and responsibilities for both traditional and new online players"<sup>2</sup>.... The latter are earning significant revenues in Canada and, in some cases, are becoming more and more like traditional broadcasters (this is particularly the case with Netflix, which is considering broadcasting commercials). We therefore believe that they should start contributing to the system now, because the longer it takes for them to do so, the greater the resistance will be.

The Commission has also acknowledged in its report *Harnessing change: The future of programming distribution in Canada* that the necessary legislative and regulatory changes will take time and that "Whether or not such changes occur, there are certain initial steps the CRTC could consider in the next several years to address some of the issues..."<sup>3</sup> The Commission reiterated that the CRTC could move forward on some of the proposals in its 2019-2020 forecast.<sup>4</sup>

The coalition would like to know whether the CRTC intends to implement interim measures promptly – i.e. within the coming year – and the date (month and year) on in which it plans to launch the requisite public process.

In the meantime, the Coalition for Culture and Media asks the Commission to implement, in a transparent manner, the *Exemption Order for Digital Media Broadcasting Undertakings* (CRTC 2012-409) by publishing, without delay, the pertinent aggregated data on the exempted companies. The Commission requested such information from Facebook, Google, Spotify, Apple and Amazon, among others, under the *Broadcasting Notice of Consultation* (CRTC 2017-359) last winter. However, as the Commission committed to the total confidentiality of the information submitted to it, we have no way of knowing if the companies responded. The coalition also asks that the total number of companies queried and the number of responses be made public.

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<sup>2</sup> CRTC, *Harnessing change: The future of programming distribution in Canada*, Ottawa, May 31, 2018.

<sup>3</sup> *Idem*.

<sup>4</sup> CRTC, *CRTC Forecast 2019-2020*, September 6, 2018.

The Coalition for Culture and Media thanks you for your attention to these requests and hopes that the Commission will inform us promptly of its intentions regarding these queries. To reach us on this matter, please contact H  l  ne Messier who is acting coalition spokesperson for the file, at [hmessier@aqpm.ca](mailto:hmessier@aqpm.ca) or 514-397-8600.

Yours sincerely,

The Coalition for Culture and Media

*Alliance des producteurs francophones du Canada (APFC)*  
*Alliance of Canadian Cinema, Television and Radio Artists (ACTRA)*  
*Alliance Qu  bec Animation (AQA)*  
*Alliance qu  b  coise des techniciens et techniciennes de l'image et du son (AQTIS)*  
*ARTISTI*  
*Association acadienne des artistes professionnel.le.s du Nouveau-Brunswick (AAPNB)*  
*Association des professionnels de l'  dition musicale (APEM)*  
*Association des propri  taires de cin  mas du Qu  bec (APCQ)*  
*Association des r  alisateurs et r  alisatrices du Qu  bec (ARRQ)*  
*Association nationale des   diteurs de livres (ANEL)*  
*Association qu  b  coise de la production m  diatique (AQPM)*  
*Association qu  b  coise de l'industrie du disque, du spectacle et de la vid  o (ADISQ)*  
*Association qu  b  coise des cin  mas d'art et d'essai (AQCAE)*  
*Canadian Media Producers Association (CMPA)*  
*Canadian union of public employees (CUPE) and its communications sector (CPSC)*  
*Conseil qu  b  cois des arts m  diatiques (CQAM)*  
*Copibec*  
*Directors Guild of Canada (DGC)*  
*Documentary Organization of Canada and its Qu  bec Chapter*  
*F  d  ration culturelle canadienne-fran  aise (FCCF)*  
*F  d  ration des travailleurs et travailleuses du Qu  bec (FTQ)*  
*F  d  ration nationale des communications (FNC-CSN)*  
*Friends of Canadian Broadcasting*  
*Front des r  alisateurs ind  pendants du Canada (FRIC)*  
*Forum for Research and Policy in Communications (FRPC)*  
*Guilde des musiciens et musiciennes du Qu  bec (GMMQ)*  
*L'Observatoire du documentaire*  
*Mich  le Rioux, directrice du Centre d'  tude sur l'int  gration et la mondialisation (CEIM)*  
*Observatoire des r  seaux et interconnexions de la soci  t   num  rique (ORISON) - UQAM*  
*On Screen Manitoba*  
*Qu  bec Cin  ma*  
*Quebec English-language Production Council (QEPC)*  
*Regroupement des artisans de la musique (RAM)*  
*SOCAN*  
*Soci  t   civile des auteurs multim  dia (SCAM)*

*Société de gestion collective des droits des producteurs de phonogrammes et de vidéogrammes du Québec (SOPROQ)*

*Société des auteurs de radio, télévision et cinéma (SARTEC)*

*Société des auteurs et compositeurs dramatiques (SACD)*

*Internet Society Québec (ISOC – Québec)*

*Société professionnelle des auteurs et compositeurs du Québec (SPACQ)*

*Syndicat des employées et employés professionnels-les et de bureau (SEPB)*

*Table de concertation de l'industrie du cinéma et de la télévision de la Capitale-Nationale*

*Unifor*

*Union des artistes (UDA)*

*Union des écrivaines et des écrivains québécois (UNEQ)*