

行政院所屬各機關出國報告（出國類別：會議）

出席 2017 年加拿大原住民廣電研討  
會暨拜會加拿大廣播電視及通訊委  
員會、加拿大廣播電視基金、及加拿  
大公共電視報告

服務機關：國家通訊傳播委員會

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派赴國家：加拿大

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## 摘 要

加拿大長期受美國強勢文化入侵，透過多種保護措施扶植本國影視產業，其中文化遺產部下設多種基金，補助藝術文化及影視產業等，加拿大媒體基金（CMF）即為補助影視產業的重要基金；而加拿大公共廣電媒體（CBC）則是該國影視產製的重要基地；另加拿大廣播電視及通訊委員會（CRTC）面對線上影音服務成為常態，提出革新的電視政策，涵蓋各種影視傳播通路與相關政策，在既有的保護政策基礎上，轉為投入資源積極推廣，除讓加拿大影視產品能在國際競爭，更保障消費者權益並導引產業升級；此外本次出席的原住民學術研討會，探討加拿大對於弱勢族群的相關政策，皆值得臺灣借鏡參考。

CMF 透過不同計畫對不同類型影音媒體進行補助，由於其長期投入，加拿大在全球電玩遊戲產製國的排序中坐穩第三名寶座。另外資料顯示，在 2010 到 2014 年期間，CMF 為 1,923 個電視節目以及 335 個數位媒體內容及應用軟體貢獻了超過 14 億，如此誘發 48 億的加拿大本國影音內容產製。在這樣的比例下，CMF 投入的每 1 元，創造出 3.38 元的加拿大影音產製。

CRTC 成立目的在於確保所有加拿大人民，都可與世界級的通訊傳播環境相連結。2013 年起，CRTC 啟動了 Let's Talk TV 諮詢程序，並在 2015 年公布政策。CRTC 認為部分本國自製播映時數規範有必要解除，但需投入更多資源提升影音內容品質。2016 年底，其落實有線電視分組付費，並以資訊揭露解決消費爭議，政策核心包含創造、連結、以及保護。

CBC 以公共媒體之姿提供加拿大人民內容豐富的廣播電視服務，透過節目取向設計，保障獨立影視製作及本國自製露出管道；面對數位發展及弱勢族群，CBC 規劃團隊並培力原住民，以數位虛擬實境檔案，溫暖地反應在地原住民的困境及需求。

另外本次本會出席的原住民廣電研討會透過討論及工作坊等形式邀請各地關心原住民傳播的學者、線上工作者，社區服務人士及官員出席，期待能有由下而上的政策導引，探討原住民傳媒現況與困境及加拿大廣電釋照等主題，本會洪貞玲委員亦在「原住民政策國際瞭望」場次分享我國原住民傳播政策現況。

本次赴加拿大除參與正式會議及拜會外，另有相當多軟性交流互動機會，本次出國心得有五：

- （一）保護與推廣，捍衛文化主權
- （二）自主培力，由下而上落實資訊公開
- （三）兼顧多方利益，實踐政策目標
- （四）數位及自製，鞏固加拿大公共電視支持基礎
- （五）持續交流，有助國內監理並維繫雙邊關係





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# 壹、前言

加拿大長期受美國強勢文化入侵，透過多種保護措施扶植本國影視產業，其中文化遺產部下設多種基金，補助藝術文化及影視產業等，加拿大媒體基金（CMF）即為補助影視產業的重要基金；而加拿大公共廣電媒體（CBC）則是該國影視產製的重要基地；另加拿大廣播電視及通訊委員會（CRTC）面對線上影音服務成為常態，提出革新的電視政策，涵蓋各種影視傳播通路與相關政策，在既有的保護政策基礎上，轉為投入資源積極推廣，除讓加拿大影視產品能在國際競爭，更保障消費者權益並導引產業升級；此外本次出席的原住民學術研討會，探討加拿大對於弱勢族群的相關政策，皆有值得臺灣借鏡參考。

## CMF 投入資源創造影視產製能量

CMF 透過不同計畫對不同類型影音媒體進行補助。由於其長期投入，加拿大在全球電玩遊戲產製國的排序中坐穩第三名寶座。另外調查資料也顯示，在 2010 到 2014 年期間，CMF 為 1,923 個電視節目以及 335 個數位媒體內容及應用軟體貢獻了超過 14 億，如此誘發 48 億的加拿大本國影音內容產製。在這樣的比例下，CMF 投入的每 1 元，創造出 3.38 元的加拿大影音產製。

## CRTC 以創造、連結、及保護帶領產業面對未來

CRTC 成立目的在於確保所有加拿大人民，都可與世界級的通訊傳播環境相連結。2013 年起，CRTC 啟動了 Let' s Talk TV 諮詢程序，並在 2015 年公布政策。CRTC 認為部分本國自製播映時數規範有必要解除，但需投入更多資源提升影音內容品質。2016 年底，也落實有線電視分組付費，並以資訊揭露解決消費爭議，政策核心包含創造、連結、以及保護。

## CBC 保障本國自製，並以數位發展溫暖在地需求

公共媒體 CBC 提供加拿大人民內容豐富的廣播電視服務，透過節目設計保障獨立影視製作及本國自製露出管道；面對數位發展及弱勢族群，CBC 規劃團隊並培力原住民，以數位虛擬實境檔案，溫暖地反應在地原住民的困境及需求。

本次赴加拿大行程尚包含出席原住民族學術研討會，了解加拿大原住民政策，本會洪貞玲委員亦針對台灣原住民傳播政策現況進行分享。在正式行程之外亦有相當多軟性交流互動機會，以下說明本報告結構：

- |                   |           |
|-------------------|-----------|
| 一、前言              | 二、加拿大媒體基金 |
| 三、加拿大廣播電視及通訊委員會介紹 | 四、加拿大公共電視 |
| 五、原住民族學術研討會       | 六、交流與互動   |
| 七、結語              |           |



## 貳、加拿大媒體基金

### 一、加拿大媒體基金的組成

加拿大與全世界最大影音文化輸出國-美國相鄰，在語言相近以及貿易相通的影響下，加拿大政府對於文化主權意識有很早的啟蒙。從 1967 年開始，加拿大政府就設立相關輔導基金，挹注電影製作與映演通路的發展，而後，也透過直接補貼與稅收減免的方式，促進本國視聽產品的製作品質。

2010 年，加拿大電視基金（Canada Television Fund, CTF）和加拿大新媒體基金（Canada New Media Fund）合併形成加拿大媒體基金（Canadian Media Fund, CMF），基金成立目標為支持傳統電視以及數位平台上的加拿大視聽內容，以及鼓勵新創與尖端的計畫。加拿大媒體基金規模在 2016 年為 3.71 億加幣（約 85.33 億元新臺幣），基金組成成員如下圖 1，分別來自：

1. 加拿大政府文化遺產部捐贈
2. 有線電視稅前營業額 5%
3. 衛星電視稅前營業額 5%
4. IPTV 經銷商捐款
5. 廣電訊號轉播業（Broadcast Distribution Undertaking, BDUs）每年毛利 5%



圖 1 CMF 基金來源組成成員



## 二、加拿大媒體基金的補助計畫

加拿大政府為了鼓勵產製優質加拿大影音內容，促進包含加拿大內容的製作，維持文化、社會及經濟目標的平衡，透過加拿大媒體基金等不同基金型態補助加拿大影視製作。

加拿大媒體基金主要透過匯流計畫（**Convergent Stream**）以及實驗計畫（**Experimental Stream**）兩項計畫，在不同目標下對不同類型的影音媒體進行補助，以下分別說明：

### 1. 匯流計畫

加拿大媒體基金的匯流計畫期望達到的目標有二，分別為：

- (1)、 支持與數位媒體內容相關的電視節目內容
- (2)、 支持戲劇、紀錄片、兒少節目、及綜藝與藝術表演節目這四類內容產製

匯流計畫補助的對象為商營公司，由於計畫以匯流為名，因此申請匯流計畫的案件，其內容除了在傳統電視平臺播出外，必須同時在至少一種數位平臺上揭露，而數位平臺可包含數位媒體、影音串流、或是隨選視訊等。

此外，加拿大媒體基金影音政策部經理 **Rod Butler** 進一步補充，雖然數位媒體持續發展，但傳統廣電產業作為整體國家影視產業的根基，所有的發展仍不應忽略掉傳統廣電的基礎，加上傳統廣電媒體為基金供應的主要來源之一，因此面對數位匯流的發展，在匯流計畫的設計中，便規定播映管道必須同時含括傳統及數位。

匯流計畫的費用源自於加拿大廣電業者的執照費，從 2010 年加拿大媒體基金成立後，匯流計畫的經費累計有 19 億加幣（約 437 億元新臺幣），2016 年單一年度經費則為 3.3 億加幣（約 75.9 億新臺幣）。根據本次拜會加拿大媒體基金的相關資料，自 2010 年起匯流計畫補助的案件累計達到 2,981 件。

加拿大媒體基金所規劃的匯流計畫有兩種不同的補助取向：取向一為以媒體實際表現進行評選的 **Performance Envelope**，加拿大媒體基金評斷案件能否在 **Performance Envelope** 類別中獲得補助的基準，包含案件的實質表現，如實際播出時數、首播收視率、播出整體表現、是否擁有地區業者投入產製、以及在數位媒體投資的狀況。加拿大媒體基金影音政策部經理 **Rod Butler** 表示，在 **Performance Envelope** 的補助計畫中，加拿大媒體基金希望建立一套實際可供

量測的標準，避免受到補助不公、或是主觀評斷的質疑，而收視表現、播出時數、地方以及數位投入等量化指標，確實建立起一定的信度。

匯流計劃另一個補助取向為以影音多元多樣為目的的 **Selective**。在 **Selective** 補助類別中，加拿大媒體基金考量的包含有原住民、英語系少數族裔、法語系少數族裔、語言多樣性、以及鼓勵北方地區等。

不論是 **Performance Envelope** 或是 **Selective** 類別，加拿大媒體基金都以先申請先受理原則辦理，其中各個案件得以獲得補助的上限金額會依類別有所不同，例如在 **Performance Envelope** 類別中，**CMF** 最多補助案件經費預算的 49%，且其中源自廣電執照費用部分上限不得超過 20%。

根據加拿大文化遺產部視聽認證辦公室（the Canadian Audio-Visual Certification Office, CAVCO）以及加拿大媒體基金的調查，由於加拿大政府對於影音產製的重視，投入相關資源如聯邦稅收、省稅捐、商營廣電業者執照費、及 **CMF** 基金，因此加拿大電視影音產製資金的來源相當多元，其中 **CMF** 投入的部分便佔有整體影音產製的 11%，如下圖 2 加拿大電視影音產製資金來源比例：

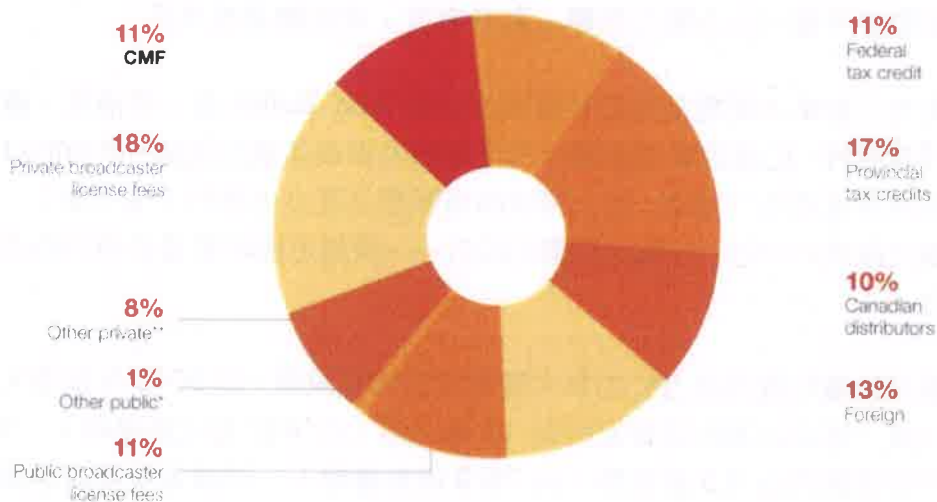


圖 2 加拿大電視影音產製資金來源比例

## 2. 實驗計畫

加拿大媒體基金的實驗計畫期望達到的目標有二，分別為：

- (1)、 鼓勵尖端且互動的數位媒體內容以及應用軟體發展

## (2)、 支持內容、科技、以及商營模式的創新

匯流計劃補助的對象有兩類，一為由加拿大人掌控、總部設於加拿大，且在加拿大繳稅的公司；二則為公營或商營的加拿大廣電業者，這部分包含電視業者、製作互動網頁的公司、商營或公營的廣電業者、廣電業者旗下的製作公司、電信公司、以及廣電訊號轉播業者。實驗計劃補助的媒體形態包含遊戲（電腦、主機檯、行動）、互動內容（網頁、電子書、互動網路內容）、行動應用軟體、以及軟體應用。

從加拿大媒體基金提供的資料中，同時也列出不適用申請實驗計劃的內容，如：電影及電視，此部分屬於匯流計劃；以教育為主要目的的內容；以商營推廣為主的內容；純研究性質的內容，這部分向聯邦科技研究及實驗發展鼓勵計劃（the Federal Scientific Research and Experimental Development Tax Incentive Program）申請較為適宜；以及賭博類型的遊戲。

為了確保實驗計劃的補助得以確實回饋到加拿大本國境內，加拿大媒體基金羅列了補助的基本要求，包含發展及產製的補助經費當中，最少 75% 必須用於加拿大境內，另外行銷的費用至少需佔五成。而相關製作必須連結加拿大文化部門，以求補助能挹注本國文化。

加拿大媒體基金影音政策部經理 Rod Butler 指出，在這幾年的努力下，實驗計劃已經為超過 1,600 位數位媒體製作人提供協助，而根據統計，2015 年到 2016 年實驗計劃補助的類型以遊戲為最大宗，佔 70.8%，互動媒體其次，佔 16.1%，補助類別占比詳圖 3：

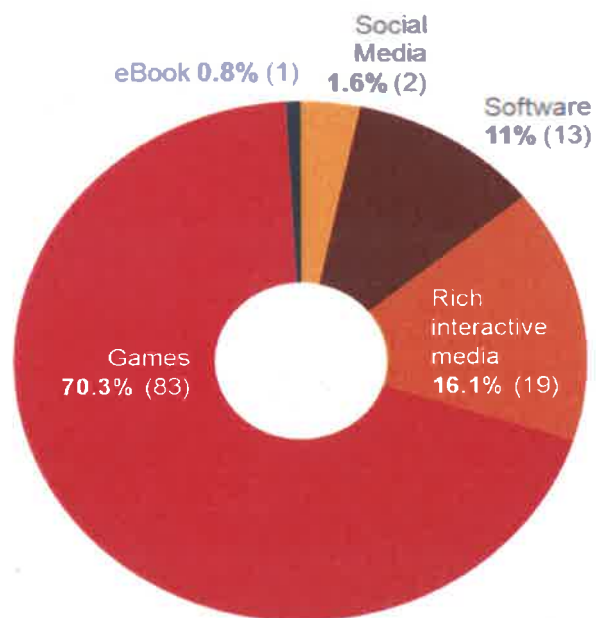


圖 3 加拿大媒體基金實驗計畫補助類別

### 三、數位轉換的展望

由於加拿大政府長期的投入及經營，加拿大數位媒體在全球市場也有優異的表現。根據加拿大媒體基金提供的資料顯示，在全球電玩遊戲產製國的排序中，排行第一的是美國，第二為日本，而加拿大則坐穩第三名寶座。

在加拿大廣播電視及通訊委員會所公布的 Let's Talk TV 政策中提到，加拿大製作行業協會（Canadian Media Producers Association, CMPA）2016 年的調查資料顯示出，2014 年到 2015 年，數位媒體產製部門為整體加拿大社會提供了 1500 全時約當數（Full-time Equivalent, FTE）<sup>1</sup>，並提供給此領域的工作者 7800 萬加幣的收入，佔國內生產毛額（GDP）1.11 億。

加拿大媒體基金透過匯流計畫以及實驗計畫為本國影音產製挹注資源，平均而言，匯流計畫每案補助金額僅略高於 20 萬加幣，而實驗計畫每案補助金額則約為 100 萬加幣。

未來，為了在媒體界限漸趨模糊的數位轉換環境裡，讓加拿大產業有更強大的能力進行回應，加拿大政府將重新檢視數位環境下的加拿大影音內容政策，並進而牽動加拿大影音基金政策的取向。

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<sup>1</sup>全時約當數(Full-time Equivalent, FTE)係指從事某項研發工作的人數，經折算為全時間從事該項工作的人數。例如某一研究人員全年花一半的工作時間從事教學工作，一半的工作時間做研發，則此一研究人員相當於 0.5 個「全時約當數」(或 0.5 人年)；若全時間從事(每年 250 個工作日計)研究，則相當於 1 個「全時約當數」。出處：法城手冊(OECD) 3. “..” 係指無數值。  
4. “0” 係指不及一單位。

# 參、加拿大廣播電視及通訊委員會

## 一、組織介紹

### 1. 組織歷史

加拿大廣播電視及通訊委員會（Canadian Radio-television and Telecommunications Commission, CRTC）為加拿大內閣裡專司規管境內廣電及電信市場的機構，1968年加拿大政府修訂新的廣電法，將CRTC取代加拿大廣播委員會（Board of Broadcasting Governors），業務擴及電信通訊，其成立目的，在於確保所有加拿大人民，包含公民、產業創作者以及消費者，都可與世界級的通訊傳播環境相連結。

### 2. 組織位階及架構

CRTC 為加拿大通訊傳播獨立監理機構，其政府組織位於文化遺產部（the Minister of Canadian Heritage）之下，相關決策及計畫透過文化遺產部向內閣進行報告。其中，內閣可涉入CRTC業務的部分包含下述三項，分別是：

- (1)、 要求CRTC就特定議題或主題提出報告
- (2)、 針對需提交至國會並諮詢的決策，提出具有約束力的政策指導方向
- (3)、 重新檢視並確認CRTC的決策

CRTC 由一位主委、兩位副主委、以及至多 10 位代表全國與地方的委員所領導。兩位副主委分別掌管傳播以及通信業務，委員由內閣指派，文化遺產部並可就人選表示意見。

本次出國行程中，拜會CRTC的日期為2017年6月14日，拜會過程中CRTC官員提及現任主委Jean-Pierre Blais任期到2017年6月15日為止，繼任人選尚未定案，加上原本懸缺的傳播事務副主委、以及三位代表地方的委員，後續加拿大內閣將需完成五名缺額委員的補實程序。依過往的經驗，補實程序有可能長達半年，在此期間組織決策則由副主委代理。

在2017年6月14日拜會CRTC時，CRTC之組織架構如下圖4：

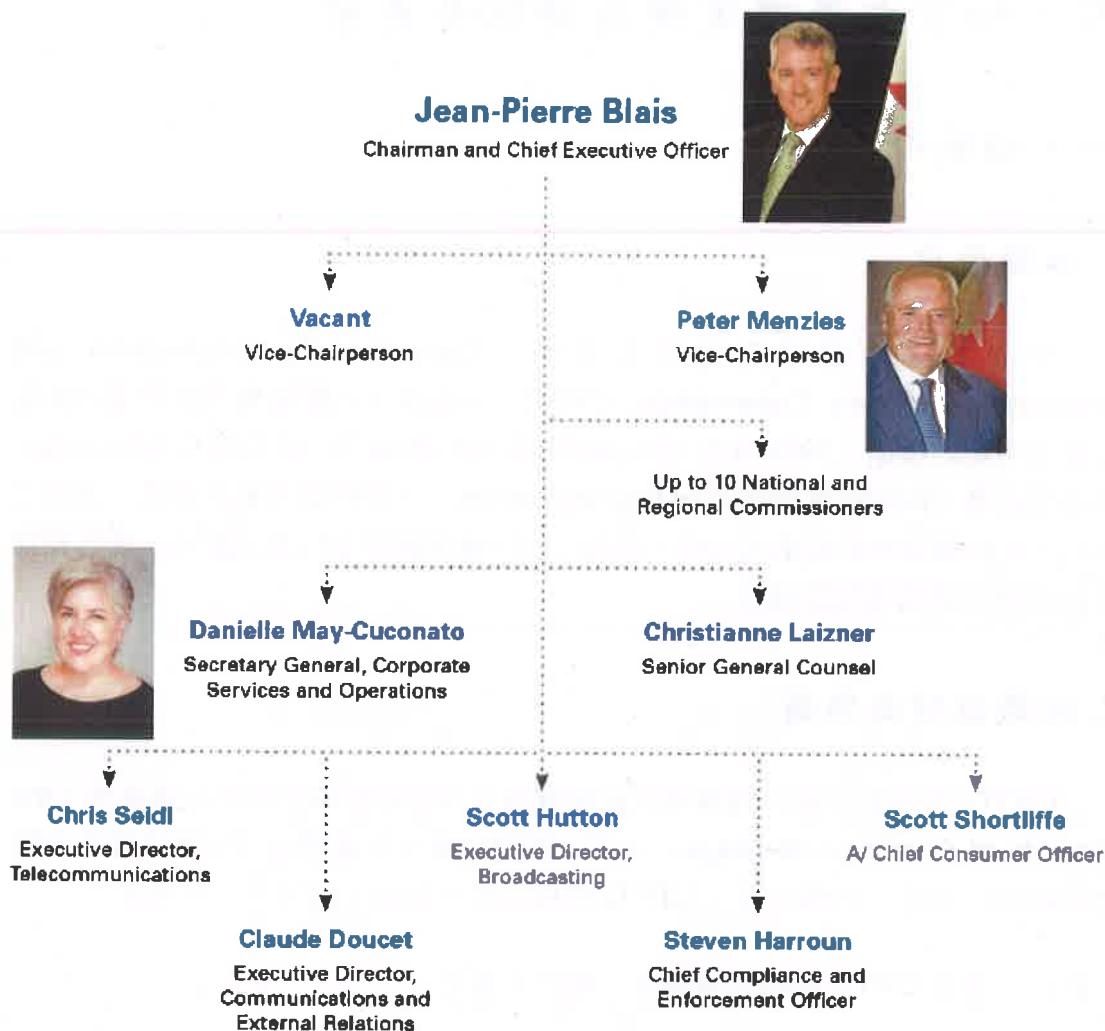


圖 4 2017 年 6 月 14 日 CRTC 組織架構圖

此外，本次拜會由於談論的議題與廣電政策相關，因此 CRTC 除了安排政策部門官員，另亦安排廣電部門的電視政策及應用處處長 Peter Foster 及傳輸政策及應用資深經理 Donna Gill 說明業務內容。

在 Peter Foster 提供的資料中，CRTC 組織針對掌理廣電產業的人力做了更為細緻的分配，其中主類別為廣播、電視、以及契約與爭端處理，底下又再就語言別以及不同功能屬性，如傳輸、監測、本國自製點數確認等進行細分類，CRTC 廣電部門的組織架構可參見下圖 5：



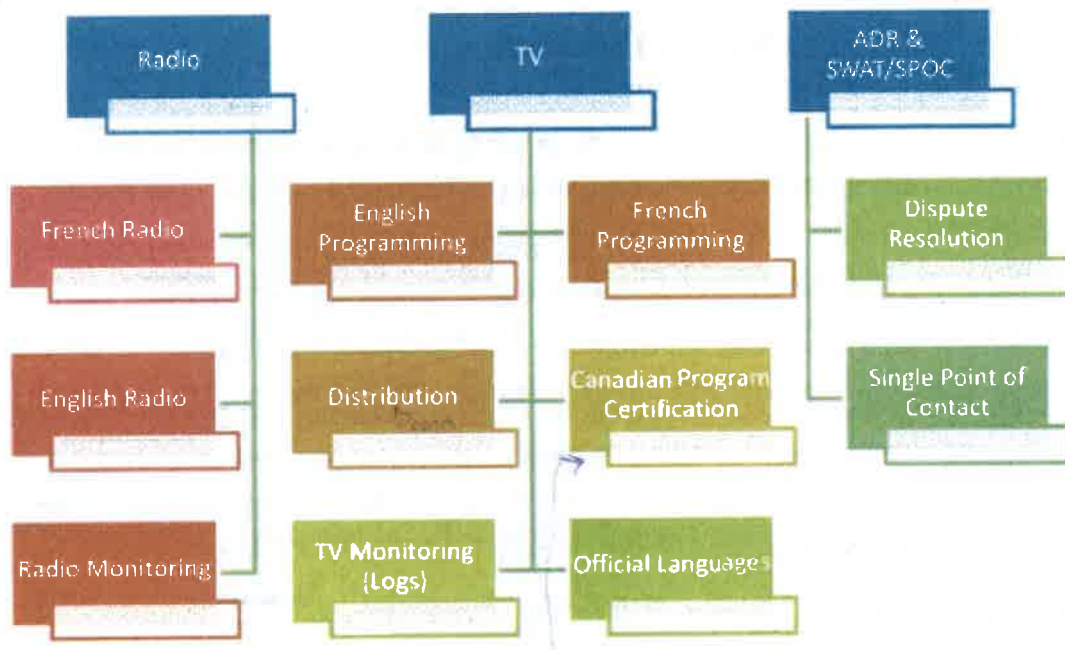


圖 5 CRTC 廣電部門組織架構圖

### 3. 職掌

CRTC 依據 1991 年制訂的廣電法（Broadcasting Act）、1993 年制定的電信法（Telecommunications Act）、以及 2014 年制定的加拿大反垃圾郵件法（Canada's anti-spam legislation, CASL）執行業務監理。

CRTC 業管的類別包含廣播、電視、傳輸平臺（包含有線電視、衛星、以及 IPTV）、及電信業者（包含固定網路、行動網路、以及網路服務運營商）。然而加拿大境內頻譜指配並不屬於 CRTC 職掌，另 CRTC 亦未監理平面媒體。

根據加拿大廣電法，CRTC 監理超過 2,000 家廣電業者，其中包含傳統電視業者、付費以及特殊性電視服務業者、有線電視以及衛星電視公司、調頻與調幅廣播、以及衛星廣播。

另依據加拿大電信法，CRTC 監理的電信業者超過 1000 家，其中包含從零售到全國性大型公司、固定網路以及行動網路電信服務業者、網路服務運營商、以及謝絕來電列表（the National Do Not Call List, DNCL）<sup>2</sup>相關業務。

<sup>2</sup> 加拿大謝絕來電列表（National Do Not Call List, DNCL），由加拿大政府於 2004 年 12 月 13 日公布，是一個為了讓加拿大居民不受電話推銷騷擾而設立的計劃。加拿大居民可以在 DNCL 的網站上輸入自己的電話號碼，在登記的 31 日後，電話推銷公司撥打該電話將被視為非法。2009 年 4 月 20 起，CRTC 宣布，謝絕電話推銷的登記時間從原来的三年拉長到現在的五年。

## 二、「Let's Talk TV」政策

2013年十月起，CRTC 啟動了名為「聊聊電視吧：與加拿大人民對話」(Let's Talk TV: A conversation with Canadians) 的諮詢程序，透過多樣的管道與加拿大人民溝通，了解其在影音內容、傳輸科技、以及收視工具這三個主題的不同看法。相關的對話參與持續一年多，直到 2015 年三月，CRTC 彙整並分析來自超過 13,000 名加拿大民眾意見，型塑成「Let's Talk TV」政策。

據「Let's Talk TV」報告指出，即便 CRTC 對加拿大產製的影音內容感到自信，但面對全球競爭以及消費者期望掌握更多主控權的環境轉變，CRTC 認為部分保護管制手段有必要解除，因此降低了本國自製播映時數的規範，並隨之以兩項先導計畫 (Pilot Projects) 將影音政策的規管重心由量轉質，期望放寬本國自製播映時數的規定，但投入更多資源在提升影音內容品質之上。

此外，從 2016 年底開始，加拿大人民也將可以透過分組付費政策的執行，以可接受的入門費用門檻，訂閱其所欲收看的頻道組合，而這樣的組合可能是付費購買的最基本組，或是以合理價格包裝的頻道組合。

至於資訊揭露以及解決消費爭議部分，CRTC 將訂定相關準則，降低民眾與廣電業者可能有的互動糾紛。Let's Talk TV 政策主要預期目標如圖 6 所示，政策核心包含創造、連結、以及保護，以下分別介紹相關政策內容：

### 1. 未來的電視

隨著科技發展，以網路為基礎的服務及載具逐漸成為成勢，消費者對於影音內容的需求以及消費行為的改變是必須思考的問題。在未來數年之內，加拿大將從線性排程以及套裝影音內容的產業型態，過渡到民眾更容易自主選擇的影音環境。加拿大民眾將會期望擁有更多選擇權，並且可以在更多元的載具上收視。為此，舊型態的管制模式將不再足夠，政府各部門，包含各省、聯邦、以及 CRTC 都必須齊力找到新方向，為加拿大影音內容的多樣性及競爭性找到出路，不論是在產製端或是通路端。

對於影音內容傳輸者、創作者、以及廣電業者而言，他們都將會增加在線上內容的投入，並且享受來自各種平臺上的利潤增長，原因在於：

- 當健全且公平的批發市場到位，將可促進終端零售市場發展，因為終端零售市場可提供消費者更多選擇。
- 影音產製的創新以及風險接受度將更高



●更佳重視影音產品的行銷以及可見度



圖 6 Let' s Talk TV 政策主要預期目標

## 2. 政策核心-「創造」

在 Let's Talk TV 政策中包含三大政策核心，首要的政策核心為「創造」(Create)。在此核心中，CRTC 期望透過管制手段，打造一個能鼓勵創作高品質、多樣且具競爭性的加拿大影音內容，而這樣的政策將有助於整體產業在未來適應漸趨隨選的影音環境。

根據 CRTC 第 BRP 2015-86 號文件，「創造」核心的相關策略包含：

- 鼓勵加拿大本國製影音內容的新創行銷作法，其中包含由 CRTV 主辦可以拓展本國自製影音內容可見度的「Discoverability Summit」。
- 打造一個讓影音產製部門得以成長，並且在全球競爭的嶄新環境。
- 透過廣電訊號轉播業 (BDUs) 的機上盒，發展消費者行為量測系統，這樣的系統除了必須保護消費者隱私外，同時透過適當的資訊協助產業內所有業者進行更適宜的策略規畫。
- 將廣電規管重心自播映時數限制，移轉為能夠激勵品質提升的影音費用支出。
- 當市場失靈時，就與公共利益相關的特定影音類別給予持續性支持。
- 簡化執照程序來降低監理負擔。

### (1). 打造與全球競爭的嶄新環境

前述有關打造讓影音部門得以成長，並與全球競爭的嶄新環境部分，過往多數隨選視訊服務都會連結特定廣電訊號轉播業 (BDUs)，觀眾只有透過訂閱特定平臺才可以收視。CRTC 為了保障民眾收視權益，因此對影音播出的專屬性 (Exclusivity) 進行規範，CRTC 規定影音服務內容需可在所有廣電訊號轉播業 (BDUs) 上播出，不得專屬於特定一方，如此才可避免消費者為了收看獨家影音內容，而必需訂閱特定的廣電訊號轉播業。但此規定並不適用於跨國影音，因此對加拿大業者面對跨國影音內容無法有公平的競爭起點。

隨著跨國線上影音內容競爭增加，CRTC 期待加拿大人民可以擁有更多掌控權，而提供影音服務的業者也可增加觀眾，因此依據調整後的數位媒體豁免指令 (Digital Media Exemption Order, DMEO)，在新豁免混合視隨選視訊服務類別中，業者將不受舊有專屬性規範，在網路上將影音內容提供給所有加拿大觀眾，如此加拿大民眾有更多機會接觸到加拿大本國自製內容，而對加拿大業者而

言，也將可在隨選視訊環境裡有較為公平的競爭基礎。加拿大境內不同類別的隨選服務規範如下表 1：

表 1 各類別隨選視訊服務規範

數位媒體豁免指令	新豁免式隨選視訊服務	許可式隨選視訊服務
<ul style="list-style-type: none"> <li>● 專屬內容</li> <li>● 可於網際網路提供服務</li> <li>● 加拿大/非加拿大籍皆可經營</li> </ul>	<ul style="list-style-type: none"> <li>● 專屬內容</li> <li>● 可於網際網路提供服務</li> <li>● 封閉式或開放是網路皆可</li> <li>● 加拿大籍始可經營</li> </ul>	<ul style="list-style-type: none"> <li>● 封閉式網路</li> <li>● 以訂閱方式提供影音內容</li> <li>● 受影視基金相關規範</li> <li>● 受內容要求規範</li> <li>● 加拿大籍始可經營</li> </ul>

## (2). 管制重心由量轉質

加拿大長期面對美國作為全球影視產製龍頭的壓力，對於文化保護以及本國節目自製播映有歷史悠久的保護傳統。其對於本國自製影視內容的播映有相當細緻的規範，當中除了區分每日平均播出時數以及晚間黃金時段（晚間六點至午夜）時數之外，另外並就業者領有執照之類別，區分為無線電視以及不同類別的付費及特殊性服務頻道。

然而隨著整體收視環境的轉變，加拿大民眾不再只是透過傳統電視接收影音內容，因此 CRTC 必須更謹慎的做出決定。

根據從 Numeris 2013-2014 年度英法雙語市場的調查顯示，在週一到週五晚間 8 到 10 點這個時段收看傳統電視的次數，比其他時段整整高出五倍。而 6 點到 8 點以及 10 點到 11 點的收視次數則比其他時段高出二到四倍。由此可見，多數觀眾仍是在晚間黃金時段收看傳統電視。而這也是為何多數受歡迎的本國製或外國影音內容仍選擇在這個時間點排播的原因。短期來看，本國自製播映時數規範仍有助於本國自製影視內容的露出。


然而長期來看，本國自製播映時數規範也造成非預期的後果，即節目重播次數增加。從提交給 CRTC 的節目播出資訊中可見，平均而言，超過 50% 的加拿大本國自製影音內容同時在英語及法語市場中的同一服務業者內重播，或是自其他服務業者「循環」播出，常見到特定的劇集在每天、每週、每月或一年內特定期間裡重複播出許多次。對於某些業者而言，這些加拿大影音內容重播或是循環播出的次數遠遠超過 90%。雖然對某些業者而言這可能是種可見的商營模式，但

CRTC 認為首播原創加拿大影音內容將為產業增加價值。若是過多的重播或是循環播出將無助於達到政策目標。

因此，CRTC 調整了本國自製節目播出時數規範，在全日平均部分，無線電視從原本的 55% 比例完全取消規範，而各類付費與特殊性頻道服務則由各式規範標準統一調降為 35% 的比例；至於晚間黃金時段部分，CRTC 考量此時段仍是民眾接收影音內容的重要時間，因此無線電視原定 50% 比例規範維持不變，而各類付費與特殊性頻道服務則由各式規範標準，統一取消規範。細節如下表 2：

表 2 加拿大本國自製播映時數規範調整

		Overall		Evening	
		Now	Future	Now	Future
Over-the-air		55%	No minimum requirement	50%	50%
	Paid and speciality services	Various	35%	Various	No minimum requirement



然而，雖然播映本國自製的規範調刪，但 CRTC 要求業者支持本國內容的方向並沒有改變，CRTC 要求領有執照的隨選視訊服務必須採行以下措施來支持加拿大影音內容：

- 依照相對的要求，加拿大劇情片的營收必須 100% 回饋給加拿大版權所有者
- 對於訂戶來說，英語劇情片片庫裡的加拿大影音內容不得少於 5%
- 對於訂戶來說，法語劇情片片庫裡的加拿大影音內容不得少於 8%
- 對於訂戶來說，劇情片以外的所有影音內容，加拿大影音至少要有 20%
- 劇情片片庫裡必須包含所有新上映的加拿大劇情電影



- 每個月任何促銷頻道 (barker channel) 中促銷的內容，至少有 25% 必須是加拿大影音。
- 每年 5% 的營業額必須投入現存獨立管理的加拿大影音製作基金

### (3). 強化影音製作費用要求

加拿大民眾很清楚了解 Let's Talk TV 政策期待形塑出電視產業裡高品質的內容，而讓加拿大工作者創作出高品質具吸引力的內容需要資金投入。投資高品質內容具有廣大效果，可促進收視並因而帶來利潤，而這些利潤便可再次投入未來產製的內容當中。在 CRTC 的觀點裡，影音製作費用規範 (Canadian programming expenditures, CPE) 對於創造影視產製多樣循環上具備相當的誘因。

CRTC 要求所有領有執照的影音服務業者符合影音製作費用規範，將可確保影視產業內的各個要項，都以適當的方式創造並呈現加拿大影音內容。同樣的，設定適當製作規範水平將可確保加拿大資源受到最大量且優先的使用，維繫高品質的影音內容。

在影音製作費用要求規範中，CRTC 要求所有業者及廣電集團必須依據前一年度營業額提撥 30% 的經費至影音製作費用當中，另外營業額的 5% 則必須提撥至國家利益影音內容 (Programs of National Interest, PNI) 產製，其中 PNI 類別包含加拿大本國自製戲劇、紀錄片、以及頒獎典禮。提撥至 PNI 的費用中，至少 75% 額度必須給於獨立製片單位。

### (4). 發展消費者行為量測系統

在以觀眾為導向的電視環境中，用戶資訊將會成為關鍵。加拿大廣電體系應該有足夠的工具適時回應產業的轉變以及觀眾的興趣及需求，當然前提是觀眾的隱私權受到保護。以機上盒為基礎的收視量測系統可以更正確地量測觀看影音節目的狀況，這樣的系統可以提升產業能力，使其提供加拿大觀眾所欲觀看的影音內容及資訊，它同時可謂內容創作者增加營收。

此外，機上盒搜集到的資訊也將可以對於訂戶數較少的頻道或是利基服務帶來服務效益，因為這些頻道或服務目前可能沒有適當管道連結其目標觀眾，如加拿大原住民頻道、知識性頻道

因此，CRTC 要求業者組成工作團隊，在 2015 年 4 月 13 日前啟動會議，這個小組將合作發展機上盒收視量測系統，包含技術標準、隱私保護、監理架構及費用分攤。工作小組也將檢視收視量測系統如何運作，或是同樣的系統可以如何被最佳化運用。

### (5). 面對數位版權爭議，要求產業鏈內不同業者需提交貿易協定條款

作為大英國協成員之一，加拿大許多廣電管制取向皆朝英國看齊。英國 Ofcom 在 2004 年公佈的執行守則中，執行了電視節目集體貿易準則，這項準則為產業內的交易設定了透明的標準，減輕廣電業者的談判權力，協助獨立製片取得資金以及穩定的地位，使其得以擁有能力在全球競爭，並確認其數位版權。

在 2007 年初，加拿大由於演員爭取線上發行的相關報酬，加拿大電影電視廣播藝術家聯盟（ACTRA）以及加拿大製作行業協會（原 CFTPA，現為 CMPA）共同罷工，產業變得不穩定，這也成為需要確認這類權利的案例。

從 2016 年起電視環境有了許多轉變，特別是數位著作權以及其他權利以大量被分類，多數執照領有者皆就貿易協議條款展開協商，這些初步協議為廣電業者和製作端提供了所需的基礎義務，確保影視內容廣泛可用，並且可以大量營利。這類製作端與大型商營英語集團所簽訂的貿易協議一般效期接近四年，達成協議的雙方有機會藉此評估目前協議成功或失敗的部分。

## 3. 政策核心-「連結」

在 Let's Talk TV 政策中的第二個政策核心為「連結」（Connect），在此政策中，CRTC 希望讓加拿大觀眾在電視服務中能夠對於套裝服務有所選擇，根據第 BRP 2015-86 號文件，「連結」核心的相關策略包含：

- 要求廣電訊號轉播業（BDUs）為加拿大觀眾提供價格合理且頻道數較少的電視服務組合，其費用上限為每月 25 元加幣（約 575 元新台幣），以此讓加拿大民眾具備更大的選擇彈性。
- 要求廣電訊號轉播業（BDUs）提供加拿大觀眾可以自選的付費購買（Pick and pay）組裝選擇。
- 訂定批發行為準則，以此協助廣電業者及電視服務供應者，將彼此批發協議條件明確化。

加拿大在分組付費政策部分規畫了兩個執行的時間點，一為 2016 年三月，二為 2016 年十二月。在第一個時間點，廣電訊號轉播業（BDUs）必須使其訂戶可以擁有付費購買最基本組的基礎，或是小包裹且費用合理的套裝組合選擇，如 5 個頻道為一組、10 個頻道為一組、或是以主題規畫的頻道組合等。

至於在第二個時間點，前述的兩種分組付費型態，即訂戶付費購買最基本組，以及小包裹套裝組合，廣電訊號轉播業（BDUs）都必須可以提供。而在最

基本組合裡，每月費用上限為 25 元加幣，必須包含的頻道有：所有地方無線電視台、省教育頻道、社區及省級國會頻道（如果該地區擁有此類頻道）、以及其他個別規範於必載清單內之頻道，詳下圖 7：

AS OF MARCH 2016	
Television service providers <b>MUST</b> offer an entry-level service at \$25 or less per month	
THIS ENTRY-LEVEL SERVICE...	
MUST include	MAY include
All local and regional television stations	Other Canadian stations, where less than 10 local stations are available (up to a maximum of 10)
Provincial educational channels	Educational channels of another province or territory, in each official language, if no educational channel is offered
Community and provincial legislative assembly channels, if offered	Local AM and FM stations
Channels designated for mandatory distribution	Affiliates of U.S. networks (ABC, CBS, FOX, NBC and PBS)

圖 7 加拿大分組付費頻道規範

此外，本次拜會中，本會進一步詢問分組付費政策裡 CRTC 可以扮演的角色。CRTC 官員指出，頻道供應商與廣電訊號傳輸業者間的行為及爭議處理皆規範於批發準則第 2015-97 號文件中（the Wholesale Code 2015-97），當中限制廣電訊號傳輸業者以聯賣方式經營，同時必須給予訂戶有單頻單賣的選擇，頻道價格不可任意訂價，從零售消費者端觀察，單頻單賣的頻道價格平均為 7 加幣（約新台幣 160 元），假使頻道供應商與廣電訊號傳輸業者間對於價格訂定遇有爭議，CRTC 委員除可進行調解外，並可決定最終價格。

#### 4. 政策核心-「保護」

在 Let's Talk TV 政策中的最後一個政策核心為「保護」(Protect)，在此政策中，CRTC 提供民眾相關工具，使其得以做出明智選擇，並且改善其對於影音內容的近用接取。根據第 BRP 2015-86 號文件，「保護」核心的相關策略包含：

- 訂定新的電視服務供應者行為準則 (Television Service Provider Code of Conduct)，要求電視服務供應者提供更好的客戶服務、更易懂的協議內容，並且在相關條件變更時告知用戶。
- 確立獨立監察員 (independent ombudsman)
- 確保加拿大身障民眾能夠接取到適於他們需求的影音內容

電視服務供應者行為準則包含服務內容的確認、簡明的協議內容、電話服務以及服務中斷之處置、套裝服務選項的促銷、給予訂戶影音內容選項改變的權利、以及服務中止的政策，如下圖 7：

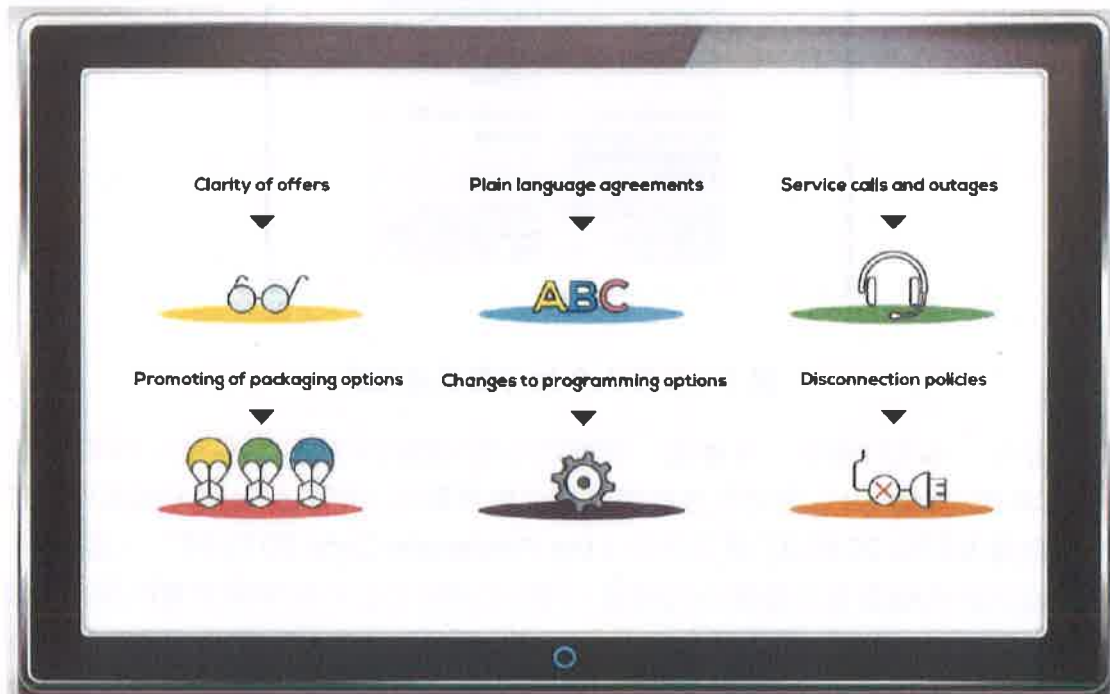


圖 8 加拿大電視服務供應者行為準則



## 5. 相關激勵作為

從 2012 到 2013 年間，加拿大政府投入支持本國影音內容的總金額價值超過 41 億加幣，其中超過三分之二（65.6%，27 億）直接來自於 CRTC 規範的影音內容製作費用要求（Canadian programming expenditures）；其餘分別來自於聯邦及省的稅收（15.8%）、CMF（9%）、實際貢獻（4.8%）、BDUs 對社區影音內容的投入（3%）以及其他 CIPFs（1.5%），如下圖 8 所示：

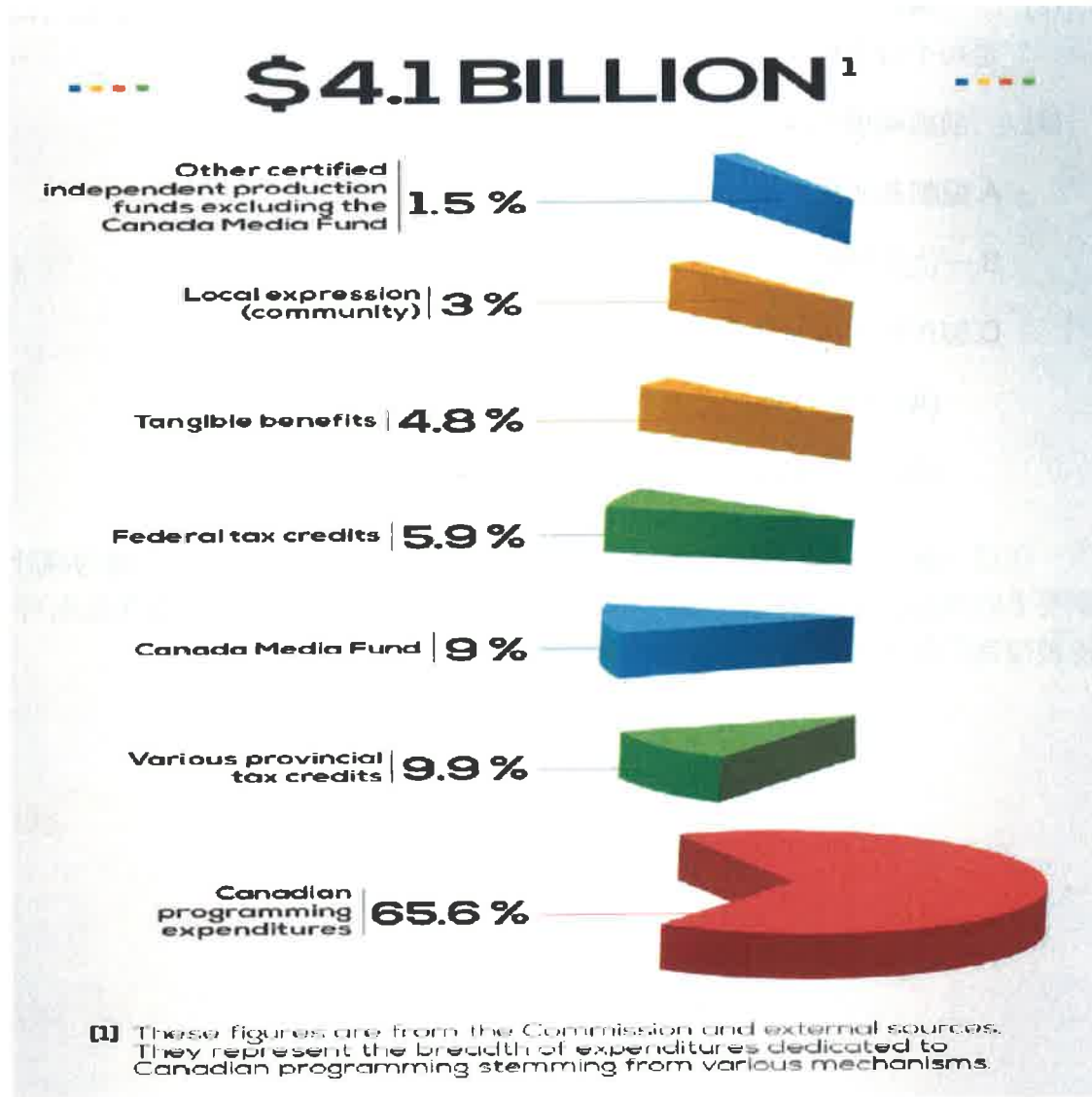


圖 9 加拿大 2012-2013 年投入影音內容基金金額及各類比例

此外，CRTC 也已經啟動了其對於地方及社區電視台線性播映(Linear)政策及基金架構的檢視，確保其能以更有效率及效益的方式為加拿大人民提供在地的資訊。至於針對獨立製作業者，CRTC 也透過獨立製作基金(Certified Independent

Production Funds, CIPFs) 來確保其能在內容產製的基金補助過程中獲得更大彈性。

為了鼓勵政府部門以及影視生產的合作單位在面對未來時，能就加拿大影視生產及資金籌募思考更為彈性及前瞻的作法，CRTC 將會推出兩項前導性計劃：

- (1)、 先導計劃 1：作為標準加拿大本國自製認可過程的一個例外，其認可的是根據最暢銷的加拿大小說作品所製作的即興創作戲劇／喜劇。
- (2)、 先導計劃 2：作為標準加拿大本國自製認可過程的一個例外，其認可的是每小時 200 萬加幣預算所製作的即興創作戲劇／喜劇。
- (3)、 前述兩項先導計劃都必須符合下述條件的額外規範：
  - A. 編劇為加拿大籍
  - B. 一位主要演員為加拿大籍
  - C. 製作公司為加拿大公司：
    - (A) 至少 75% 的服務費用支付給加拿大人
    - (B) 至少 75% 的後製費用支付給加拿大人

在這一部份，為了符合電視節目製作服務規定的要求，針對符合上述前導計劃要求的作品，CRTC 將斟酌認可其為本國自製。符合上述條件的合資作品也可能被視為符合參與這些先導計劃的資格。先導計畫內容可見下圖 9：



圖 10 加拿大先導計畫

# 肆、加拿大公共電視

## 一、組織介紹

### 1. 設立緣由

1930 年當美國商業廣播正蓬勃發展時，時值三十歲的加拿大人 Graham Spry，結合了商業、學術、媒體、宗教各界進行公開的遊說活動，他與另一位運動者 Alan Plaunt 成功地說服有志於公共廣播的業者，成立加拿大廣播聯盟（Canadian Radio League），最後成功地在 1932 年，透過立法成立加拿大廣播公司（Canadian Broadcasting Corporation, CBC）。

環顧這第一波的行動，致勝的因素在於 Spry 並非只採行公開的遊說活動，而且他還十分用心地開發私人的關係，卻有公共行動的效果，也就是先找出公共政策決定關鍵人物，然後與其培養長期的友誼關係，以致在重要關頭時可以取得信任，將遊說的目標化作具體的施政建議，得到主政者的青睞。

### 2. 成立宗旨

CBC 職責在於提供全國人民內容豐富的廣播電視服務，肩負起跨越時區、語言、宗教等障礙，聯繫全國，此外，CBC 除了擔負起「告知者」的角色外，包含藝術擁護者、多元文化反應者、英法語文傳譯者、及節目銷售企畫等，都是相關職責所在。

### 3. 組織架構

加拿大公共電視/加拿大廣播電台的英文頻道名為 CBC，而其法文頻道則為 Radio-Canada，所以統稱為 CBC / Radio-Canada，組織架構如下圖 9。

加拿大公共電視/加拿大廣播電台是全加拿大文化節目最大的供應來源。由加拿大政府於 1936 年創立，董事長（總裁）由政府任命。加拿大公共電視/加拿大廣播電台與英國 BBC 的經營模式接近，但公共資金挹注較少，也面對更多的商業競爭。其資金由政府每年預算提撥（不似英國 BBC 有執照費用），但過去二十年間，此預算幅度無成長，更甚者，在預算吃緊的狀況下，曾數度被政府刪減預算。雖然 Radio-Canada 不播廣告，CBC 電視台卻是商業台，目前廣告收益及節目銷售佔超過 CBC 電視一半的預算。

加拿大公共電視/加拿大廣播電台的節目語言為英文、法文及加拿大北方的

八種原住民語言。包括八個國家廣播電台和電視台、二個數位頻道、二個全服務網站(英、法文)，其一包含地方及區域的聯播網。

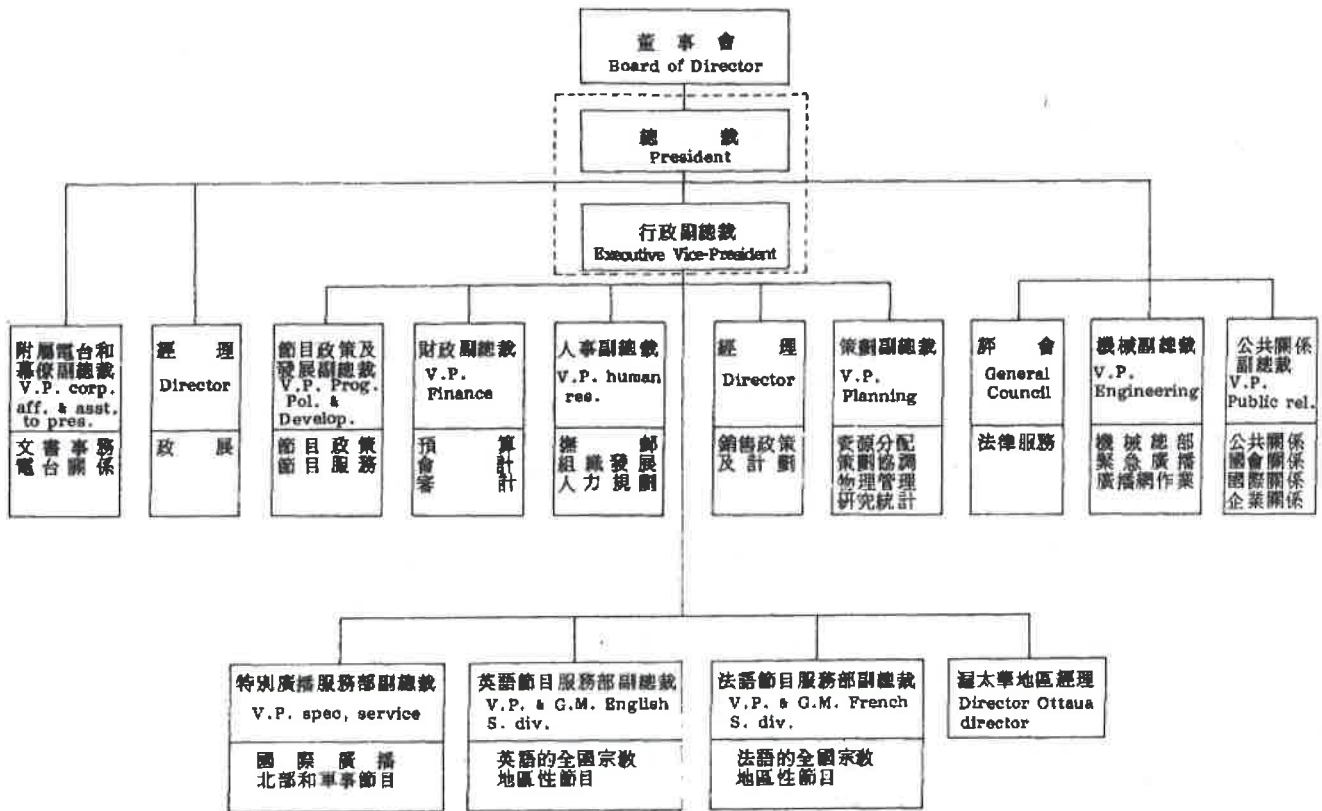


圖 11 CBC 組織架構

## 二、拜會討論議題

### 1. CBC 如何維持其獨立地位

CBC 經費 66%來自政府補助，商業廣告占 18%，另有 8%的收視費，其如何在領取政府補助下維持獨立，CBC 公共事務執行處長 Shaun Poulter 認為立法是根本。

Shaun 認為董事長也必須清楚「一臂之遙」的獨立之重要性，除非董事長違法，否則不得解職，如此對於業務推展才能維持真正獨立，以近期例子而言，CBC 很早就了解到數位匯流帶來的衝擊，因此希望調整預算配置，將廣電新聞製作預算挪移至數位化推展，當下受到很多民眾及政治人物反彈，但因為其董事長的獨立性受到保護，政策並未因此變動，也確保了如今 CBC 在數位化影視內容中占有加拿大龍頭的地位。



## 2. CBC 推展本國自製及多元文化的作為

### (1). 以通路維繫本國自製

在促進本國自製部分，CRTC 透過政策進行整體性規畫；而加拿大媒體基金 (CMF) 則透過資金挹注提供本國自製資源；對於 CBC 來說，其作為公營媒體，則在映演通路部分提供基拿大本國自製影音內容露出的管道。

CBC 透過節目取向設計，接納加拿大在地獨立影視製作人的提案，一旦提案通過，影視製作內容便可在 CBC 頻道播出，讓加拿大本國自製影音內容有更多露出管道。

此外，作為公共媒體，CBC 堅持維護本國自製內容的播映比例，CBC 公共關係部資深經理就表示，當加拿大商營媒體在黃金時段裡以 95% 比例播出美國影音內容時，CBC 仍堅持全日播出的本國自製內容應維持在 96%。

這樣的維持需要的不僅是高呼政策口號，背後仍須執行及意志的支持，特別是當美國影音內容總是以低廉價格及民眾熟悉的明星體系吸引觀眾時，如何堅持投入費用高昂且收視率未必亮眼的本國自製內容，便更顯得困難。

### (2). 透過公民培力及科技回應在地多元需求

另外多元文化為加拿大重視的價值，本次拜會過程中，CBC 特別安排在加拿大中西部 Winnipeg 城市的資深經理 John Bertrad 與我們進行視訊會議，John 熟稔於北方地區的新聞製作，在視訊過程中詳細說明 CBC 在原住民政策的推展執行。

CBC 在 2013 年成立區域原住民新聞團隊，每個團隊有三位成員，深入探討原住民議題，根據資深經理 John 提供的資訊，目前 CBC 播出一定數量的原住民相關影音內容，時數達每週 100 小時、且涵括 8 種原住民語言。

此外，CBC 也培養年輕原住民記者，年輕原住民記者在 CBC 的訓練之後回到自身部落，以自己的觀點拍攝自己的部落，處理部落內既存的問題，CBC 以培力方式展現對於原住民的重視。

除了數量之外，CBC 在原住民報導的品質，也顯示其在加拿大各式媒體維持一定的優勢，其中如原住民少女在高速公路失蹤，之後被殺害棄屍的事件，就是透過 CBC 的報導引起全國關注，警方才積極介入辦理。如此不僅 CBC 不僅掌握議題設定，同時確實真切地回應在地區需求。

甚至有關原住民少女公路失蹤一案，CBC 亦進一步將其製作為虛擬實境的

影音檔案，民眾可以透過虛擬實境的體驗，切身感受到原住民少女在公路上孤立無援的感受，並且進入到少女位於偏鄉的住家，一探究竟原住民的真實生活環境為何。

從規劃原住民新聞團隊，深入報導，引起全國注目，進而導入數位科技應用，CBC 在歷程中透過科技展示了國家賦予此公共媒體的目標，在數位匯流環境下回應在地民眾的需求，此時的科技不是華麗炫耀的展示，而是真切與每一個加拿大民眾生活中面對的困境相關。

## 伍、原住民族廣電研討會

### 一、廣電研討會介紹

「原住民族梅耶人、因紐特人的廣電未來：對話與匯流」(THE FUTURE OF FIRST NATIONS, INUIT, AND MÉTIS BROADCASTING: CONVERSATION)研討會全國場的會議日期訂於 2017 年 6 月 15 日到 17 日召開，會議由加拿大學界及原住民媒體經營者<sup>3</sup>發起，並經加拿大社會科學與人文研究理事會經費補助，舉辦全國及地方性原住民傳媒政策論壇，渥太華場次即為系列論壇中的全國場。

本(渥太華)場次透過分享、討論、工作坊等形式邀請各地關心原住民傳播的學者、線上工作者，社區服務人士及官員出席，避免以學術發表的僵化形式，實際由第一線工作者討論，期待能有由下而上的政策導引，主題包含：

1. 原住民傳媒現況與困境
2. 加拿大廣電釋照
3. 加拿大通傳監理機構 CRTC 政策作為
4. 原住民傳媒面對的科技變遷及基礎建設議題

### 二、加拿大文化遺產部的原住民政策

由於加拿大原住民傳媒政策涉及加拿大文化遺產部、ICT 部門及原民部門，因此本次研討會開幕首場即邀請加拿大文化遺產部部長 Hon. Mélanie Joly 出席分享並對談。

Joly 出生於 1979 年，年僅 38 歲，具有牛津大學歐洲法和比較法學士學位。Joly 開場即表示加拿大文化遺產部為在制定原住民文化政策前能充分蒐集民眾意見，並以共同規劃發展(co-development)的概念推動政策，因此從 2016 年起便開始舉辦區域型公聽會，預定將於 2017 年 9 月提出原住民文化政策，政策目標將在確保原住民語言維繫、多元文化少數族裔保護、以及重新認識(recognize, reflect)原住民文化。

Joly 提到 2017 年加拿大慶祝聯邦建制 150 週年，但對原住民而言，加拿大

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<sup>3</sup> 相關人士包含原住民廣電、網路及週報服務的社區媒體 Wawatay Native Communications Society 的 CEO John Gagnon、渥太華大學博士後研究學者 Gretchen King、多倫多 York 大學法學院博士生 Chris Albinati、渥太華大學藝術學院副教授 Geneviève A. Bonin、渥太華大學人類學副教授 Kathleen Buddle



聯邦建制過程中受到很多傷害，因此所謂的慶典應為「檢討過去、慶祝未來」(reflect the past, celebrate the future)，讓原住民有屬於自身的表意機會、能以自身觀點訴說過往故事、並與全加拿大人民對話，而這樣的過程便必須透過傳媒建制達成。

因此現場民眾接續詢問加拿大廣電監理單位 CRTC 在原住民傳媒釋照的決策方向及獨立性，特別是當本屆 CRTC 主委 Jean\_Pierre Blais 6 月 16 日卸任，而接任主委人選至今遲遲未定。

Joly 表示 CRTC 為獨立監理單位，因此釋照政策的獨立性乃透過立法保障，惟獨立性雖受保障，但政策方向仍期待能透過由下而上的意見進行導引，因此文化遺產部才會從 2016 年開始進行全國性座談。

### 三、如何與 CRTC 打交道

「原住民族梅耶人、因紐特人的廣電未來：對話與匯流」(THE FUTURE OF FIRST NATIONS, INUIT, AND MÉTIS BROADCASTING: CONVERSATION)研討會第二天議程由渥太華 Carleton University 新聞傳播學教授暨 CRTC 前委員 Andrew Cardozo 進行首場議程，主題為「如何與 CRTC 打交道」。

Cardozo 從 1997-2003 年期間擔任 CRTC 委員，他以任內第三梯次原住民廣電釋照經驗開始分享，他表示為了強化釋照過程的公共參與及透明，CRTC 在 1998 年舉辦了三場公聽會，且為了確保原民廣電運作無虞，最後釋照的決定同時規範電視台可以收取收視費(subscription fee)，並且以「由原住民營運，為加拿大人服務」(by aboriginal but for all Canadian)為宗旨。

由於本研討會期望強化公民的政策參與，因此 Cardozo 同時針對如何與 CRTC 打交道提出一些觀察建議，包含：了解政策內容、拓展思考層級(think big)、關心科技發展及創新、公共參與、了解決策者、尊重 CRTC 獨立性、維繫良好媒體公關等。

### 四、原住民政策國際瞭望

本次出國行程中，本會洪貞玲委員透過出席「原住民族梅耶人、因紐特人的廣電未來：對話與匯流」(THE FUTURE OF FIRST NATIONS, INUIT, AND MÉTIS BROADCASTING: CONVERSATION)研討會，在「原住民國際瞭望」場次，分享我國原住民傳播政策。

「原住民國際瞭望」場次出席的與談人共有四位，分別為墨西哥通傳監理機關(Federal Telecommunications Institute in Mexico)委員 Adriana Labardini、加拿大社區媒體 International Cry 新聞記者 Aohn Ahni Schertow、美國公營社區廣播 Native Public Media 的 CEO Loris Taylor、以及本會洪貞

玲委員。

## 1. 墨西哥經驗

墨西哥通傳監理機構 IFT 的 Labardini 委員首先指出，墨西哥 1.2 億人口遍佈於 32 州，其中原住民人口為 1500 萬，但只有 720 萬原住民能以墨西哥官方語言-西班牙語。墨西哥原住民包含 68 個不同的部族，其中有 14 族面臨族裔可能消失的危機。

經過長達 46 年的努力，墨西哥政府當局終於了解到保存原住民文化的重要性，因此在 2001 年將原住民文化保障的權益納入墨西哥憲法，並在 2016 年給予原住民在地社區首張調頻廣播執照。

為了保障原住民族傳播權利，IFT 在全國舉辦巡迴公聽會以及工作坊，了解墨西哥原住民真實想法，相關公聽會及工作坊遍及 26 個不同部落，以 10 種不同原住民語言進行，實際參與的原住民共有 367 人。

經過相關的巡會公聽會以及工作坊，IFT 了解到墨西哥原住民在地需求，因此在 2015 年之後，保留了傳輸效率較佳的頻段給予地方社區經營，頻譜拍賣的收入也提撥 1% 作為原住民及社區廣播電台經營使用，在電信部份，同時給予原住民行動網路的執照，IFT 相關核配的執照情形詳下圖 12：

Type of license	Total licenses	Percentages
Commercial	1797	71.14%
Public	579	22.92%
Social	114	4.51%
Community	28	1.19%
Indigenous	6	0.24%

Source: IFT, June 2017

Service	Social	Community	Indigenous	Total
Telecom	2	0	1	3
Broadcasting	27	22	6	52

Source: IFT, June 2017

Service	Social	Community	Indigenous	Total
Broadcasting	107	111	18	236
Telecom	5	0	1	6

圖 12 墨西哥 IFT 核配執照狀況

## 2. 美國經驗

美國公營社區廣播 Native Public Media (NPM) 的 CEO Loris Taylor 接續分享美國在地社區如何強化原住民傳播近用的相關經驗。Taylor 在 2000 年開始為原住民服務，她認為原住民必須從相信自己，肯定自己作為根本，才有力量得以發聲。

Taylor 在 Native Public Media 的工作經驗裡，不單單只是從地方媒體協助原住民表達，她同時透過社區參與強化在地社群的凝聚力，將相關科技運用導入社區，為在地原住民培力，並持續關注上位的法制體制，從美國原住民政策研擬的過程，監督政府體制，要求政府強化對於原住民權益保障的作為。

從 2007 年到 2017 年，NPM 從申請地方廣播執照，到 2016 年在網際網路號名稱與號碼指配機構 (Internet Corporation for Assigned Names and Numbers, ICANN) 國際會議中規畫提撥獎助學金，相關作為推展的進程可見下圖 13：



圖 13 美國 Native Public Media 推展原住民傳播進程

### 3. 臺灣原住民傳播政策分享

本次出訪，時值加拿大原住民月以及加拿大慶祝獨立 150 年，許多加拿大在地原住民對於加拿大獨立後，原住民在加拿大境內生活狀況究竟是否值得慶祝，重新提出檢視，對照臺灣原住民就新政府上台後，對於傳統領域認知爭議，似有可相對照之處。本會洪貞玲委員也藉由出席學術研討會中之「原住民國際瞭望」場次，分享臺灣原住民傳播政策。

洪貞玲委員首先就臺灣媒體概況以及原住民族分佈情形進行分享，進而提到台灣從 1984 年原住民族人權促進會的推動，到 1996 年政府正式設立行政院原住民族委員會的進程。

隨著主流媒體慢慢轉變曾經對原住民的刻板印象，臺灣原住民電視臺也在每

年人力及經費的投注之下，以原住民自己的語言，透過不同類型節目為自己發聲，並且納入無線數位必載頻道。

為保障多元族群之媒體近用權利並維護多元文化，我國特別在第 8 至第 10 梯次規畫「指定用途電臺」，供客家及原住民族進行相關電臺申請。目前指定用途與原住民傳播相關的廣播電台計有 3 家，分別為高屏溪廣播電臺、東民廣播電臺、蓮友廣播電臺，但相對於三家廣播電臺得以在不同縣市就近服務在地原住民，設立於臺北的原住民電視臺如何在有限預算下，克服距離問題聆聽原住民心聲，都是未來必須面對的挑戰。本學術研討會場次現況如下圖 14：



圖 14 本會洪貞玲委員於「原住民國際瞭望」場次分享

## 五、「如何參與 CRTC 公共政策」工作坊

「原住民族梅耶人、因紐特人的廣電未來：對話與匯流」(THE FUTURE OF FIRST NATIONS, INUIT, AND MÉTIS BROADCASTING: CONVERSATION)研討會除了透過與談討論，同時規畫不同型式的工作坊，讓參與者能就不同主題，以小規模參與者就議題進行更深入的互動了解。

其中由於加拿大通傳廣電政策的制定與其監理單位 CRTC 息息相關，因此大會同時規畫由曾經在 CRTC 公共政策部門工作，現於非政府組織 Open Media 擔任律師的 Cynthia Khoo，分享如何參與 CRTC 公共政策。

在 CRTC 堅守政策透明的原則下，與決策相關的大量文件皆會公布於其官方網站上，如此雖落實資料公開，但對於不熟悉資料架構及程序的民眾而言，常容



易落入大海撈針，找不到所需資訊的窘況。

為此，在「如何參與 CRTC 公共政策」工作坊中，Khoo 從人、事、時、地、物不同類別主題，教導與會者如何在 CRTC 官方網站內找到所需資料，其中由其重要的，是面對玲瑯滿目的英文簡體縮寫，究竟如何理解這些縮寫代表的意義，都是民眾參與公共政策過程中，很基礎的步驟。

此外，CRTC 研擬相關政策前皆會舉辦公聽會，了解民眾意見，但有關公聽會前的文件索取、座席規劃、特殊服務如手語翻譯、即時聽打等安排該如何申請，Khoo 也以不同的案例讓與會者實際演練。

觀察加拿大整體社會在落實資訊公開及政策透明部分的努力，不單只是由上而下制訂方向，然後由各部門各自將其業務相關檔案一股腦置於網路，爾後便認為達成任務。其更透過由下而上的民眾參與，如本場次工作坊的公民培力，協助民眾確實了解公開後的資訊該如何接取，甚至公開的資訊對於民眾而言是否有尋找的盲點，Khoo 也表示學術研討會大會也會將本次工作坊的相關意見轉交 CRTC 作為未來修正之參考。本場次工作坊現況如下圖 15：



圖 15 「如何參與 CRTC 公共政策」工作坊

## 陸、交流與互動

出席國際會議，除了了解相關議題國際發展情勢外，出訪期間，主動與出席來賓互動交流，建立真誠的友誼關係，也是有效發揮出訪人力財力、提高國際舞臺能見度的重要課題。透過面對面意見溝通，建立國與國之間連繫的管道，對於日後國際業務推展是關鍵基礎的第一步。

本次出訪加拿大，在外交部駐渥太華代表處以及駐多倫多辦事處的協助之下，除了相關拜會的事前事後聯繫，同時安排了與本會業務相關的專業人士進行互動交流，其中不論是媒體相關從業人員、與臺灣友好之大學教授、甚或進入加拿大國會大廈，與眾多國會議員互動討論，分享臺灣通訊傳播發展現況，都對增進臺灣與加拿大實質友誼皆有一定程度幫助，同時也替未來更進一步交流備妥更多可能。



圖 16 本會委員洪貞玲與外交部駐多倫多辦事處代表及 OMNI TV 總監 Jenny Hu 交流

由右而左分別為多倫多辦事處徐詠梅處長(右 1)、加拿大 Roger 媒體集團旗下多元文化電視台 OMNI TV 新聞總監 Jenny Hu(右 2)、洪貞玲委員(左 2)、多倫多辦事處新聞組王怡萱組長(左 1)

Roger 為加拿大五大廣電媒體集團之一，期下 OMNI 電視台以推展多元文化為宗旨，OMNI 除了播放西班牙語、義大利語等不同族裔語言外，華語也是重要播出語言之一。Jenny Hu 在 1997 年移民加拿大前，曾在中國廣播公司、民生報等媒體單位任職超過 12 年，目前為 OMNI 電視台新聞製作人，負責華語新聞編審。席間 Jenny 與洪委員分享台灣與加拿大兩地媒體環境的差異，Hu 提到加拿大媒體高度自律，如 OMNI 為了相關新聞需拍攝受訪者喪禮，電視台高層主動向第一線記者表示，以尊重喪家家屬意願優先，不得任意採訪，若真無法進行訪問寧可以遠景處理。此外 Hu 也提到加拿大民眾的媒體素養，一旦新聞頻道出現不宜的內容，民眾檢舉及申訴絕對相當積極，也是因為這樣的民眾反映，電視台在製作節目時也就更為謹慎自律。

除了了解加拿大媒體環境現況，洪委員也進一步分享台灣傳媒環境先天及後天的困境，但也表示相較之下，台灣在媒體的律及民眾素養上仍有很大努力空間，也期待未來與 Hu 能持續保持聯繫。





圖 17 洪貞玲委員與新民主黨(NDP) 議員 Helene Laverdiere 交流。

Helene Laverdiere (左1) 負責外交事務，為影子內閣的外交部長(Foreign Affairs Critic)，畫面右1為加拿大駐渥太華代表處新聞組組長宋申武。



圖 18 洪貞玲委員與眾議員 Robert Falcon Ouellette 及 Mary NG 交流。

Robert Falcon Ouellette (左1) 具有原住民血統，代表 Winnipeg 選區，目前學習中文六個月，對臺極為友好；Mary NG (左2) 同屬自由黨，為香港裔。



圖 19 洪貞玲委員與自由黨眾議員 Seamus O' Regan 互動。

Seamus O' Regan 是加拿大小杜魯道總理的好友，曾任新聞媒體主持人，為公開出櫃同性戀，在其得知臺灣為亞洲第一個將同性婚姻合法化的國家後，對臺灣大為讚賞。此外，在 8 月 29 日 Seamus O' Regan 獲總理任命，擔任退伍軍人事務部部長。



圖 20 洪貞玲委員與自由黨眾議員 Bernadette Jordan 交流。  
Bernadette Jordan (左1) 曾擔任新聞記者，洪委員與其分享臺灣傳播產業現況時，其有相當深刻的認識。



圖 21 洪貞玲委員與曾任部長級檢察總長的自由黨眾議員 Wayne Easter 交流。



圖 22 洪貞玲委員與新民主黨眾議員 Christie Moore 交流  
Christie Moore 對於赴女政策有高度興趣，與洪委員相談甚歡



圖 23 洪貞玲委員與自由黨眾議員 譚耕交流  
譚耕 (Geng Tan, 左2) 為加拿大首位在地方選舉中勝出的華裔加拿大眾議員。



圖 24 洪貞玲委員與加拿大民主改革部部長 Karina Gould 交流  
Karina Gould (右 2) 年僅 39 歲，是加拿大優秀的政治人物。



圖 25 洪貞玲委員與加拿大眾議員 Robert Falcon Ouellette 及資深媒體人 Tobias Fisher 餐敘  
畫面由左至右分別為眾議員 Robert Falcon Ouellette，眾議員助理 Ms. Gabrielle Minotti、洪委員、資深媒體人 Tobias Fisher、宋申武組長



圖 26 洪貞玲委員與加拿大文化遺產部部長 Hon. Mélanie Joly 會面  
Mélanie Joly 出生於 1979 年，年僅 38 歲，具有牛津大學歐洲法和比較法學士學位。



圖 27 洪貞玲委員與加拿大執政黨眾議員 Romeo Saganash 交流合照



圖 28 洪貞玲委員與渥太華 Carleton University 新聞傳播學教授暨 CRTC 前委員 Andrew Cardozo(右)交流



圖 29 洪貞玲委員與墨西哥通傳監理機關(Federal Telecommunications Institute in Mexico)委員 Adriana Labardini 交流合照



圖 30 洪貞玲委員與與本次研討會贊助單位渥太華大學校長 Jacques Frémont 交流





圖 31 洪貞玲委員與本次學術研討會贊助單位渥太華大學藝術學院 Kevin Kee 交流



圖 32 洪貞玲委員與社區媒體 International Cry 新聞記者 Aohn Ahni Schertow 交流



圖 33 洪貞玲委員與學術研討會「加拿大傳媒實務與政策-未來與挑戰」場次發表人 Lorna Roth 交流

Lorna Roth 為 Concordia University 傳播學系教授，進行原住民研究超過 20 年。



圖 34 洪貞玲委員與社區媒體 Wawatary Native Communications Society CEO John Gagnon 交流



圖 35 洪貞玲委員與外交部駐渥太華代表處以及音樂人暨渥太華台鄉會會長馬稚凱、渥太華大學社會學暨人類學專業學院教授 Scott Simon(史國良)交流

左至右分別為：渥太華代表處新聞組宋申武組長、林明誠公使、音樂人暨渥太華台鄉會會長馬稚凱、渥太華大學社會學暨人類學專業學院教授 Scott Simon(史國良)、宋申武組長夫人王寶珠、洪貞玲委員、林明誠公使夫人。

Scott Simon 學習中文超過 20 年，博士期間首次訪台，專長於台灣南島社會貧窮的政治人類學，探討台灣貧困的意義，關注原住民自治及野生動物管理議題，2004 年後與東華大學進行國際研究合作。



## 柒、結語

臺灣的影視文化表現曾經傲視亞洲，具強勢輸出能力，然而隨著時空遞嬗，日韓持續茁壯，中國大陸崛起，臺灣影視產業在磁吸效應下顯得窘迫，如此景況與加拿大長期面對全球影視龍頭的美國似有雷同之處，如何參考加拿大相關經驗，是本次出訪重要課題。

加拿大人民對於自身重視多元及民主感到驕傲，體現於外便是其與台灣關係長期友好，台灣幾番在國際組織間受到打壓，加拿大都是出聲力挺的重要夥伴之一。在本次出訪加拿大期間，不幸遭逢巴拿馬與臺灣斷交憾事，在國際壓力下，本會仍能順利與廣電監理單位以及相關組織進行正式會面交流，並以正式身分出席國際學術研討會，實屬難得經驗。

回顧此行，主要觀察與心得說明如下：

### 一、保護與推廣，捍衛文化主權

加拿大與全世界最大影音文化輸出國-美國相鄰，在語言相近以及貿易相通的影響下，加拿大政府對於文化主權意識有很早的啟蒙。從 1967 年開始，加拿大政府就設立相關輔導基金，挹注電影製作與映演通路的發展，而後，也透過直接補貼與稅收減免的方式，促進本國視聽產品的製作品質。

加拿大政府認為廣電產業是重要的公共財，得以創造出社會、經濟、及文化效益。這些效益當中有些容易計算，像是產業直接雇用人數達六萬人，佔國民生產毛額 75 億元；但有些卻是無形且難以量化的，就像訴說並聆聽屬於自己國家的故事一般重要。

因此在過去，加拿大政府透過播映時數規範，保障本國影視作品有足夠的播映管道以及產製能量，維持產業蓬勃發展。然而隨著收視環境匯流轉變，民眾可輕易透過行動載具觀看跨國影音內容，舊有播映時數規範為之鬆綁，加拿大政府調整影視產業政策，在既有的保護政策基礎上（Protection）轉進為積極推廣（Promotion），讓加拿大影視產品能在國際競爭。

在挹注資源部分，加拿大政府規畫相當細膩，影音生產部門有來自許多不同管道的資金得以運用，其中有些來自私人企業，像是信用貸款、股權投資、以及向跨國廣電業者預售影音內容。不過投資比重最重的來自於公部門，像是給予加拿大廣播公司（Canadian Broadcasting Corporation, CBC）的資金、來自聯邦以及地方層級的影音補助，包含在電視電影以及稅收減免的部分。

相關經濟支持也可能不那麼直接，如最終在電視頻道播出的加拿大電影票房營收，以及廣電業者在廣告、訂戶或是訂閱服務的營收。以後者而言，CRTC 要求多數廣電業者從這些營收中提撥一定比例，直接挹注在加拿大影音之中。

此外，CRTC 要求訂戶數超過 2000 戶的廣電訊號傳輸業者（Broadcast distribution Undertakings, BDUs）每年將與廣電相關的營業額提撥 5% 予加拿大本國影音創作，費用可提撥給公營或是獨立經營的基金會。其中提撥的總金額裡，至少要有八成需給予加拿大媒體基金（Canada Media Fund, CMF）。CMF 擔任的角色便是促進、推廣、並以資源挹注給加拿大本國自製影音內容，以及相關視聽媒體平臺的應用軟體。八成以外的金額則必須提撥給經由 CRTC 核可的獨立製作基金會（CIPFs）。

自 2012 到 2013 年間，投入支持加拿大本國影音內容的總金額價值超過 41 億，其中超過三分之二（65.6%，27 億）直接來自於加拿大本國製的影音服務內容；其餘分別來自於聯邦及省的稅收（15.8%）、CMF（9%）、實際貢獻（4.8%）、BDUs 對社區影音內容的投入（3%）以及其他 CIPFs（1.5%）。

根據 CMF 的調查，在 2010 到 2014 年期間，單單 CMF 就為 1,923 個電視節目以及 335 個數位媒體內容及應用軟體貢獻了超過 14 億，如此並誘發總計 48 億的加拿大本國影音內容產製。在這樣的比例之下，CMF 投入的每 1 元，創造出 3.38 元的加拿大影音產製。

加拿大以基礎扎实的數據支持廣電政策對於影視產業的投入，回頭檢視台灣，在歷史過程中由於 WTO 以及國際貿易的壓力，很早就棄守了相關配額的保護政策，即便推廣影視軟實力的重要性眾所周知，然一旦落實到實際投入預算，抑或應自哪些領域提撥金額挹注，往往就增加許多雜音。

## 二、自主培力，由下而上落實資訊公開

政府資訊能否透明公開，是一國民主表現的基礎關鍵。加拿大通傳廣電監理機構 CRTC 將大量的決策諮詢文件置於官方網站，並在重要政策完備公聽程序，是傾聽民意、落實資訊公開的積極表現。

以關係到加拿大影視產業未來發展的「Let's Talk TV」政策為例，2013 年十月起，CRTC 啟動了名為「聊聊電視吧：與加拿大人民對話」（Let's Talk TV: A conversation with Canadians）的諮詢程序，透過多樣的管道與加拿大人民溝通，了解其在影音內容、傳輸科技、以及收視工具這三個主題的不同看法。相關的對話參與持續一年多，直到 2015 年三月，CRTC 彙整並分析來自超過 13,000 名加拿大民眾意見，型塑成「Let's Talk TV」政策。其中有關三階段諮詢紀錄、民眾評論及意見報導等，都可以在 CRTC 官方網站找到。

然而資訊提供是一回事，民眾是否具備能力並適時尋得所需資訊又是另外一回事。為此，在本會出席的「原住民族梅耶人、因紐特人的廣電未來：對話與匯流」(THE FUTURE OF FIRST NATIONS, INUIT, AND MÉTIS BROADCASTING: CONVERSATION)學術研討會裡，民間學術友人組成的主辦單位便主動針對如何參與 CRTC 公共政策舉辦工作坊，工作坊裡教導與會者如何尋得資料、了解相關決策過程、參與實際公聽會、到表達自身意見。透過實際培力，讓民眾得以在玲瑯滿目的資訊中尋得自己所需的那一份檔案。而主辦單位亦強調，在加拿大各地，其實都有不同的非政府組織透過類似行動，強化民眾公共參與，並將民眾意見反饋給政府單位。

回頭觀察台灣，資訊公開及透明已經倡議多年，而政府資訊確實也依照規範陳列在不同組織的相關網站內，然而實際民眾接收程度為何？如何透過基層培力，避免公共政策參與僅落於有限且有能力接收資訊的民眾身上？這些都是值得思考的問題。

### 三、兼顧多方利益，實踐政策目標

通訊傳播產業主管機關往往肩負許多不同任務在身，從維護消費者權益、保障弱勢族群、促進產業發展、到維持公平競爭。不同任務都有其正當性，然而落實到決策過程卻需思考彼此可能的衝突。

在本次拜會加拿大通訊傳播監理主管機關 CRTC 的過程中，可以從相關政策規劃發現其妥善地從各個面向落實不同群體的權益保護。其中如機上盒收視量測系統的規劃，CRTC 除了確保使用者隱私需是最基礎根本之外，同時透過相關期程的要求，導引產業在面對匯流轉型過程，得以掌握關鍵資訊，站穩利基迎接挑戰，促進產業發展。

此外，隨著數位版權成為重要議題，影視內容產製者如何與播映業者協商著作權利潤收益分配，往往容易成為爭議焦點。2007 年初，由於演員爭取線上發行的相關報酬，加拿大電影電視廣播藝術家聯盟 (ACTRA) 以及加拿大製作行業協會 (原 CFTPA，現為 CMPA) 共同罷工，產業變得不穩定，這也成為需要確認這類權利的案例。為此，CRTC 參考英國 Ofcom 作法，鼓勵產業鏈不同端點訂定明確的貿易協定條款，並以相關執照條件做為要求基礎，雖然 CRTC 不直接介入協議內容，且隨著時間演進，對於貿易協議的規範也逐漸放寬，但其對於維繫產業生態平衡的努力，同時間接促進了產業發展並維護消費者權益。

另外，在有線電視分組付費部分，CRTC 同樣透過最基本組合的要求，以每月 25 元加幣 (約 575 元新台幣) 以及單頻單買的規劃，提供訂戶合理且彈性的選擇，其中若頻道經營者與廣電訊號傳輸業者就授權價格預有爭議，CRTC 再爭議調處未果情形下，擁有最終訂價權，如此不僅落實消費者保障，同時維護產業

健全發展。

至於在多元文化及弱勢權益保護部分，從加拿大媒體基金受理的實驗計畫中，亦可見其以細膩的積點制度及申請條件，確保政府挹注的一分一毫都能切實回應多元及弱勢族群的需求，並且給予獨立製作業者實質助益。

#### **四、數位及自製，鞏固加拿大公共電視支持基礎**

臺灣公共電視的獨立性不時成為輿論關注的焦點，本次拜會加拿大公共電視（CBC）時，相關課題也為參考重點，拜會過程中 CBC 公共事務執行處長雖然提及了董事長任期及任命等程序上維持獨立的做法，然而從 CBC 分享相關業務成果中，可見其在數位科技上的投入以及對於本國自製節目的堅持，獲得了加拿大人民相當程度的支持，而這些支持才真的是 CBC 得以維持其獨立運作不墜的堅實基礎。

CBC 作為公共媒體，透過節目取向設計，接納加拿大在地獨立影視製作人的提案，一旦提案通過，影視製作內容便可在 CBC 頻道播出，讓加拿大本國自製影音內容有更多露出管道。CBC 堅持維護本國自製內容的播映比例，當加拿大商營媒體在黃金時段裡以 95% 比例播出美國影音內容時，CBC 仍堅持全日播出的本國自製內容應維持在 96%。

此外，CBC 長期投入原住民議題，其中如原住民少女在高速公路失蹤，之後被殺害棄屍的事件，就是透過 CBC 的報導引起全國關注，CBC 進一步將其製作為虛擬實境的影音檔案，民眾可以透過虛擬實境的體驗，切身感受到原住民少女在公路上孤立無援的感受，並且進入到少女位於偏鄉的住家，一探究竟原住民的真實生活環境為何。CBC 在數位匯流環境下回應在地民眾的需求，此時的科技不是華麗炫耀的展示，而是真切與每一個加拿大民眾生活中面對的困境相關。

#### **五、持續交流，有助國內監理並維繫雙邊關係**

本次拜會相關行程中，不論是加拿大媒體基金、加拿大廣播電視及通訊委員會、或加拿大公共電視皆準備了豐富且具相當深度的資訊提供本會參考，針對本會相關提問亦在事前備妥充分文件，並於拜會現場詳盡解釋，對於本會未來面對數位匯流環境挑戰，有相當實質的助益。

此外，在外交部協助下，本次有機會與加拿大在地傳播領域專業人士互動，其中如 OMNI TV 總監 Jenny Hu 以及資深媒體人 Tobias Fisher 餐敘，了解兩地在媒體自律的表現差異。更難得的是，透過外交部駐加拿大代表處的連繫與協助，本會代表進入加拿大國會山莊參訪，除了一睹即將閉門多年進行整修的雄偉建築之外，更與民主改革部部長 (Minister of Democratic Institutions) Karina

Gould、曾任加拿大檢察總長之現任眾議員 Wayne Easter、以及隨後於八月提名為退伍軍人事務部部長的 Seamus O'Regan 等合計九位眾議員交流互動，其中不少眾議員本身皆有傳播媒體相關經驗，對與本會到訪都表示相當歡迎，在臺灣國際關係日趨艱辛的環境之下，能有這樣實質互動，對於雙邊關係維持具有相當助益。



## 捌、參考資料：Let's Talk TV 中譯全文

### 前進的道路－創造引人注目且多樣化的加拿大影音內容

Let's Talk TV 政策鼓勵加拿大人製作具吸引力且多樣的影音內容，這項政策是在 CRTC 與加拿大人民對話之後成形，重視的是消費者是否得以靈活選擇，政策關係到地方無線電視台以及相關業者，同時展示了 CRTC 未來對於加拿大廣電體系的規範方向。

加拿大作為一個廣電產業蓬勃發展的國家，提供各式語言節目，多樣化的類型從戲劇、音樂、體育、新聞到紀錄片。其中加拿大廣電體系提供的節目讓數以百萬計的加拿大觀眾可在不同平台收視，政府及私人企業多年來的支持及投入，為加拿大影視奠定了可觀的資金基礎，不論在加拿大的哪一個角落，影視節目都可透過健全且發達的播送系統傳輸到加拿大人民家中。透過強化這些優勢，加拿大影視產業將有足夠的自信與能力面對未來，並在國際各種平台上與他國競爭。

在未來幾年，加拿大將持續從線性且固定套裝的電視內容形態，進展到更為隨選、可讓使用者自行排程的電視環境，加拿大人民未來將對影音內容有更多掌控權，並且透過更多樣的載具收視。這樣變革的環境需要影視產業裡包含政府在內的各方利害關係人共同努力，努力找尋嶄新的作法來支持多樣且引人注目的影視內容。

為此，CRTC 正採取相關措施，以促進並引導產業轉型至漸趨隨選的環境，相關措施將以下述四個主題展示政策方向：

#### 1. 為創新擘劃舞台

CRTC 理解到，為了成功推展加拿大本國產製之影音內容，影音內容必須廣泛可見，加拿大民眾必須有更多的機會在不同平臺發掘本國產製影音內容。針對這一部份，CRTC 將舉辦相關會議，直接與利害關係人磋商，探討規畫政策機制，以促進並改善本國產製影音內容的可見度，同時 CRTC 也將以額外的工具手段提升產製本國節目的誘因。

加拿大全國人民都應該在由加拿大人營運的線上平臺上接觸到包含本國產製的影音內容，有鑒於此，CRTC 正著手創建一個新的隨選視訊混成服務類別，並針對這樣的服務制訂規範，這類服務將可免除取得廣電執照的要求，這



個新的類別將為加拿大公司移除相關障礙，促使其在隨選視訊環境中有公平競爭的立足點。

加拿大影視產製部門對於未來影視產業是否興盛扮演重要角色，一個強大的加拿大影視產製部門將有更強大的能力為加拿大以及全球觀眾提供高品質且具吸引力的內容，而加拿大影視節目的創作與推展需要靠適當的基金模式及工具支持，因此 CRTC 向政府其他部門及機構提出一些建議，讓影音產製部門可以在新的視訊環境中茁壯，CRTC 同時推出了先鋒計畫（pilot projects），並檢視自身政策，以便在加拿大影音內容的產製過程中具備更高彈性。

未來加拿大廣電產業能否成功，將同時取決於業者對於影音內容編排組裝的能力，以及內容是否能滿足並符合加拿大觀眾的需求及興趣。隨著收視導向的影音環境興起，收視行為資訊將更為重要，類似機上盒等偵測收視行為的新工具將是關鍵，有鑒於此，CRTC 正要求業者組成一個工作團隊，發展機上盒收視行為測量系統。

## 2. 加拿大影音政策重點由量轉質

在 Let's Talk TV 政策成形過程，加拿大人民很清楚呈現出他們對於高品質影視內容的期待。除了創意之外，高品質且具吸引力的內容需要資金投入，投資在品質秀異且有完善行銷及可見度的內容，將可增加觀眾收視，進而獲得利潤，而所有這一切都將有助於整體產業的茁壯。

為了要支持產製高品質影音內容，CRTC 將管制重點從播映時數限制（加拿大本國製節目的播出時數總量），移轉為投入產製資源的管制基礎（投入在加拿大影音內容的金額總數），特別是，CRTC 將要求加拿大廣電業者挹注資金至一定數量的影音服務內。在此同時，CRTC 也將會減少部分本國自製節目播映時數的限制。但是，對於那些仍具重要影響的時段，部分本國自製節目播映的要求仍將維持。

## 3. 當市場失靈時，管制者在公共利益考量下針對特定影音節目類型給予支持

CRTC 認為在不同服務間，為了確保影音節目的多樣性，節目類別專屬政策已經不再需要，因此該政策將被淘汰。節目類別專屬政策限制廣電業者提供特定類型的影音節目，因此也就排除了廣電業者透過其他服務提供不同節目內容的機會。藉由取消這項政策，CRTC 移除了管制圍籬，讓新形態的影音服務得以進入市場，影音內容將更具靈活性，競爭也更為動態，如此也可以確保影音內容的多樣性得以由市場力量進行最大程度的掌控，廣電業者也得以適時回應消費者需求，並採取具有創意的影音策略。

新聞服務在廣電體系裡頭扮演重要的角色，CRTC 認為部分用以支持新聞服務的管制內容仍應維持，以確保加拿大人民得以接收到高品質的新聞以及資

訊，並且可以針對公眾關心的議題接觸到不同觀點的新聞報導內容。為此，CRTC 將為現有以及新進的全國性新聞服務訂定新標準。

針對與國家利益有關的影音內容，CRTC 仍將維持現有的資金投入要求。CRTC 認為加拿大人民必須接收到某些類型的影音內容，而這些類型的影音內容將對廣電產業有重要貢獻。這樣的觀點是由許多加拿大民眾在 Let's Talk TV 政策成形過程中提出的。

#### 4. 精簡執照許可程序

最後，CRTC 正採取相關措施來減輕管制負擔。CRTC 將免除大量的廣電服務業者原本需要取得廣電執照的要求，另外也將合併廣電服務業者的執照類別，精簡執照處理流程。

### 簡介：

1. 2014 年 4 月 24 日，CRTC 正式公佈了廣電政策諮詢公告 ( Broadcasting Notice of Consultation 2014-190 ) 的諮詢文件。包含 2014 年 9 月 8 日進行的公聽會在內，這項檢視代表著 Let's Talk TV 政策的第三個階段-「與加拿大人民對話，並透過前兩個階段的對話，確認民眾關心的政策議題及優先順序。」
2. 在意見諮詢過程中，CRTC 收到超過 13,000 份意見，其中許多來自於全國各地的加拿大民眾。這些諮詢過程的公開記錄，包含第一與第二階段裡，加拿大民眾的評論及意見的報導，都可以在 CRTC 官方網站中找的到。
3. 2014 年八月 CRTC 公布了廣電政策諮詢公告文件(2014-190-3)，文件中針對未來加拿大廣電體系規範有許多規畫提議。CRTC 指出在這份作業文件中的相關政策提議不應被視為政府當局已在某些議題上做出決定，也不應被認為提議有任何政策偏好取向，這份文件只是為了激發相關單位更多討論。
4. 為了持續達成讓加拿大人民接取世界級通傳資訊的目標，並導引 Let's Talk TV 政策過程，CRTC 列出下列三個預期成果：
  - (1)、加拿大廣電體系將可鼓勵本國產製多樣且具吸引力的影音內容
  - (2)、加拿大廣電體系將可促使民眾擁有更多影音服務的選擇及彈性
  - (3)、面對爭議時，加拿大廣電體系將確保加拿大人民得以在廣電機制內接收到影音資訊內容，以做出明智的選擇
5. 在廣電諮詢通知作業文件 ( 2014-190 ) 中，CRTC 也表明經由市場變革或是科技環境的改變，上述預期目標可能不用經過政策規範便可達成。因此政策規範只有在必要情形下才會採行介入，進一步而言，政策規範將盡可能簡單、限縮、易於管理及調適。

6. 政策目標將依預期成果次第而下。首先關於鼓勵本國產製多樣且具吸引力影音內容部份，CRTC 已經分別在廣電政策 2015-24 以及 2015-25 號文件中，針對地方無線電視以及相關業者進行規範。至於促使民眾擁有更多影音服務的選擇及彈性部分，CRTC 的政策規畫將在未來幾週內公布。
7. 在規畫政策時，CRTC 必須考慮到加拿大廣電體系裡公營、商營以及地方等不同部門。下一節內容的部份政策將在換照過程中生效。對大型商營電視集團而言，其執照將在 2017 年 8 月 31 日到期；而獨立業者則根據其執照效期，在 2018 年 8 月 31 日前需進行換照；加拿大廣播公司（CBC）則需在 2018 年 8 月 31 日前換照；另外 CRTC 同時也會如同 2015-24 號廣電政策內容所及，詳細檢視社區及地方廣電業者。

## 廣電的未來

8. 雖然在未來 5 至 10 年後很難定義所謂的「電視」，但某些趨勢和潮流卻是顯而易見。在接下來幾年內，加拿大人民將持續從套裝線性排程的影音服務進展到隨選、可自由編排的影音服務類型，加拿大人民將會成為更主動的觀眾，對於想要觀看的節目內容期待更多掌控權。與全球各地的觀眾相同，加拿大觀眾也將持續使用各式不同的載具，並且對於創新影音收視模式有更多的需求。
9. 以網路為基礎的新創載具帶動了新科技的進展，同時反映消費者對於內容需求的消長及使用行為的改變（例如線上及行動收視、大量接收來自全球的新形態內容）。
10. 但是同時，許多加拿大民眾仍然持續以他們數十年來習慣的方式，透過傳統電視機來收看影音內容。因此 CRTC 必須規劃出一組足以反映出創新傳輸及收視形態的管制架構，且要在另一方面體認到仍有觀眾期望以傳統電視收視影音內容。這個新的政策方向必須在內容產製、傳輸以及收視等面向提供最大的彈性。
11. 許多今日在廣電市場上提供服務的公司將會在未來持續扮演重要角色，其中某些業者將會有劇烈的變革，創新形態的影音服務將會出現，而現存的服務形態將可能全然消失。這些變革多數受到市場上消費者的選擇及興趣所驅動，但對於確保加拿大人民能接收多樣且具吸引力的本國自製影音內容這部分，CRTC 將持續扮演一定角色。
12. 細究特定業者及服務的未來，CRTC 期待垂直整合的業者（同時擁有或足以掌控影音內容服務及傳輸服務的業者），可以在他們的業務範疇內，運用他們的視聽眾以及資源，取得受歡迎且利潤豐厚的影音內容，並且製作高品質的本國自製影音內容。這些關鍵的影音內容為這些業者帶來資金，而這些資金將足以讓業者爭取到國內及國際市場。

然而，鑑於業者在市場上的強大力量，部分確保業者不會濫用市場力量的措施將是必要的。其中濫用市場力量的方式包含減損內容傳輸者和製造者服務加拿大人民的機會，或是限縮加拿大人民的選擇。

13. 透過無線電視或是付費收視的方式收視，傳統電視在短中期內仍會持續運行。許多這些電視台，特別是那些垂直整合的業者，將持續在晚間黃金時段中擁有大量觀眾收視本國製及非本國製的影音內容。由於這些節目將面臨更為激烈的競爭，因此業者在爭取觀眾時更必須提供高品質的影音內容。這些電視台製作的新聞以及地方性節目也將持續與在地觀眾維持緊密連結，加拿大民眾也將因為這些內容，參與社區以及全國性質的議題。然而，相較於其他以觀眾收視量來做區分的影音內容，這類內容將持續以投入產製資源多寡來做分類。
14. 相較前述的廣電服務型態，可自由排程的節目(也稱為付費或特殊服務)將在很大程度上提供替代性的影音服務內容。此外，隨著線上影音服務匯集長尾型影音內容(如庫存曾經播放過的內容，為不同利基觀眾預作準備)，現存線性影音服務類型將很有可能失去利基市場。同時，那些領有執照的付費電視以及隨選視訊服務，由於他們已經以非線性方式提供服務，因此他們將越來越趨同於線上影音服務。
15. 影音內容產製者將會爭取更多新創機會，藉此在新平台上獲得利潤。在漸趨競爭的影音市場中，能夠爭取到全球觀眾注目的優質內容將是帶動成功的關鍵驅動力。
16. 內容傳輸者、播映者、及產製者都將增加他們的線上活動，並且享受各式平台勃興所帶來的利潤，而這樣的環境需要以下條件支持：
  - (1)、 批發市場健全且公平
  - (2)、 鼓勵業者產製創新的內容並且承擔風險
  - (3)、 對於挖掘新式內容及行銷有更多的重視
17. 總而言之，未來的「廣電」體系，將足以讓加拿大人無縫接取各式內容，而這樣的經驗乃是因為體系內各方不同成員互利合作得以成形，其中各方成員包含內容產製者、內容整合者以及傳輸者。

## 前往彼岸

18. 廣電法 (The Broadcasting Law) 是加拿大針對廣電業者制定的法令，法令政策目標著重在提供加拿大人多樣的本土自製內容，根據廣電法，加拿大廣電體系應該包含的目標有：
  - (1)、 鼓勵加拿大人民表達自我，採行的方式包含：提供各類影音內容，來反映加拿大人民的態度、意見、價值、想法以及藝術創意；在綜藝節目中展現加拿大人的才華；從加拿大人的角度提供國內外的資訊及分析。

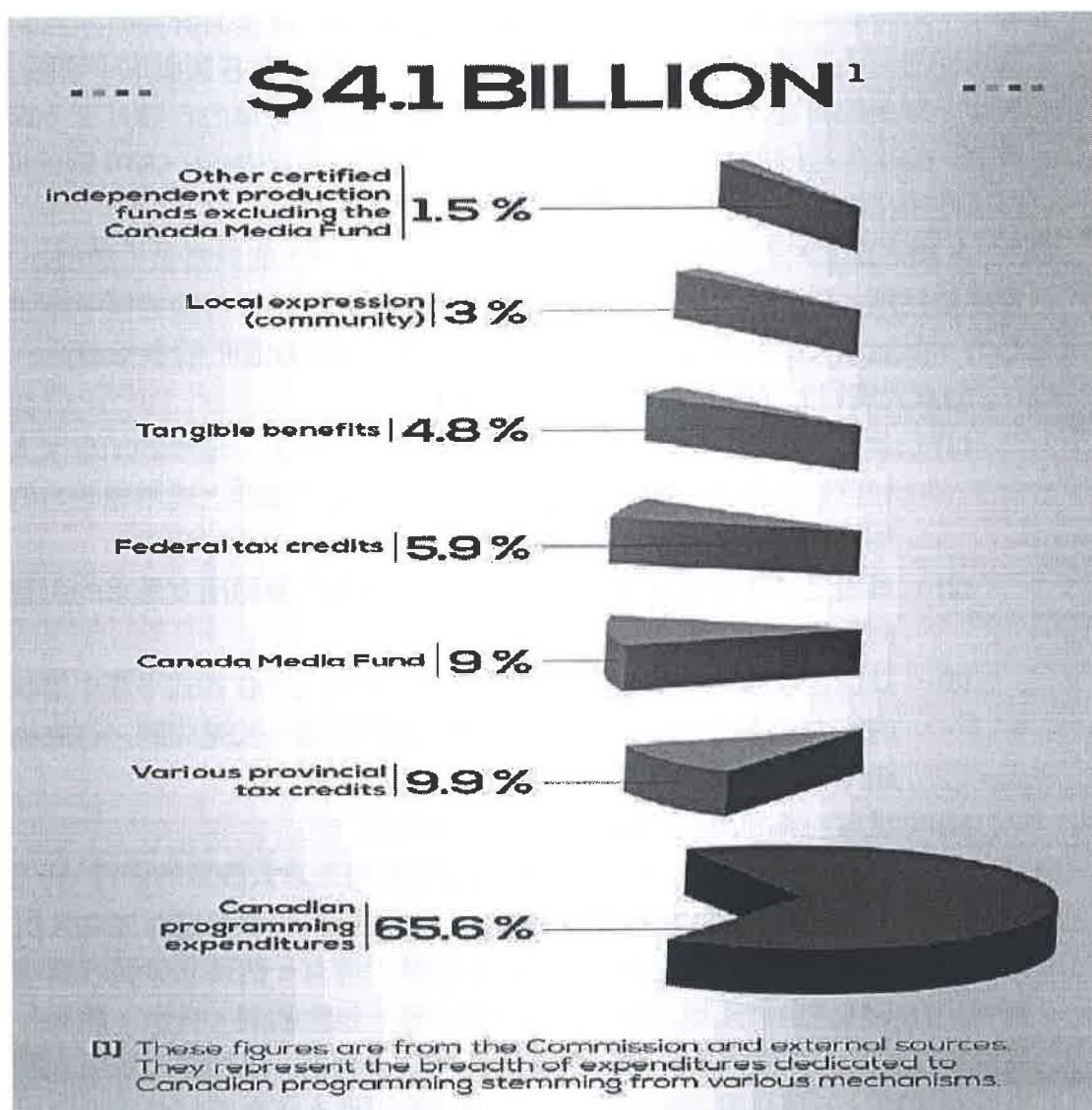


- (2)、經由影音內容以及營運增加所產生就業機會，滿足加拿大男女老幼的需求、興趣，當中包含加拿大社會本質裡的平權、雙語、多元文化、種族多元、以及涵納於社會當中的原住民族特殊之處。
19. 身為監理加拿大廣電業者的主管機關，CRTC 必須代表人民確保達成政策目標。因此，CRTC 對於市場進行監督，並且只有在有證據顯示市場無法透過自行運作達成政策目標時介入管制。
  20. 加拿大廣電體系是一個蓬勃發展的產業，直接僱用人數達六萬人。根據加拿大製作行業協會（Canadian Media Producers Association, CMPA）、魁北克媒體製作協會（association québécoise de la production médiatique, aqpm）、加拿大文化遺產部、以及北歐集團（Nordicity Group）在 2014 年公佈的一份檔案，加拿大影視產值佔加拿大 2013 至 2014 年國內生產毛額的 75 億元。
  21. 部分加拿大影音內容是透過廣電業者製作，但其實有相當比例數量的影音內容來自於獨立製作者。對獨立製作人而言，為影音內容募資是一個複雜、繁瑣且耗時的過程，由於這是一項高風險的投資，因此需要向許多不同單位提出申請，同時向金融機構取得貸款資金及擔保。
  22. 為了讓加拿大人創作出多樣化的影音內容，資金投入是必須的，如此方可確保獲取生產過程所需的必要資源。其實加拿大並非特例，許多國家投入本國產製以維繫該國廣電產業，因為國內廣電產業作為重要的公共財，得以創造出社會、經濟、及文化效益。這些效益當中有些容易計算，像是創造多少高階工作以及利潤；但有些卻是無形且難以量化的，就像訴說並聆聽屬於自己國家的故事一般重要。
  23. 與加拿大作法相同，這些國家採行許多政策，像是補助以及稅金減免來協助本國產製能獲得資金，畢竟這些本國產製將為社會創造許多效益。在加拿大，影音生產部門有來自許多不同管道的資金得以運用，其中有些來自私人企業，像是信用貸款、股權投資、以及向跨國廣電業者預售影音內容。不過對加拿大影音而言，投資比重最重的來自於公部門，像是給予加拿大廣播公司（Canadian Broadcasting Corporation, CBC）的資金、來自聯邦以及地方層級的影音補助，包含那些在電視電影以及稅收減免的部分。
  24. 對於加拿大影音的經濟支持來源也可能不是那麼直接，包含像是最終在電視頻道播出的加拿大電影票房營收，以及廣電業者在廣告、訂戶或是訂閱服務的營收。以後者而言，CRTC 要求多數廣電業者從這些營收中提撥一定比例，直接挹注在加拿大影音之中。
  25. 加拿大影音內容的資金來源仍有其他部份可歸類於公共政策的參與。舉例而言，CRTC 要求訂戶數超過 2000 戶的廣電訊號傳輸業者（Broadcast distribution Undertakings, BDUs）每年將與廣電相關的營業額提撥 5% 予加拿大本國影音創作，費用可提撥給公營或是獨立經營的基金會。其中提撥的總金額裡，至少要有八成需給予加拿大媒體基金（Canada Media Fund,

CMF)。CMF 擔任的角色便是促進、推廣、並以資源挹注給加拿大本國自製影音內容，以及相關視聽媒體平臺的應用軟體。八成以外的金額則必須提撥給經由 CRTC 核可的獨立製作基金會 (CIPFs，細節可參閱 **Broadcasting Regulatory Policy 2014-459**)。

26. 最後，為了確保廣電業者在所有權交易及效率管理過程中可以服務公共利益，CRTC 期待業者可以提出資金貢獻申請計畫（或被稱為實際貢獻）。這類實際貢獻會按交易規模以及本質區分，廣電業者服務的是在地民眾，而這些貢獻及利益最終也會為在地社區，以及整體廣電產業帶來可觀的助益。為了確保這些實際貢獻可以直接投入本國影音製作，CRTC 一般要求至少八成的比例需分配給 CMF 或是其他 CIPFs。通常在這樣的情況下，有六成的比例會直接給予 CMF。
27. 在 2010 到 2014 年期間，單單 CMF 就為 1,923 個電視節目以及 335 個數位媒體內容及應用軟體貢獻了超過 14 億，如此並誘發總計 48 億的加拿大本國影音內容產製。在這樣的比例之下，CMF 投入的每 1 元，創造出 3.38 元的加拿大影音產製。
28. 從 2012 到 2013 年間，投入支持加拿大本國影音內容的總金額價值超過 41 億，其中超過三分之二（65.6%，27 億）直接來自於加拿大本國製的影音服務內容；其餘分別來自於聯邦及省的稅收（15.8%）、CMF（9%）、實際貢獻（4.8%）、BDUs 對社區影音內容的投入（3%）以及其他 CIPFs（1.5%）。





29. 在影視基金裡頭的各類支持扮演了重要角色。根據 CMF 2013-2014 年的年度報告，英語系節目市場的生產預算有 26% 來自於 CMF 本身投入的金額，另外 27.5% 則來自於其他聯邦及省的稅收以及其他單位的挹注，英語系廣電業者則自他們的影視支出中投入 29%，而製作人本身貢獻的預算則是 4%。另外在法語系節目市場中，CMF 貢獻 27% 的生產預算，聯邦及省則是 28%，法語系廣電業者貢獻 42%，製作人則是貢獻 1.7%。

30. 多年來政府對於影音部門基礎的支持及商營部門的投資，為加拿大影音創造了可觀的機會。毫無疑問的，加拿大廣電體系正經歷嚴峻的轉型，但證據顯示這將不會是一個危機。原因就在於數十年來，加拿大廣電體系已經打造了深厚的人才及資源基礎，足以憑藉其自信及創造力來面對未來。

31. 面對即將到來的挑戰，這樣的自信及創造力將是重點。未來的挑戰不單單只是科技以及消費者行為的改變，同時包含重新省思所謂的「優質影

音」。近年來電視戲劇變得更為戲劇化、更像電影，總是有許多有才氣的電影明星自大螢幕轉戰小螢幕，以追求更多創新機會，在各類劇本中冒險。其中一種新的轉變便是每季影集的集數變少，以便讓每集內容擁有更多的資源，強化生產的品質。因應加拿大人民重新理解影音內容，CRTC 因此採行了政策措施，協助加拿大創作者面對挑戰。

32. 各類平臺播映的內容如海水般湧來，加拿大影音不能只是被「發現」，還要被挑選。如此將需要整體產業裡的各個部門在生產及傳輸過程中投注心力，而加拿大影音內容也必須日趨獨立於內容播映配額的管制保護傘。
33. 加拿大廣電體系已有許多足以展示的優勢：
  - (1)、具備足以服務全體加拿大人民的影音創作能力－這裡的加拿大人包含以英語為母語、以法語為母語，或是母語非上述兩種語言的加拿大人－而且這些影音內容往往可以吸引到全球觀眾。
  - (2)、具備足以滿足加拿大原住民、在地社群以及身障朋友需求的影音製作能力。
  - (3)、具備足以讓這些影音內容從東到西、南到北，在各式平臺中播映的能力。不論是衛星／有線電視／網際網路，或是固網／行動網路。
  - (4)、世界一流的創意技術人才以及生產設施
34. 加拿大廣電體系在各式平臺上提供吸引數百萬加拿大觀眾的節目，影音內容透過穩健完善配置的傳輸系統播出，這些傳輸系統也將確保加拿大民眾不論住在國家的任何角落都得以接收。加拿大擁有一個蓬勃發展的廣電產業，在不同語言及類型上提供各類影音內容，包含戲劇、音樂，體育，新聞到紀錄片。這些內容在加拿大不同區域產製而出，以加拿大法語系影音內容而言，不論是電視或電影都因為發達的明星系統和深刻參與的民眾而非常成功。但對英語系影音內容而言就不具備同樣的優勢，加拿大觀眾人數不斷增加，而加拿大國內外觀眾普遍觀賞流行的加拿大英語節目。
35. 同時，加拿大也發展了線上影音服務展現加拿大的創意，例如：
  - 加拿大國家電影局網站（NFB.ca）提供免費的紀錄片、電影動畫以及互動故事串流服務。加拿大國家電影局 2009 年推出這個線上放映室服務，影音內容同時包含英語及法語字幕。這個影音內容從上線起，已經收到超過 5700 萬次點閱，其中電影、精華，預告以及互動作品播放超過 2000 部。
  - 加拿大廣播公司（CBC）成立的 Tou.tv 則是一個法語影音內容的隨選網站，Tou.tv 號召了 20 個國內外製作人及廣電業者，提供大量的電視節目、影集，綜藝節目，紀錄片及新聞報導。
  - Club Illico 則是由 Videotron 成立的線上影音服務，2013 年成立至今獨立運作，已有超過 11 萬 1 千名訂戶。

36. 另外一個加拿大成功的案例是 *Éléphant*，一個致力讓魁北克電影紀錄得以在新式平臺上展示的非營利計畫。自從 2007 年起 *Éléphant* 已經完成 200 部電影以上的數位化作業並且爭取到超過 25 萬次的播映邀約，在各式平臺上，*Éléphant* 估計進入其資料庫觀賞的人次已高過 50 萬。
37. 為了獲取未來加拿大廣電體系的成功，這些都是產業內擁有的優勢。隨著優勢逐漸展現，加拿大廣電體系將在國內外各式平臺中全面備戰。
38. 英語系及法語系市場各自面臨獨特的挑戰，這些挑戰將影響廣電法內相關目標能否達成，因此需要由政策介入監理：
- 除了少數運動賽事及新聞類節目外，一般而言以英語為母語的加拿大人多數觀看美國影視內容。對業者而言，取得美國影視內容比自製加拿大影音內容所需要的開銷較低（美國影視內容的成本已在其國內市場中攤提了）。此外，對加拿大業者而言，與美國影音內容相比，加拿大影音內容的利潤較低。如果沒有政策介入，在市場力量驅使下，加拿大商營業者便會傾向於購買並播映美國影視內容，這樣的播映偏好同時受到好萊塢的行銷及成熟明星系統所影響，在這種情形下，加拿大製的英語影音內容無法透過國內市場獲利，於是仰賴出口銷售以獲取利潤。
  - 對於以法語為母語的加拿大人民而言，由於沒有其他市場滿足其需求，因此他們偏好觀看加拿大自製的法語內容。加拿大的法語市場很小，且為了維繫自主生產而奮鬥，因此出口仍是一個挑戰。不過相較於英語系影音內容，加拿大法語內容受惠於國內行銷及明星體系許多。
39. 作為美國這個全球影視產製龍頭的鄰居，加拿大對於全球化從來不陌生，對於傳播科技變革可能帶來的國家認同危機也不陌生，當然對於運用自身權利發展本國文化生產論述的能力更不陌生。
40. 與其選擇鎖國或是封閉國內廣電市場，CRTC 採取另外一種作法，CRTC 建制規範讓人民可以享受跨國影音內容，同時打造一個足以保有加拿大人觀點、創意、及訴說故事能力的國內影視產業。
41. 這個體系的建置已讓全球欣羨。市場仍然對國外影音及服務開放，但也確保加拿大人民意見表述的空間，這種邁向成功的做法為整體產業打下堅實的基礎。
42. 數十年來，加拿大廣電體系相對封閉，如此乃為了限制國外影音內容的供給，並透過配額制度創造本國產製影音內容的需求。今日隨著各式新平臺的興起，限制國外影音內容失去意義，同時也讓為了創造國內影音需求而規畫的配額制度顯得窘迫。進一步而言，面對來自全球的競爭，只是滿足國內需求對於產製者而言也不再足夠。因此為了適應此新型態的供給與需求，加拿大影音產業必須往外找尋全球的觀眾。
43. 在過去，透過許多文化部門、政策，以及稅收挹注，加拿大創作者得以掌握機會迎戰來自美國的許多挑戰，如今這些累積的經驗讓我們得以整裝



面對未來，這個未來的舞臺也因為通訊傳播科技進展而拓展為全世界，在這個舞臺上，加拿大產製的影音文化作品必須脫穎而出。

44. CRTC 認為所謂成功的加拿大影音產業必須達到下述成就：
- 加拿大人民得以在不同平台上接取並觀賞具吸引力的加拿大影音內容，這些內容並反映出多樣觀點。
  - 廣電業者有動力投資由加拿大人製作，且是為加拿大人服務的影音內容。這樣的投資產生盈餘，最終盈餘再度回饋到內容產製。
  - 廣電業者更有能力回應消費者需求，並且採行具創造力的影音編排策略。
  - 對於進入市場、影音編排以及國內競爭的管制藩籬得以移除。
  - 在最大可能內，讓市場力量來反應節目多樣性。
  - 所有加拿大人民都有更多機會接取廣電影音內容。
  - 簡化管制架構，減輕行政負擔
45. 有關加拿大社會裡的雙語議題，CRTC 已經在廣電法第三條（1）（d）（iii）裡賦予廣電業者責任，確保其滿足加拿大人民的需求、興趣，並反映社會現況和期望。在第三條（1）（k）裡，CRTC 並規範廣電業者有義務確保資源可用，並能將系列的英語及法語廣電服務推向所有加拿大人。
46. 在第三條（1）（c）裡也載明英語及法語的廣電服務雖然有相同的目標，但卻有不同的運作條件及要求。因此，CRTC 必須在兩個語系的市場之外，考慮到少數語言族群在內的條件和要求。
47. 接續的章節，CRTC 將在漸趨隨選的環境中闡明足以並在轉型中維持領先地位的政策措施。其中一些將說明採取的新方法，特別像是：確保加拿大影音內容得以被發掘；為加拿大業者移除障礙，讓他們得以在隨選環境中有相同的立足點與他人競爭；以適當的基金模式和工具支持加拿大影音內容的生產和推廣；其他措施則從播映配額（加拿大影音內容播映的時數限制）移轉到支出投入（投入在加拿大影音內容的金額總量），目的在於強調加拿大影音內容的品質，而非數量；另外也包含在市場失靈時以政策規範支持特定類型的影音內容；最後，CRTC 正採取若干措施，簡化執照許可程序，減輕監理負擔。

## A. 為創新設定舞臺

強化加拿大影音內容的行銷及可見度

預期成果：

- 了解到賣座的加拿大影音內容在行銷及可見度部分的重要性，並理解廣電體系裡所有參與者都需通力合作。
- 加拿大人民可以在各式平臺上有更多機會發掘加拿大影視產品。

- 因為產製更多賣座的加拿大影音內容，因此加拿大影音內容不論在國內外都有更多的行銷推廣
48. 在廣電政策諮詢公告文件（2014-190）中，CRTC 表明將會考慮相關的激勵措施來確保加拿大影音內容的行銷推廣，如此加拿大人民才得以發掘這些影音內容。
  49. 在漸趨隨選的環境中，觀眾對於他們要看的內容以及觀看的时间有更多的掌控權。來自國內外的內容數量更甚以往，關於觀眾如何找到他們想要內容的模式正在發展。
  50. 考量到隨選影音內容資料庫的規模，業者正採行不同的方法來向用戶推銷並推薦影音內容。依據使用者過往偏好所形成的演算法，可能被業者用來作為向用戶推薦的一種方式，其他業者可能選擇以主題策展的方式展示部份的作品。
  51. 在這樣的環境之下，加拿大影視作品如何被發掘和行銷，對於其能否成功將有關鍵影響。
  52. 相較於法語加拿大影音內容，英語加拿大影音內容在國內被發掘的挑戰更大。不過，由於各式平臺四溢，不論對英語或法語的加拿大影音內容而言，在全球市場上被發掘都是重大挑戰。對於獨立廣電業者而言，由於他們沒有辦法觸及垂直整合的業者，狀況更為艱困。因此不論如何，在確保加拿大影音內容的可見度方面，行銷都是必需的手段。

#### 各方意見

53. 在法語市場中，如同藝術家聯盟（Union des Artistes, UDA）、廣播電視電影從業人員協會（Société des auteurs de radio, télévision et cinéma, SARTEC）以及魁北克導演及製片人協會（association des réalisateurs et réalisatrices du québec, ARRQ）等不同組織都表示廣電業者應該要推廣加拿大影音內容。他們指出這不需要懷疑，因為法語影音內容早已從行銷推廣中獲益。
54. 由於科技以及消費形態的改變，英語市場裡的相關單位認為強化加拿大影音內容的可見度將愈發重要，因此他們支持 CRTC 確保推廣加拿大影音內容的提議。
55. 來自懷雅遜大學的 Irene Berkowitz 以及加拿大影視製作公司 Entertainment One(eOne)都表達了重新將加拿大塑造成為全球影音市場裡出口強棒的重要性，讓全球觀眾了解到加拿大這個具創造力的品牌。在他們的觀點裡，加拿大如今雖然已是一個擁有強大製作團隊以及誘人經濟誘因的國家，但卻沒有打造出全球票房的特殊記錄。在公聽會中，eOne 表示他們樂於參加圓桌討論，分享他們的數據，並與有興趣的不同單位就案例進一步切磋。而在 Berkowitz 女士最後提交的意見當中，她指出她已經



在公聽會後與 eOne 討論，他們將組成工作小組，為讓加拿大成為全球影音市場裡的出口強棒發展策略。

56. 安大略省旅遊文化體育部以及包含加拿大電影電視廣播藝術家聯盟（the Alliance of Canadian Cinema, Television and Radio Artists, aCTRA）、加拿大導演協會（Directors Guild of Canada, Directors Guild）、以及加拿大作家協會（Writers Guild of Canada, Writers Guild）在內的創意團體都支持將行銷費用列入加拿大影音製作費用（Canadian programming expenditure, CPE）要求之中，但是支持的前提是要業者增加投資而非減產。在另一方面，垂直整合的公司支持的是將行銷費用列為允許的支出，而非增加 CPE 要求。Rogers 集團建議 CRTC 如果要減少政策影響範圍，可將這些行銷支出的規範限縮在晚間 7 點到 11 點的黃金時段節目上。
57. 有關行銷費用是否該列入 CPE 計算的這個部分，Bell 集團提議只有第三方（與節目製作及播映無關者）的促銷費用才適用於 CPE 的計算，且額度上限為加拿大影音製作費的一成。Corus 集團支持這樣的提議，不過 CMPA 認為數值仍然過高，幾乎等同於 CPE 分配在國家利益影音內容（programs of national interest）的額度相當。
58. Shaw 集團則指出其投入第三方行銷的預算額度不高，包含電影票房、地鐵海報、以及其他針對特定節目有興趣的觀眾支出。
59. CMF 指出其在一系列特定的影音產品市場中挹注資金，這一系列特定影音產品市場指的是，相對過往的節目開支比例，這一系列市場他們允許行銷預算擁有較高份額。
60. 地方可及（local availabilities，BDUs 跟非加拿大業者簽訂契約，在播映非加拿大影音節目的時段中，允許插播廣告或通知）政策如今的作法也引起部分團體的批評。Pelmorex 提議在一個公平的基礎上，非本國製影音服務的廣告時段中，至少應有一半免費給予加拿大獨立影音服務業者使用。CBC 同樣也支持這個提議。Anthem Media 以及 Blue Ant Media 認為地方可及政策是一個推廣他們服務的重要管道。Pelmorex 也提議在烹飪頻道以及電子節目表中應有至少一半的廣告時間無償提供給獨立影音服務業者。在這些政策措施當中，加拿大政府為了支持電影產業而設立的基金會-Telefilm Canada 則建議設立基金推廣加拿大類型電影。

### CRTC 的分析及決定

61. 過往，廣電業者獨掌內容控制權，決定可以播出的節目以及時間。他們是內容與觀眾的主要連結，但是科技以及新型態寬頻平台的發展挑戰了這樣的關係，在這持續改變的環境，影音內容創作者將需要找尋創新管道連結觀眾。
62. CRTC 了解到在法語電視市場，明星體系的健全存在使得行銷推廣在加拿大管制層面不是一個問題。然一旦同時考量英語及法語市場時，CRTC 則

認為行銷推廣將可帶動更多國內外觀眾發掘加拿大影音內容，而這最終也會帶動更多的利潤及投資。

### 發掘峰會（Discoverability Summit）

63. CRTC 認為未來加拿大影音內容是否被發掘是個關鍵。從套裝排程的影音服務型態過渡到漸趨隨選，這樣的經驗也正改變觀眾如何找尋並發掘加拿大影音內容。在嶄新的環境中業者如何付出心力行銷推廣，最終都將影響加拿大影音內容是否得以在國內外市場綻放光彩。
64. 雖然加拿大英語及法語市場的許多相關組織都體認到影音內容行銷以及可見度的重要性，但真正因應這樣狀況而落實處理的方案並不多，因此 CRTC 作為監理加拿大廣電產業的聯邦組織，將會召開一場峰會，邀請各方利害關係人就如何在這議題上規畫最好的作為進行討論，CRTC 將會邀請政府及產業的各方團體參與，齊心規畫出足以提升加拿大影音能見度的政策及機制。
65. 這個峰會將在 2015 年秋季展開。

### 在加拿大影音支出費用要求中納入第三方推廣費用

66. 目前，一般包含支付給第三方在內的推廣費用並未納入加拿大影音支出費用要求（CPE）當中，CRTC 認為對垂直整合公司而言，在各式服務及平臺當中已經有許多交互行銷推廣的機會，相較於獨立影音服務公司來說，垂直整合公司掌控較多的影音服務預算，因此往往可以進行更大規模的行銷推廣。
67. 垂直整合公司透過自身服務推廣加拿大影音內容，享受可觀的綜效，因此也就不需要在其他服務當中交叉行銷。
68. 進一步而言，相較於獨立影音服務，垂直整合公司獲得 CMF 較多的資金，這是由於垂直整合公司擁有更多的觀眾，也因此更容易達到 CMF 對於收視表現相關的要求。
69. 在整個公聽會過程中，CRTC 持續了解到行銷推廣的重要性，特別是關於那些欠缺前述優勢的獨立影音服務而言，他們更是面臨到可見度問題。
70. 鑒於上述提及的內容，以及考量在後續章節中將 CPR 要求納入 CRTC 決策中，CRTC 認為將第三方行銷費用納入獨立影音服務的支出費用要求是適當的。特別是截至今日為止，CRTC 允許獨立的影音服務，例如多數影音服務業者皆非垂直整合公司的子公司。因此一旦計算第三方的行銷推廣費用，最多將為 CPE 的一成比例。核可的支出項目包含在促銷時段中向其他廣電業者支付的任何費用。此外，CRTC 採用了 CMF 核可的行銷費用作為這項政策核可的支出項目，相關條件則是付款對象不得為廣電業者的子企業，或是影音內容的相關製作單位。一旦付款對象包含上述單位，則費用將不列入紀錄。

## 運用地方可及（local availabilities）推廣加拿大影音作品

71. 「地方可及」指的是可以在播放特定非加拿大影音內容時，用來推廣加拿大影音服務的一段廣告時間（一般每小時 2 分鐘），這段廣告時間也可播映其他由 BDUs 提供的服務。今日，BDUs 依循 2011-52 號廣電政策的一般性規範運作「地方可及」，相關細節包含：
- (1)、至少 75% 的地方可及時段必須開放－開放方式採先申請先使用原則，並以成本回收為基礎。提供服務的對象為領有執照的加拿大影音服務業者，播映的內容為影音服務業者相關的推廣內容、社區頻道的推廣、以及免費的加拿大公共服務通知。這些推廣可作為 BDU 相關的影音服務（包含廣播服務）。
  - (2)、至於客戶服務、頻道異動、隨選影音服務內容、有線電視調頻廣播服務、有線電視纜線資訊、以及如網路或電信等非影音服務的資訊，至多僅能佔地方可及時段的 25%。
72. 在地方可及時段中，BDUs 禁止出售或插播商業廣告。
73. 雖然長期而言，地方可及的影響力將會越來越小，但在目前看來，地方可及仍是推廣加拿大影音過程的可用工具。在考量這些事實以及相關參與者的關注後，CRTC 決定繼續維持地方可及政策的運作，並稍作調整。
74. 地方可及目前提供了一個得以推廣大量加拿大影音服務，以及 BDUs 服務項目的平台。CRTC 認為地方可及應該大量被用來推廣特別是加拿大原創的，而非一般的影音服務、或是商業贊助廣告。此外，為了確保地方可及的時段有效運用，地方可及時段中推廣加拿大影音內容的時間總量將會以播映日計算，因此，CRTC 對於地方可及措施的修正如下：
- 在每個播映日中，為了推廣首播的加拿大原創影音內容，至少 75% 的地方可及時段必須開放給領有執照的加拿大廣電影音服務業者，並且以成本回收為基礎並公平的方式進行。
75. BDUs 將可持續以目前規範的內容，運用地方可及剩餘的 25% 時間，來推廣其廣電及電信服務。
76. CRTC 將不定時審核地方可及執行狀況、回應相關申訴，以確保政策執行避免濫用。在審核中，CRTC 將審視 BDUs 在推廣服務中支出的費用，以確保這些費用不會超過正常行銷的費用額度。CRTC 也將檢視行銷訊息是否不當地用於贊助商推廣。
77. 針對 BDUs 的一般性規範政策也將隨之因應更新。

## 隨選視訊服務的公平管制基礎

### 預期成果：

- 讓隨選視訊服務得以在公平管制基礎上與線上影音服務競爭。
- 讓全國的加拿大人民得以在加拿大人經營的線上平台上接取包含加拿大原創在內的影音內容。

## 背景：

78. 在廣電政策諮詢公告文件（2014-190）中，CRTC 表明其將考慮透過相關措施及誘因來確保具吸引力的加拿大影音內容可以存在於各式平台中。文件列舉內容包含：
- (1)、 換照過程中表列的廣電盈收將修正定義為包含線上及其他平台播映的影音內容營收。
  - (2)、 廣電業者在純線上播映的內容支出可計入 CPE 要求中。
79. CRTC 的期望是形塑新的機制來鼓勵廣電業者製作更多加拿大線上影音內容。這也是為了可以區辨加拿大人民對於可供隨選的影音內容喜好程度變化。整體來說，加拿大人民可以透過以下兩種方式使用隨選服務：
- (1)、 BDU 限定的隨選視訊服務：這樣的隨選視訊服務一般會綁定 BDU 的用戶，這類服務將包含電視影音內容的隨選節目、付費收視的電影以及一些免費的內容。這樣的服務需獲得隨選視訊服務執照許可，或是由 BDU 在執照豁免規範（Broadcasting Order 2011-60）下提供給少數訂戶。
  - (2)、 線上影音服務：雖然這類服務已有為數不少的商業模式，但多數是以套裝形式販售給訂戶。在某些情況下，這些服務只提供給 BDU 服務的訂戶（這裡指涉認證服務或是認證）。在數位媒體豁免指令（Digital Media Exemption Order, DMEo, Broadcasting Order 2012-409）的規範中，加拿大國內外業者都可經營此類服務，因為這類服務完全透過網路或行動數據接收並傳輸內容。
80. 如同廣電政策 2014-444 所規範，領有執照的隨選視訊服務必須採行以下措施來支持加拿大影音內容：
- (1)、 依照相對的要求，加拿大劇情片的營收必須 100% 回饋給加拿大版權所有者
  - (2)、 對於訂戶來說，英語劇情片片庫裡的加拿大影音內容不得少於 5%
  - (3)、 對於訂戶來說，法語劇情片片庫裡的加拿大影音內容不得少於 8%
  - (4)、 對於訂戶來說，劇情片以外的所有影音內容，加拿大影音至少要有 20%
  - (5)、 劇情片片庫裡必須包含所有新上映的加拿大劇情電影
  - (6)、 每個月任何促銷頻道（barker channel）中促銷的內容，至少有 25% 必須是加拿大影音。
  - (7)、 每年 5% 的營業額必須投入現存獨立管理的加拿大影音製作基金



81. 進一步而言，許可的隨選視訊服務其訂戶基礎如果會與受到類型保護的影音服務（如 Category A）或是付費服務競爭時，隨選視訊服務將被禁止提供影音服務。
82. 依據數位媒體豁免指令（DMEO），線上影音服務的經營不受到上述要求的限制，得以豁免。

### 專屬性

83. 從歷史觀察，傳統電視臺以及特殊類型服務這種影音服務都擁有播映節目的特許權，因此，獨立業者便提供唯一可以播映特定節目或影集的服務。然而，傳統上 CRTC 會要求影音服務可在所有 BDUs 上播映，並且不得專屬於特定一方，於是在這個情況下，加拿大民眾便可以收看那些獨家取得的影音內容。
84. 多數的隨選視訊服務都會連結特定的 BDU，而 BDU 具有在地性，只有透過訂閱或是特定的平台才可以收視。因此這些隨選視訊服務與影音服務一般有特定的義務，但在另一方面也承受加諸在 BDUs 業者身上的類似限制。舉例而言，CRTC 禁止這些 VOD 服務握有獨家影音內容，這項限制的目的在于避免消費者為了收看獨家影音內容而必須訂購特定的 BDU。
85. 在數位媒體豁免指令（DMEO）中，CRTC 對獨家內容該如何被收視，在某個層面採取了不同的作法。特別是，如果消費者必須透過訂閱特定行動或網路服務，才得以收視主要以電視為播映平台的獨家影音內容時，DMEO 將會禁止。
86. 舉例而言，一齣為電視平台播映而製作的影音節目，如果只可以透過 Shaw 集團的網路平台才能收視，那就不可以僅獨家提供給 Global Go 服務。但是如果這齣影音節目可以透過所有在加拿大的網路服務業者接取，那麼獨家播映權就可給予 Global Go。當影音內容專門針對行動或網路消費而製作時，不論這項服務是否與特定的行動或網路業者訂閱連結，獨家將可以獲得豁免的許可。

### 各方意見

87. 許多產業內成員對於許可和豁免服務間的管制不對稱表達意見。部分團體，主要是那些代表內容產製創意部門，建議 CRTC 透過豁免國內外線上影音服務的義務，來強化管制對稱性。
88. 而垂直整合業者普遍反對任何不利於他們與國外線上影音服務業者競爭的措施。例如 Shaw 集團就針對當前在領有執照服務與線上影音業者免除義務的管制不對稱性，表達擔憂。Bell 集團也表達同樣看法。
89. Rogers 集團則從另一個角度認為，確保領有執照的業者，可以在數位平台上挹注加拿大本國影音產製的最好方法，是讓這些業者可以在公平的立足點與國外線上影音服務競爭。Rogers 集團指出，如果 CRTC 可以允許加拿



大廣電業者提供線上服務，那麼就可以確保加拿大影音內容得以經由以下的管道播映：

加拿大影音內容是我們得以脫穎而出的特質，隨著我們發展（線上影音內容）服務，加拿大影音內容將可以同時在傳統線性平臺和新式數位平台播送。透過在平臺上發展足以吸引觀眾的內容，加拿大廣電業者將會更有動力在線上世界提供更具差異性的服務內容。

90. 媒體公司 Quebecor 抱怨限制隨選視訊不得獨家提供給特定 BDU 業者的禁令，將會抑制其旗下服務「Club Illico」與國外線上影音服務競爭的能力。Quebecor 指出影音類型保護政策（Genre Protection）也是一種障礙，舉例而言，由於 Quebecor 不能取得獨家影音內容，因此就必須被迫與電影服務商 Super Ecran 競爭。Quebecor 進一步指出，消費者逐漸無法區分傳統以及線上隨選服務，因此 Quebecor 在多平臺隨選視訊的操作將可用來維持其 BDU 訂戶。Quebecor 要求 CRTC 解除隨選視訊服務以及其他平臺（線上或行動）取得獨家影音內容的禁令，並且反對隨選視訊服務中的廣告政策。
91. 電信諮詢公司 Lemay-Yates Associates 也在聽證會中針對這個議題提出看法，其認為目前的禁止規範無法對業者提供投資影音的誘因，業者無法取得影音內容的獨家授權，於是將無法透過這樣的權利在國際市場銷售營利。

#### CRTC 的分析及決定

92. CRTC 認為目前將線上或其他平臺提供影音內容的授權營收列入廣電營收定義來討論，時間點並不恰當。如果進行調整，將會扼殺創新，並且抑制業者提供僅在線上播出的新型態影音內容能力，而這樣的能力是與線上影音服務競爭所需。從這個角度，CRTC 認為整體產業應該投注更多精力來發展各式平臺，而非在這個時候要求在平臺內服務的業者作出貢獻。
93. 在這方面，CRTC 再次強調受許可的數位媒體廣電業者一般而言不需要依循廣電法的要求達到廣電政策要求，初步來看，讓這些服務得以免除規範，將可為加拿大數位媒體產業帶動成長及發展，因此最終仍將成就整體廣電政策目標。
94. 因此在這個時間點 CRTC 將不會重新檢視數位媒體豁免指令（DMEQ），不過相關的豁免將擴及至隨選視訊服務。
95. 不論是傳統或線上的隨選視訊服務，都逐漸面對更多來自跨國線上影音服務競爭，且預期這樣的潮流將持續不變。CRTC 期待隨著加拿大人民在自身觀看經驗中擁有越來越多的掌控權，隨選視訊服務的觀眾也可以逐步增加。

96. 如上所及，依據數位媒體豁免指令（DMEO），線上影音服務享有豁免，而 BDU 平臺上的加拿大隨選視訊服務一般則需要遵循一系列的管制要求，而這些管制要求將不適用於線上影音服務。
97. 廣電法第 3(1)(k)以及第 3(s)(ii)條分別指出廣電服務應屬於全體加拿大國民，而商營網路及影音服務內容應該要針對公眾漸增的需求進行回應。
98. 隨著加拿大民眾持續在不同平臺中找尋影音內容，隨選視訊或是線上影音服務將逐漸成為加拿大影音內容的重要管道。然而許多這些服務型態新穎，且商營模式仍持續演化，因此在這些條件下，CRTC 認為確保下述目標達成，將有助於促使廣電法因應未來新環境：
- (1)、 不論是透過傳統 BDUs 或是線上管道，全體加拿大國民得以在隨選的基礎上接收到包含加拿大本國產製在內的影音內容。
  - (2)、 隨選視訊服務得以在平等的管制基礎上與線上影音服務競爭。
  - (3)、 對於每一項服務的應用規範及目標都是明確的。
99. 如上所及，目前有兩類針對隨選視訊服務的規範：
- (1)、 依循隨選視訊執照或是隨選視訊豁免指令提供的特定 BDU 服務
  - (2)、 依循數位豁免指令（DMEO）提供的線上影音服務
100. 特定 BDU 服務運作所依循的規範明確，在廣電政策 2010-190 裡便包含了隨選視訊服務的管制架構，而廣電政策 2014-444 則設定了隨選視訊服務的要求標準。他們同時必須遵循執照上明列的條件，或是隨選視訊服務免除的狀況，相關條件都已在免除條款中規範。同時，依據數位豁免指令（DMEO），對於線上影音服務的規範條件雖有區別但卻也同樣明確。
101. 然而，隨著新型態的隨選視訊服務及商業模式增長，CRTC 考慮將不對新型態應用服務進行明確規範。在這一層考量下，廣電法規範了廣電事業必須受到 CRTC 規管，不論是透過執照或是免除條款的要求，業者提供的服務必須依循主管機關的條款和條件，而這樣的準則同樣適用於隨選視訊服務，不論其依循執照或是免除條款的規範。因此，如果一家隨選視訊業者在封閉且特定的 BDU 平臺上提供服務，那麼它便必須遵循隨選視訊服務執照，或是隨選視訊免除條款的要求。為了在數位豁免指令中有較為寬鬆的管制架構，線上影音服務必須全程透過網路傳輸（或透過 point-to-point 傳輸並由行動載具接收）給加拿大國民。雖然在某些情況下服務可能同時在兩種範疇環境內運作，但不同的要求仍將各自規範，特別是前述關於專屬性的部分，將排除在網際網路以及封閉性 BDU 平臺上提供特定服務的可能性。
102. 考量許多隨選視訊服務正在發展的新創特質，CRTC 認為根據混合取向管制第三類隨選視訊服務是恰當的。如果條件符合，那麼 CRTC 將允許這些混合性服務在數位豁免指令的規範內擁有相同的彈性。

103. 有鑑於此，CRTC 為了將混合式的隨選視訊服務列入新型態的豁免項目中，CRTC 將會為隨選視訊服務修正並拓展目前的豁免條款。CRTC 認為規範這些服務無助於實際落實廣電法第 3(1)條的政策目標，反而是豁免這些服務才有助於達成廣電法第 3(1)(k)以及第(3)(1)(s)(ii)條次的內容。
104. 混合式的隨選視訊服務將受益於以下激勵措施：
- (1)、 在數位豁免指令中以相同的方式提供服務時，能夠提供獨家影音內容的能力。以及
  - (2)、 一般廣電業者接受到基金提撥以及本國自製播出時段的要求，而作為隨選視訊服務提供者，不受到這些規範要求，並且可以在相同服務條件下，在封閉式的 BDU 網路環境中提供服務的能力。
105. 然而，為了符合豁免的條件，這些服務也必須在網路環境裡，不以訂閱方式為所有加拿大國民提供服務。
106. 在今日發布的廣電政策諮詢公告 ( Broadcasting Notice of Consultation 2015-87 )文件中，CRTC 正就豁免指令修正案的文字徵求意見。

數位媒體豁免指令	新豁免混合式隨選視訊	許可式隨選視訊
*獨家內容 *可於網際網路提供服務 *加拿大/非加拿大籍皆可經營	*獨家內容 *可於網際網路提供服務 *封閉或開放式網路皆可 *加拿大籍始可經營	*封閉式網路 *訂閱電視服務 *受影視基金要求規範 *受內容要求規範 *加拿大籍始可經營

## 重新思考加拿大影視基金的模式

### 預期目標

形塑一個加拿大影視產製產業，讓他有更好的能力，向全球以及加拿大人民提供高品質且具競爭力的影音。

107. 如同前章節所條列，加拿大影視基金源自複雜的直接／間接的管道，包含加拿大廣電業者的執照費、聯邦及省政府的稅收、CMF 以及其他獨立基金的資金、風險投資貸款、股權投資。作為影視基金體系的其中一部份，CRTC 透過 CMF 以及其他獨立製作基金，針對創意部門執行某些非直接的資金挹注。這些類型的資金支援對於加拿大影視產製部門能否茁壯，扮演關鍵角色。

### 各方意見

108. 在公聽會中，加拿大影視製作公司 Entertainment One(eOne)強調，加拿大政府監管加拿大本國製影音內容的跨國傳輸管道，是很重要的。而這樣的管控部分便是透過規模較大、較為穩定、資金也較為充裕的加拿大生產及發行公司傳輸。
109. eOne 另外建議重新檢視確認加拿大影視產品是否為高品質、高預算的積分系統。檢視的項目包含跨國影視產品出口商需證明其投入一定比例的資源到本國產製內容，或是保留全球發行的分銷權。根據 eOne 這樣的做法，將有機會召回目前在美國工作的加拿大產製人才，或者是刺激他們在加拿大創作足以吸引全球市場的影視產品。
110. 同樣的，Berkowz 女士建議透過積點系統，將加拿大影視人才自好萊塢帶回來，讓加拿大與美國相鄰的現況成為競爭優勢，而非是加拿大人民無需居住在加拿大境內的劣勢。在 Berkowitz 的觀點裡，「加拿大原創故事」將會重新找回那些在好萊塢的加拿大人才，讓人才流失變成人才鏈。她所建議的新積分系統可見於她提交的意見中。
111. Shaw Rocket 基金為了發展加拿大本國產製內容，並且移除基金投資上限障礙，於是要求重新檢視獨立製作基金(CIPFs)相關的架構。
112. Bell 集團則建議針對為每季產值超過 175 萬的大型加拿大影視產製公司應增加基金資源挹注。這樣的建議將另行要求 BDU 業者對於新基金提撥 0.5%營業額，同時也要求外國線上影音服務業者提撥。
113. 有關挹注基金在僅於線上播出的影音內容這部分的疑慮，CMF 提醒 CRTC 其大部分資金源自於 CRTC 監管的部門，沒有任何比例來自於「非監理的成長部門」。因此 CMF 建議引進激勵措施，如允許新業者貢獻 CMF 基金，並且透過立法或監理措施來確保這些新形態服務應有相對應的基金提撥。
114. 有關這部分，Rogers 集團提出爭論，Rogers 認為營業額的條件規模與加拿大影音內容創作程度相反。廣電業者在融資的影視產品中可以回收多少利潤是受限的，Rogers 解釋，除非廣電業者有相當的誘因激勵（如延長執照許可，或是增加營收及利潤的可能），否則一般認為廣電業者欠缺本國產製影音行銷創新這種觀念並未受到證實。Rogers 鼓勵 CRTC 重新思考營業額條件的價值、需求以及效率，並免除業者以執照作為要求的相關條件。

### CRTC 的分析及決定

115. 廣電法第 3(1)(d)(ii)條指出廣電業者應該要透過提供不同類型的影音內容，反應加拿大國民的態度、意見、想法、價值及藝術創作力，鼓勵相關發展，並在娛樂節目內展現加拿大人民的才能。此外，廣電法第 3(1)(f)條指出每個廣電事業應該在最大限度內運用加拿大工作者的創意及相關資



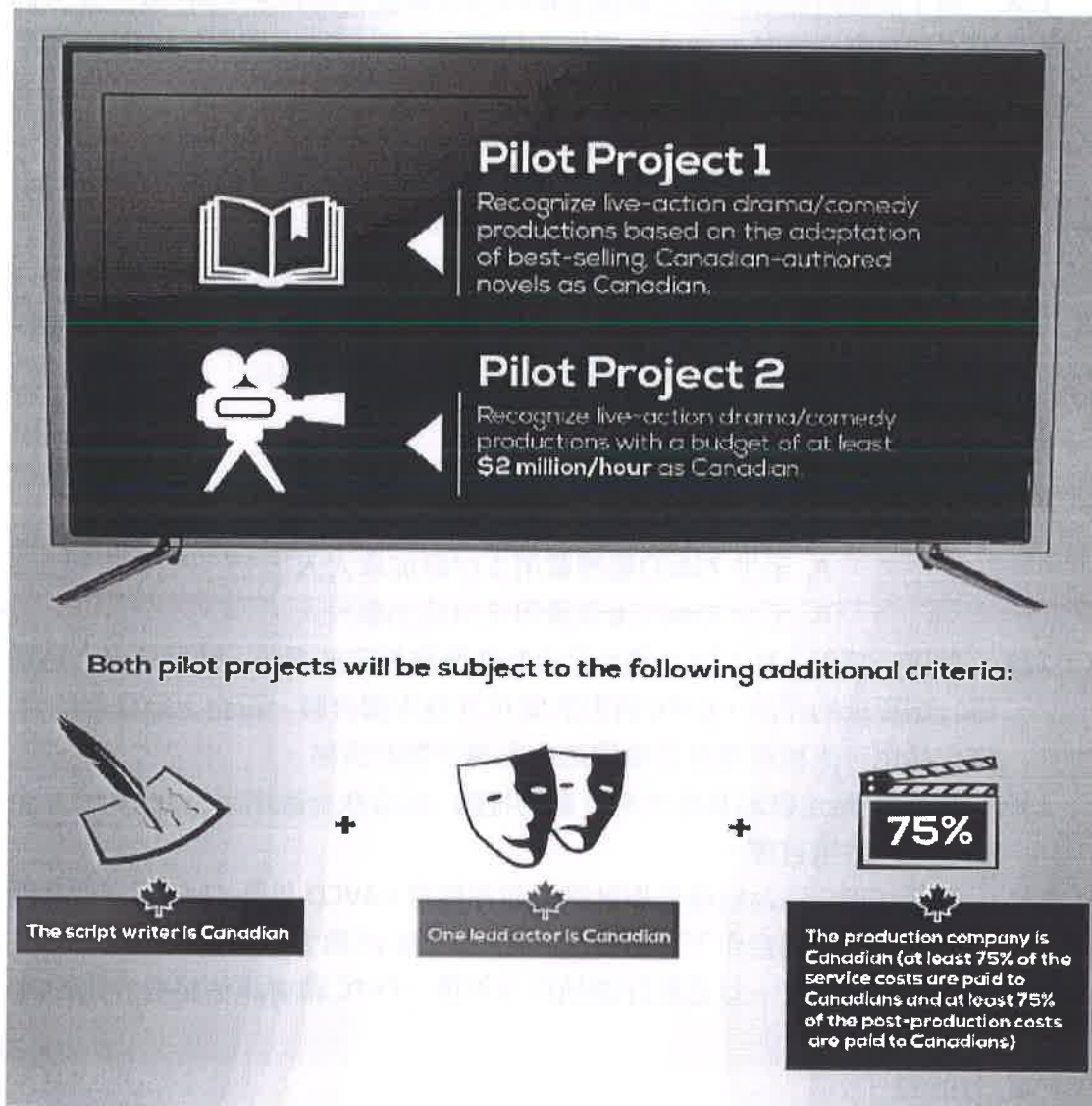
源來生產及呈現影音內容。進一步而言，加拿大公共廣電 CMC 必須依據廣電法第 3(1)(m)(i)條內容，提供以加拿大為主且獨特的影音內容。

116. 加拿大有穩定的政府支持基礎建設以及商營投資，為本國影音形塑可觀的基金挹注機會，然而，在基礎建設部分仍有障礙阻礙特定類型的影音創作。CRTC 認為為了培育強大的影音產製部門，這個基金體系可以更有更進一步改善，如此影音產製部門才會有更好的能力為加拿大人民及全球市場提供具吸引力且高品質的影音內容。而更具彈性的影視基金體系才可更進一步達成上述提及的廣電法相關目標。
117. 如今，加拿大影音產品往往缺少長期得以獲得利潤的條件，至少在某部分是因為獨立創作者長期缺乏影視內容的開發及出口機會，進一步而言，取得執照或受到監理的廣電業者缺乏誘因長期推動這些影視作品的開發及出口，因此往往在某些貿易條件下，只有部分製作人擁有跨國播映所有權。於是，創造加拿大影音產品播映循環的機會就消失了：
  - (1)、 許多獨立製作人受到鼓勵經營服務產業，在影音內容間交易
  - (2)、 長期發展來看，影音服務業者購買的內容零碎化
  - (3)、 不論產製或服務提供端，兩邊都大量依靠政府補助及投資來維繫生存
118. CRTC 認為，這種情況顯示獨立創作公司缺乏資金。根據 CMF 公佈的估計數值，目前加拿大有超過 900 家電視製作公司，其中多數規模很小，他們可能在僅僅產製一齣戲劇或是一季的影集後就消失，即使每年可以持續營運的公司往往也僅依賴有限資源運作。
119. 這類艱苦經營的獨立製片公司傾向於依賴政府的補助及基金，而基金是透過領有執照的廣電服務業者盈餘分配而來，這樣的環境迫使獨立製作人必須同時兼營發行的業務，否則製作人將只能代表領有執照的廣電業者，但卻無法在授權及推廣上著力。這類隨案件應變的狀況將阻礙產業成長，且無法支持產業長期健全發展。
120. CRTC 認為現況不能繼續下去，影視製作產業長期應該朝向可持續性、更容易轉換利潤、且更具可見度的方向前進，並且與願意投資在內容推廣的廣電服務業者成為夥伴。
121. 在 CRTC 的觀點裡，理想上，為了要發掘影視內容長期的利潤機會（包含跨國銷售部分），資金充裕的獨立製片公司需要和擁有內容資產以及著作授權的廣電業者成為合作夥伴關係。這樣的合作將可帶來高品質的加拿大自製影音內容，並且在國內外都熱賣。
122. 因此，CRTC 期待與其他各國政府以及產業要角合作，達成以下目標。  
CRTC 建議由此開始努力：
  - 聯邦及州政府持續更新對於影視製作的支持，並且透過找尋足以激勵發展的策略及過程：
    - i. 跨國合作與合資



- ii. 推廣
  - iii. 跨國發行
  - iv. 虜獲觀眾，以及
  - v. 消除線上影音創作的障礙
- 政府制定新的機制，以便形成規模更大、獲利更佳的本國產製公司，而這樣的公司擁有足夠的財務能量，得以在生產流程中投入劇本及概念發想，並在國際市場上有更高強勁的行銷能力，以及
  - 為了獲得加拿大影視基金，CMF 及政府單位移除傳統加拿大廣電業者必須取得廣電執照的要求。
123. 為了達成規範與執行的類似目標，CRTC 將在年底檢視獨立製作基金會（CIPFs）的政策，確保加拿大影視基金擁有更高的彈性。
124. 在同樣的脈絡下，CRTC 認為未來電視環境將需要以新的作法來產製本國影視內容。在目前的體制內，加拿大本國影視的認定是依據製作節目的加拿大人及加拿大公司參與創作的角色。
125. 影視製作常常需要不同國家來源的人才及資金，在加拿大影視產製有三種類型：
- (1)、 所有工作人員及資金皆來自加拿大，因此可以很輕易地判定為加拿大作品
  - (2)、 透過國際合約確認的正式合作作品，這樣的合約允許加拿大工作者與國外人才共享創意、技術及經濟資源，讓參與的國家受益（如獲得來自合作國家的資金以及稅收減免），以及
  - (3)、 合資作品-換句話說，是在生產過程中與那些未跟加拿大簽署合製條約的國家合作的狀態。這些影視作品可以從生產中獲益—服務稅收抵免、廣電業者也可以列入其本國影視生產義務計算。
126. 小說可能只會有單一作者，但影視節目不同，是團隊合作的成果，包含眾多不同領域的創意工作者，如編劇、表演指導、製作人、導演以及很多其他。決定一個作品是否能被定義為本國作品便是考慮這些參與工作者的國籍，目前這套做法稱為「積點系統」，一旦關鍵的工作人員為加拿大籍，作品便獲得點次，進而確認作品是否為本國自製、是否具備申請影視基金、及稅收減免的資格、或是列入支出及播映本國節目的要求之中。在這套運作模式中，CRTC 關注的不是影視產品內容是否屬於加拿大人，而是影視創作者的國籍是否為加拿大籍。
127. 影視作品可經由 CRTC 或是加拿大文化遺產部視聽認證辦公室(the Canadian Audio-Visual Certification Office, CAVCO)確認是否為本國自製。CAVCO 認可透過合製合約共同製作的加拿大作品，而 CRTC 則認可國際合作的合資。在最近幾年，這樣的彈性促成了大型影視作品如「美女與野獸」（Beauty and the Beast）以及「女王」（Reign）。而這種向跨國影視集團預售版權，也是跨國合資創作的一種方式。

128. 為了鼓勵政府部門以及影視生產的合作單位在面對未來時，就加拿大影視生產及資金籌募思考更為彈性及前瞻的作法，CRTC 將會推出兩項前導性計劃：
- (1)、 先導計劃 1：作為標準加拿大本國自製認可過程的一個例外，其認可的是根據最暢銷的加拿大小說作品所製作的即興創作戲劇／喜劇。
  - (2)、 先導計劃 2：作為標準加拿大本國自製認可過程的一個例外，其認可的是每小時 200 萬加幣預算所製作的即興創作戲劇／喜劇。
    - 前述兩項先導計劃都必須符合下述額外條件：
      - 編劇為加拿大籍
      - 一位主要演員為加拿大籍，以及
      - 製作公司為加拿大公司：
        - A. 至少 75%的服務費用支付給加拿大人
        - B. 至少 75%的後製費用支付給加拿大人
129. 在這一部份，為了符合電視節目製作服務規定的要求，針對符合上述前導計劃要求的作品，CRTC 將斟酌認可其為本國自製。符合上述條件的合資作品也可能被視為符合參與這些先導計劃的資格。
130. CRTC 同時也歡迎其他先導計劃的提議，而這些提議則須符合 CRTC 正企圖達成的政策目標。
131. 然而，CRTC 認為這些先導計劃只有在包含 CAVCO 以及 CMF 等其他部門及單位共同參與合作下才能成功，因此 CRTC 將致力於與這些單位合作並執行這些計劃。一旦這些計劃執行三年後，CRTC 將會評估這些計劃的成效。



## 貿易協定條款

132. 在公聽會通知 2006-5 號文件中，貿易條款逐漸成為 2006 年無線電視管制架構檢視中的主要議題，英語市場裡的業者要求 CRTC 羅列出其認可的貿易條件準則，如同在英國可見的相關準則受到英國傳播監理單位 Ofcom 所規範一般。
133. 在 2004 年公佈的執行守則中，Ofcom 執行了電視節目集體貿易準則，這項準則為產業內的交易設定了透明的標準，減輕廣電業者的談判權力。在英國，貿易準則協助獨立製片取得資金以及穩定的地位，使其得以擁有能力在全球競爭，並確認其數位版權。在 2007 年初，在加拿大由於演員爭取線上發行的相關報酬，加拿大電影電視廣播藝術家聯盟（ACTRA）以及加拿大製作行業協會（原 CFTPA，現為 CMPA）共同罷工，產業變得不穩定，這也成為需要確認這類權利的案例。

134. CRTC 在 2006 年檢視廣電政策的 2007-53 號文件中作出決定，在這項政策中，CRTC 決定將為所有關注的各方提供穩定及明確的貿易協定條款，並鼓勵廣電業者及獨立製片在協議下發展。CRTC 期待領有執照的廣電業者向獨立製片提供貿易協議草案，作為未來其向 CRTC 申請執照展延的一部份。
135. 因此，在英語電視市場的集團執照換發過程中，CRTC 針對 Bell、Shaw、Corus 以及 Rogers，強制要求其遵守與加拿大製作行業協會（CMPA）的貿易協議條款，作為執照要求的條件。
136. 如同廣電決策 2012-241 號文件所陳，Astral 與魁北克媒體製作協會（APFTQ，現為 AQPM）及加拿大製作行業協會（CMPA）達成協議，兩邊協議都作為執照展延提交的文件之一，但執照許可的條件並未要求需要遵守這些協議。
137. 在有關 TVA 集團執照換照的 2012-242 廣電決議中，CRTC 認為從公開記錄中並未看出 TVA 集團與獨立製片間的談判存有具體問題，不過 CRTC 期待雙方能持續談判達成協議。
138. 2013 年 CRTC 強制執行執照許可條件，要求 CBC 必須與加拿大製作行業協會（CMPA）以及魁北克媒體製作協會（AQPM）達成貿易協議條款。
139. 在上述的例子中，並未 CRTC 規範協議的內容，而僅要求應達成協議。
140. 從 2016 年起電視環境有了許多轉變，特別是數位著作權以及其他權利以大量被分類，多數執照領有者皆就貿易協議條款展開協商，這些初步協議為廣電業者和製作端提供了所需的基礎義務，確保影視內容廣泛可用，並且可以大量營利。這類製作端與大型商營英語集團所簽訂的貿易協議一般效期接近四年，達成協議的雙方有機會藉此評估目前協議成功或失敗的部分。
141. 從 CRTC 的角度，其認為 CRTC 不再需要要求業者遵循貿易協議來介入雙邊的關係，CRTC 認為廣電業者與製作端如今已擁有他們未來所需的明確協議經驗，因此 CRTC 將免除影音服務業者遵循貿易協議條款的要求，自 2016 年 4 月 29 日生效，而原始執行的協議必須在五年後提交給 CRTC。

#### 有效率地回應觀眾需求及興趣的改變－使用機上和進行收視測量

##### 預期目標：

- 廣電業者可以做出更明智的節目選擇和調度決策，並且將可擁有更多機會，透過有效率的廣告獲利
- 影視內容本身以及節目編排的方式將可為加拿大人民的興趣及需求量身定做。
- 加拿大廣電產業能與跨國以及線上影音業者一起站在更為平等的市場立足點。

##### 背景：



142. 在 2014 年初，廣電業者副董事長 Tom Pentefountas 就機上盒可能的收視調查進行了實況了解，因此作為目前諮詢程序的一部份，CRTC 提出了一些與實施機上盒收視量測相關的可能問題。在廣電政策諮詢公告 2014-190 號文件中，CRTC 也邀請各方單位提出量測的具體模式，確保加拿大使用者的個人隱私。CRTC 表示個人隱私及用戶對於個人資訊搜集儲存的同意是建立此系統的首要考量因素。
143. 搜集機上盒數據是垂直整合業者可能具備的優勢，即它們與 BDUs 業者所提供的電視節目服務共享機上盒數據。業者若擁有大量觀眾或訂戶便可以從現有的收視調查服務，如 Numeris（先前的 BBM Canada），獲取大量有用的相關數據，這類量測通常不是用於僅有少數觀眾或特定利基的服務。
144. 在諮詢文件中，CRTC 提議業者需組成一個工作團隊合作開發機上盒收視量測系統，這樣的系統將包含技術標準、隱私保護、監理架構以及費用分攤，工作團隊也必須回報其進度。
145. 2014 年 12 月 CRTC 函詢廣電業者以及 BDUs 相關系統的進展，並詢問是否已組成工作團隊確認相關議題。
146. 在業者的回應中，廣電業者和 BDUs（除了 SaskTel 之外）表示，雖然他們很想參與這樣一個工作團隊，但團隊尚未成形。SaskTel 則指出其沒有執行收視量測系統或將用戶機上盒資訊分享給第三方的計劃。

#### 各方意見

147. 在公聽會以及最後提交的資訊中，建制機上盒收視量測系統受到 Bell 的支持（因為其需就使用用戶資料進行補償）；Rentrak 公司（認為其若擁有 BDUs 的資料，將可在 18 個月內完成這個系統）；而眾多其他業者，包含 Anthem Media、魁北克媒體製作協會（AQPM）、加拿大廣告商協會與加拿大媒體導演理事會、CBC、加拿大製作行業協會（CMPA）、Cogeco、加拿大省交通部（CPSC）、Shaw 集團、SaskTel、V Media、Hollywood Suite、獨立廣電組織（IBG）、Numeris、安大略省旅遊文化體育部、On Screen Manitoba、St. Andrews Community Channel、魁北克 Stingray Digital Group 及美國電視聯盟、還有 Roger 集團皆在一開始就以書面意見反對這項提案。
148. 其他單位則表達相關顧慮。MTS 指出若從整體產業基礎來看，由於用戶數據在不同的 BDU 間不具一致性，因此機上盒數據在整合後的價值不高。其中一方，Zachary Kornblum 認為如果問題在於資訊不對稱，那麼各方應該與 Numeris 合作成立公共基金，讓數據公開。
149. SaskTel 則表達對其訂戶隱私保護的擔憂。在同樣的顧慮下，加拿大隱私委員會辦公室（the Office of the Privacy Commissioner of Canada, OPC）表示機上盒搜集的可能會是敏感的個人資訊，且如果沒有搜集數據的性質



及規模的相關資訊，誰將搜集資訊並且與誰分享，這些都很難充分評估提案會影響到的隱私權範疇。

150. 加拿大隱私委員會辦公室 (OPC) 表示，只有當用戶同意參與的前提下，機上盒收視量測搜集到的資訊才可被使用，不論其資訊是單獨呈現或與其他資訊相結合。OPC 指出許多隱私保護作法，以及進一步指出搜集的個資必須要被確認。
151. 同樣的，公共利益倡導中心、加拿大消費者協會、大不列顛哥倫比亞省資深公民組織理事會、國家退休人員聯合會、選舉委員和加拿大民族文化協會 (PICA 等) 都認為任何資料搜集範疇都需要告知並且明確取得同意始可進行。前述團體組成的聯盟擔心，由於每個機上盒都與郵遞區號相關聯，因此任何搜集到的資訊都可以追溯到識別用戶，這可能違反隱私法。
152. 在線上諮詢過程中，少數個人對於其觀看行為的隱私表達擔憂，並指出如果搜集其收視資訊，他們將會停掉服務。一位民眾則對於「秘密工作團隊」會在密室進行表達擔憂，這位民眾為了知道 BDUs 會搜集哪些資訊，表示其願意參與執行測試。
153. 在最終意見陳述中，Pelmorex 建議設立臨時監理委員會，而非工作小組。其指出，這個臨時監理委員會與 Numeris 的董事會組成不同，可以由關鍵利害關係人組成，以現存 Numeris 收視量測系統來以監督技術標準、隱私保護、費用分攤以及機上和資料整合搜集的發展過程。

#### CRTC 的分析及決定

154. CRTC 認為以機上盒為基礎的收視量測系統將可達成廣電法裡的某些目標，如第 3(1)(d)條以及第 3(1)(s)(ii)條中指陳廣電體系應該適應科技變革，而商營公司以及節目服務應該持續回應公眾的需求。
155. 在以觀眾為導向的電視環境中，用戶資訊將會成為關鍵。加拿大廣電體系應該有足夠的工具適時回應產業的轉變以及觀眾的興趣及需求，當然前提是觀眾的隱私權受到保護。以機上盒為基礎的收視量測系統可以更正確地量測觀看影音節目的狀況，這樣的系統可以提升產業能力，使其提供加拿大觀眾所欲觀看的影音內容及資訊，它同時可謂內容創作者增加營收。
156. 搜集到的資訊也將可以對於訂戶數較少的頻道或是利基服務帶來服務效益，因為這些頻道或服務目前可能沒有適當管道連結其目標觀眾，如加拿大原住民頻道、知識性頻道、及 TVO。
157. 產業內的所有部門都有相當的共識來組成工作小組、形塑關於發展機上盒收視量測系統的議題。
158. 雖然 Pelmorex 提供了執行發展的另類策略細節，在 CRTC 的看法裡，讓業者自己組成工作團隊來推展他們的計劃將會更為合適。CRTC 認為業者應該在關鍵領域提出決策，如監理及資料搜集的合作方式，而非由 CRTC 要求提出解決之道。任何機上盒收視量測系統的發展都會受益於廣電產

業，Pelmorex 將會有機會呈現其關於工作小組的提議，不過任何業者提出的方案都必須確保加拿大人民的隱私權。

159. CRTC 認為在其他事項之外，這樣一個量測系統必須：
- (1)、 允許廣電業者作出更明智的節目選擇以及編排策略
  - (2)、 提供廣電業者新的機會，有效率地使廣告獲得利潤
  - (3)、 讓 BDUs 更有效地編排地優質影音內容組合
  - (4)、 確保使用者的隱私受到保護
160. 因此，CRTC 要求業者組成工作團隊，在 2015 年 4 月 13 日前啟動會議，這個小組將合作發展機上盒收視量測系統，包含技術標準、隱私保護、監理架構及費用分攤。工作小組也將檢視收視量測系統如何運作，或是同樣的系統可以如何被最佳化運用。在 2015 年 6 月 10 日前該小組將要對 CRTC 進行進度報告。
161. 工作小組回報給 CRTC 的結論將關於資料如何搜集、監理架構、隱私保護（包含資料的整合是否解決隱私議題），以及系統的資金與費用分攤議題。
162. 當工作小組回報給 CRTC 的時候，如果 CRTC 沒有看到適當的進展，或是廣電法與其他指令的政策目標未被適當執行時，CRTC 可能會以特定指導原則介入，確保推展建制這個系統。

## B. 加拿大影音政策重點由量轉質

在收視環境中為加拿大觀眾提供高品質的加拿大原創影音內容—加拿大影音內容的播映以及費用支出

預期目標：

加拿大人民在收視環境中得以接取高品質的加拿大原創影音內容

163. 在廣電政策諮詢公告 2014-190 號文件中，CRTC 指出隨著加拿大人民與領有執照的業者關係改變，現存支持加拿大本國影音的支持政策也將被影響。CRTC 進一步指出觀眾行為的改變，逐漸偏向以個別節目為導向的基礎，而非選擇觀看線性的頻道，對於目前的基金模式也會有重大影響。CRTC 因此及時檢視其職權範疇內各種方案編制的基金資助。
164. 現行檢視的目標之一，在於找尋方法來面對這一波多平台收視環境的變化，在這樣的環境裡觀眾逐漸投注焦點在高品質的隨選影音內容，而非線性服務，在這樣的考量下，廣電法在第 3(1)條次中設立的下述目標於是變得重要：
- (1)、 每一個加拿大廣電產業的部門都必須以適當的方式為產製及呈現加拿大影音內容作出貢獻

- (2)、 每個廣電事業在創作和播映影視節目時，應盡可能多運用加拿大的創意人才及重要資源，除非其主要節目是針對特殊服務性質，如英語或法語的特定內容與形式，在這樣的情況下，廣電業者應承諾僅可能在最大限度內運用這些資源。
165. 為了確保未來能在多平台的環境下呈現出具競爭力的加拿大本國製影音內容，CRTC 表示其將考量數種激勵措施，如減輕加拿大本國影音播映要求，並且對於領有執照的電視臺以及提供付費服務等業者提出加拿大影音製作費用（Canadian programming expenditure, CPE）要求。
166. 諮詢文件裡提出了以下建議：
- (1)、 取消每日的本國影音播映要求，但維持晚間時段的播映要求
  - (2)、 要求所有領有執照的電視臺、提供特殊服務以及付費服務業者遵循加拿大影音製作費用（Canadian programming expenditure, CPE）要求
  - (3)、 維持集團執照的基礎，並啟動加拿大影音製作費用水平的調整，以維持目前製作費用的水準。在授予執照的條件中增加 CPE 要求，CPE 水準將會決定業者是否准予換照。
167. 在線上諮詢過程中，CRTC 接到大量意見支持關於加拿大內容的規範，這些意見都為了確保屬於加拿大的故事得以在「美國影視內容的汪洋大海」中存在。一位民眾表示：「加拿大內容對於加拿大經濟非常重要，因此像是 Rogers、Bell、CBC、以及 CTV 這些業者必須盡其所能提供加拿大影音內容。」
168. 其他爭論這類要求應該消除的，所持原因包含：
- (1)、 認為加拿大製的應與內容品質低落
  - (2)、 加拿大本國製內容大量重播
  - (3)、 認為加拿大影音內容應該在沒有任何政策支持下與美國影音內容競爭
169. 一位民眾指出好的內容可以穿越國界，其提到：「我不在意加拿大內容，我只在意好的內容。如果這樣好的內容是加拿大本國自製當然不錯，但我只要確保可以透過電視看到好內容即可。」另一位民眾則抱怨有關加拿大影音播出數量的規範：「『強迫』播映加拿大本國自製內容的概念，對於促成加拿大產業壯大的效益不大。」
170. 一位加拿大民眾則認為產業應該要跳脫框架思考：「加拿大本國自製播映要求不應被取消，特別是對於那些依賴美國節目取得收視率甚或廣告的聯播網而言，如果他們可以購買美國節目，那他們就可以製作加拿大節目，他們只是需要更有創意和更具彈性而已。」
171. 在這個章節中，CRTC 引入了一些措施，認知到儘管加拿大民眾收視習慣已經有重大改變，但在內容傳遞部分，與過去並非完全斷裂。新興與傳

統作法並存，為了回應狀態上的變化，仍然必須採行對於加拿大影音內容的支持政策。

## 現有架構

### 播映要求

172. 在廣電規管政策 2010-167 號文件中，擘畫出 CRTC 對於領有集團執照的政策方向（集團執照政策），CRTC 指出其將傳統電視台每年播映加拿大影音內容的最低義務限度自 60%調降為 55%，但仍維持現存晚間 6 點至午夜之夜間觀賞時段本國自製播映要求。1987 年公布的廣電條例規範（Television Broadcasting Regulations）隨之因應此新要求而調整。
173. 類別 A 的服務（Category A service）義務將依據執照條件設定，並且根據其服務本質而調整。在多數情況下，在每日及夜間時段對於加拿大本國自製影音的播映要求最低比例為 50%。在集團執政政策中，CRTC 確認特殊服務的播映義務將會持續調整以反應個別服務的特性。
174. 所有類別 B（Category B service）中英語及法語服務所需符合的播映規範相同。這些要求在營運的前三年都將提升，其必須在晚間時段以及每日總時數內播映 35%的加拿大本國自製影音內容。對於其他語言頻道或是原住民服務的頻道，本國自製播映要求為 15%。
175. 類別 C（Category C）國內新聞服務每天必須播映至少 90%的本國影音內容。主流運動服務每日則必須播映至少 60%本國自製比例，晚間播映時段則不得少於 50%。

### 加拿大影音支出

176. 作為集團執照政策一部份，CRTC 規定大型英語業者的所有者應該：
  - (1)、 必須在所有傳統電視臺、所有特殊服務、所有付費類別 A 服務、以及所有擁有超過一百萬訂戶的類別 B 中，符合執照條件中對於加拿大影音製作費用（Canadian programming expenditure, CPE）的要求。
  - (2)、 達成加拿大影音製作費用（CPE）最小整合集團
  - (3)、 可在其旗下眾多服務間彈性分配加拿大影音製作費用（CPE），其中貢獻在傳統電視台的加拿大影音製作費用（CPE）最多為 25%，以求其餘費用可用於其他集團內有品質的特殊性服務。
177. CRTC 的目標在於穩定加拿大本國製英語影音內容的支出預算，並允許集團可以透過加拿大影音製作費用（CPE）的彈性來快速回應產業變化。
178. 在法語市場裡，兩個主要的商營電視臺彼此形成鮮明對比。在 TVA 集團的例子中，人們普遍認為 TVA 為加拿大本國自製做出重大貢獻，這些貢獻遠遠超過英語市場。相對的 V Media 則沒有任何加拿大影音製作費用



(CPE) 義務，這是因為在其最後執照許可展延的時間點，通常不會將這類義務加諸於業者。

179. 除了大型集團業者之外，加拿大影音製作費用 (CPE) 會根據案例狀況加諸於英語及法語市場。除了少數例外，類別 A (Category A) 服務以及類別 C (Category C) 的運動服務也有加拿大影音製作費用 (CPE) 的要求，不過類別 B (Category B) 則通常沒有規範。

## 播映加拿大影音

### 各方意見

180. 雖然多數業者都注意到應著重加拿大影音內容的品質而非數量，但關於應降低或移除播映要求卻是各方意見分歧。
181. 在英語市場裡，多數廣電業者以及垂直整合業者支持減少播映要求，但在如何達成目的則提出了不同觀點：
- (1)、 Bell 集團整體調和了規範，認為地方傳統電視台的播映規範為 50%，而特殊服務的規範則為 35%，對於晚間時段則沒有限制。後者提議的形成是因為業者在特定執照條件的規範下往往「造成」加拿大影音內容在服務內容內循環播出。
  - (2)、 Corus 主張取消所有播映要求
  - (3)、 Shaw 建議晚間時段播映限制為 50%，而整日的服務播映限制為 25%
182. 以創意部門為主的單位反對減少播映規範 (Directors Guild) 或表達擔憂 (如加拿大電影電視廣播藝術家聯盟, ACTRA)。劇作家協會表示其不贊成僅有影音製作費用的做法，其指出這種取向導致的作品數量將會減少，而作品預算增加，反而縮減了加拿大影視產業的工作機會。
183. 與創意部門相同，PIAC 等單位不認為有需要調整現行對於加拿大本國自製英語內容的支持規範。
184. 在另一方面，傳播研究政策論壇認為現行電視台應該在 2025 年以前，逐步從播映本國製內容的 55% 限制鬆綁至 35%。其同時建議 CRTC 將現行每週要求商營電視台播映 55% 本國自製影音內容的規範，修正為晚間 8 到 11 點播映 35% 加拿大本國戲劇。
185. 安大略省旅遊文化體育部認為減輕電視業者監理負擔的過程中，不應減少管制的不對稱性。其認為維持現行電視監理水平對於安大略省的產業及加拿大廣電體系的健全，是很關鍵的。
186. 某些第三語言族群服務業者提議，以執行加拿大影音製作費用 (CPE) 要求，來替代他們的自製播映規範。
187. 在法語市場裡，魁北克媒體製作協會 (association québécoise de la production médiatique, AQPM) 提議減少現行的自製播映規範至每天



20%，而夜間播映規範則降至 10%。此外，AQPM 提議增加現行加拿大影音製作費用（CPE）10%義務。所有這些調整則在換照時施行。

188. V Media 支持減少本國自製播映要求，但僅限於全日的限制。但加拿大法語製作人聯盟（APFC）反對減少本國自製播映規範，並擔憂如此可能導致某些類型節目的減少，如新聞雜誌型、電玩節目、談話性節目以及兒少節目。APFC 聯盟同樣反對這樣減少播映規範的提議。

189. 魁北克導演及製片人協會（association des réalisateurs et réalisatrices du québec, ARRQ）、藝術家聯盟（Union des Artistes, UDA）、以及廣播電視電影從業人員協會（Société des auteurs de radio, télévision et cinéma, SARTEC）抱怨逐案給予執照條件的做法，強調其造成法語原創節目的減少。但在這個部分，魁北克認為在魁北克電視市場沒有必要維持這樣的規定。

### CRTC 的分析與決定

190. CRTC 透過本國自製播映規範作為達成廣電法第 3(1)(e)與(f)條次的政策目標手段。雖然在全然線性的電視環境裡，本國自製播映規範很顯然可以確保加拿大至影音內容的呈現，但在逐漸朝向隨選的閱聽環境裡，這樣的政策效果將越來越不明顯。

191. 進一步而言，配額制也可能帶來非預期的後果。特別是，從提交給 CRTC 的節目播出資訊中呈現出，平均而言，超過 50%的加拿大本國自製影音內容同時在英語及法語市場中的同一服務業者內重播，或是自其他服務業者「循環」播出，常見到特定的劇集在每天、每週、每月或一年內特定期間裡重複播出許多次。對於某些業者而言，這些加拿大影音內容重播或是循環播出的次數遠遠超過 90%。雖然對某些業者而言這可能是種可見的商營模式，但 CRTC 認為首播原創加拿大影音內容將為產業增加價值。若是過多的重播或是循環播出將無助於達到廣電法目標。

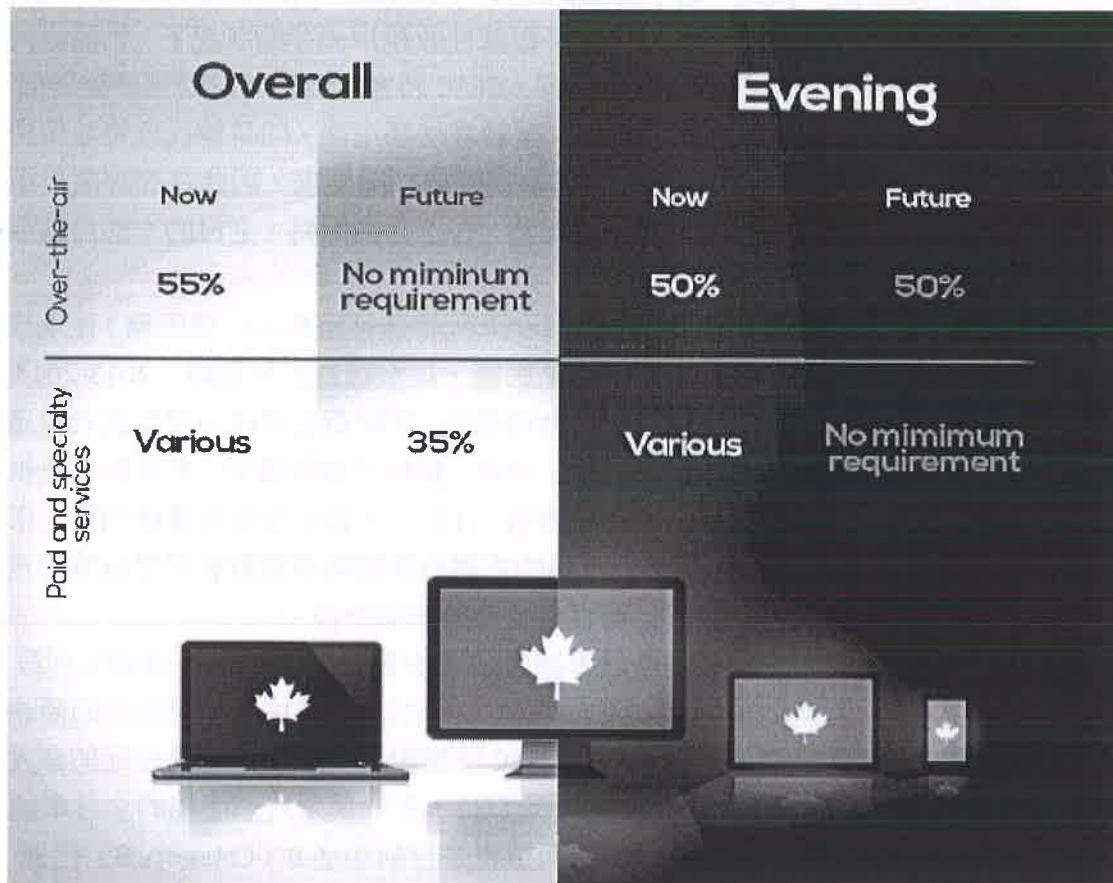
192. 然而短期來看，某些播映規範可能有助於達到廣電法上述所列的目標。從 Numeris 2013-2014 年度英法雙語市場的數據顯示，在週一到週五晚間 8 到 10 點這個時段收看傳統電視的次數，比其他時段整整高出五倍。而 6 點到 8 點以及 10 點到 11 點的收視次數則比其他時段高出二到四倍。由此可見，多數觀眾仍是在晚間黃金時段收看傳統電視。而這也是為何多數受歡迎的本國製或外國影音內容仍選擇在這個時間點排播的原因。

193. 根據 CRTC 在廣電政策 2015-25 號文件中所列示的同時替代政策<sup>4</sup>，在英語市場的晚間時段，對傳統電視臺而言，排播非加拿大本國製影音內容仍

<sup>4</sup>同時替代政策是指，非加拿大電視台的節目訊號內容可以短暫地以加拿大電視台內容替換的一種作法。前提是替換的節目訊號內容是「可比較的」（即不含廣告，至少 95%內容相同）。同時替代政策在廣電業者的要求下透過 BDUs 執行，主要發生在英語市場，允許加拿大廣電業者在非本國製影音內容市場裏，以取得授權的本國自製內容，來極大化觀眾與廣告利潤。從另一方面，這也讓這些廣電業者得以透過本國影音內容獲得資源，來貢獻整體影視產業。

是具有誘因的。因此，為了要確保加拿大本國影音在傳統線性環境下仍可讓加拿大民眾廣泛收視，於是在多數線性收視戶尚存的狀況下，仍需維持在晚間時段排播這些本國影音內容，CRTC 將會對商營傳統電視臺維持播映要求，但僅止於晚間黃金時段。至於在法語市場，同時替代政策並未帶來影響，且 CRTC 並未收到刪除播映規範的相關要求，因此在高評價政策的考量下，晚間播映要求將繼續保留。在下回換照時，全日的本國自製節目播映規範要求將會取消。

194. 民眾自選的服務 (Discretionary services, 特殊性服務或付費服務) 並未依賴同時替代政策，且往往不受時區影響，以全國為經營範疇。2013-2014 年 Numeris 含括雙語市場的年度數據顯示，晚間黃金時段中民眾觀看自選服務的頻次遠不及觀看傳統電視。同時，相較於傳統電視，自選服務提供更大量的重播和循環播出的影音內容，且在一天當中會重複排播同樣的影音內容。因此，現行晚間黃金時段的本國自製播映規範對於民眾自選服務而言，在達成廣電法政策目標部分將沒有明顯助益。
195. 有關民眾自選服務裡的全日本國自製播映要求，CRTC 將在後續監理政策中處理執照類別及標準，而 CRTC 也思考對於所有民眾自選服務的播映規範設定適當標準。此外，由於 CRTC 決議對於民眾自選服務規範加拿大影音製作費用 (CPE)，在下次換照時，對於民眾自選服務的全日本國自製播映規範標準將訂為 35%，而這也是目前類別 B (Category B) 已運行三年的標準。
196. CRTC 認知到或許有些服務需要客製化的播映規範，例如對於兒少節目來說，黃金時段將會不同，這些特殊狀況將會在換照時逐案討論。
197. 作為此一政策的例外，CRTC 將依據廣電法第 9(1)(h) 條規範，對於那些受益於傳輸通路的服務，保留所有本國自製播映規範的要求。
198. 如前所述，在下回換照時，本國自製播映要求將會降低，並且與下述將提及的加拿大影音製作費用 (CPE) 規範連動調整。對於英語及法語的大型商營集團，2017 年 8 月 31 日前執照將需換發；對獨立業者來說，換照時間根據各家執照效期，最早將於 2018 年 9 月 1 日展開。



## 加拿大影音製作費用（CPE）

### 各方意見

199. 各方咸認為加拿大影音創意的強化，正確方向應該透過影音製作費用的規範而非播映時數規範。立足於這樣的態度，許多人指出需求應置於加拿大影音製作品質，而非數量。
200. 在英語市場裡，除了 CBC 和知識性頻道的公共屬性外，多數單位都支持規範所有領有執照業者的影音製作費用。
201. 另一方面，Rogers 集團以及獨立電視小市場聯盟（Coalition of Small Market Independent Television Stations, SMITS）主張取消傳統電視臺的影音製作費用規範，以助於業者規畫在地節目。
202. 來自創意單位的部門，如加拿大電影電視廣播藝術家聯盟（ACTRA）以及 Onscreen Manitoba 都支持增加影音製作費用（CPE）。不過如前所述，加拿大作家協會（Writers Guild）並不偏好單純只在製作費用上的主張，因為如此將可能會降低播映的要求。
203. 加拿大製作行業協會（CMPA）指出，其實政策很難確保廣電業者投入的費用是進到獨立製作者，而非進到片商或是業者集團內部的生產單位。其認為 CRTC 應該建立規範來確保消費者在付費選擇（pick-and-pay）

的世界裡仍可看到原創新穎的內容，並且透過這套規範要求廣電業者維持他們歷來投入加拿大原創新穎的影音製作費用比例。

204. Shaw 集團認為目前談論增加影音製作費用的時間點並不合適，考量政策可能對營收的影響，其傾向於觀望 CRTC 後續提出的其他方案。
205. 多數單位認為針對大型集團服務設定標準化影音製作費用的取向是適當的，但針對獨立製片以及法語市場可能適合逐案討論。
206. 某些單位，如 Anthem Media，建議只有那些訂戶數達到一定數量的民眾自選服務業者需要規範影音製作費用下限。
207. Bell 集團針對英語市場提出了幾項建議，包含：
  - (1)、 年營業額達 1 億美元的大型集團維持集團規範，即：前一年度總營收的 25% 需設定為影音製作費用，並分攤在集團內所有服務之中，但類型 C (Category C) 的新聞與主流體育賽事服務除外。
  - (2)、 至於年營業額未達 1 億美元的大型集團業者，Bell 集團建議 CRTC 逐案討論其影音製作費用的規範比例。
208. 與英語市場相同，法語市場創意部門普遍支持 CRTC 對於所有領有執照的電視臺、特殊服務、與付費服務實施影音製作費用規範。
209. 此外，加拿大法語製作人聯盟 (APFC)、魁北克媒體製作協會 (AQPM)、藝術家聯盟 (UDA)、廣播電視電影從業人員協會 (SARTEC)、Bell 集團、CBC 以及 Corus 皆指出，影音製作費用規範應該要與作品的著作權及播映權連結。Bell 集團提議由於民眾自選的法語服務尚未受到線上影音服務的影響，因此只要類型限制以及播映權的規範存在，影音製作費用要求可自 32% 提升至 35%。
210. 加拿大法語製作人聯盟 (APFC) 提議傳統電視、付費電視、特殊服務的影音製作費用規範依照其前一年度廣電營收總額基礎進行計算。
211. 魁北克省文化傳播事業部 (MCCCFQ) 提議不要增加影音製作費用規範，而魁北克省也認為法語市場不需要這樣的規範。
212. Festival Portuguese Television (FPTV) 指出，為了有效成為新加拿大人的文化橋樑，官方語言以外的頻道應該如 FPTV 目前操作的方式一般，提供與在地社群相關的加拿大在地影音節目。在多數情形裡，參與這類節目的包含地方製作團隊－這些團隊遍及在加拿大各個地方社群之中。FPTV 指出影音製作費用規範下限應該要確保節目產製得以連結製作團隊以及最終收視民眾。

## CRTC 的分析及決定

213. 加拿大民眾很清楚了解 Let's Talk TV 政策期待形塑出電視產業裡高品質的內容，而讓加拿大工作者創作出高品質具吸引力的內容需要資金投入。投資高品質內容具有廣大效果，可促進收視並因而帶來利潤，而這些利潤



便可再次投入未來產製的內容當中。在 CRTC 的觀點裡，影音製作費用規範（CPE）對於創造影視產製多樣循環上具備相當的誘因。

214. 進一步而言，這樣的要求是達成廣電法前述目標的重要工具，特別是先前提及有關如何決定播映規範的部分。從另一方面來看，要求所有領有執照的影音服務業者符合影音製作費用規範，將可確保影視產業內的各個要項，都以適當的方式創造並呈現加拿大影音內容。同樣的，設定適當製作規範水平將可確保加拿大資源受到最大量且優先的使用，維繫高品質的影音內容。
215. CRTC 進一步認為這樣的政策取向，將可為影音製作費用拓展投資基礎。尤其隨著減少播映要求可帶來的排播彈性，業者可將重心置於本國影視的品質，而不用擔心該在何時或何處讓加拿大觀眾收視。
216. 這種整體的政策取向也考慮到現行監理政策可能造成的其他影響，以及在 Let's Talk TV 政策中，穩定加拿大影音製作費用的相關決策。透過這樣的作為，CRTC 認知到面對未來變革的電視環境，並非所有現行加拿大影音服務都能勝出。
217. 鑑於上述情形，在英語市場（包含非官方語言服務）CRTC 將針對所有領有執照的業者執行加拿大影音製作費用要求，現行未受到影音製作費用要求規範的業者需在換照時開始執行，而影音製作費用水平將依據過往製作費用支出狀況。
218. 更進一步，針對目前依循集團政策規範運行的集團業者，CRTC 將維持集團執照的取向以及既有的影音製作費用規範。若是屬於集團一部份的影音服務，將同樣有影音製作費用的規範要求，以適當地挹注集團整體的影音製作費用水平。至於那些同時經營法語及英語服務的集團業者，不同的語言服務市場將有不同的規範要求。
219. 鑑於 CRTC 正在 Let's Talk TV 過程中採取許多不同的政策變革，CRTC 目前並不打算提高加拿大影音製作費用的要求水平。維持現況可讓 CRTC 有機會監測其他政策變革對於業者營收的影響，並且讓受到影響的業者得已採取適當因應。
220. 考量獨立無線電視台首次適用影音製作費用要求規範，其規範將自換照時生效，而規範的水平將依據過往影音製作費用的狀況評斷。CRTC 也將會考量到廣電監理政策 2015-24 號文件所列之地方及社區影音審查過程的相關結果。
221. 有關英語及非官方語言的民眾自選服務，若服務訂戶數超過 20 萬戶則需受到影音製作費用要求規範。在本文件後續將會提到，依據新的排除條款，訂戶數低於 20 萬戶的民眾自選服務將可獲得豁免許可。對於領有執照的業者，影音製作規範將依據業者過往狀況逐案討論。不過，考量到提供民眾自選服務的業者在營收及費用支出上有極大差異，以及確實有部分業者僅投入極少或甚至沒有投入在加拿大影音製作當中，因此其影音製作



費用下限設定為 10%。在 CRTC 想法裡，這樣的水平對任何提供民眾自選服務的業者而言，代表著可以達到的水準，並且仍然得以確保加拿大影音創作及呈現。目前，有 19 家業者的影音製作費用投入水平低於 10%，平均為 5%。

222. CRTC 注意到法語市場裡四家商營無線電視台的不同差異，其中沒有任何一家需要依照集團規範進行認定：
- (1)、 TVA 集團目前根據例外狀況執行，其計算影音製作費用的標準是所有節目的支出比例，而非營收的比例。
  - (2)、 V Media 目前沒有義務執行影音製作費用要求，且其營收比 TVA 少得多。
  - (3)、 RNC 以及 Tele-Inter-Rives 僅在其他電視網聯播，因此與影音製作費用規範無關。
223. 因此，在法語市場裡，CRTC 將鼓勵共同提供服務的業者在換照時以集團方式提出申請。CRTC 也將逐案為這些業者設定他們在加拿大影音製作費用的標準。
224. 至於法語市場裡的民眾自選服務，CRTC 會針對訂戶數超過 20 萬的所有業者執行加拿大影音製作規範要求，規範的條件將會逐案依據其歷史狀況設定。
225. 對於 CBC、省教育服務頻道、領有執照的社區無線電視台、全國性新聞頻道以及主流體育賽事頻道的影音製作費用要求則維持不變。
226. CRTC 擔憂就算以加拿大影音製作費用的較高規格要求來取代播映時數規範，對於加拿大產業內的節目配音時數優惠（time credits）仍會有負面影響。這樣的影響在法語市場感受會特別明顯，因為法語市場明顯有較多的配音節目。配音節目讓加拿大觀眾有高品質的收視體驗，因為配音可以讓加拿大觀眾理解特定語言以及文化脈絡，熟悉表達方式及腔調。CRTC 依據廣電法第 3（1）（f）條，努力確保加拿大影音產業持續在生產及呈現加拿大影音內容時能有最大量的配音服務。
227. 在廣電政策規範第 2010-905 號文件中，CRTC 認為針對加拿大官方語言或是原住民語言配音的節目，提供額外 25%的時數優惠是適當的，其中 CRTC 認為額外 25%的時數優惠指的是：
- (1)、 在加拿大境內，鼓勵廣電業者為加拿大本國製節目配音
  - (2)、 認知到加拿大配音產業裡，藝術工作者以及生產資源的投入，對於加拿大內容產製的貢獻。並且透過加拿大影音內容配音，強化加拿大觀眾的認同。以及
  - (3)、 增加境內雙語市場的交流，拉近彼此（例如一旦英語或法語節目為彼此配音，便可在對方市場上重新播映，找到新的觀眾並且獲得國內外的可見度。）

228. 配音節目為以法語為母語的民眾開啟一扇得以進入英語節目的窗，此外也讓影音作品產製國際化，讓以英語為母語的觀眾接觸到加拿大國內外產製的法語影音內容。
229. 為了確保加拿大電視業者持續與加拿大本國籍配音公司合作，CRTC 認為將在加拿大境內配音的本國或外國節目時數優惠提升至 33% 是恰當的。至於在 2000-42 公告以及廣電規範政策 2010-905 號文件中適用的其他條件則維持不變。
230. 依據廣電法第 3 (1) (f) 條，CRTC 有自信這項措施將使得加拿大電視業者持續在創作及播映加拿大影音節目時，能在最大可能範圍內提供本國配音服務。

### C. 市場失靈時，公共利益考量下針對特定影音類型給予支持

231. 在 CRTC 的想法裡，當市場可以提供影音內容及服務，達成廣電法所設定的目標時，廣電產業便應該在市場力量下運作。只有當市場失靈，無法提供相關服務或影音節目時，CRTC 才會介入。

#### 預期目標：

- 移除進入市場、節目編排及動態競爭的管制障礙，讓市場力量得以最大程度地創造影音內容多樣性。
- 節目產製者得以採行創意影音內容策略來回應消費者。

#### 背景：

232. 類型專屬政策 (The genre exclusivity policy) 是目前廣電體系監理架構裡的重要組成項目。在這項政策中，CRTC 以一種類型一張執照 (one-per-genre) 的基礎，將執照授予給選定的特殊服務及付費服務，這類服務被稱為類型 A 服務 (Category A services)。這些類型 A 業者獲得執照，以在特定影音類別或某些主題中提供特定類型的影音內容。定義這些類別的方式，旨在確保類型 A 業者是彼此互補而非相互競爭，舉例而言這當中包含歷史頻道、進階電影頻道以及旅遊頻道。另一方面，類型 B 服務則可能彼此競爭，然而 CRTC 一般並未直接對可能與現行類型 A 頻道直接競爭的類型 B 服務授予許可。而在全國新聞以及主流體育頻道類型中提供服務的類型 C 業者，可能與同類型的其他服務競爭，但並非與類型 A 業者競爭。
233. 為了確保民眾自選服務能維持在當初授與執照的類型下運作，CRTC 在執照條件中定義並限制其可提供的影音類型，這些執照條件一般稱為其服

務本質。CRTC 在類型政策上的目標有兩個層面：一為確保影音類型的多樣性；二則是為了讓類型 A 服務裡的付費服務以及特殊服務可以達到相關影音內容義務規範，透過這樣的政策來提供支持的作法，尤其相關影音內容義務規範往往高過其他義務要求。而所謂服務本質也讓訂戶得以知曉其接收到的影音服務類別。

234. 類型專屬政策會以民眾接取 BDUs 的不同方式來區分監管作法，而目前現有政策並未論及。CRTC 將考慮消費者選擇及彈性後，在未來數周公佈其對於接取的監管作法。
235. 在廣電政策諮詢公告 2014-190 號文件中，CRTC 針對監理付費及特殊服務維持類型專屬政策是否符合公共利益，提出意見徵詢。在諮詢文件中，CRTC 將針對類型 A 服務解除類型專屬保護政策，根據這樣的提議，類型 A 服務將不再受到服務本質監管，但將全然與其他民眾自選服務競爭，並且須符合節目品質要求。

### 各方意見

236. 一般而言垂直整合的 BDUs 以及影音服務業者傾向支持解除類型專屬保護政策，他們的論點是，移除類型專屬保護政策將可更有效地回應消費者需求、鼓勵創新、並且改善節目品質。同時他們也認為這樣將可簡化執照規管過程並且減輕監理負擔，而鑒於目前存在許多成功且受到歡迎的影音作品，也可看出市場有足夠的成熟度開放競爭。許多垂直整合的公司指出，其實現在節目類型的界線早已相當模糊了。
237. 獨立影音業者，其中一些代表官方語言少數民族社群（the official language minority communities, OLMCs）以及創意製作團隊者，普遍反對移除類型專屬保護政策，主要由於其與 BDUs 受到規定，需強制播映類型 A 服務的原因。然而，獨立影音業者同時也強調，類型專屬保護政策對於維持影音內容多樣性是重要的機制，許多獨立影音業者指出，若無類型專屬保護政策，市場可能會「急速朝中產階級靠攏」，並且增加低成本大眾流行（多數為美國實境節目）內容。許多獨立業者擔憂若無類型專屬保護政策，由垂直整合公司所擁有或控制的節目服務將會掌控所有受歡迎的類型，他們同時擔憂移除類型專屬保護政策，申請承諾製作本國影音內容者，將會減少。
238. 如同 Bell、Corus、加拿大法語製作人聯盟（APFC）、魁北克媒體製作協會（AQPM）以及魁北克省文化傳播事業部（MCCCFQ）都表示類型專屬保護政策應維持在法語市場，這是因為法語市場規模較小，容易在競爭流行以及 Videotron 主導的發行市場上受到影響。其他單位則是擔心某些民眾自選服務可能會無利可圖，且影音內容品質可能也會因此受到影響。只有魁北克省支持在法語市場中移除類型保護。

239. 獨立廣電組織 (IBG) 認為對於獨立業者而言類型專屬保護政策很關鍵，因為往往偏離服務本質的內容都是受到垂直整合公司的掌控。獨立廣電組織 (IBG) 建議類型專屬保護政策維持到 2018 年 CRTC 重新針對獨立業者換照之時，屆時 CRTC 也將更易於評估其目前擔憂的影響狀況。然而這些單位多數著重在接取的權利而非類型，只有 Pelmorex 認為類型專屬保護比接取權利更為重要。
240. CBC 表示移除類型保護政策將使得垂直整合公司大量拓展其受歡迎且具競爭力的服務內容，並且在那些類型裡擠壓獨立業者。從 CBC 的觀點來看，這樣會降低產業多樣性內容，CBC 建議 CRTC 三年後再行討論這個議題。
241. 有些單位建議在換照時逐步降低類型專屬保護（以及接取規範），Bell 集團提議在 2015 年 12 月移除類型專屬保護政策，給予業者時間調整。

### CRTC 的分析及決定

242. CRTC 認為類型專屬保護政策已不再是確保節目多樣性的有效工具，甚至已經成為阻礙影音內容創新的監理負擔，對於垂直整合公司所擁有的服務來說，類型專屬保護政策反而使其品牌及服務有免於競爭的間接作用，事實上，由於過去幾年的保護鞏固，類型 A 裡 65% 服務被大型商營集團收購，僅 15% 被視為獨立服務。
243. 雖然獨立業者對於垂直整合業者將會展開競爭性服務並且在現存體系內持續收購獨立影音內容表達擔憂，但 CRTC 認為獨立業者已在更具利基的市場下運作，而這些利基市場並為非直接面對競爭的項目。
244. 類型專屬保護政策其實無法防止影視節目內容「急速朝中產階級靠攏」，因為服務界限已經模糊，並朝同樣類型集中。不論自願或否，許多服務已經偏離其服務本質，而擁有影音服務的大型商營集團，往往從一類影音服務移轉到另一類競爭屬性完全不同的影音服務，或是在不同平台播放相同或類似的內容，而這些平台則提供不同類型的服務。
245. 此外，CRTC 認為類型專屬保護政策還有其他非預期的負面效果，例如因為需定義類型的本質，執照條件變得複雜且難以執行。而且，類型專屬保護的本質限縮了新進業者經營高度利基市場的機會，而那些高度利基市場便可能是透過執照限制業者可以經營服務的類別。
246. 遠在 1984 年現行某些類型 A 服務便已被定義，而最近一次定義的類型則是在 2001 年。也許這些服務過去在類型專屬保護政策下是成功的，但是近十年加拿大民眾的需求、興趣、內容可及性以及產製與傳輸科技都已急劇變化。CRTC 認為過去十年的政策及文化規範對於展望廣電新環境而言毫無意義。
247. CRTC 了解到在法語市場裡這些挑戰明顯較低，雖然他們在較小的市場經營，但法語影音服務有強大的品牌，並且更容易與其他影音服務區隔。



此外，無相關單位提出具體證據，證明法語服務會大幅調整影音策略，傷害到加拿大民眾享有的節目多樣性。

248. CRTC 認為移除類型專屬保護政策可讓廣電業者在創造和取得影音內容時有較大彈性，而這些影音內容也才最適合於其收視聽眾。既有業者與新進業者將可採行屬於他們的影音策略，並移轉服務類型，吸引觀眾並發展新創的影音類型，而不用受限於類型專屬保護政策的規範。如此這些服務將可回應公眾漸增的需求，並因此達成廣電法裡第 3(1)(s)(ii)條的政策目標。
249. 進一步而言，CRTC 認為廣電法第 3(1)(i)(i)條的目標，規範影音服務需多樣且完整，提供平衡的資訊，啟發並娛樂男女老少，滿足各年齡層的興趣及品味，而廣電業者無需透過管制手段便可達成這些目標。
250. CRTC 了解到各方會有的擔憂，不過其認為市場將會確保影音內容多樣性，特別是在一個為消費者提供大量選擇與彈性的影音體系內。在這樣的環境裡，影音服務必須使自己具備差異性，並提供滿足加拿大觀眾需求的影音內容，以維持其收視群。對於高品質影音內容的品牌定位、行銷、推廣以及投資都會是影音服務能否成功的關鍵。考量到近年類型專屬保護政策面臨到的挑戰，沒有證據顯示維持這項政策可以在未來確保影音內容多樣性。
251. 此外，由於領有執照的業者不再需要就影音服務本質的調整進行申請，也無需針對可能傷及影音服務本質的申訴進行回應，因此移除類型專屬保護政策將可減輕行政監理的負擔。
252. 在移除類型專屬保護政策過程裡仍有一些例外，CRTC 將根據廣電法第 9(1)(h)所包括的全國性新聞服務，保留與強制播送規範相關的服務性質執照許可條件，這部分將在下文進行更詳細的說明。由於這些服務對於達成廣電法目標有重要影響，因此必須受到強制播出的規範。
253. CRTC 對於主流體育影音服務仍將維持限制規範。選擇經營主流體育影音服務的業者將受到加拿大影音製作費用要求規範，規範額度為其每年廣電相關營收的 50%，其他的民眾自選服務一旦規劃提供體育影音內容，那麼每月播出即時專業體育影音的時數上限則為 10%，若欲超越此播出上限，則必須選擇提撥更高的影音製作費用，以及滿足更多的主流體育服務需求，如此方能確保其他服務若欲提供主流體育服務，便必須遵守相同的費用支出及播映需求規範。
254. 因此，針對民眾自選的英語及法語服務，CRTC 將會移除類型專屬政策及相關的保護規範。不論是既有業者或是新進業者，若其欲提供原本受到規管保護的服務類型，如今皆可即刻進行。除了上述的例外狀況外，CRTC 將不再依據服務本質限定執照條件。除了受到廣電法第 9(1)(h)條規範的夜者外，既有提供民眾自選服務的業者，都將即刻移除其有關服務本質的執照條件限制，不過對於體育影音內容的播出數量上限條件則為例外。

255. 然而，為了確保加拿大人民以及 CRTC 持續在民眾自選服務經營上擁有基本的資訊，雖然有關服務本質的執照條件限制取消，CRTC 仍會要求業者提供服務的名稱、簡短說明以及在其相關資訊變更時進行更新。這些對於服務的名稱及描述將會在 CRTC 官方網站上羅列，而當任何新服務或是業者換照通過時也都將註記。更明確地來說，服務名稱更改不會影響到 CRTC 記錄裡的許可人姓名，CRTC 也不會將服務描述的要求列入執照條件規範中。
256. 進而，為了移除業者需遵循的服務本質定義，民眾自選服務訂戶數若少於 20 萬戶，那麼 CRTC 也調整其例外規範，相關細節將在後續章節討論。這樣的例外規範條列於廣電政策 2015-88 號文件中，也在今天公佈。另外為了移除加拿大隨選視訊套裝服務，與加拿大民眾自選服務因為類型保護政策所面臨的競爭限制，CRTC 同時也將修正廣電監理政策 2014-444 號文件中，對於隨選視訊服務執照條件的標準。

為加拿大人民提供高品質新聞影音內容以及多樣的觀點－對於全國性新聞服務的新條件

預期目標：

- 加拿大民眾可以接取高品質的新聞資訊，並且可以從公眾關注的各種議題中接觸到多樣觀點的新聞與資訊
257. 在廣電公告 2008-100 號文件中，CRTC 述及全國性新聞類型的影音服務業者，如 CBC 新聞網、CTV 新聞頻道、Le Canal Nouvelles(LCN)以及 Le Réseau de L'information(RDI)都是健全、優質、受到高度歡迎及競爭的。因此 CRTC 認為在這一類型裡的加拿大影音服務引入競爭是適當的。在廣電規管政策 2009-562-2 號文件中，CRTC 羅列出全國性新聞服務的執照條件，因此這些影音服務受到廣電法（廣電規範 2013-735 號文件）當中第 9(1)(h)條強制傳輸規定的規管。
258. 在廣電規管政策第 2013-734 號文件中，CRTC 為了確保加拿大人民有更多且更足夠的管道接收全國新聞服務，於是訂定了一些保障措施。包含要求 BDUs 確保訂戶得以接取服務。CRTC 指出，考量全國新聞服務的特許播出權，以及確保加拿大人民得以接收高品質的新聞內容，監理政策中對於這些服務的執照要求需要調整。
259. 在諮詢文件中，CRTC 提議針對全國新聞服務增加額外的義務，包含：
- (1)、 自製新聞播映時數每天平均為 16 小時，一週七天，且
  - (2)、 承諾其節目編排規劃完全來自於新聞與時事
260. 此外，CRTC 提議希望申請經營全國新聞服務的業者，必須證明其：
- (1)、 在製作高品質新聞節目方面有良好記錄
  - (2)、 市場對於提供額外的全國性新聞服務有所需求

(3)、 規劃的服務可為全國新聞領域帶來更高的節目多樣性

各方意見

261. 許多參與 Let's Talk TV 政策第一階段對外諮詢的加拿大民眾表示出其對新聞與資訊的擔憂，這樣的觀點也在 Harris/Decima 針對加拿大人民進行的民意調查結果中呈現。根據調查結果，對加拿大人民而言新聞節目是最重要的影音類型，包含地方新聞（81%表示其重要）、全國新聞（78%）、紀錄片（72%）或是國際新聞（68%）。
262. 廣電業者一般支持在諮詢文件中所提及的全國新聞。然而其中一些業者提出的問題則與原始的節目以及這些節目可能被認定的類別有關。
263. Bell 集團以及 Quebecor 媒體製作公司等指出如果 CRTC 要執行每日 16 小時自製新聞內容的義務規範，那麼在 16 小時內的內容則不應該限定為「首播／即時的新聞內容」，如此才可讓業者重複播出。他們爭論對於全國性新聞業者而言，要達到每日 16 小時自製且首播的新聞太過困難。如果一定要是首播的影音內容，那麼 Bell 集團認為每日播出的時數應降為 12 小時，Quebecor 則認為 13 小時，並且限定在週間，而非週末。
264. 關於這些服務規範的播出節目內容類型，少數業者同意應從特殊服務規範（Specialty Services Regulations）1900:1 文件中對於新聞類別的定義進行規範，類別包含第 2(a)類的分析及評論、2(b)類的長形態紀錄片以及第 3 類的報導與現況。
265. Cogeco 是在這個議題裡唯一提出意見的 BDU 業者。其反對諮詢文件裡的提議，並表示考量到 CRTC 的相關規劃，包含套裝影音的彈性、針對特殊性服務移除類型保護、以及從非加拿大自製內容中提供更多影音選擇，因此在這些全國性新聞服務類別維持個別的執照限制已無正當性。
266. 加拿大省交通部（CPSC）認為 CRTC 提議的條件是邁向正確方向的一步，不過其進一步指出，為了預防過多時段只是播出意見評論，而非播出基於事實的報導，除了確保高品質新聞內容，要做的還更多。加拿大省交通部指出目前加拿大廣電標準委員會（Canadian Broadcast Standards Council, CBSC）所規範的新聞獨立準則（Journalistic Independence Code）尚不足以確保高品質影音內容，且未就以評論為基準的影音內容給予相關指導原則的定義，CPSC 並建議以魁北克省新聞委員會的新聞權力與責任（Rights and Responsibilities of the Press）作為適當的倫理準則，該準則述及不同新聞形態的區別、利益衝突、以及新聞呈現與說明的完整性。
267. Quebecor 要求 CRTC 修正執照內對於全國新聞服務的標準條件，將每小時廣告時間上限調整為 12 分鐘。其建議不要用每小時進行規範，而是以每日平均的每小時分鐘數計算，這樣的修正才可以為特殊事件的持續性新聞報導賦予彈性。

CRT 的分析及決定



268. 全國新聞服務透過協助加拿大人民完整參與國內／區域／省份及鄰近區域的民主、經濟、社會及文化生活，對於達成廣電法目標具有關鍵影響。廣電法第 3(1)(d)(ii)條中論及廣電系統應從加拿大民眾觀點提供關於加拿大的資訊及分析，而全國性新聞服務對於達成這樣的目標也有所貢獻。另外在廣電法第 3(1)(i)(ii)條指出影音內容應從地方、區域、全國、及國際找尋素材的目標，全國性新聞服務同樣協助達成。因此，CRTC 要求的監理介入程度便與這些服務擔負的重要角色相關。
269. 在廣電監理政策 2013-734 文件中，CRTC 表示需要更嚴格的要求來確保全國性新聞服務為加拿大國民提供高品質新聞內容，且加拿大人民得以接收公眾關心的多樣觀點，特別是當這些服務在廣電規範 2013-735 號文件中要求得以強制播出並受惠於相關的播出條件。在此考量下，CRTC 已考慮在 Let's Talk TV 政策過程中，採納更多提議人的意見。
270. 具體而言，CRTC 認為這些全國性新聞服務的本質應該更進一步地反應在執照條件當中。這些業者有義務在加拿大各個區域進行報導及反映現況，因此他們必須有能力搜集新聞並報導全國各地的事件。這樣的目標可以透過很多方式達成，包含業者服務間的規劃。因此執照條件和要求將會隨之調整。
271. 此外，如同在現今執照條件標準中所陳述，全國性新聞可能會從所有類別中截取影音內容，因此 CRTC 將對執照條件進行限制，讓幾乎所有影音內容都可以從與新聞服務相關的類別當中截取，包含(1)類的新聞、(2)(a)類的分析與評論、(2)(b)類的長形態紀錄片以及(3)類的報導與現況。這樣的調整將確保廣電業者的優勢仍與新聞相關，同時仍維持影音服務的彈性。
272. 除了目前在廣電監理政策 2009-562-2 號文件中已經條列的現行執照條件外，CRTC 另會就下列條件進行規範，而這些條件包含前述討論的部分：
- (1)、 領有執照的業者必須在全年裡，每天播出平均 16 小時原創影音內容，一週七天，原創影音內容不需為首播。
  - (2)、 每月從下列類別裡編播的影音內容不得少於 95%：(1)類的新聞、(2)(a)類的分析與評論、(2)(b)類的長形態紀錄片以及(3)類的報導與現況。
  - (3)、 領有執照的業者必須擁有直播攝影設備，並設立三個與直播設備不同區位的新聞機構(例如其需證明其在不同區域的新聞搜集能力。)
  - (4)、 除了目前在執照條件中羅列的標準規範外，業者必須遵循加拿大廣電標準委員會 (Canadian Broadcast Standards Council, CBSC) 所規範的加拿大廣電業者倫理守則(RTDNA Code of (Journalistic)Ethics, the Canadian Association of Broadcasters' Code of Ethics)與新聞獨立準則 (Journalistic Independence Code)。



- (5)、 領有執照的業者必須有能力從加拿大觀點來報導國際事件。
273. 在 Quebecor 的意見中，其建議修正執照條件中關於廣告部分，以讓全國性新聞服務在特殊事件時，有彈性提供持續性的新聞報導。CRTC 認為這項修正所增加的彈性，不僅確保觀眾得以在沒有中斷干擾的情況下，持續知曉頭條新聞事件，更可以讓業者尊重他們對於廣告客戶的承諾，且不損失收視群眾。因此 CRTC 將調整執照條件中有關廣告的部分，允許業者每天平均播出廣告的時間上限為 12 分鐘。
274. 對於既有業者而言，上述提及的新條件將在執照換發時生效，新條件也將用來判斷提供全國新聞的業者是否持續受益於強制播出規範，以決定新進業者是否有適用的必要性。
275. CRTC 將在未來監理政策中，公佈全國新聞服務業者執照條件標準的修正。CRTC 將會根據需要，就強制播出全國性新聞的規範納入新進業者。

### 投資在對於廣電體系有重要貢獻的影音內容－國家利益影音內容 ( Programs of national interest )

#### 預期目標：

- 加拿大人民持續得以接取那些可以為廣電體系作出重大貢獻的影音內容。
  - CRT 有較好的工具監測兒少節目的生產和播映，並以此決定監理手段是否需要。
276. 廣電法揭示的目標指出，加拿大廣電業者提供的影音內容應該要是多樣、完整，且透過提供反映人民觀點和態度的影音內容，來鼓勵人民表達自我。廣電法的目標同時揭示影音內容應包括來自於加拿大獨立製作單位的貢獻。為了確保這些目標的達成，CRTC 鼓勵某些類型的影音製作－戲劇、長形態紀錄片、音樂／綜藝，以及頒獎典禮－一般而言透過加拿大影音支出要求，這些影音類型被稱為國家利益影音內容 ( Programs of national interest, PNI )。
277. PNI 要求在前一次大型商營集團換照過程中才引進，相關要求包含在 PNI 節目的最低支出費用要求，以及設定獨立業者分配到 PNI 支出費用的最低限度。在法語市場裡，只有 2012 年部分屬於 Astral-designated 集團的民眾自選服務受到 PNI 支出費用要求的規管。
278. 在廣電政策諮詢公告 2014-190 號文件中，CRTC 詢問其是否應該繼續鼓勵某些特定類型影音內容的生產，以及應該支持哪些類型的影音內容。在諮詢文件中，CRTC 提議維持現行英語市場及法語市場的 PNI 要求，在法語市場，這些要求會在執照換發時重新檢視，此外 CRTC 也提議針對兒童節目進行 PNI 規範。

## 各方意見

279. 在線上諮詢過程中，許多加拿大民眾表達其對於加拿大戲劇、兒童節目的重視，但對紀錄片等重視則較少。兒童節目特別是一個熱門議題，舉例而言，一位加拿大民眾便表示兒童應該在收看加拿大影音內容的環境下成長。
280. 一位加拿大民眾表達其對加拿大戲劇內容的支持：「我偏好管制者可以將管制優先順序先置於戲劇，然後才是紀錄片、實境節目等。實境節目的成本製作低於戲劇，所以如果把兩者擺在同一水平的話，將只會激勵到實境節目而非戲劇。」另一位諮詢意見提供者詢問地更為直接：「如果電視呈現的都是美國內容，那麼加拿大該如何維持其獨特的文化？」
281. 垂直整合業者一般而言同意維持現行要求。在這一部分，Rogers 集團認為 PNI 支出費用的要求，應用於創造在地原創內容。在公聽會上，Rogers 集團表示，對於獨立製片業者規範的 PNI 支出費用最低下限，將阻礙大資本、高風險的影音創作。Bell 集團提議，有關 PNI 應包含哪些類別的測試中，應該確認影音內容是否為「足以承擔風險的作品」。
282. 創意生產部門以及其他像是加拿大製作行業協會 (CMPA)、加拿大作家協會 (Writers Guild)、加拿大電影電視廣播藝術家聯盟 (ACTRA) 以及 CMF 全都支持維繫 PNI 規範。CMF 表示：「四年的公共政策以及監理支持已經帶來很多改變，加拿大人民如今在黃金時段觀看高品質加拿大影音內容。」安大略省旅遊文化體育部表示 PNI 對於安大略省是重要的。
283. 多數在法語市場 PNI 影音製作費用要求提出意見者，都傾向支持或增加規範要求。Bell 集團同意維持加諸在其特殊服務的規範，以交換法語市場類型 A 服務的類型保護政策以及接取權利。
284. 藝術家聯盟(UDA)、廣播電視電影從業人員協會(SARTEC)、以及魁北克導演及製片人協會(ARRQ)持續認為 PNI 是法語市場的基石，但目前的要求分配不均衡，無法為此類別提供足夠的保護。他們也指出 TVA 集團目前並未在執照條件上規範 PNI 的影音支出費用，而 V Media 則有最低播出要求。藝術家聯盟(UDA)、廣播電視電影從業人員協會(SARTEC)、以及魁北克導演及製片人協會(ARRQ)認為，現況將比取消所有要求將更為可取，但他們仍期待看到針對各個類別設定的最低播出下限等執照條件。
285. 只有 Corus 提議在法語市場裡移除 PNI 影音製作費要求，其認為這些影音類別已經從 CMF 以及稅捐等基金機制獲得足夠的支持，尤其考量到跨國線上影音業者並未受到同樣要求的規範。
286. 至於兒童節目，多數單位支持兒童節目維持納入 PNI 規範。On Screen Manitoba 指出創造維繫兒童節目類別，將創造一個可量測的取向做法，來確保所有年齡層的加拿大人民都可接收到有品質的加拿大原創影音內容。

287. Shaw Rocket Fund 基金以及青年媒體聯盟 (the Youth Media Alliance) 支持兒童節目納入 PNI 規範，不過，Shaw Rocket Fund 基金進一步表示，如果沒有保證支出的最低下限，將無法保證產製更多兒童影音節目。

### CRTC 的分析與決定

288. 為了確保加拿大人民得以從各類別中接取最大數量的影音內容，CRTC 認為 PNI 對於製作費用支出要求將持續是一種適當的工具，而這些類別將與國家利益相關，並需要政策持續支持。這樣的看法也與大量提供諮詢意見的單位相同，包含參與諮詢過程的個別加拿大人民。
289. PNI 要求在 2011 年的英語市場開始執行，法語市場則是在 2012 年；CBC 則是在 2013 年。Rogers 集團 2014 年換照時，將與其他英語市場的商營集團一樣受到 PNI 要求的規範。由於執行 PNI 要求的時間相對而言較短，CRTC 認為目前調整此政策還為之過早，因此目前在不同語言別的市場裡，針對特定影音類型進行 PNI 要求的規範將繼續維持。
290. 針對法語市場服務，CRTC 將在下次換照時檢視 PNI 要求。CRTC 將考量每一服務的特定狀況，包含集團所有者的規模及狀態，作為規範的依據。
291. CRTC 也認為，執照條件中要求 PNI 的支出費用至少需有 75% 分配給獨立製片的規範，是達成廣電法有關獨立製片部門目標的手段之一，因此應該繼續維持。

### 定義國家利益影音內容 (Programs of National Interest)

292. 如同各方在公聽會上指出的，目前對於是否需要透過如 PNI 之管制手段來支持特定類型影音內容，並無相關檢測。
293. 在公聽會的意見裡，Bell 集團認為特定類型影音內容是否被認定為 PNI 的決定，相關風險將是一個因素。（風險指的是對於獲利潛能低或是無法回收成本的影音內容，進行產製及購買的經濟風險）
294. 廣電法第 3(1)(d)(ii) 條指出廣電業者應該要透過提供不同類型的影音內容，反應加拿大國民的態度、意見、想法、價值及藝術創作力。因此，任何針對特定類型影音是否需納入 PNI 規範內的檢測，都需要確保其有助於達成廣電法的政策目標。
295. 當思索特定類型影音內容是否需要政策支持時，CRTC 必須考慮到若無政策介入時，特定的目標或政策成果是否可以達成。
296. 在這一部分，CRTC 認為考慮風險概念以及政策支持的必要性時，必須同時將這類影音服務能為廣電體系作出的貢獻相連結。因此未來 CRTC 決定 PNI 類別是否需新增或移除時，將進行三部分的檢測。特別是只有在符合下述情形時，特定影音內容才會被指定為 PNI：
- (1)、 當產製或播映的費用普遍昂貴，且伴隨著無法獲利的高度風險時

- (2)、 為了達成廣電法的目標，必須向加拿大民眾廣泛提供這些影音內容，且
  - (3)、 若無政策支持，加拿大民眾無法接收到此類節目
297. 未來 CRTC 將透過上述檢測，來決定是否啟動增加或刪除 PNI 影音內容類別的程序。有關 PNI 影音類別的任何改變將在執照更新時執行。

## 兒童節目

298. CRTC 認為兒童及青少年影音內容應視為組成廣電體系的一部份。在 Let's Talk TV 諮詢的所有階段，加拿大民眾以及其他諮詢意見提供者透過文字及口語表達兒童節目的價值，以及加拿大兒童觀看加拿大節目的重要性。需要注意的重點是，一些兒童和青少年節目，如針對兒童的戲劇節目，已經包括在 PNI 當中。
299. 然而，作為程序的一部份，有關資金與兒少節目製作的資料已呈現衝突。因此，CRTC 了解到需要蒐集更多細節資料，來有效監測那些 CRTC 歸類為兒少節目的數量，以及影音製作支出費用。目前，針對各種以兒童及青少年為目標的影音類別，並未受到規範。因此，為了監測兒少影音內容的產製及播出費用，CRTC 將在今年展開諮詢，為創造兒少影音內容子類別啟動程序。這樣的子類別可能會依照目標觀眾的年齡區分，例如學前(0-4 歲)、學齡(5-15 歲)、以及青少年(13-17 歲)。

## D：精簡執照許可程序

### 整合影音服務執照

#### 預期目標

- 簡化執照程序並降低負擔

#### 背景：

300. 目前，CRTC 許可的執照超過 20 種類型，例如傳統電視、類別 A、B、付費、特殊性服務、社區影音、隨選視訊、計次付費等。
301. 許多這類型的服務都受到自身執照條件標準所規範，除了適用於每張執照的個別條件之外。
302. 在廣電政策諮詢公告 2014-190 文件中，CRTC 提議透過整合所有服務為三類，為所有影音服務簡化執照處理過程，分類便依據這些服務透過 BDUs 傳遞給加拿大人民的方式進行。三種分類如下：
- (1)、 基礎服務（傳統無線電視臺以及各省教育頻道）
  - (2)、 民眾自選服務（所有付費以及特殊性服務）
  - (3)、 隨選服務（計次付費以及隨選視訊服務）



303. 多數的廣電業者以及 BDUs 普遍支持執照類別的整合，雖然 Bell 以及 Corus 不建議在法語市場執行。Cogeco 認為只有當 CRTC 將特定類別業者的要求視為整體的前提下，這種簡化程序的做法取向才會可行。如果個別業者都各自有一長串的額外要求，那麼執照程序仍然會很複雜。
304. 在公聽會上，加拿大省交通部（CPSC）表示執照條件標準化對於民眾自選服務將會是種傷害，特別是在法語市場。其補充這將導致特殊性服務頻道播送大眾影音內容，於是讓這些頻道進一步從傳統電視臺爭取廣告利潤，而傳統電視臺早已處在艱困的市場環境中。
305. Fairchild Television Ltd. 指出強制標準化所有類型 A 以及類型 B 的服務執照條件，並不符合公共利益。
306. 在最後提交諮詢意見的過程中，Corus 也指出，CRTC 在過程中移除了所有傳統的執照條件，而這些條件的設定是獨一的、未標準化的，且多數呈現的是業者在初始申請執照時的承諾。Corus 敦促 CRTC 在草擬執照標準化條件時，應了解產業對於寬裕彈性以及降低監理負擔的需求。
307. 加拿大製作行業協會（CMPA）支持影音服務執照類型整合，但認為需要經過 CRTC 更進一步的程序，來賦予加拿大影音業者適當義務。不過，其指出任何有關整合影音服務執照的義務標準，都不應減損廣電體系內加拿大影音的貢獻。

### CRTC 的分析及決定

308. 考量到本政策會公布的其他調整，CRTC 認為將所有電視影音服務執照整合為三大類別是適當的。如同在諮詢文件條列的，三類執照分別為：
  - (1)、 基礎服務（傳統無線電視臺、社區電臺、以及各省教育頻道）
  - (2)、 民眾自選服務（所有付費以及特殊性服務，除了依據廣電法第 9(1)(h) 條需在基礎服務套裝中被強制播出之頻道之外）
  - (3)、 隨選服務（計次付費以及隨選視訊服務）
309. 每一種執照類別都將會有其自身的執照條件標準。傳統無線電視、社區電視臺、以及各省教育頻道將領取基本服務執照，其執照條件將與其他的基本服務不同。同樣的，全國性新聞以及主流體育服務將領取民眾自選服務執照，並附有專屬的額外執照條件，而這些條件將不會適用於其他民眾自選服務業者。與現況相同，CRTC 可對特定服務加諸特定的執照條件。
310. CRTC 將為每個新的執照類別建立要求標準，並在後續的程序中修正各項規定。新的執照類別將會在執照換發時執行，並自新的執照效期起生效。

針對訂戶數少於 20 萬之業者擴增豁免服務—新的民眾自選服務豁免條款

預期目標

- 對於擁有訂戶數較少的民眾自選服務業者以及 CRTC 而言，能夠同時減少監理負擔

## 背景

311. 由於某些類型的影音服務符合相關豁免條款裡的特定條件，因此 CRTC 目前免除其相關執照要求。目前豁免的業者包含部分第三語言服務業者、以及訂戶數少於 20 萬的類型 B 服務業者。
312. 在諮詢文件中，CRTC 提議透過消除特定語言的條件，來擴展關於第三語言影音服務的豁免條款，並將類型 B 豁免條款放寬至所有訂戶數少於 20 萬的民眾自選服務業者。此二部份的豁免條件放寬目前列於廣電指令 2012-689 號文件中。

## 各方意見

313. 在 Rogers 集團的意見中，其指出由於類型 B 的豁免條件僅施行一小段時間，且拓展第三語言的豁免條款無法有效增加此類影音內容，因此不需要就豁免條款進行調整或簡化。Rogers 補充拓展第三語言豁免條款還有可能反而增加 CRTC 對於這些影音服務監理的困難度。
314. Bell 集團指出，如果 CRTC 免除第三語言服務的類型專屬政策，其便會支持豁免此類服務的執照許可，因為如此 Bell 集團便可達到最低播映限度要求。Bell 集團同時建議擴展類型 B 業者的豁免條件，從訂戶數少於 20 萬提升到訂戶數少於 50 萬。
315. 國際亞洲電視網（Asian Television Network International）對於在第三語言服務拓展豁免條款表示擔憂。其認為這樣的作法無法增加消費者的彈性，只是主管機關的藉口。
316. 獨立廣電組織（IBG）支持更有效地運用豁免條款以及 CRTC 對於拓展的努力，特別是在確保對於影音服務的要求與其他監理要求一致這一部分。獨立廣電組織認為，為了調合某些較低的類型語言影音要求，有需要調整第三語言的豁免條款。
317. Cogeco 以及 Sasktel 業者都支持拓展現行的豁免條款，使其包含訂戶數較低的民眾自選服務以及隨選服務。

## CRTC 的分析及決定

318. CRTC 認為現行針對類型 B 服務以及部份第三語言服務的豁免條款可以整併，並拓展到包含所有訂戶數低於 20 萬的民眾自選服務業者。這項新的豁免條款仍將會在英語及法語市場有所區別，一方面是在第三語言部分，另一方面則是在適用於第三語言服務的較低播映要求上，但仍將要求所有業者遵循一套共同的義務。

319. 整併以及拓展豁免條款的過程將不會對受到豁免的業者新增義務，但反而會禁止更多的業者登記成為豁免業者，因此對於訂戶數較少的廣電業者以及 CRTC 皆可減少監理負擔。進一步來說，有關服務本質的義務將會移除，與移除類型保護政策一致，減輕這些服務業者的監理負擔。
320. 因此，CRTC 在今天已為民眾自選服務業者公布有關整併及拓展豁免條款文件－廣電條款 2015-88 號文件。一旦廣電傳輸規範（Broadcasting Distribution Regulations）完成修正，決議參照此豁免條款，那麼此針對民眾自選服務的豁免條款便將生效。在修正未完成前，目前對於類型 B 服務以及部分第三語言服務的豁免條款仍將維持。
321. 過往，儘管業者具備前述豁免條款的資格，但業者若選擇依據其執照條件經營，而非依據豁免條款經營，有時仍可獲得執照許可。一旦新的豁免條款生效，CRTC 對於具備豁免條款資格的業者，將不再授予許可。

## 玖、附件：Let's Talk TV 英文全文





Canadian Radio-television and  
Telecommunications Commission

Conseil de la radiodiffusion et des  
télécommunications canadiennes

# THE WAY FORWARD



CREATE

Canada





## Broadcasting Regulatory Policy CRTC 2015-86

PDF version

Route reference: 2014-190

Additional references: 2014-190-1, 2014-190-2, 2014-190-3, 2014-190-4, 2015-24 and 2015-25

Ottawa, 12 March 2015

### Let's Talk TV

#### **The way forward – Creating compelling and diverse Canadian programming**

*This policy sets out the Commission's findings on ways to build a future Canadian television system that encourages the creation of compelling and diverse programming made by Canadians. The policy is a result of the process initiated by Let's Talk TV: A Conversation with Canadians and follows the Commission's decisions regarding local over-the-air television and simultaneous substitution. The Commission's policies concerning consumer choice and flexibility and consumer information and recourse will be published in the coming weeks.*

*Canada is home to a thriving television industry that offers a wide range of programming in many languages and in a variety of genres from drama, music and sports to news and documentaries. The Canadian television system presents programming that draws millions of Canadian viewers on multiple platforms. An infrastructure of government support and private investment, which has evolved over the years, generates significant funding opportunities for Canadian programming. Programming is delivered over well-developed and robust distribution systems, which ensure that it is available to Canadians no matter where they live. By building on these strengths, the Canadian broadcasting industry is well positioned to face the future with confidence and creativity in order to compete at home and internationally on a variety of platforms.*

*Over the next several years, Canadians will continue to migrate from scheduled television and packaged programming services to a more on-demand and tailored television environment. Canadians will seek even greater control over the programs they watch and will access video programs on an even wider array of devices. This new environment will require a concerted effort by all players in the broadcasting system, including governments and the Commission, to find new and innovative approaches to support the creation of compelling and diverse programming.*

*To this end, the Commission is introducing measures to facilitate and lead in the transition to an increasingly on-demand environment. These measures are set out in the policy according to the following four themes:*

**Canada**

### **A. Set the stage for innovative approaches**

*The Commission recognizes that, for Canadian-made programming to succeed, it must be widely available and visible. Canadians need more opportunities to discover Canadian-made programming on multiple platforms. In this respect, the Commission will host a summit to engage directly with stakeholders to discuss ways to work together to develop strategies and mechanisms to improve the discoverability and promotion of Canadian programs. The Commission is also providing additional tools to incent the promotion of Canadian programming.*

*Canadians throughout the country should have access to programming, including original Canadian programming, on Canadian-operated online platforms. In view of this, the Commission is creating a new hybrid video-on-demand (VOD) service category and setting the rules that apply to these services. Services operating in this category will be exempted from the requirement to hold a broadcasting licence. This new category will remove barriers for Canadian companies to compete on an equal footing in an on-demand environment.*

*The Canadian production sector plays an essential role in the ultimate success of the future television system. A robust Canadian production sector will be better able to offer compelling high-quality content to Canadians and to global audiences. The creation and promotion of Canadian programs must be supported by appropriate funding models and tools. The Commission is therefore making a number of recommendations to governments and agencies on ways to enable the production sector to grow and evolve in the new video environment. The Commission is also launching pilot projects as well as looking at its own policies for certification to allow for greater flexibility in the creation of Canadian programs.*

*The future success of the broadcasting industry will depend on the industry's ability to tailor the contents of programming packages as well as the programming itself to the needs and interests of Canadians. Viewer information will be essential in this emerging viewer-centric environment. New tools, such as a set-top box-based audience measurement system, are key. In light of this, the Commission is requiring the industry to form a working group to develop a set-top box-based audience measurement system.*

### **B. Shift in emphasis from quantity to quality of Canadian programming**

*Canadians were clear during the Let's Talk TV proceeding that they expect high-quality content from their television system. In addition to creativity, the production of compelling high-quality programming requires financial investment. Investment in high-quality content that is widely available and well-promoted increases viewing and thereby generates revenues. All of this contributes to an overall success story.*

*To support the production of high-quality programming, the Commission is shifting the focus from a regulatory approach based on exhibition quotas (the number of hours of Canadian programming broadcast) to one based on expenditures (the amount of money spent on Canadian programming). Specifically, the Commission will require expenditures*



on Canadian programming from a greater number of programming services. At the same time, the Commission will eliminate some exhibition requirements for programming services. However, certain exhibition requirements will remain for those time periods where they have the most impact.

**C. Regulatory support for specific types of programming deemed to be of public interest, but only where market failure is demonstrated**

The Commission considers that the genre exclusivity policy is no longer needed to ensure programming diversity between services and is therefore eliminating this policy. The policy limited programming services to offering certain types of programming and precluded other services from offering that programming. By eliminating this policy, the Commission is removing regulatory barriers so as to allow entry by new programming services, programming flexibility and greater domestic competition. This will ensure that programming diversity is governed by market forces to the greatest extent possible. Programming services will be able to respond to consumers and adopt creative programming strategies.

News services play a vital role in the broadcasting system. The Commission considers that certain regulatory supports must remain in place in order to ensure that Canadians have access to high-quality news and information and are exposed to a diversity of views on matters of public concern. In this respect, the Commission will impose new criteria for new and existing national news services.

The Commission is maintaining the existing expenditure requirements on programs deemed to be of national interest. The Commission considers that Canadians must have access to certain types of programs that make an important contribution to the broadcasting system. This view was shared by many Canadians who provided comments during the *Let's Talk TV* proceeding.

**D. A simplified and streamlined licensing process**

Lastly, the Commission is instituting measures to reduce regulatory burden. The Commission will exempt a greater number of programming services from the requirement to hold a broadcasting licence. The Commission will also consolidate the number of licence classes for programming services to streamline the licensing of services.

## **Introduction**

1. On 24 April 2014, the Commission launched a proceeding to conduct a formal review of its television policies (Broadcasting Notice of Consultation 2014-190). This review, which included a public hearing beginning on 8 September 2014, represented Phase 3 of *Let's Talk TV: A Conversation with Canadians* and drew on issues and priorities identified by Canadians in the two earlier phases of that conversation.<sup>1</sup>

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<sup>1</sup> In this regard, see also Broadcasting Notice of Invitation 2013-563.

2. During the consultation, the Commission received over 13,000 comments and interventions, many of those from individuals Canadians from all parts of the country. The public record for this proceeding, including reports on the comments and input from Canadians received in Phases 1 and 2, can be found on the Commission's website at [www.crtc.gc.ca](http://www.crtc.gc.ca).
3. In August 2014, the Commission published Broadcasting Notice of Consultation 2014-190-3 (the Working Document) which set out various proposals for the future regulation of the Canadian television system. In the Working Document, the Commission noted that the inclusion of certain proposals should not be seen as an indication that it had made up its mind on any issue or that it preferred one option over another, and that the document was intended only to provide parties with a possible model to stimulate discussion and debate.
4. In keeping with its mission of ensuring that Canadians have access to a world-class communication system, the Commission set out the following three intended outcomes to guide the Let's Talk TV process:
  - I. A Canadian television system that encourages the creation of compelling and diverse programming made by Canadians
  - II. A Canadian television system that fosters choice and flexibility in selecting programming services
  - III. A Canadian television system that empowers Canadians to access and make informed choices about programming and provides recourse mechanisms in the case of disputes
5. In Broadcasting Notice of Consultation 2014-190, the Commission stated that these outcomes may be achieved without regulation, through the evolution of the marketplace or the changing technological environment. Should regulatory intervention be warranted, it would only be used where specific outcomes or objectives would not be achievable without intervention. Further, such measures should be as simple as possible, proportionate, easily administered and adaptable to change.
6. This regulatory policy will focus primarily on the first outcome listed above: a Canadian television system that encourages the creation of compelling and diverse programming made by Canadians. The Commission has already addressed a number of issues related to local over-the-air television and simultaneous substitution in Broadcasting Regulatory Policies 2015-24 and 2015-25, respectively. The Commission's policies concerning consumer choice and flexibility and consumer information and recourse will be published in the coming weeks.
7. In making its determinations in these policies, the Commission must consider the public, private and community elements of the Canadian broadcasting system. Some of the determinations set out in the next sections will take effect at licence renewal. For the private television sector, licence renewals will take place by 31 August 2017

for the large ownership groups and by as early as 31 August 2018 for the independent services, depending on their individual licence expiry dates. The CBC licences will be renewed by 31 August 2018. The Commission will also examine community and local programming more closely in an upcoming review as announced in Broadcasting Regulatory Policy 2015-24.

## **The future of television**

### **What will “television” look like in 10 years?**

8. Although it is impossible to say with any certainty what “television” will look like in the next 5 or 10 years, certain trends and directions are apparent. Over the next several years, Canadians will continue to migrate from scheduled and packaged programming services to on-demand and tailored programs. They will become more active viewers who want even greater control over the programs they watch. Canadian viewers, like viewers around the world, will increasingly consume content on all kinds of devices, and will demand new and innovative approaches to programming.
9. New developments in technology, led by innovative Internet-based services and devices, are already both responding to pent-up consumer demand for content and leading to changes in consumption behaviour among many Canadians (e.g., online and mobile viewing, binge viewing, exposure to new, global sources of content).
10. At the same time, many Canadians will continue to consume content on traditional television platforms in similar ways and amounts as they have for decades. The Commission must therefore devise a regulatory framework that is responsive to the innovative ways in which content can and will be delivered and that recognizes and values the more traditional ways of accessing content for the viewers that wish to continue to engage with television in that way. This new approach must provide for maximum flexibility in how content is created, distributed and watched.
11. Many of the services and companies operating in today’s television marketplace will continue to play important roles in the future environment, some of them will change radically. New innovative video services will appear, while other existing services will cease entirely. Most of these changes will be driven by the interests and choices of viewers in the marketplace, but the Commission will continue to play a role in ensuring that Canadians have a full range of choice, which includes the availability of an array of compelling and diverse Canadian programs.
12. Looking into the future of particular services and companies, the Commission expects that vertically integrated companies (companies that own or control programming services as well as distribution services), for their part, will continue to have the opportunity to leverage their resources and audience reach to acquire popular and lucrative programming as well as be well positioned to produce high-quality programming made by Canadians. Their critical mass provides these companies with the financial capital required to succeed both domestically and internationally.

However, given their formidable position in the Canadian market, certain safeguards are necessary to ensure these companies do not exert their market power in ways that would detract from the ability of other content distributors and providers to offer services to Canadians or to limit the choices available to individual Canadians.

13. Conventional television stations will continue, at least in the short to medium term, to be widely available to Canadians both directly over the air and through paid subscriptions to television distributors. Many of these stations, particularly those operated by vertically integrated companies, will continue to have large audiences for big budget Canadian and non-Canadian programming in the evening prime time period. Since these programs will face ever greater competition for audiences, they will need to be of the highest quality in order to be compelling to Canadians. The news and local programming that is also offered by these stations will continue to provide critical connections with audiences and enable Canadians to participate at the community and national levels. However, this content will also continue to be characterized by resource-intensive production relative to the size of the audiences.
14. Linear discretionary programming services (also known as pay and specialty services) will largely continue to provide alternative original programming as well as previously broadcast content. However, the current linear model is likely to lose ground as online video services seek to aggregate long-tail content, i.e. create large inventories of previously aired programs that serve multiple niche audiences. At the same time, licensed pay-per-view (PPV) and video-on-demand (VOD) services, which are already non-linear, are likely to become less and less distinguishable from online video services.
15. Producers will tap into the creative opportunities available as a result of the monetization of new platforms. Compelling programming that caters to world audiences will be the key driver of success in an increasingly competitive environment.
16. Content distributors, broadcasters and creators will all increase their online activities and enjoy the benefits of growth on all platforms, provided that:
  - a robust and equitable wholesale market is in place;
  - risk-taking and innovation is encouraged in the production of programming; and
  - greater focus is placed on promotion and discoverability.
17. In short, the future “television” system will be one in which Canadians have a seamless experience when accessing their content of choice. That experience will be the result of mutually beneficial collaboration between the various components of the system: content creators, content aggregators and distributors.



## Getting there

18. The *Broadcasting Act* (the Act) is the law that establishes the policy objectives for the Canadian broadcasting system. The policy objectives of the Act underline the importance of providing Canadians with a diversity of programming made by Canadians. According to the Act, the Canadian broadcasting system should, among other objectives:
- encourage the development of Canadian expression by providing a wide range of programming that reflects Canadian attitudes, opinions, ideas, values and artistic creativity, by displaying Canadian talent in entertainment programming and by offering information and analysis concerning Canada and other countries from a Canadian point of view; and
  - through its programming and the employment opportunities arising out of its operations, serve the needs and interests, and reflect the circumstances and aspirations, of Canadian men, women and children, including equal rights, the linguistic duality and multicultural and multiracial nature of Canadian society and the special place of aboriginal peoples within that society.
19. The Commission, as the regulatory authority entrusted with overseeing and regulating the Canadian broadcasting system, must ensure on behalf of the public that these policy objectives are being achieved. Accordingly, the Commission monitors the Canadian broadcasting system and intervenes only when there is evidence that a problem exists in meeting the Act's objectives that the market cannot resolve.
20. The Canadian television system is a thriving industry that directly employs almost 60,000 people. According to Profile 2014, a report published by the Canadian Media Production Association (CMPA), the Association québécoise de la production médiatique (AQPM), the Department of Canadian Heritage and Nordicity Group, film and television production in Canada accounted for almost \$7.5 billion dollars in gross domestic product in 2013-2014.
21. Some Canadian programming is produced by broadcasters in-house while a significant amount is the work of independent producers. For an independent producer, getting the financing for a television program is a complex, detailed and time-consuming process, which involves applications to numerous agencies, as well as securing interim or bridge funding from a financial institution for what is a highly risky venture.
22. Financial support is required to ensure that the necessary resources are available in order for Canadians to create a diversity of programming. And Canada is not alone. Most countries able to sustain a broadcasting system regard having a domestic production industry as an important public good that generates social, economic and cultural benefits. Some of these benefits are intangible and hard to quantify like the importance of telling and hearing your own stories. Others are easily quantifiable such as the number of highly skilled jobs created and the revenues generated.

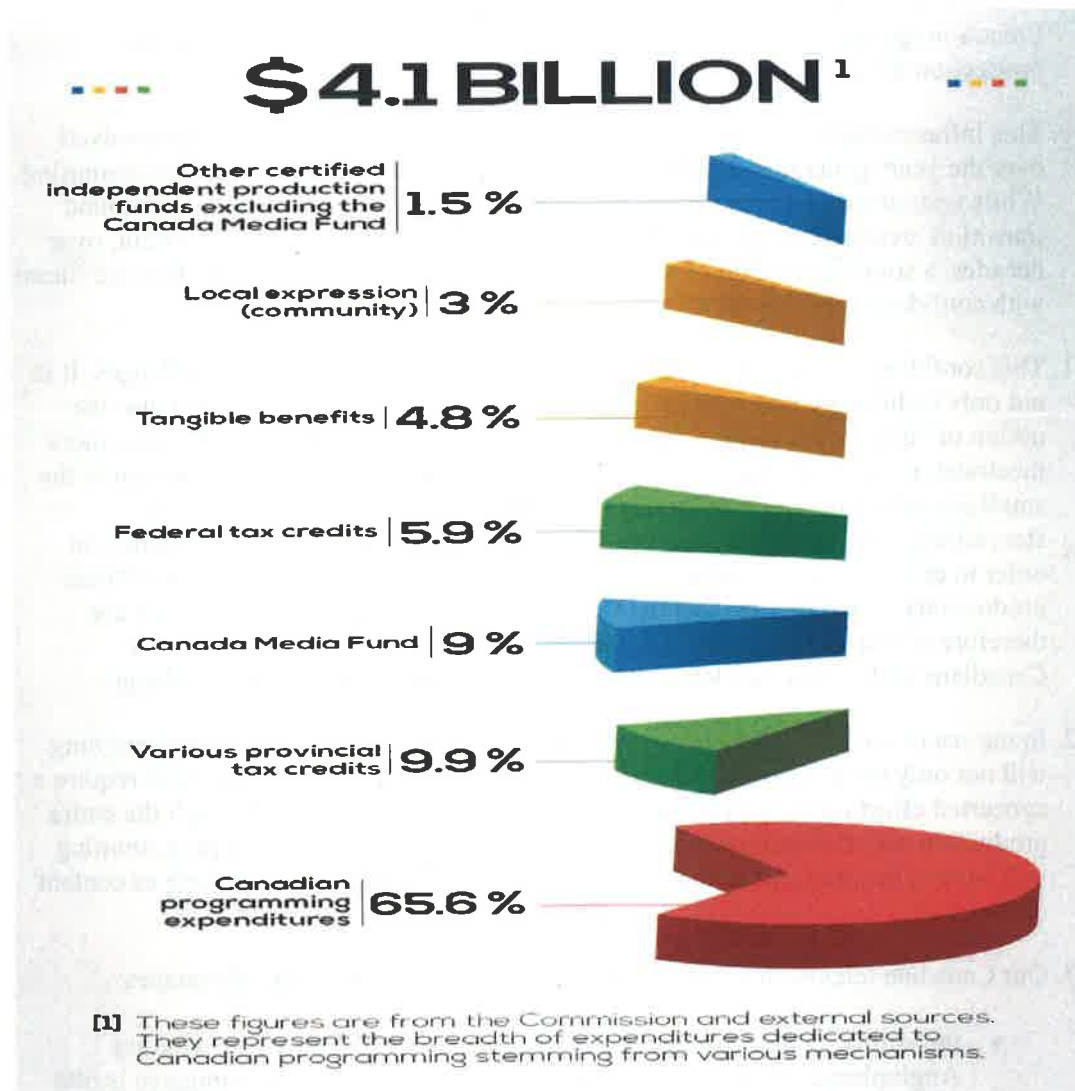
23. Like Canada, these countries have in place various programs such as subsidies and tax credits to help fund domestic productions, which generate various benefits to society. In Canada, the production industry has significant funding available to it from a number of sources. Some of these are private, such as venture capital loans, equity investments, and pre-sales of programming to international broadcasters. The lion's share of investment in Canadian programming is public, such as funding for the Canadian Broadcasting Corporation (CBC), and occurs at both federal and provincial levels through program subsidies, including those at Telefilm, or tax credits, such as the Ontario Film and Television Tax Credit.
24. The sources of financial support for Canadian programming can also be more indirect. These include box office revenues for Canadian films eventually broadcast on television, and revenues accrued by broadcasters from the sale of advertising and subscriptions to discretionary services. In the case of the latter, the Commission requires most broadcasters to contribute a portion of their revenues from these and other activities directly to Canadian programming.
25. Still other sources of funding for Canadian programming can be characterized as public policy partnerships. For example, the Commission requires BDUs with more than 2,000 subscribers to contribute 5% of their gross revenues from broadcasting-related activities to the creation of Canadian programming via publically or independently administered funds. At least 80% of a BDU's total contribution must go to the Canada Media Fund (CMF), which fosters, promotes, develops and finances the production of Canadian content and relevant software applications for audiovisual media platforms. The remaining amount must flow to one or more independent production funds certified by the Commission (CIPFs).<sup>2</sup>
26. Finally, as one way of ensuring that the public interest is served in changes to the ownership or effective control of broadcasting undertakings, the Commission expects applicants to propose financial contributions (known as "tangible benefits"). These tangible benefits are proportionate to the size and nature of the transaction and yield measurable improvements to the communities served by the broadcasting undertaking to be acquired, as well as the Canadian broadcasting system as a whole. To ensure that tangible benefits are directed mainly to the production of Canadian programming, the Commission generally requires that at least 80% of such benefits be allocated to the CMF or various CIPFs. Of this amount, at least 60% must be directed to the CMF.<sup>3</sup>
27. Between 2010 and 2014, the CMF alone has contributed more than \$1.4 billion to 1,923 television programs and 335 digital media content and software applications, triggering a total of \$4.8 billion in production of Canadian content. As such, each \$1 of funding provided by the CMF results in \$3.38 towards the creation of Canadian programming.

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<sup>2</sup> BDUs with a community channel are permitted to direct a portion of their contribution to local expression expenditures.

<sup>3</sup> See Broadcasting Regulatory Policy 2014-459.

28. In total, supports for programs made by Canadians were worth more than \$4.1 billion in 2012-2013. Almost two thirds (65.6%), or \$2.7 billion of this amount comes directly from the expenditures of Canadian television programming services on programs made by Canadians. The remaining amounts come from federal and provincial tax credits (15.8%), the CMF (9%), tangible benefits (4.8%), the contributions of BDUs to community programming (3%) and various CIPFs (1.5%).<sup>4</sup>



<sup>4</sup> The figures presented are from Commission and various external sources and are intended to provide a broad overview of the breadth of expenditures on Canadian programming as well as the various mechanisms that exist to support such expenditures.

29. These various supports play a crucial role in the funding of programs. According to the CMF's 2013-2014 annual report, 26% of the production budgets in the English-language market for programs funded by the CMF came from the CMF itself, and 27.5% from other federal and provincial sources such as tax credits and agency funding. For the same productions, English-language broadcasters contributed 29% through their expenditures on Canadian programming, whereas producers themselves contributed a total of 4% of the budgets. In the French-language market, the CMF contributed 27% of production budgets and other federal and provincial sources 28%. French-language broadcasters contributed 42% and producers 1.7% of those production budgets.
30. This infrastructure of government support and private investment that has evolved over the years generates significant funding opportunities for Canadian programming. While undoubtedly, the Canadian broadcasting system is experiencing a profound transition, evidence suggests that it is not in crisis. That is because it has built, over decades, a solid foundation of resources and talent that will enable it to face the future with confidence and creativity.
31. This confidence and creativity will be crucial to meeting the coming challenges. It is not only technology and consumer behaviour that has been changing, but also the notion of "quality television." In recent years, television dramas have become more theatrical, more movie-like, with top film talent migrating from the big screen to the small screen in pursuit of greater opportunities to innovate and take risks in storytelling. One innovation has been the creation of fewer episodes per season in order to devote more resources per episode, thereby enhancing the quality of these productions. The measures that the Commission is introducing in this policy are therefore with a view to responding to the profound shifts happening in what Canadians understand as television. Canadian creators are up for the challenge.
32. In the sea of content available on any number of platforms, Canadian programming will not only have to be "discoverable," it will have to be chosen—this will require a concerted effort on the part of every single element of the system through the entire production and distribution chain. In such an environment, Canadian programming will have to become increasingly independent of regulatory supports such as content quotas.
33. Our Canadian television system already has several demonstrated advantages:
- the ability to create programming that serves all Canadians—including Anglophones, Francophones and Canadians whose primary language is one other than English or French—and that is often attractive to international audiences;
  - the ability to create programming that serves the needs of Canada's aboriginal and ethnocultural communities as well as Canadians with disabilities;



- the ability to offer this content on a multiplicity of platforms from east to west to north to south—from satellite to cable to Internet; from fixed to mobile screens;
  - openness to the best content from around the world; and
  - world-class creative and technical personnel and production facilities.
34. The Canadian television system presents programming that draws millions of Canadian viewers on a variety of platforms. Programming is delivered over well-developed and robust distribution systems, which ensure that it is available to Canadians no matter where they are in the country. Canada possesses a thriving industry that offers a wide range of programming in multiple languages and in a wide array of genres from drama, music and sports to news and documentaries. This programming is created in many regions across the country. Canadian French-language programming, be it television or film, is highly successful and enjoys the benefits of a well-developed star system and deeply engaged audiences. While English-language programming does not enjoy all of the same benefits, viewership to Canadian programs is strong and growing and numerous popular English-language Canadian programs are widely viewed by Canadian and foreign audiences.
35. As well, Canada has developed online video services that showcase Canadian creativity, for example:
- NFB.ca offers free streaming of documentary and animated films as well as interactive stories. The National Film Board launched this online screening room in 2009, which streams titles in English and French. Since then, it has received over 57 million views of its programming, which features over 2,000 films, excerpts, trailers and interactive works.
  - Tou.tv is a French-language on-demand web television site, created by the CBC that brings together 20 national and international producers and broadcasters. It offers a vast array of television programs, series and variety shows, documentaries and newsmagazines.
  - Club Illico is the standalone online video service offered by Videotron. Launched in 2013, it now has over 111,000 subscribers.
36. Another Canadian success is *Éléphant*, a non-profit project dedicated to Quebec's cinema heritage and to making it available on new platforms. Since 2008, it has digitally remastered over 200 films and recorded more than 250,000 orders, through various platforms, resulting in an estimated half-a-million viewers to its library.
37. These are the strengths on which to build the ultimate success of the future Canadian television system. When these strengths are leveraged, the Canadian television industry is well positioned to compete at home and internationally on multiple platforms.

38. The English- and French-language markets face unique challenges that have an impact on the broadcasting system's ability to fulfil the Act's objectives, necessitating regulatory intervention:

- In general, many English-speaking Canadians choose to watch U.S. programming, with certain exceptions, such as sports and news. It is less expensive to acquire American programming (which has already covered its costs in its domestic market) than to produce Canadian programming. Moreover, Canadian programming is less profitable for Canadian broadcasters than U.S. programming. Without regulatory intervention, market forces thus tend to focus English-language private broadcasters in Canada on the acquisition and exhibition of American programming. This programming also benefits from Hollywood's promotional power and its well-established star system—by comparison, both relatively lacking in English-language Canada. On the other hand, English-language Canadian programming enjoys international success through export sales.
- While Francophone Canadians prefer French-language Canadian programming, it is not in sufficient supply to meet the demand. That is because the French-language market in Canada is small and struggles to self-sustaining production industry. Further, international sales are a challenge. However, French-language Canadian programming benefits from domestic promotion and a star system.

39. As neighbours to one of the most successful cultural producers in the world, Canadians have never been strangers to globalization and the ways in which changes in communications technology can seemingly pose a threat to national identity and to the ability to develop as cultural producers in their own right.

40. Rather than closing off Canadians from the content of another country and using technology to build a closed Canadian broadcasting system, the Commission responded in another way: it developed regulations so that Canadians could enjoy foreign content while building the domestic industry to ensure a space for Canadian creativity, storytelling and perspectives.

41. This approach has created a system that is the envy of the world—one that has remained open to foreign programming and services, while ensuring a space for Canadian expression. This served as a winning approach, and created a solid foundation on which to build.

42. For decades, the Canadian broadcasting system was a relatively closed system in which it was possible to limit the supply of foreign programming in an effort to create a demand for Canadian programming through exhibition quotas. Today, with the emergence of new broadband platforms, the supply of foreign programming is seemingly limitless. This situation has rendered it difficult to sustain a quota-based approach to creating domestic demand for Canadian programming. Moreover, domestic demand is no longer sufficient for the production industry to continue to

thrive when it is faced with content offerings from around the world. In order to adapt to this new configuration of supply and demand, Canadian programming must seek out and develop international audiences.

43. In the past, with the support of various cultural institutions, policies and taxpayer contributions, Canadian creators were able to meet many of the challenges and opportunities that came with Canada's proximity to the U.S. This experience has made us well equipped to meet a future in which communications technology puts us in proximity with the rest of the world and its endless array of cultural offerings. In this new world, the cultural production of Canadians must stand out.
44. The Commission considers that a successful framework for Canadian programming must seek to achieve the following outcomes:
  - Canadians have access to and are watching compelling Canadian programming that reflects a diversity of viewpoints on a variety of platforms.
  - Broadcasters are motivated to invest in compelling content made by and for Canadians, generating revenues that are, in turn, reinvested in the creation of content.
  - Broadcasters are better able to respond to consumers and adopt creative programming strategies.
  - Regulatory barriers to entry, to programming adaptation and to domestic competition are removed.
  - Program diversity is governed by market forces to the extent possible.
  - Television content is more accessible to all Canadians.
  - The regulatory framework is simplified and less administratively burdensome.
45. With regard to the linguistic duality of Canadian society, under section 3(1)(d)(iii) of the Act, the Commission has the duty to ensure that the Canadian broadcasting system serves the needs and interests, and reflects the circumstances and aspirations, of Canadians. Under section 3(1)(k), it also has the duty to ensure that a range of broadcasting services in English and in French shall be extended to all Canadians as resources become available. Further, as a federal institution, the Commission has the duty under section 41 of the *Official Languages Act* to ensure that positive measures are taken to enhance the vitality of the English and French linguistic minority communities in Canada, support and assist their development and foster the full recognition and use of both English and French in Canadian society.
46. Section 3(1)(c) of the Act also states that English- and French-language broadcasting, while sharing common aspects, operate under different conditions and may have different requirements. As such, the Commission must consider the conditions and requirements of the two linguistic markets, which include the linguistic minority communities, in making its determinations.

47. In the following sections, the Commission introduces measures to facilitate and take leadership in the transition to an increasingly on-demand environment. Some of these measures speak to the need for new approaches going forward, particularly to ensure that Canadian programming is visible and discovered, to remove barriers for Canadian companies to allow them to compete on an equal footing in an on-demand environment and to support the creation and promotion of Canadian programs with appropriate funding models and tools. Other measures aim to continue the shift from exhibition quotas (the number of hours of Canadian programming broadcast) to expenditures (the amount of money spent on Canadian programming) in order to emphasize quality Canadian programming rather than its quantity and to provide regulatory support for types of programming deemed to be of public interest but only when market failure is demonstrated. Lastly, the Commission is instituting several measures to simplify and streamline the licensing of services in order to reduce regulatory burden.

## **A. Set the stage for innovative approaches**

### **Incenting the promotion and discoverability of Canadian programming**

#### **Intended outcomes**

- ✓ *Recognize the importance of promotion and discoverability to the success of Canadian-made programming and the need for all players in the broadcasting system to work collaboratively.*
- ✓ *Canadians have more opportunities to discover Canadian programming on multiple platforms.*
- ✓ *Canadian programming is better promoted both here and abroad with a view to creating more successful content made by Canadians.*

#### **Background**

48. In Broadcasting Notice of Consultation 2014-190, the Commission stated that it would be prepared to consider various incentives to ensure the promotion of Canadian programming so that such programming can be discovered by Canadians.
49. In the growing on-demand environment, viewers have more control over what they watch and when. More content is available to them from international and domestic sources than ever before. How viewers find the content they want to watch is evolving.
50. Due to the size of the on-demand content libraries, various methods are currently used to promote or suggest content to viewers. Algorithms may be used by services to suggest content that may be of interest to their viewers based on their historical preferences. Other services may choose to play a more curatorial role and showcase certain works.



51. In this environment, how Canadian programming is discovered and promoted will be critical to its success.
52. Discoverability is more of a challenge domestically for English-language Canadian programming than it is for French-language Canadian programming. However, given the vast array of content available on numerous platforms, discoverability is an international challenge for both English- and French-language Canadian programming. It is even more of a challenge for independent broadcasters who do not have the reach and profile that the vertically integrated companies have. In either case, promotion is an essential means to ensure awareness and access to Canadian programming.

#### **Positions of parties**

53. In the French-language market, parties such as Union des Artistes (UDA), Société des auteurs de radio, télévision et cinéma (SARTEC) and Association des réalisateurs et réalisatrices du Québec (ARRQ) expressed the general view that it is up to broadcasters to promote Canadian programming. They noted that this is not a problem in the French-language market where programs already benefit from promotion.
54. Parties in the English-language market generally considered the discoverability of Canadian programming as increasingly important in light of changes in technology and consumption. They supported the Commission's proposal to consider incentives to ensure the promotion of Canadian programming.
55. Both Irene Berkowitz of Ryerson University and Entertainment One (eOne) discussed the importance of rebranding Canada as an exporter of global hits, to make Canada's brand known as a creative brand. In their view, Canada is currently known primarily as a country with strong production crews and good financial incentives, but with no track record of producing real global hits. At the hearing, eOne stated that it would welcome the opportunity to participate in a roundtable discussion to share its data and discuss case studies with interested industry stakeholders in order to further discussion. In her final submission, Ms. Berkowitz stated that she had spoken with eOne since the hearing and together they would support a working group to implement strategies to achieve the goal of global hits.
56. The Ontario Ministry of Tourism, Culture and Sport, and creative groups including the Alliance of Canadian Cinema, Television and Radio Artists (ACTRA), Directors Guild of Canada (Directors Guild) and Writers Guild of Canada (Writers Guild), supported the idea of allowing promotion expenses to count towards the Canadian programming expenditure (CPE) requirements imposed on programming services, as long as they were incremental and not at the expense of production. The vertically integrated companies, on the other hand, supported promotion as an allowable expenditure, but not if it meant increasing CPE requirements. Rogers suggested that the Commission could limit the measure's impact by restricting such expenditures to programs broadcast in the prime time hours of 7 to 11 p.m. only.

57. With regard to a proposal that expenditures on the promotion of programming be counted as CPE, Bell proposed that only third-party (i.e., parties not affiliated with the producer or broadcaster of a program) promotional costs should be eligible for CPE purposes, up to a maximum of 10% of eligible spending on Canadian programming. Corus supported this proposal, while the CMPA argued that this figure is too high, since it would be almost as much as the amount of CPE allotted to programs of national interest.
58. Shaw indicated that its budget for third-party promotion was small and includes billboards, subway posters, and other items geared towards interesting viewers in a particular program.
59. The CMF stated that it funds a specific list of eligible marketing expenses and that this list currently allows a greater proportion of marketing expenses in the budgets that it funds than it has historically. This change was made to encourage promotional activities, such as social media campaigns related to television programs and their digital components. The CMF further stated that it is expanding the definition of what it considers eligible marketing expenses.
60. The way in which local availabilities<sup>5</sup> are currently used garnered some criticism from parties. Pelmorex proposed that on a fair and equitable basis, at least 50% of advertising availabilities on foreign services should be made available to licensed independent television programming services at no charge. This was supported by the CBC. Anthem Media and Blue Ant Media saw local availabilities as an important way to promote their services. Pelmorex also made proposals about a barker channel and electronic program guide with at least 50% of airtime being made available to independent programming services at no charge. In its intervention, Telefilm Canada suggested a fund to promote Canadian feature films.

#### **Commission's analysis and decisions**

61. In the past, television broadcasters were the sole content curators, determining which shows were broadcast and when. They were the primary link between the content creators and the viewers. Technology and the emergence of new broadband platforms has challenged these relationships. In this changing environment, creators will need to seek out new and innovative approaches to connecting with audiences.
62. The Commission recognizes that in the French-language television market, the presence of a healthy star system has made promotion virtually a non-issue within Canada from a regulatory perspective. With respect to both English- and French-language programming, the Commission is of the view that more promotion of Canadian programs will lead to enhanced visibility and discoverability by

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<sup>5</sup> "Local availabilities" or "local avails" refer to periods of time within the programming of non-Canadian services in which BDUs have contracted with non-Canadian services for the right to insert announcements or promotions.

Canadian and international viewers, which in turn will lead to more viewership, revenue and further investment.

***Discoverability Summit***

63. The Commission considers that discoverability is critical to the success of Canadian programming in the future. The migration from scheduled and packaged programming services to a more on-demand and tailored television experience is changing the way viewers are finding and discovering Canadian programming. How the industry adapts its promotional efforts in this new environment will ultimately dictate the success of Canadian programming both here and abroad.
64. Although many parties in both the English- and French-language markets acknowledged the importance of promotion and discoverability, few concrete proposals were put forward to deal with the matter. Therefore, the Commission, as the federal organization mandated to regulate and supervise matters relating to broadcasting in Canada, will convene a summit on discoverability in order to engage stakeholders in a discussion on best practices going forward. The Commission will invite a diverse group of participants including government and industry stakeholders to work together to develop strategies and mechanisms to improve the discoverability of Canadian programs.
65. This summit will take place in the fall of 2015.

***Inclusion of third-party promotion expenses in Canadian programming expenditure requirements***

66. Currently, promotion expenses, including third-party expenses, do not generally count towards the CPE requirements imposed on programming services. The Commission considers that for vertically integrated companies, there are already numerous opportunities to cross-promote programming on various services and platforms. The larger budgets available to the programming services owned or controlled by vertically integrated companies enable a greater scale and scope of promotion than those of which independent programming services are capable.
67. Vertically integrated companies also benefit from considerable synergies in the promotion of their Canadian programs on their own services and have little need to cross-promote on other programming services.
68. Moreover, vertically integrated companies are allocated more funds by the CMF than independent programming services, both due to the number and scale of productions they undertake and because they tend to have greater audiences overall for their programming and are therefore better able to meet the performance-based criteria of the CMF.

69. Over the course of the hearing, the Commission consistently heard about the importance of promotion, and particularly, the problem of discoverability for independent programming services, which do not benefit from the aforementioned advantages.
70. In light of the above, and taking into consideration the Commission's determinations relating to CPE requirements set out in a later section, the Commission considers it appropriate to implement certain measures with respect to third-party promotion as it relates to independent programming services. Specifically, as of today's date, the Commission permits independent programming services, i.e., all programming services not affiliated with a vertically integrated company, to count expenses for third-party promotion of Canadian programs towards a maximum of 10% of their CPE. Eligible expenditures will include any payments made to other broadcasters for paid promotional time. In addition, the Commission adopts the CMF's list of eligible marketing expenses as eligible expenditures under this policy, provided that these payments are made to parties not affiliated with either the broadcaster or producer of the program. All expenditures unrelated to those listed are excluded.

***Using local availabilities to promote Canadian programs***

71. Local availabilities are periods of advertising time (normally two minutes per hour) in non-Canadian specialty services that are used for the promotion of Canadian programming services and other services offered by BDUs. Currently, BDUs are authorized to make use of local availabilities in accordance with the general authorization set out in Broadcasting Regulatory Policy 2011-522. This authorization provides that:
- At least 75% of these local availabilities must be made available—on a first-come, first-served and cost-recovery basis—for use by licensed Canadian programming services for the promotion of their respective services, for the promotion of the community channel and for unpaid Canadian public service announcements. These promotions can be for BDU-related programming services (including radio services).
  - A maximum of 25% of the local availabilities may be used to provide the BDU's subscribers with information regarding customer service and channel realignments, and for the promotion of discretionary programming services and packages, cable FM service, additional cable outlets and non-programming services, including Internet and telephone services.
72. BDUs are not permitted to sell and insert commercial advertising in local availabilities.
73. Although in the longer term, local availabilities are likely to be of less and less importance, at the present time, they continue to represent a useful tool for the promotion of Canadian programming. Taking this fact and the various concerns raised by interveners into consideration, the Commission has decided to maintain its current policy for the use of local availabilities with certain adjustments.



74. Local availabilities currently provide a promotional platform for a multitude of Canadian programming services as well as for the services offered by BDUs. The Commission considers that local availabilities should be used to a larger extent to promote original Canadian television programs in particular, rather than programming services or commercial advertisers or sponsors more generally. In addition, in order to ensure this time is used effectively, the amount of time dedicated to Canadian programs will be measured over the broadcast day. Accordingly, the Commission will amend the authorization for the use of local availabilities in non-Canadian services as follows:

At least 75% of local availabilities must be made available in each broadcast day for use by licensed Canadian television programming services, in an equitable manner and on a cost-recovery basis, to promote first-run, original Canadian programs.

75. BDUs will be able to continue to use the remaining 25% of local availabilities to promote their broadcasting and telecommunications services as set out in the current authorization.

76. The Commission will use audits both on a random basis and in response to complaints to ensure compliance and prevent abuse. As part of these audits, the Commission will examine the costs charged by BDUs to programming services for the promotion of programs in order to ensure that these costs do not exceed the recovery of normal costs related to the insertion of promotions. It will also examine whether the promotional messages are being used inappropriately to promote sponsors.

77. The regulatory policy setting out the general authorizations for BDUs will be updated accordingly.

### **Equitable regulatory footing for video-on-demand services**

#### **Intended outcomes**

- ✓ *VOD services are able to compete on an equitable regulatory footing with online video services.*
- ✓ *Canadians throughout the country have access to programming, including original Canadian programming, on Canadian-operated online platforms.*

#### **Background**

78. In Broadcasting Notice of Consultation 2014-190, the Commission stated that it was prepared to consider various incentives and other measures to ensure the presence of compelling Canadian programs on multiple platforms. The Working Document proposed the following:

- The definition of broadcasting revenues for licensees is revised to include revenues from programming offered online or on other exempt platforms.
- Broadcasters will be allowed to count towards their CPE requirements their expenditures on original online-only programming.

79. The Commission's intent was to explore whether its proposed new mechanisms would encourage broadcasters to make more Canadian content available to Canadians online. This was to recognize the growing appetite that Canadians have for audio-visual content that is available on demand. Broadly speaking, Canadians can access content on demand on two types of VOD services:

- (a) **BDU-specific VOD:** The VOD service that often comes with a subscription to a BDU. This service can include on-demand access to programs that are broadcast as part of various television services, pay-to-view movies and other content as well as certain free content. These services operate under a VOD licence or, for services operated by BDUs with fewer subscribers, under an exemption order (Broadcasting Order 2011-60).
- (b) **Online video services:** Although there are a number of business models for these services, they frequently consist of packages of programming sold by subscription. In some cases, these services are only available to those viewers that also subscribe to a BDU service (referred to here as authenticated services or authentication). These Canadian and non-Canadian services are eligible to operate as exempt undertakings under the Digital Media Exemption Order (DMEO) (Broadcasting Order 2012-409) provided that they are fully accessed and delivered over the Internet or over a mobile service.

80. As set out in Broadcasting Regulatory Policy 2014-444, licensed VOD services are required to contribute to Canadian programming in the following ways:

- 100% of revenues from Canadian feature films must be remitted to the Canadian rights holder, subject to an agreement to the contrary;
- not less than 5% of the English-language feature films in the inventory available to subscribers are Canadian;
- not less than 8% of the French-language feature films in the inventory available to subscribers are Canadian;
- not less than 20% of all programming other than feature films in the inventory available to subscribers are Canadian;
- the feature film inventory must include all new Canadian feature films;
- not less than 25% of the titles promoted each month on any barker channel are Canadian titles; and

- 5% of gross annual revenues are to be contributed to an existing Canadian program production fund administered independently of the undertaking.

81. Further, licensed VOD services are prohibited from offering programming on a subscription basis that would be competitive with a genre-protected (i.e., a Category A) specialty or pay service.
82. Online video services operating as exempt undertakings under the DMEO are not subject to any of the requirements above.

#### **Exclusivity**

83. Historically, programming services such as conventional television stations and specialty services have acquired exclusive rights to broadcast programs. As such, an individual programming service may be the only service that broadcasts a particular program or series. However, the Commission has traditionally required that programming services be available to all BDUs and not be exclusive to any particular one. In this way, most Canadians have access to programs that have been acquired on an exclusive basis.
84. Most VOD services are linked to a specific BDU that is tied to a locality and can only be accessed through a subscription and the particular technological platform used by that BDU. As a result, these VOD services have specific obligations that are similar to programming services but also have restrictions similar to those imposed on BDUs. For example, the Commission does not permit these VOD services to hold exclusive content. The intent of this rule is to avoid situations where consumers must subscribe to a particular BDU in order to access exclusive programming.
85. In the DMEO, the Commission applied a somewhat different approach to exclusive content related to how the content is accessed. Specifically, the DMEO prohibits services from providing exclusive access to programming designed primarily for television where access to such programming is restricted based on a consumer's subscription to a specific mobile or Internet service provider. Exclusive content is therefore permitted provided that it can be accessed by subscribers of more than one mobile or Internet service provider.
86. For example, a made-for-TV program cannot be offered exclusively by a service such as Global Go if it can only be accessed through the Shaw Internet service platform. However, it could be offered exclusively by Global Go if the program can be accessed through other Internet service providers in Canada. Exclusives are also permitted for exempt undertakings when content has been made specifically for mobile or online consumption, whether or not the service is linked to the subscription of a particular mobile or Internet service provider.

### **Positions of parties**

87. Many interveners commented on the perceived regulatory asymmetries between licensed and exempt services. Some parties, principally those representing the creative sector, recommended that the Commission enforce regulatory symmetry by imposing obligations on exempt online video services, both foreign and domestic.
88. Vertically integrated companies generally opposed any measure that would put them at a further competitive disadvantage with foreign online video services. Shaw, for instance, expressed concerns about exacerbating the current regulatory asymmetry between licensed services and exempt online video service providers, a view also shared by Bell.
89. Taking a different approach, Rogers commented that the best way to ensure that licensees contribute to the production of Canadian programming distributed on digital platforms is to ensure that they can compete on an equal footing with foreign online video services. Rogers noted that if the Canadian broadcasting industry is allowed to develop new online offerings, it will ensure that Canadian content is distributed as part of these offerings:

Canadian content will be our distinguishing feature. As we grow our [online video] services, new Canadian content will be created for distribution on both the traditional linear platform and new digital platforms. Canadian broadcasters will have every incentive to distinguish their offerings in the online world by developing distinct content that will attract audiences to that platform.

90. Quebecor argued that the ban on exclusives on BDU-specific VOD services is inhibiting the ability of its service, Club Illico, to compete with foreign online video services. It also cited genre protection as an impediment, i.e., it cannot buy content exclusives that would put it in competition with the movie service Super Écran. Quebecor argued, moreover, that the consumer increasingly does not see the difference between traditional and online VOD services—hence, its own multiplatform on-demand approach. Quebecor stated that this is, in part, a strategy to maintain BDU subscribers. It asked the Commission to eliminate the prohibition against content exclusives on VOD services and all other platforms (online and mobile), and against advertising on VOD services.
91. Also discussing exclusivity for BDU-specific VOD services, Lemay-Yates Associates commented at the hearing that the current ban does not provide incentives to invest in programming, obtain the rights to that programming, leverage those rights to make money, and sell them internationally.

### **Commission's analysis and decisions**

92. The Commission considers that it is not appropriate at this time to revise the definition of broadcasting revenues for licensees to include revenues from programming offered online or on other exempt platforms. Doing so, could stifle innovation and inhibit the ability of licensees to offer new online-only programming,



in competition with online video services. The Commission is of the view that the industry should be given the opportunity to further develop these platforms without requiring contributions from these services at this time.

93. In this respect, the Commission also reaffirms its view that licensing digital media broadcasting undertakings is generally not necessary to achieve the broadcasting policy objectives set out in the Act. For the time being, exemption of these services will enable continued growth and development of digital media industries in Canada, thereby contributing to the achievement of broadcasting policy objectives.
94. The Commission will therefore not initiate a general review of the DMEO at this time. The Commission will, however, expand its exemption order for VOD services.
95. VOD services, both traditional and online, increasingly face direct competition from foreign online video services, a trend expected to continue. The Commission expects that audiences to on-demand services will continue to grow as Canadians exercise more control over their viewing experience.
96. As noted above, online video services operate as exempt undertakings under the DMEO, while Canadian VOD services on BDU platforms generally operate under a range of regulatory requirements not applicable to online video services.
97. Sections 3(1)(k) and 3(1)(s)(ii) of the Act respectively state as objectives that a range of broadcasting services should be extended to all Canadians and that private networks and programming services should be responsive to the evolving demands of the public.
98. As Canadians continue to seek out programs on an on-demand basis, VOD services, and online video services in particular, are likely to become increasingly important sources of Canadian and other video content. However, many of these services are new and their business models and other ways in which they are offered will continue to evolve. Recognizing these facts, the Commission considers it important to ensure the following in order to continue to meet the Act's objectives in the new environment of the future:
- Canadians throughout the country have access to programming, including original Canadian programming, on an on-demand basis, whether through traditional BDUs or online.
  - VOD services are able to compete on an equitable regulatory footing with online video services.
  - The rules and expectations that apply to each service are clear.
99. As noted above, there are currently two authorized methods to offer VOD services:
- (1) As BDU-specific services offered under a VOD licence or the VOD exemption order.
  - (2) Online video services offered under the DMEO.

100. The BDU-specific services operate under clear rules, which include the regulatory framework for VOD services set out in Broadcasting Regulatory Policy 2010-190 and the standard requirements for VOD services set out in Broadcasting Regulatory Policy 2014-444. They must also abide by the conditions set out in their licences or, in the case of the exempt VOD services, those conditions set out in their exemption order. Similarly, there are different but equally clear rules that apply to online video services under the DMEQ.
101. However, as new VOD services emerge and business models evolve, the Commission is concerned that it may not be clear what rules apply to new services. In this regard, the Act is clear that in order to operate in Canada, a broadcasting undertaking must be authorized by the Commission, either under a licence or through an exemption order. Services must abide by all the terms and conditions of that authorization. These principles apply equally to VOD services, whether operated under a licence or under an exemption order. Accordingly, if a VOD service is offered on a closed BDU-specific platform it must adhere to all the requirements of a VOD licence or the VOD exemption order. In order to operate under the lighter regulatory requirements of the DMEQ, an online video service must be fully accessed and delivered to Canadians over the Internet.<sup>6</sup> While it may be possible to operate a service to some extent under both regimes, the different regulatory rules that apply to each, particularly in regard to exclusivity as described above, would preclude the possibility of offering an identical service over both the Internet and the closed BDU platforms.
102. In light of the new and evolving nature of many VOD services, the Commission considers it appropriate to authorize a third category of VOD services based on a hybrid regulatory approach. The Commission will authorize these hybrid services to operate with the same flexibility as those services operating under the DMEQ, provided certain conditions are met.
103. In this regard, the Commission will amend and expand the current exemption order for VOD services in order to include hybrid VOD services as a new type of exempt undertaking. The Commission is satisfied that licensing these services will not contribute in a material manner to the implementation of the policy objectives set out in section 3(1) of the Act, while exempting them will contribute to implementing sections 3(1)(k) and 3(1)(s)(ii) of the Act.
104. The hybrid VOD services will benefit from the following incentives:
- the ability to offer exclusive programming in the same manner as services operating under the DMEQ; and
  - the ability to offer their service on a closed BDU network in the same manner as traditional VOD services without the regulatory requirements relating to

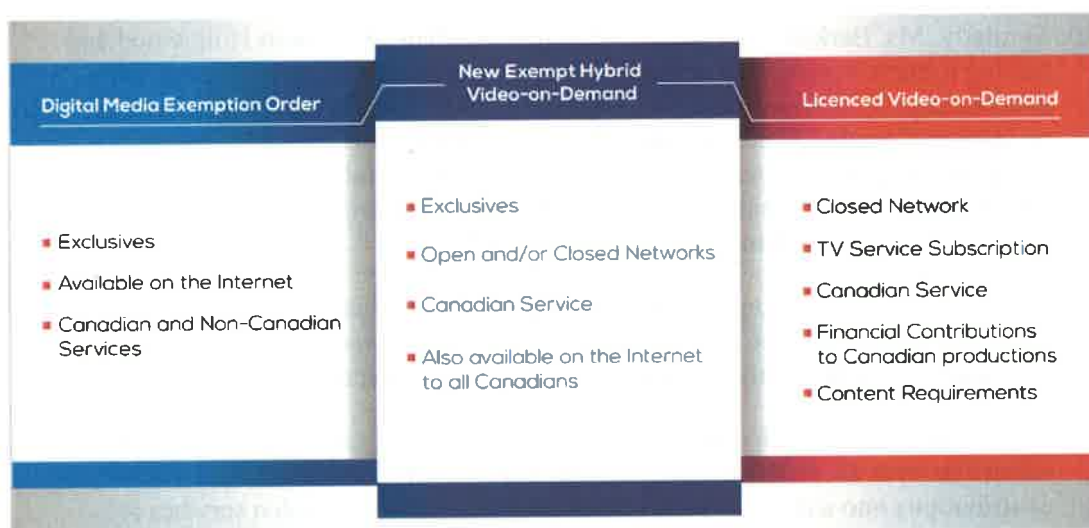
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<sup>6</sup> Or delivered using point-to-point technology and received by way of mobile devices.

financial contributions to and shelf space for Canadian programming that would normally be imposed on those traditional VOD services.

105. However, in order to be eligible for exemption under the expanded order, the services must also be offered on the Internet to all Canadians without authentication to a BDU subscription.
106. In Broadcasting Notice of Consultation 2015-87, also issued today, the Commission is seeking comments on the wording of the amendments to the exemption order.

## Video-on-Demand Services



### Rethinking the funding models for Canadian programming

#### Intended outcome

- ✓ *A robust Canadian production sector better able to offer compelling high-quality content to Canadians and to global markets.*

#### Background

107. As outlined in an earlier section, the funding of Canadian programming is a highly complex model of direct and indirect financial supports, including licence fees from Canadian broadcasters, tax credits from the federal and provincial governments, funding from the CMF and independent funds, venture capital loans and equity investment. As one part of this system, the Commission mandates certain indirect financial contributions to the creative sector through the CMF and other independent production funds. These various financial supports are key to cultivating a strong Canadian production sector.

#### Positions of parties

108. At the public hearing, eOne stressed the importance of Canadian control of the international distribution of the programming Canadians create, in part through the creation of larger, more stable and better capitalized Canadian production and distribution companies.
109. It also put forward a proposal to review the points system used to determine the Canadian nature of certain high-profile, high-budget productions provided that the worldwide distribution rights are retained by a global content exporter who has demonstrated a track record of investing a significant amount into Canadian content programming. According to eOne, this could help retain the world-class Canadian talent currently working in the U.S. or elsewhere and incent them to create content in Canada that is attractive on an international level.
110. Similarly, Ms. Berkowitz proposed bringing Canadians back from Hollywood and turning Canada's proximity to the U.S. into a competitive advantage rather than disadvantage by changing the points system so that Canadians do not have to be residing in Canada. "Canadian-created stories," in Berkowitz's view, would recapture the value of Canadian expatriates working in Hollywood and make the "brain drain" into a "brain chain." She proposed a new points system which can be found in her written submission.
111. The Shaw Rocket Fund made a number of requests to revise aspects of the framework surrounding CIPFs in order to remove perceived barriers towards the maximization of their contribution to the funding and success of Canadian content.
112. Bell offered a proposal for increased funding for big budget Canadian productions, defined as over \$1.75 million per episode. This would redirect 0.5% of BDU contributions into a new fund and also require foreign online video services to contribute.
113. On the question of providing funding for the creation of online-only content, the CMF reminded the Commission that a large portion of its funding is derived from the regulated sector of the industry, while none is derived from the "emerging, unregulated sector." The CMF therefore proposed "that the introduction of incentives, such as allowing new players to trigger CMF funding, and legislative or regulatory measures to ensure a commensurate contribution from these newer services, would have to be in place."
114. For its part, Rogers argued that terms of trade are counter-productive to the creation of Canadian content. Broadcasters are restricted in how much money they can recoup from productions they help to finance. Rogers explained that broadcasters are reluctant to underwrite made-in-Canada innovative and creative concepts and ideas that are unproven, unless they are given some added incentive (e.g., extended licensing terms or increased revenue and profit-share opportunities). It urged the Commission to reconsider its views on the value, need and effectiveness of an industry terms of trade agreement and refrain from requiring broadcasters to adhere to one as a condition of licence.



### **Commission's analysis and decisions**

115. Section 3(1)(d)(ii) of the Act states that the broadcasting system should encourage the development of Canadian expression by providing a wide range of programming that reflects Canadian attitudes, opinions, ideas, values and artistic creativity, and by displaying Canadian talent in entertainment programming. In addition, section 3(1)(f) states that each broadcasting undertaking should make maximum use, and in no case less than predominant use, of Canadian creative and other resources in the creation and presentation of programming. Furthermore, the CBC, as Canada's national public broadcaster, must provide programming that is predominantly and distinctively Canadian as set out section 3(1)(m)(i) of the Act.
116. Canada has a stable infrastructure of government support and private investment that generates significant funding opportunities for Canadian programming. However, there are barriers in this infrastructure that hinder the creation of certain types of productions. The Commission considers that this funding system could be further improved in order to foster a robust Canadian production sector that is better able to offer compelling high-quality content to Canadians and to global markets. A more flexible funding system would further contribute to meeting the Act's objectives set out above.
117. Currently, there is often little to no long-term monetization of much Canadian programming, at least in part because most independent producers lack the capacity to support long-term exploitation and export of content. Moreover, television programming services that license and commission programming do not have an incentive to promote its long-term exploitation and export, since the international rights are often held by producers under the current terms of trade agreements between these parties. As a result, opportunities to create virtuous cycles of Canadian production are diminished:
- many independent producers are incited to operate as a service industry, operating project to project;
  - programming services buy content piecemeal with little stake in the longer term development of programs; and
  - both parties rely heavily on government subsidies and investment for sustainability.
118. The Commission is of the view that this situation is indicative of poorly capitalized independent production companies. According to estimates published by the CMF, there are more than 900 Canadian television production companies. Many of these are very small or temporary in nature. They may be constituted to produce only a single program or even one season of a single program and are later dissolved. Even those companies that continue to carry on year over year are often small and operate with limited resources.

119. Such poorly capitalized independent production companies tend to be dependent on government subsidies and funding from production funds for which allocation is controlled by licensed broadcasting services. Such an environment incents independent producers to behave like production contractors operating in a service industry, i.e., only producing on behalf of licensed broadcasting services but unable of exploiting their content and intellectual property. This project-by-project system hinders growth and does not support the long-term health of the industry as a whole.
120. The Commission considers that the current situation is no longer tenable. The production industry must move towards building sustainable, better capitalized production companies capable of monetizing the exploitation of their content over a longer period, in partnership with broadcasting services that have incentives to invest in content promotion.
121. In the Commission's view, a robust Canadian production sector is necessary in order to exploit longer-term revenue opportunities of content (including international sales). Ideally, this would entail partnerships between well-capitalized independent production companies and broadcasters that own equity in the content and intellectual property. Such arrangements could result in higher-quality Canadian programming with more success both domestically and internationally.
122. Accordingly, the Commission is willing to work in collaboration with other government stakeholders to achieve the above outcome. To begin working towards this end, the Commission recommends that:
- federal and provincial governments continue to update support for program production, and in doing so, seek to develop strategies and processes to incent:
    - i. international co-productions and co-ventures;<sup>7</sup>
    - ii. promotion;
    - iii. international distribution;
    - iv. audience success; and to
    - v. remove disincentives to the creation of online productions.

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<sup>7</sup> A co-production is an audiovisual work produced jointly by a Canadian producer and a producer from another country with which Canada has a co-production treaty administered by Telefilm Canada. Over the last 50 years, Canada has signed audiovisual co-production treaties with 54 countries (for more information, see [www.pch.gc.ca/eng/1358521061176](http://www.pch.gc.ca/eng/1358521061176)). A co-venture is an international co-production which is not included under any of the treaties administered by Telefilm Canada. These include all ventures with co-producers of other countries that either do not have a film or television production treaty with Canada or, if there is a treaty, the co-production is not specifically covered by the treaty.

- governments put new mechanisms in place to enable the development of larger, better-capitalized Canadian production companies that have the financial capacity to engage in script and concept development and in the production and marketing of multiple high-quality Canadian programs capable of better competing in international markets; and that
  - the CMF and government remove the requirement for a producer to have a broadcast licence agreement with a traditional Canadian broadcaster in order to obtain funding for Canadian productions.
123. With a view to achieving similar objectives with respect to its own rules and practices, the Commission will review its policies on CIPFs later this year to ensure that they allow greater flexibility in the funding of Canadian programs.
124. In the same vein, the Commission considers that the future television environment may require new approaches to what constitutes Canadian programming. In the current system, programs are recognized as Canadian based on the various creative and other roles played by Canadians and Canadian companies in the production of a program.
125. Producing programs often involves a mix of talent and financing from different sources, including other countries. There are three types of production in Canada:
- those that can be clearly called Canadian because all the talent and financing comes from Canada;
  - those that are official co-productions recognized by international treaties. These agreements permit Canadian and foreign producers to pool their creative, technical and financial resources to co-produce projects that benefit from the status of national productions in the countries involved (i.e., eligible for funding and tax credits from all partner nations); and
  - those that are co-ventures—in other words, co-productions involving production companies from countries with which Canada does not have a co-production treaty. These productions can benefit from production-services tax credits and can be counted by broadcasters towards the fulfilment of their Canadian programming obligations.
126. Unlike a novel which may only have a single author, a television program is a collaborative effort, involving numerous individuals in a variety of creative roles such as screenwriter, lead performer, producer, director, and many more. The way to determine if a production can be certified as Canadian is to consider the citizenship of the people involved. This is done through what is known as a “points system.” Points are assigned based on the Canadians in key creative roles in order to determine if a production is certifiable as Canadian, and therefore, eligible to apply for funding and tax credits or be counted towards expenditure and exhibition

requirements.<sup>8</sup> In this way, it is not the content of the production that counts as Canadian, but the citizenship of the creators.

127. Productions are certified as Canadian by either the Commission or the Department of Canadian Heritage through the Canadian Audio-Visual Certification Office (CAVCO). CAVCO certification recognizes only treaty co-productions as Canadian, whereas the Commission also recognizes international co-ventures. In recent years, this flexibility has enabled large-scale productions such as “Beauty and the Beast” and “Reign.” Large pre-sales to foreign networks (generally U.S. networks) are the way in which some of these co-venture productions can be made.

128. To encourage governments and partner agencies to consider more flexible and forward-looking approaches to the production and financing of high impact Canadian programs in the future, the Commission will be launching two pilot projects:

Pilot Project 1: As an exception to the standard Canadian program certification process, recognize live-action drama/comedy productions based on the adaptation of best-selling, Canadian-authored novels as Canadian.

Pilot Project 2: As an exception to the standard Canadian program certification process, recognize live-action drama/comedy productions with a budget of at least \$2 million/hour as Canadian.

Both pilot projects will be subject to the following additional criteria:

- the screenwriter is Canadian;
- one lead performer is Canadian; and
- the production company is Canadian:
  - at least 75% of the service costs are paid to Canadians; and
  - at least 75% of the post-production costs are paid to Canadians.

129. For its part, the Commission will recognize productions that meet the requirements of these pilot projects as Canadian for the purposes of the regulatory requirements of television programming services, and certify such programs where appropriate. Co-ventures that meet the criteria above may also be considered eligible to participate in these pilot projects.

130. The Commission is also open to considering other proposals for pilot projects. Such proposals would need to be consistent with the outcomes the Commission is seeking to achieve.

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<sup>8</sup>For more information, refer to the [\*Guide to the CRTC Canadian Program Certification Application Process\*](#) found on the Commission website.

131. However, the Commission recognizes that these pilot projects can only be successful with the participation and engagement of other partner groups and agencies, including CAVCO and the CMF. Accordingly, the Commission is committed to working in collaboration with these and other stakeholders to implement the pilot projects. The Commission will evaluate the success of the pilot projects once they have been running for a period of at least three years.

**Pilot Project 1**  
Recognize live-action drama/comedy productions based on the adaptation of best-selling, Canadian-authored novels as Canadian.

**Pilot Project 2**  
Recognize live-action drama/comedy productions with a budget of at least \$2 million/hour as Canadian.

**Both pilot projects will be subject to the following additional criteria:**

The script writer is Canadian

One lead actor is Canadian

The production company is Canadian (at least 75% of the service costs are paid to Canadians and at least 75% of the post-production costs are paid to Canadians)



### **Terms of trade agreements**

132. Terms of trade emerged as a subject matter in the 2006 review of certain aspects of the regulatory framework for over-the-air television announced in Notice of Public Hearing 2006-5. Industry organizations in the English-language market asked the Commission to encourage the development of guidelines that would outline acceptable terms of trade similar to those found in the United Kingdom (U.K.) and overseen by the British communications regulatory authority Ofcom.
133. Ofcom enforced collective terms of trade for television programming in a published Codes of Practice in 2004, which set a transparent basis for commissioning deals to mitigate the exercise of broadcasters' negotiating power. In the U.K., terms of trade helped to stabilize and capitalize the independent production sector, facilitating its ability to compete globally, and to clarify digital rights. In Canada, the dispute between ACTRA and the Canadian Film and Television Production Association (CFTPA) (now called CMPA) in early 2007 became an example of the need to clarify such rights, so that the industry would not become destabilized: ACTRA was in a strike situation with the CFTPA because the actors wished to be compensated for their work when distributed online.
134. The Commission set out its determinations of the 2006 review in Broadcasting Public Notice 2007-53. In that policy, the Commission determined that terms of trade agreements would provide stability and clarity to all concerned, and encouraged the development of such agreements between broadcasters and independent producers. It expected licensees to provide draft or signed terms of trade agreements with independent producers as part of their licence renewal applications.
135. Subsequently, during the group-based licence renewals for the English-language television groups (see the introductory decision set out in Broadcasting Decision 2011-441), the Commission imposed, for each of Bell, Shaw, Corus and Rogers, a condition of licence requiring each licensee to adhere to a terms of trade agreement with the CMPA.
136. As noted in Broadcasting Decision 2012-241, Astral concluded agreements with the APFTQ (now called AQPM) and CMPA. Both agreements were filed as part of its licence renewal, but adherence to them was not required as a condition of licence.
137. In Broadcasting Decision 2012-242 pertaining to TVA Group's licence renewals, the Commission concluded that the public record had not revealed the existence of specific problems in the negotiations between TVA Group and independent producers but expected negotiations to continue to reach an agreement.
138. In 2013, the Commission imposed conditions of licence requiring that the CBC have a terms of trade agreement in place with each of the CMPA and APFTQ.
139. In all those instances, the Commission did not stipulate what should be in the agreements, but rather only that such agreements should be in place.

140. Much has changed in the television environment since 2006. In particular, digital rights and other rights issues have largely been clarified. Most licensees now have negotiated terms of trade agreements. These initial agreements provide broadcasters and producers with the baseline obligations they require to ensure that the content is widely available and properly monetized. Terms of trade agreements between producers and broadcasters from the large private English-language ownership groups have been in effect for nearly four years and the parties to these agreements have had the opportunity to evaluate the ways in which the current agreements have both succeeded and failed.
141. In the Commission's view, it is no longer necessary for the Commission to intervene in this relationship by requiring adherence to terms of trade agreements. The Commission considers that broadcasters and producers now have the clarity and experience they need to negotiate any future agreement among themselves. As such, the Commission will allow programming services to apply to remove requirements to adhere to a terms of trade agreement, effective 29 April 2016, five years after the original executed agreement was submitted to the Commission.

#### **Effectively responding to change and to the needs and interests of viewers – Use of set-top boxes for audience measurement**

##### **Intended outcomes**

- ✓ *Broadcasters are able to make more informed programming selections and scheduling decisions and will have new opportunities to effectively monetize advertising.*
- ✓ *The contents of programming packages as well as the programming itself are tailored to the needs and interests of Canadians.*
- ✓ *The Canadian broadcasting industry is on a more equal footing with the international and online video markets.*

##### **Background**

142. In early 2014, Tom Pentefountas, Vice-Chairman, Broadcasting, carried out a fact-finding exercise on the possible use of set-top boxes for audience measurement. Subsequently, as part of the current proceeding, the Commission posed a number of questions relating to the possible implementation of a set-top box-based audience measurement system. In Broadcasting Notice of Consultation 2014-190, the Commission also invited parties to propose a concrete model for the establishment of such a system which would maintain the privacy of individual Canadians. The Commission stated that the privacy of individuals as well as matters related to viewer consent and the gathering and storage of personal information are paramount considerations in the establishment of such a system.
143. The collection of set-top box data is an area in which vertically integrated companies may have an advantage to the extent that they share set-top box data received from

their BDUs with the television programming services that they also own. Services with a high number of viewers or subscribers also have access to a large amount of useful and relevant data from existing audience measurement services such as Numeris (formerly BBM Canada) that are often not available to services with fewer subscribers or niche services.

144. In the Working Document, the Commission proposed that the industry be required to form a working group to cooperatively develop a set-top box-based audience measurement system, which would include technical standards, privacy protections, governance structure and cost sharing. The working group would be required to report back to the Commission on its progress.
145. In December 2014, the Commission sent a letter to broadcasters and BDUs requesting a status report on the progress that has been made on the development of such a system and whether a working group had been formed to examine this issue.
146. In their responses, the broadcasters and BDUs, with the exception of SaskTel, indicated that, while they would be willing to participate in a working group, such a group has not yet been formed. SaskTel indicated that it has no plans to implement an audience measurement system or share viewership data from its customers' set-top boxes with third parties.

#### **Positions of parties**

147. At the hearing and in the final submissions, the establishment of a set-top box-based audience measurement system was supported by Bell (provided that it is compensated for the use of its data); Rentrak Corporation (which suggested that a system could be up and running within 18 months if it has the data from the BDUs); and numerous other parties, among them: Anthem Media, AQPM, the Association of Canadian Advertisers and the Canadian Media Directors' Council, CBC, CMPA, Cogeco, the Conseil provincial du secteur des communications (CPSC), Shaw, SaskTel, V Média, Hollywood Suite, the Independent Broadcast Group<sup>9</sup> (IBG), Numeris, Ontario Ministry of Tourism, Culture and Sport, On Screen Manitoba, St. Andrews Community Channel, Stingray Digital Group and the U.S. Television Coalition. Quebecor, on behalf of Videotron, and Rogers which had initially opposed the proposal in written interventions, also later supported it.
148. Other parties raised various concerns. MTS stated that set-top box data has little value on an aggregated, industry-wide basis, since the data would not be consistent from one BDU to another. One individual, Zachary Kornblum, considered that if the issue is asymmetry of information, parties should work with Numeris to set up a public fund for it in return for making its data public.

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<sup>9</sup> This group includes the following members: Aboriginal Peoples Television Network, Channel Zero, Ethnic Channels Group, Fairchild Television, Stornoway and S-VOX Group of Companies.

149. SaskTel expressed concerns over the protection of its subscribers' privacy. Along the same lines, the Office of the Privacy Commissioner of Canada (OPC) stated that the information collected by set-top boxes would likely be personal information and could be sensitive. It also stated that without more information about the nature and scale of the data that could be collected, who would be collecting the data and with whom it would be shared, it was difficult to fully evaluate the privacy impacts of the proposal.
150. The OPC submitted that, to the extent that set-top box audience measurement involves the collection of personal information, it should only be done with the express consent of the individuals involved, when the information, alone or in combination with other information, is sensitive. The OPC proposed a number of privacy protections and further submitted that the types of personal information to be collected need to be identified.
151. Similarly, the Public Interest Advocacy Centre, the Consumers' Association of Canada, Council of Senior Citizens' Organizations of British Columbia, the National Pensioners Federation, Option consommateurs and the Canadian Ethnocultural Council (collectively, PIAC et al) suggested that any data collection regime required informed and explicit opt-in consent. The Union des consommateurs was concerned that, since every set-top box is linked to a postal code, any collected info could be traced back to identify users, which could be in contravention of the *Privacy Act*.
152. During the online consultation, a few individuals expressed concerns over the privacy of their viewing habits and indicated that they would drop their service if their household's viewing data was collected. One individual was concerned that the "secret working group" would be held behind closed doors. This person expressed a desire to be part of this exercise in order to know what information would be collected by the BDUs.
153. In its final comments, Pelmorex recommended an interim governance board instead of a working committee. It suggested that this interim board, not dissimilar in composition to that of the Numeris board, would be composed of key stakeholders to oversee the development of technical standards, privacy protections, cost sharing and the selection of the set-top box data aggregator and its integration with the existing Numeris audience measurement system.

#### **Commission's analysis and decisions**

154. The Commission considers that a set-top box-based audience measurement system would contribute to the fulfilment of certain objectives set out in the Act, namely sections 3(1)(d) and 3(1)(s)(ii) which state that the broadcasting system should be readily adaptable to scientific and technological change and that private networks and programming services should be responsive to the evolving demands of the public.

155. Viewer information will be essential in the emerging viewer-centric television environment. The Canadian television industry should have access to appropriate tools to effectively respond to changes in the industry and to the needs and interests of viewers, provided that the privacy of those viewers is protected. A set-top box-based audience measurement system could be such a tool as its data can be used to measure viewing levels of programs more accurately. Such a system would improve the industry's ability to provide Canadian viewers with the programming they want to watch and the information they need to make informed choices. It could also serve to increase revenues flowing to program creators.
156. The data collected would also benefit services with fewer subscribers or niche services that may not currently have access to meaningful audience measurement data, e.g. APTN, TVO, Knowledge Network.
157. There is broad consensus within all sectors of the industry to participate in a working group to sort out issues related to the development of a set-top box-based audience measurement system.
158. While Pelmorex provided a detailed strategy for implementing an alternative initiative, in the Commission's view, it would be more appropriate to provide an industry working group with an opportunity to develop its own plan for moving forward. The Commission considers that the industry should be provided with the opportunity to make key decisions on essential areas, such as governance, on a collective and cooperative basis rather than being subject to an imposed solution. Any set-top box-based audience measurement system would be developed by and for the benefit of the broadcasting industry. Pelmorex would have the opportunity to present its proposals to the working group. However, any solution proposed by the industry must maintain the privacy of Canadians.
159. The Commission finds that such a system must, among other things:
  - permit broadcasters to make more informed programming selections and scheduling decisions;
  - provide broadcasters with new opportunities to effectively monetize advertisements;
  - place BDUs in a better position to tailor the services offered and content of packages;
  - place the Canadian broadcasting industry on a more equal footing with the international and online video markets; and
  - ensure that the privacy of individuals is protected.



160. Accordingly, the Commission requires the industry to form a working group, which will begin meeting by no later than **13 April 2015**. This working group will cooperatively develop a set-top box-based audience measurement system, which will include technical standards, privacy protections, governance structure and cost sharing. It will also examine how the audience measurement system or a similar system could best be applied to viewing. This group is to report to the Commission on its progress by no later than **10 June 2015**.
161. The working group will report back to the Commission on its conclusions regarding the data to be collected, a governance structure, privacy protocols (including whether aggregation of data addresses all privacy issues), and a system for addressing the funding and cost recovery.
162. If, when the working group reports to the Commission, the Commission does not see adequate progress being made or that the policy objectives of the Act or principles set out in paragraph 158 are not appropriately addressed, it may choose to intervene with specific guidance in order to advance the establishment of this system.

## **B. Shift in emphasis from quantity to quality of Canadian programming**

### **Quality original Canadian programming for Canadians in their viewing environment of choice – Exhibition of and expenditures on Canadian programming**

#### **Intended outcome**

- ✓ *Canadians have access to quality original Canadian programming in their chosen viewing environment.*

#### **Background**

163. In Broadcasting Notice of Consultation 2014-190, the Commission stated that as the relationship between Canadians and the licensed system changes, existing supports for Canadian programming will be affected. It further stated that shifting viewer behaviour, whereby viewers increasingly seek out and choose to consume programming on a program-by-program basis rather than through linear channels, will also have a significant impact on the funding model. The Commission therefore found it timely to review the various supports for Canadian programming that fall under the Commission's purview.
164. One of the goals of the present review is to seek out measures to accommodate the shift to a multi-platform environment that is increasingly on-demand and focused on quality programs rather than a system focused on linear services. In this regard, it is important to note that the Act sets the following objectives in section 3(1):
  - (e) each element of the Canadian broadcasting system shall contribute in an appropriate manner to the creation and presentation of Canadian programming;

(f) each broadcasting undertaking shall make maximum use, and in no case less than predominant use, of Canadian creative and other resources in the creation and presentation of programming, unless the nature of the service provided by the undertaking, such as specialized content or format or the use of languages other than French and English, renders that use impracticable, in which case the undertaking shall make the greatest practicable use of those resources;

165. To ensure the presence of compelling Canadian programs on multiple platforms in the future, the Commission announced that it would be prepared to consider various incentives and measures such as reducing or eliminating exhibition requirements for Canadian programs other than local programming and imposing CPE requirements on all licensed television stations and specialty and pay services.

166. The Working Document proposed the following:

- eliminate exhibition requirements for the broadcast day, but maintain evening period requirements;
- require all licensed television stations and specialty and pay services to adhere to CPE requirements; and
- maintain the group-based licensing approach and adjust CPE levels initially to maintain the current level of dollar expenditures. Increase CPE over the licence term. CPE levels will be determined at licence renewal.

167. During the online consultation, the Commission received a number of comments supporting Canadian content requirements in order to ensure the presence of Canadian stories in “a sea of American content.” One individual stated: “Canadian content is very important to a Canadian economy so guys like Rogers, Bell, CBC and CTV must all do their part in providing Canadian content.”

168. Others argued that such requirements should be eliminated, for reasons such as:

- the perception that English-language Canadian content is of poor quality;
- the high level of repeat Canadian programs; and
- the view that it should compete with American programming without any regulatory support.

169. One individual submitted that good content transcends borders: “I don’t care about Canadian content. I care about good content and if it happens that something Canadian is good I’m sure it will find its way on TV.” Another blamed the system for the quality of Canadian television: “The concept of ‘forced’ Canadian content is the reason Canadian-produced shows are by and large, inferior.”

170. One Canadian suggested that the industry needs to think outside the box: “CanCon requirements should not be lifted, especially for networks that rely on American programming for ratings and even advertise them as their own. If they can buy American shows, they can produce Canadian shows, they just need to be more innovative and flexible.”
171. In this section, the Commission introduces measures which recognize that, while significant changes are occurring in the viewing habits of Canadians and in the delivery of content, the break with the past is not complete. Emerging practices exist side by side with traditional ones, and supports for Canadian programming must be adapted in response to this state of flux.

#### **Current framework**

##### ***Exhibition requirements***

172. In Broadcasting Regulatory Policy 2010-167, the policy setting out the Commission’s approach to group-based licensing (the group-based licensing policy), the Commission announced that it was reducing the minimum obligation for all conventional television stations to the broadcast of Canadian programs from 60% to 55% over the broadcast year, while maintaining existing levels for the evening viewing period of 6 p.m. to midnight. The *Television Broadcasting Regulations, 1987* were then amended to reflect this new level.
173. Category A service obligations are set by condition of licence and vary according to the nature of the service. In most cases, these obligations require that a minimum of 50% of the programming broadcast over both the broadcast day and evening broadcast period be Canadian programming. In the group-based licensing policy, the Commission confirmed that the obligations of specialty services would continue to be tailored to reflect the character of each service.
174. All English- and French-language Category B services have the same exhibition requirements. These requirements ramp up over the first three years of operation and by the third year of operation, they must devote 35% of the day and 35% of the evening to the broadcast of Canadian programming. For third-language and ethnic services, the exhibition requirement is 15%.
175. Category C national news services must devote no less than 90% of the broadcast day to the broadcast of Canadian programming. Mainstream sports services must devote no less than 60% of the broadcast day and no less than 50% of the evening broadcast period to the broadcast of Canadian programming.

##### ***Canadian programming expenditures***

176. As part of its group-based licensing policy, the Commission set out that large English-language ownership groups would:

- be required to meet CPE conditions of licence on all conventional television stations, all specialty and pay Category A services and all Category B services with more than 1 million subscribers;
  - achieve a minimum aggregate group CPE; and
  - be allowed the flexibility to allocate CPE between their various services, with only a maximum of 25% of the required CPE for conventional television stations to be attributed to other qualified specialty services within the group.
177. The Commission's objective was to stabilize contributions to the creation of English-language Canadian programming and permit groups to adapt quickly to a changing environment through CPE flexibility.
178. In the French-language market, the circumstances of the two principal private television groups stand in stark contrast to one another. In TVA Group's case, there has been a general recognition that TVA makes a significant contribution to Canadian programming, one that far surpasses those imposed in the English-language market. V Média, in contrast, has no CPE obligations, given that, among other things, at the time of its last licence renewal, such obligations were not typically imposed on services.
179. Outside of the large ownership groups, CPE is imposed on a case-by-case basis in both the English- and French-language markets. With few exceptions, all Category A services and Category C sports services have a CPE requirement, while Category B services generally do not.

#### **Exhibition of Canadian programming**

##### ***Positions of parties***

180. Although most parties noted the need to focus on the quality of Canadian programming rather than the quantity, opinions diverged greatly with respect to reducing or eliminating exhibition requirements.
181. In the English-language market, most broadcasters and vertically integrated companies supported the idea of reduced exhibition requirements, but offered different views as to how to accomplish this:
- Bell proposed harmonizing the requirement at 50% for local conventional stations and 35% for specialty services and having no requirement for the evening period. The latter proposal was elaborated in an undertaking concerning specific conditions of licence that "cause" the recycling of Canadian programs across services.
  - Corus advocated eliminating all exhibition requirements.
  - Shaw proposed 50% during the evening broadcast period and 25% during the broadcast day for all services.

182. Parties principally from the creative sector either opposed decreases in exhibition (Directors Guild) or expressed concerns (ACTRA). The Writers Guild stated that it was not in favour of an expenditures-only approach. It argued that such an approach could result in fewer shows but with bigger budgets, which would result in a shrinking talent pool in Canada.
183. Much like the creative sector, PIAC et al did not consider it necessary to change current regulatory supports for English-language Canadian programming.
184. The Forum for Research and Policy in Communications, on the other hand, proposed that conventional television stations should be permitted to gradually reduce the level of Canadian content exhibited from the current 55% to 35% by 2025. It also recommended that the Commission replace its current 55% requirement for Canadian content on private television stations with a 35% Canadian drama requirement from 8 p.m. to 11 p.m. each broadcast week.
185. The Ontario Ministry of Tourism, Culture and Sports stated that regulatory asymmetry should not be decreased by lightening television regulation. It considered that maintaining the current level of television regulation is essential to the health of the Ontario industry and the Canadian broadcasting system.
186. Certain third-language ethnic services proposed the imposition of a CPE requirement to replace their exhibition requirement.
187. In the French-language market, AQPM proposed to reduce by 20% the current exhibition levels during the broadcast day and to reduce by 10% the evening broadcast period. In addition, AQPM proposed a 10% increase to the current CPE obligations. All of these changes would be implemented at licence renewal.
188. V Média supported the elimination of exhibition requirements but only during the broadcast day, while the Alliance des producteurs francophones du Canada (APFC) opposed it and expressed concern over a possible reduction in the production of certain genres of programming, e.g., magazines, game shows, talk shows as well as youth and children's programming. The Union des consommateurs also opposed this proposal.
189. ARRQ, UDA and SARTEC argued for case-by-case conditions of licence to address the decline in original French-language programming. For its part, Quebecor maintained that regulations like this are not necessary in the Quebec television market.

***Commission's analysis and decisions***

190. The Commission has used exhibition requirements as one of the means of achieving the Act's objectives set out in section 3(1)(e) and (f). It is apparent however, that while content quotas of this type may have been useful in ensuring the presentation of Canadian programming in a fully linear television system, they will be a less and less effective tool in an increasingly on-demand environment.



191. Moreover, quotas can also have unintended detrimental effects. Specifically, data from program logs submitted to the Commission shows that on average well over 50% of Canadian programming broadcast on all services in both English- and French-language markets is repeated on the same service or “recycled” from other services. Often a particular episode of a program is repeated numerous times over the course of a day, week, month and even over a period of many years. For some services, these amounts are far higher and more than 90% of Canadian programming is repeat or recycled programming. While this may be a viable business model for some services, the Commission is of the view that original first-run Canadian productions add more value to the system; the excessive repetition and recycling of programming appears to do little to achieve the objectives of the Act.
192. For at least the short term, however, certain exhibition requirements may be effective in helping to achieve the objectives of the Act cited above. Data from Numeris for the 2013-2014 broadcast year and covering both linguistic markets shows that there is about five times more viewing to conventional television stations between 8 p.m. and 10 p.m., Monday to Friday, than at any hour during the rest of the day outside the evening broadcast period, and two to four times more viewing from 6 p.m. to 8 p.m. and 10 p.m. to 11 p.m. Thus, this evening prime time period is still when most viewers are watching conventional television stations. It is for this reason that the most attractive Canadian and non-Canadian programs are also broadcast in this period.
193. In light of the Commission’s policy with respect to simultaneous substitution<sup>10</sup> as set out in Broadcasting Regulatory Policy 2015-25, there will continue to be incentives for conventional television stations to schedule non-Canadian programs during the evening broadcast period in English-language markets. As such, in order to ensure that Canadian programs continue to be made widely available to Canadians in the traditional linear environment, and that these programs are given a chance of success by being scheduled in the evening when most linear viewing still occurs, the Commission will retain exhibition requirements for private conventional television stations but only during the evening broadcast period. In the French-language market where there is no impact from simultaneous substitution, the evening requirement will be retained given the high level of viewing to Canadian programming during that period and the lack of parties asking for its removal. At the next licence renewals, exhibition requirements pertaining to the overall broadcast day will be removed.<sup>11</sup>

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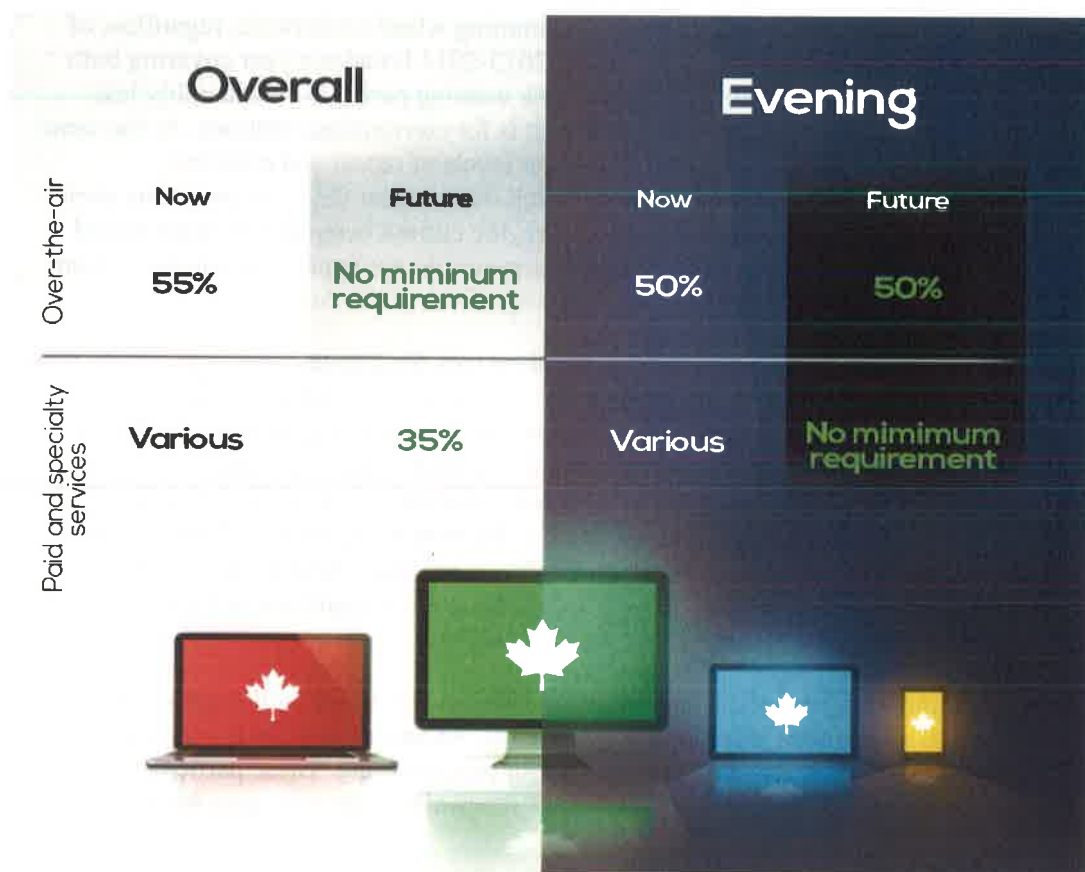
<sup>10</sup> Simultaneous substitution is the temporary replacement of the signal of a non-Canadian station with that of a Canadian station when the program being broadcast is “comparable” (at least 95% the same, excluding commercials). Simultaneous substitution is carried out by BDUs, at the broadcaster’s request and occurs primarily in the English-language market, allowing Canadian broadcasters to maximize audiences and advertising revenues for the non-Canadian programs for which they have acquired the Canadian market rights. This in turn helps ensure that these broadcasters have the financial resources to contribute to the Canadian broadcasting system by producing Canadian programming.

<sup>11</sup> The exhibition requirements for the CBC networks remain unchanged.

194. Discretionary services (specialty and pay services) do not rely on simultaneous substitution, and often operate on a programming wheel nationwide, regardless of viewers' time zone. Numeris data for the 2013-2014 broadcast year covering both linguistic markets demonstrate that the peak evening period is considerably less significant for discretionary services than it is for conventional stations. At the same time, discretionary services offer far greater levels of repeat and recycled programming than conventional services and often repeat the same programs over the course of each broadcast day. Therefore, the current evening broadcast period exhibition requirements for discretionary services do not appear to contribute in any significant way to the achievement of the objectives of the Act.
195. With respect to overall broadcast day requirements for discretionary services, in light of the Commission's determinations with respect to genre and standardization of licence classes set out later in this regulatory policy, the Commission considers a standardized approach to these requirements for all discretionary services appropriate. Further, given the Commission's determination set out below to apply CPE requirements to all of these services, at the next licence renewal of each service, the Commission will set overall daily exhibition requirements for discretionary services at a standard level of 35%, which is the current requirement for Category B services that have been in operation for at least three years.
196. The Commission recognizes that there may be services which will require a more individual approach to exhibition requirements. As an example, peak viewing periods are different for children's and youth programming. These particular circumstances will be considered at licence renewal on a case-by-case basis as required.
197. As an exception to this policy, the Commission will maintain all exhibition requirements for those services that benefit from mandatory distribution under section 9(1)(h) of the Act.<sup>12</sup>
198. As noted above, reductions in exhibition requirements will be implemented through conditions of licence at the next licence renewal for each service and will take place in conjunction with the changes to CPE requirements set out below. For the services owned by the English- and French-language large private ownership groups, this will take place at licence renewal, by **31 August 2017**. For the independent services, this could take effect as early as **1 September 2018**, depending on their licence expiry dates.

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<sup>12</sup> Currently, these services are APTN, CPAC, AMI-tv, AMI-tv français and TV5/UNIS in all markets; RDI, TVA, The Weather Network and AMI-audio in English-language markets; CBC News Network, Météomédia, Canal M and Avis de Recherche in French-language markets; and the Legislative Assemblies of Nunavut and the Northwest Territories for direct-to-home satellite distributors in Nunavut and the Northwest Territories. This also includes the national news services CBC News Network, CTV News Channel, Le Canal Nouvelles and RDI.



## Canadian programming expenditures

### *Positions of parties*

199. Parties were broadly of the view that an emphasis on the creation of Canadian programming through expenditures rather than exhibition requirements is the right approach. In this regard, many noted the need to focus on the quality of Canadian programming produced rather than the quantity broadcast.
200. In the English-language market, most parties supported the proposal of a CPE requirement for all licensed services except the CBC and Knowledge Network, given their funding models as public broadcasters.
201. Alternatively, Rogers and the Coalition of Small Market Independent Television Stations (SMITS) advocated for no CPE requirements for conventional stations in favour of local programming requirements.

202. Parties from the creative sector, such as ACTRA and Onscreen Manitoba, supported increasing CPE. But, as noted earlier, the Writers Guild was not in favour of an expenditures-only approach that would eliminate exhibition requirements.
203. The CMPA submitted that, going forward, it is critical to ensure broadcasters spend on original independently-produced content rather than simply on library material or in-house productions. It considered that the Commission should establish rules to ensure consumers in a pick-and-pay world would still get to watch new, original programs and require broadcasters to maintain the percentage of their CPE they have historically spent on new, original Canadian programs.
204. Shaw argued that the timing was not right for an increase in CPE requirements and preferred to wait and see what came of the Commission's other proposals, given their potential impact on revenues.
205. Most parties viewed a standardized CPE approach for large ownership groups and their services as an appropriate approach, but indicated that a case-by-case approach would be better for the independent services and the French-language market.
206. Some, such as Anthem Media, proposed that only those discretionary services reaching a certain number of subscribers should have a minimum CPE requirement.
207. Bell offered several proposals for the English-language market, including:
- Large ownership groups with over \$100 million in annual revenues would continue to be regulated on a group basis: CPE would be set at 25% of the previous year's gross revenues to be shared between all services in the group, other than Category C national news and mainstream sports services.
  - For services under the \$100 million threshold, it recommended that the Commission take a case-by-case approach to determine appropriate CPE and Canadian exhibition levels.
208. As in the English-language market, creative groups in the French-language market generally supported the Commission's proposal to impose CPE requirements on all licensed television stations and specialty and pay services.
209. Additionally, APFC, AQPM, UDA, SARTEC, Bell, CBC and Corus all submitted that CPE requirements should be linked to access rights and/or exhibition. Bell proposed an increased CPE requirement from 32% to 35% for French-language discretionary services, as long as genre protection and carriage rights are maintained, since that market is not as affected by online video services.
210. APFC proposed that conventional television stations and pay and specialty services have a CPE requirement based on the total gross revenues from broadcasting revenues generated during the previous broadcast year.

211. The ministère de la Culture, des Communications et de la Condition féminine du Québec (MCCCFQ) proposed no increase to the CPE requirement, while Quebecor maintained that regulatory requirements like this were not necessary in the French-language market.
212. Festival Portuguese Television (FPTV) submitted that, in order to be an effective cultural bridge to new Canadians, third-language services must offer Canadian local programming that is relevant to the ethnic community that it is serving. In most cases, this involves the production of local programming—local being where the ethnic communities are located throughout Canada. FPTV stated that a minimum CPE requirement should ensure that the Canadian programming produced will be relevant to the service's audience.

***Commission's analysis and decisions***

213. Canadians have been clear throughout the Let's Talk TV proceeding that they expect content of high quality from their television system. The creation of compelling high-quality productions by Canadians requires, among other things, financial investment. Investment in content of high quality that is widely available and well-promoted drives viewing and thereby generates revenues. These revenues can then be reinvested in producing future content. In the Commission's view, CPE requirements provide necessary incentives to create such virtuous cycles of production.
214. Moreover, such requirements are important tools to fulfil the objectives of the Act cited above, particularly in light of the determinations above relating to exhibition. In particular, applying CPE requirements to all licensed programming services will ensure that these elements of the television broadcasting system contribute in an appropriate manner to the creation and presentation of Canadian programming. Similarly, setting such requirements at appropriate levels will ensure that maximum and predominant use is made of Canadian resources to originate programming of high standard.
215. The Commission further considers that such an approach will broaden the CPE base from which investments in Canadian programming can be made. Coupled with the additional scheduling flexibility provided by reduced exhibition requirements, the overall emphasis is placed on the quality of programs produced by Canadians, regardless of where or when programs are made available to Canadians.
216. This overall approach also takes into account the possible impacts of other changes to be implemented in the present regulatory policy and other related determinations in the Let's Talk TV proceeding by stabilizing the CPE base for Canadian production. In doing so, it recognizes that not all current Canadian programming services will be successful in the new television environment of the future.



217. In light of the above, in the English-language market (including third-language services), the Commission will apply CPE requirements to all licensed services. Services that do not currently have a CPE requirement will be assigned one at licence renewal. The CPE levels will be based on historical expenditure levels.
218. Further, for the large private ownership groups currently operating under the group-based policy, the Commission will maintain the group-based licensing approach and existing expenditure levels. The programming services that are part of a group will have CPE requirements that contribute appropriately to that group's overall CPE level. For those groups operating French- and English-language services, each language group will be treated separately and may have distinct requirements.
219. In light of the various other changes that the Commission is making in the Let's Talk TV proceeding, the Commission is not proposing to raise CPE levels. Maintaining the status quo will give the Commission the opportunity to monitor the impact on revenues of the other changes originating from this proceeding and will allow affected parties to adapt accordingly.
220. Since independent over-the-air stations will have a CPE requirement for the first time, the appropriate level of CPE will be set at the time of licence renewal, based on historical levels of expenditure. It will take into account any relevant outcomes of the proceeding reviewing local and community programming as announced in Broadcasting Regulatory Policy 2015-24.
221. With respect to English- and third-language discretionary services, CPE requirements will be implemented for all services with over 200,000 subscribers. As discussed later in this document, all discretionary services under 200,000 subscribers will be exempt from licensing under a new exemption order. CPE for licensed services will be established in a case-by-case manner and based on historical levels. However, given the great variation in the revenues and expenditures of discretionary services and the fact that certain services make little or no expenditures on Canadian programming, the minimum level of CPE applied will be 10%. In the Commission's view, this level represents an attainable floor for any discretionary services that still ensures some contribution to the creation and presentation of Canadian programming. Currently, 19 services have CPE of less than 10%, with an average of 5%.
222. The Commission acknowledges the different situations of the four private ownership groups with over-the-air stations operating in the French-language market, none of which were designated as large ownership groups under the group-based licensing approach:
- TVA Group currently operates under an exception allowing it to calculate its CPE based on total programming expenditures rather than revenues.
  - V Média currently has no obligation and a much smaller revenue base than TVA Group.

- RNC and Télé-Inter-Rives only operate affiliate stations of the other networks, making CPE irrelevant.
223. Accordingly, in the French-language market, the Commission will encourage commonly owned services to apply as groups at licence renewal. The Commission will establish with these services the level at which they should contribute financially towards Canadian programming on a case-by-case basis.
224. With respect to French-language discretionary services, the Commission will implement CPE requirements for all services with over 200,000 subscribers. The requirements will be established on a case-by-case basis and will be based on historical expenditure levels.
225. The requirements, if any, remain unchanged for the CBC, provincial educational services, licensed over-the-air community television stations, as well as national news and mainstream sports services.

#### **Dubbing of programs**

226. The Commission is concerned that by shifting the focus away from the exhibition of Canadian content towards the production of even higher quality Canadian programming through expenditures, there may be a negative impact on time credits for programs dubbed in Canada. This impact would be most felt in the French-language market, where dubbing is more prevalent. Dubbing programs in Canada provides Canadian viewers with a higher quality experience of dubbed programming. That is because the version dubbed in Canada is better able to take into account the specific linguistic and cultural context of the Canadian viewer, making use of familiar expressions and accents. The Commission seeks to ensure that Canadian television services continue to make maximum use of Canadian dubbing services in the creation and presentation of programming to Canadians, in accordance with section 3(1)(f) of the Act.
227. In Broadcasting Regulatory Policy 2010-905, the Commission considered that it was appropriate to award an additional time credit of 25% to Canadian programs dubbed in Canada in one of the official languages of Canada or in a Native Canadian language. At the time, the Commission was of the view that an additional 25% credit would:
- encourage broadcasters to have Canadian programs dubbed in Canada;
  - recognize the contribution of the artists and production resources in Canada's dubbing industry to the production of Canadian content and reinforce the identification of Canadian viewers with dubbed Canadian programs; and
  - increase the number of exchanges between the country's two linguistic markets and bring them closer together (i.e., an English- or French-language program, once dubbed in the other language, can be rebroadcast in another market, find a new audience and gain visibility nationally and internationally).

228. Dubbing provides Francophones with a window into the English-language programming produced in Canada, in addition to programs produced internationally; and conversely, it provides Anglophones with access to French-language programming produced in Canada and abroad.
229. In order to ensure that Canadian television services continue to use Canadian dubbing companies, the Commission considers it appropriate to raise the additional time credit awarded for Canadian and foreign programs dubbed in Canada to 33%. All other applicable conditions put forward in Public Notice 2000-42 and Broadcasting Regulatory Policy 2010-905 remain the same.
230. The Commission is confident that this measure will allow Canadian television services to continue to make maximum use of Canadian dubbing services in the creation and presentation of programming to Canadians, in accordance with section 3(1)(f) of the Act.

**C. Regulatory support for types of programming deemed to be of public interest only when market failure is demonstrated**

231. In the Commission's view, the broadcasting system should rely on market forces to the extent that the market can provide programs and services that achieve the objectives of the Act. Only when the market fails to provide such services or programming will the Commission intervene.

**Removing regulatory barriers to allow for market forces – Genre exclusivity policy**

**Intended outcomes**

- ✓ *Regulatory barriers to entry, programming adaptation and domestic competition are removed and program diversity is generally governed by market forces to the extent possible.*
- ✓ *Programmers are able to respond to consumers and adopt creative programming strategies.*

**Background**

232. The genre exclusivity policy is a key component of the current regulatory framework for the television system. Under this policy, select specialty and pay services, referred to as Category A services, are licensed on a one-per-genre basis. These Category A services are licensed to provide programming of a specific type from specific program categories or relating to certain subjects. The genres are intended to be defined in such a way that the Category A services are complementary and do not compete head-to-head with one another. These include, for example, a history service, a premium movie service and a travel service. Category B services, on the other hand, may compete against each other. However, the Commission does not generally authorize Category B services that would directly compete with an existing Category A service. Category C services operating in the genres of national news and mainstream sports may compete against other services in the genre, but not with Category A services.

233. To ensure that a discretionary service remains distinct and adheres to the genre in which it was licensed to operate, the Commission imposes conditions of licence that define and limit the programs it can provide. These conditions of licence are collectively called its nature of service. The Commission's objectives with respect to its genre policy have been two-fold: to ensure a diversity of programming genres and to provide a measure of support to pay and specialty Category A services to enable them to meet their Canadian content and other programming obligations, which are generally higher than those for other types of specialty and pay services. The nature of service also informs subscribers about the types of programming that they can expect to receive.
234. Although related in a number of ways, the genre exclusivity policy is separate from the access rules relating to the distribution of services by BDUs and is not addressed in the present policy. The access rules will be addressed in the Commission's determinations concerning consumer choice and flexibility, which will be published in the coming weeks.
235. In Broadcasting Notice of Consultation 2014-190, the Commission sought comments on whether there is an ongoing public interest purpose served by maintaining regulated genre protection for pay and specialty services. In the Working Document, the Commission proposed to eliminate the genre exclusivity policy and protections for Category A services. Under this proposal, Category A services would no longer have a regulated nature of service, but would be fully competitive with other discretionary services and subject to standard requirements.

#### **Positions of parties**

236. BDUs as well as programming services owned or controlled by vertically integrated companies generally supported eliminating genre protection. They argued that removing genre protection would allow services to better respond to evolving consumer demands, encourage innovation, and improve the quality of programming. They also argued that it would simplify the licensing approach and lessen regulatory burden, and that the market is sufficiently mature to permit open competition, given the existence of many popular and successful brands. Many vertically integrated companies noted that the lines are already significantly blurred.
237. Independent programmers, some of the groups representing the official language minority communities (OLMCs) and creative groups generally opposed removing genre protection, primarily due to its connection to access rules for mandatory distribution of Category A services by BDUs. However, they also argued that it is an important mechanism for retaining programming diversity. Many suggested that without genre protection, there may be a "rush to the middle" and increased competition for highly popular or lower cost (largely U.S. reality) programming. Several expressed concern that without genre protection, programming services owned or controlled by vertically integrated companies could occupy all the most attractive genres. The creative groups further expressed concern that the removal of

genre protection would be accompanied by applications for reduced commitments to Canadian programming.

238. Some parties, such as Bell, Corus, APFC, AQPM and MCCCCFQ, stated that genre protection should be retained in the French-language market. Some were concerned that its smaller size makes it more vulnerable to increased competition in popular genres and to Videotron's dominance in the distribution market. Others were concerned that certain discretionary services could become unprofitable and that the quality of the programming would be affected as a result. Only Quebecor supported the removal of genre protection in that market.
239. IBG stated that genre protection is essential for independent services, noting that the services that have strayed furthest from their nature of service appear to be services owned or controlled by vertically integrated companies. IBG recommended that it be maintained until the Commission renews the licences of independent services in 2018, when the Commission would be in a better position to evaluate the impact of the changes it is now considering. However, these parties focused primarily on access rights rather than genre. Pelmorex alone suggested genre protection was more important than access.
240. The CBC stated that the elimination of genre protection would permit vertically integrated companies to introduce their own competitive services in the most attractive genres and squeeze out the independent services in those genres. In its view, this would lead to less diversity in the system. It recommended the Commission revisit this issue in three years.
241. Several parties recommended that genre protection (and access rules) be phased out only at licence renewal. Bell proposed that genre protection be phased out as of December 2015 to give time to services to adjust.

#### **Commission's analysis and decisions**

242. The Commission considers that genre protection has ceased to be an effective tool for ensuring programming diversity. Rather, it has become a regulatory burden that stands in the way of programming innovation. It also has the indirect effect of protecting from competition established brands and services, services which are primarily owned by vertically integrated companies. In fact, as a result of consolidation over the last few years, most of the 65 Category A services have been purchased by the large private ownership groups: only 15 are considered independent services.
243. While independent services have expressed concern that vertically integrated companies will launch competitive services and effectively preclude the independent services' continued existence or entry into the system, the Commission notes that most independent services already operate in more niche genres that are likely not prime targets for competition.



244. Nor has genre protection regulation prevented the lines between services from being blurred or from services “rushing to the middle” and concentrating on similar types of programming: many services have strayed, either willingly or inadvertently, outside their nature of service and large private ownership groups that own several programming services commonly move programming from one service to another in a completely different genre as well as broadcasting the same or similar shows on multiple services each operating in a distinct genre.
245. Further, the Commission is of the view that the policy has also had unintended negative consequences, such as conditions of licence that are complicated and difficult to enforce given the subjective nature of genre. In addition, the exclusive nature of genre protection has meant that new entrants have limited opportunities to operate in highly coveted niche genres, even where that genre may have been abandoned by the service licensed to serve in that genre.
246. Some of the current genres used by Category A services were defined as far back as 1984, while the most recent ones were established in 2001. While those genres and the genre protection policy may have been successful in the past, the needs and interests of Canadians, the availability of content, as well as production and distribution technology have all changed in radical ways in the last decades. In the Commission’s view, continuing to enshrine the policies and cultural norms of decades past in a forward-looking policy for the new television environment would make little sense.
247. The Commission acknowledges that these challenges are significantly less pronounced in the French-language market. While they do operate in a smaller market, French-language services have strong brands, and will likely find it easier to distinguish themselves from each other. In addition, no intervener provided tangible evidence to suggest that the services would significantly modify their programming strategies in a way that would substantially harm the diversity of programming available to Canadians.
248. The Commission is of the view that the elimination of genre protection will grant greater flexibility to broadcasters to create and acquire programming which they consider will best suit their audiences. Existing services and new entrants will now have the ability to adapt their programming strategies and shift their services into genres that may be more attractive and popular to Canadians and to develop new, innovative types and genres of programming without the need to meet or avoid genres proscribed by regulation. These services will be enabled to respond to the evolving demands of the public and thus help to fulfil the objective set out in section 3(1)(s)(ii) of the Act.
249. Further, the Commission considers that the Act’s objective set out in section 3(1)(i)(i) that the programming be varied and comprehensive, that it provide a balance of information, enlightenment and entertainment for men, women and children of all ages, interests and tastes, can be met by these services without this type of regulatory intervention.

250. The Commission acknowledges the concerns expressed by various parties. However, it is of the view that the market will ensure programming diversity, especially in a system characterized by maximum choice and flexibility for consumers. In such an environment, services must necessarily differentiate themselves from others and provide programming of interest to Canadians in order to maintain or grow their audiences. Branding, marketing, promotion and investment in quality service-defining programming will be key. Given the challenges the genre protection policy has faced in recent years, there is no evidence that maintaining genre protection would serve to ensure programming diversity in the future.
251. In addition, removal of genre protection will reduce administrative burden as licensees will no longer need to apply for amendments for changes relating to the nature of their services or respond to complaints about possible violations of nature of service definitions.
252. As an exception to the general elimination of genre protections, the Commission will retain the conditions of licence relating to nature of service for those services that benefit from a mandatory distribution order under section 9(1)(h) of the Act, including national news services, which are discussed in more detail below. These services receive mandatory distribution due to the importance of the programming these services offer to the achievement of the objectives of the Act.
253. The Commission will also retain limitations with respect to mainstream sports services. Licensees that choose to operate mainstream sports services are required to meet, among other things, high CPE requirements of 50% of each year's gross broadcast-related revenues. Other discretionary services that wish to offer some sports programming are limited to a maximum of 10% live professional sports programming in each broadcast month, unless they choose to undertake the greater CPE and other requirements of mainstream sports services. The Commission will therefore retain the current 10% limit on live professional sports programs for discretionary services other than mainstream sports services. This will ensure that other services do not morph into mainstream sports services without the same expenditure and exhibition requirements.
254. Accordingly, the Commission will eliminate the genre exclusivity policy and related protections for all English- and French-language discretionary services. New or existing services that wish to offer programming from formerly protected genres may do so immediately. The Commission will no longer enforce conditions of licence relating to nature of service, aside from those exceptions noted above. Existing discretionary services, other than those benefitting from a 9(1)(h) order, may apply to delete conditions of licence relating to their nature of service immediately, with the exception of those conditions related to maximum amounts of sports programming.
255. However, to ensure that both Canadians and the Commission continue to have basic information about the discretionary services in operation, deleted conditions of licence relating to their nature of service will be replaced with requirements to provide the Commission with the name and a brief description of the service and to

update this name and description any time it changes. This description and the name of the service will be listed on the Commission's website and noted in any decision approving a new service or renewing a licence. For greater clarity, a change to the name of the service will not alter the name of the licensee of the service in the Commission's records, nor will the Commission require that the service adhere to the description of the service as a condition of licence.

256. Further, the Commission has amended the exemption order relating to discretionary services serving fewer than 200,000 subscribers, discussed in more detail in a later section, to remove the obligation for an exempt service to declare a nature of service definition to which the service will adhere. This exemption order is set out in Broadcasting Order 2015-88, also issued today. The Commission will also amend the standard conditions of licence for VOD services set out in Broadcasting Regulatory Policy 2014-444 in order to remove the prohibition against a Canadian subscription VOD package from competing directly with a genre-protected Canadian discretionary service.

### **Providing high-quality news programming and a diversity of views to Canadians – New criteria for national news services**

#### **Intended outcome**

- ✓ *Canadians have access to high quality news information and are exposed to news and information from a diversity of views on matters of public concern.*

#### **Background**

257. In Broadcasting Public Notice 2008-100, the Commission stated that programming services operating in the genre of national news, such as CBC News Network, CTV News Channel, Le Canal Nouvelles (LCN) and Le Réseau de l'information (RDI), were strong, healthy, highly popular and highly competitive. The Commission therefore determined that it would be appropriate to introduce competition between Canadian services operating in this genre. The Commission set out standard conditions of licence for national news services in Broadcasting Regulatory Policy 2009-562-2. These services benefit from a mandatory distribution order under section 9(1)(h) of the Act (Broadcasting Order 2013-735).
258. In Broadcasting Regulatory Policy 2013-734, the Commission set out a number of safeguards to ensure greater and more equitable access for Canadians to national news services, including the requirement that BDUs make these services available to their subscribers. The Commission stated in that regulatory policy that the licensing requirements for these services needed to be revised in light of their privileged distribution rights and to also ensure that Canadians receive high-quality news programming.
259. In the Working Document, the Commission proposed additional obligations for national news services, including:

- (1) the broadcast of an average of 16 hours per day, seven days a week, of original news coverage; and
- (2) a commitment that programming be drawn exclusively from news and current affairs programming.

260. In addition, the Commission proposed that applicants seeking to launch a new national news service be required to demonstrate that:

- they have a proven track record in producing high-quality news programming;
- there is evidence of demand in the market for an additional national news service; and
- the proposed service would bring additional programming diversity to the national news landscape.

#### **Positions of parties**

261. Many Canadians who participated in the consultation during Phase 1 of the Let's Talk TV proceeding stated that they are concerned about news and information. This view was also reflected in the answers Canadians provided in a public opinion research survey conducted by Harris/Decima.<sup>13</sup> According to the findings, news programming is the most important type of television programming to Canadians, whether local (81% saying it is important), national (78%), documentaries (72%) or international (68%).
262. Broadcasters generally supported the proposal for national news services set out in the Working Document. Some, however raised issues relating to the original programming and to the program categories from which such services may draw programming.
263. Bell and Quebecor, among others stated that if the Commission were to impose an obligation of 16 hours per day of original programming, this programming should not be restricted to "first-run/live news programming" in order to permit it to count repeat broadcasts. They argued that it would be very difficult for any national news service to meet a requirement of 16 hours per day of original, first-run news programming. If the obligation were to be defined as first-run/live programming, Bell suggested a lower limit such as 12 hours per day and Quebecor proposed a limit of 13 hours per day, Monday to Friday, with no requirement for weekends.
264. With respect to the type of programming that these services should be allowed to broadcast, a few broadcasters submitted that the programming should be drawn from the following program categories set out in Item 6 of Schedule I to the *Specialty Services Regulations, 1990*: 1 News, 2(a) Analysis and interpretation, 2(b) Long-form documentary and 3 Reporting and actualities.

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<sup>13</sup> See *Let's Talk TV: Quantitative Research Report*.

265. Cogeco was the only BDU to comment on this issue. It did not support the proposal from the Working Document and argued that, given the Commission's proposed approach regarding flexible packaging, the removal of genre protection for specialty services, and more programming choice from non-Canadian sources, there is no justifiable need to establish and maintain a separate licensing category for these services.
266. The CPSC viewed the proposed criteria as a step in the right direction. However, it added that more needs to be done not only to ensure high-quality news programming, but to prevent too much air time from being dedicated to opinion-based information and commentary instead of factual-based information. CPSC argued that the current *Journalistic Independence Code* administered by the Canadian Broadcast Standards Council (CBSC) is not detailed enough to ensure high-quality programming and does not provide defined guidelines regarding opinion-based programming, and suggested instead a proper code of ethics resembling the Conseil de presse du Québec's *Rights and Responsibilities of the Press*, which includes information regarding the distinction between different journalistic formats, conflicts of interest and integrity in the presentation and illustration of news.
267. Quebecor requested that the Commission amend the standard condition of licence limiting national news services to a maximum of 12 minutes of advertising per hour. It proposed that the minutes be averaged over the day rather than being counted in each hour. It argued that this amendment would provide added flexibility during the continuous news coverage of a special event.

#### **Commission's analysis and decisions**

268. National news services play a vital role in achieving the objectives of the Act by helping Canadians participate fully in the democratic, economic, social and cultural life of their country, their regions, their provinces and their neighbourhoods. These services also contribute to meeting the objective set out in section 3(1)(d)(ii) of the Act that the broadcasting system should offer information and analysis concerning Canada and other countries from a Canadian point of view. As well, these services help to fulfil the objective set out in section 3(1)(i)(ii) that the programming be drawn from local, regional, national and international sources. The level of regulatory intervention required by the Commission is therefore commensurate with the importance placed on the role of these services.
269. In Broadcasting Regulatory Policy 2013-734, the Commission stated that it considers that more stringent requirements are needed to ensure that national news services provide high-quality news programming to Canadians and that Canadians are exposed to a diversity of views on matters of public concern, particularly since these services benefit from mandatory distribution and other favourable terms of distribution as set out in Broadcasting Order 2013-735. In this regard, the Commission has taken into consideration the many proposals and comments put forward by interveners during the Let's Talk TV proceeding.



270. Specifically, the Commission considers that the national nature of these services must be better reflected in the criteria used to license these services. These services have a duty to reflect and report on all regions of Canada. They must therefore have the demonstrated capacity to gather news and report on events happening throughout the country. This could be achieved in a number of ways including arrangements between services. The standard conditions of licence and licensing criteria will be amended accordingly.

271. In addition, as set out in the current standard conditions of licence, national news services may draw programming from all program categories. The Commission will restrict this condition of licence so that nearly all of the programming is drawn from program categories that are relevant to news services: (1) News, (2)(a) Analysis and interpretation, (2)(b) Long-form documentary and (3) Reporting and actualities. This amendment will ensure that a predominance of the programming broadcast relates to news while still allowing some programming flexibility.

272. In addition to the current licensing criteria already set out in Broadcasting Regulatory Policy 2009-562-2, the Commission will introduce the following criteria, which include the changes discussed above:

- The licensee must broadcast 16 hours per day of original programming, 7 days a week, averaged over the broadcast year. This original programming need not be first-run.
- Not less than 95% of all programming broadcast during the broadcast month must be drawn from program categories: (1) News, (2)(a) Analysis and interpretation, (2)(b) Long-form documentary and (3) Reporting and actualities.
- The licensee must operate a live broadcast facility and maintain news bureaus in at least three regions other than that of the live broadcast facility (i.e., that it has demonstrable news gathering capabilities in several regions).
- In addition to the codes currently set out in the standard conditions of licence, the licensee must comply with the following codes administered by the CBSC: *RTDNA Code of (Journalistic) Ethics*, the *Canadian Association of Broadcasters' Code of Ethics* and the *Journalistic Independence Code*.<sup>14</sup>
- The licensee must have the ability to report on international events from a Canadian perspective.

273. In its intervention, Quebecor proposed that the condition of licence relating to advertising be amended in order to grant national news services the flexibility to offer continuous news coverage during a special event. The Commission considers

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<sup>14</sup> CBC News Network and RDI are currently subject to and will continue to abide by the CBC's *Journalistic Standards and Practices*.

that this added flexibility would not only ensure that viewers are kept informed of breaking news events, without interruption, but would also allow the services to respect their commitments to advertisers and not lose viewership to competitors. The Commission will therefore amend the standard condition of licence relating to advertising to allow licensees to count the maximum 12 minutes of advertising allowed per hour as an average over the broadcast day.

274. For existing services, the new criteria above will be applied at the time of licence renewal and will be used to determine whether the service will continue to benefit from mandatory distribution as a national news service. The criteria will also be used in the assessment of applications for a broadcasting licence to operate a new national news service. Applicants will further need to provide evidence of demand for a new national news service and demonstrate that the proposed service will add programming diversity to the system.
275. The Commission will publish these amendments to the standard conditions of licence for national news services in a future regulatory policy. The Commission will modify the mandatory distribution order for national news services to include new services as necessary.

### **Investing in programs that make an important contribution to the broadcasting system – Programs of national interest**

#### **Intended outcomes**

- ✓ *Canadians continue to have access to programs that make an important contribution to the broadcasting system.*
- ✓ *The Commission has better tools to monitor the production and exhibition of Canadian children's and youth programming so as to determine whether regulatory intervention is needed.*

#### **Background**

276. The objectives set out in the Act declare that the programming provided by the Canadian broadcasting system should be varied, comprehensive and encourage the development of Canadian expression by providing programming that reflects Canadian values and attitudes. The objectives also declare that the programming should include a significant contribution from the Canadian independent production sector. To ensure the fulfilment of these objectives, the Commission has encouraged the production of certain types of programs—drama, long-form documentary, music/variety and award shows—generally through expenditure requirements. These are called programs of national interest (PNI).
277. Current PNI requirements were introduced only recently during the last licence renewal process for the large private ownership groups. These requirements include a minimum expenditure requirement on PNI as well as a set minimum allocation of PNI expenditures to programs made by independent producers. Among French-

language services, only the discretionary services that were part of the Astral-designated group in 2012 are currently subject to a PNI expenditure requirement.

278. In Broadcasting Notice of Consultation 2014-190, the Commission asked whether it should continue to encourage the production of certain types of programs and which types of programs should be supported. In the Working Document, the Commission proposed to maintain the current requirements for PNI in both the English- and French-language markets. In the French-language market, these would be re-examined at licence renewal. A proposal was also made that children's programming be considered PNI.

#### **Positions of parties**

279. In the online consultation and during the intervention period, many Canadians commented on the importance of Canadian drama, children's programming and, to a lesser extent, documentaries. Children's programming particularly was a popular topic. For example, one Canadian was of the view that children should grow up watching Canadian content.
280. One Canadian expressed support for Canadian drama programs: "I would prefer if the regulations returned to placing a higher priority on drama than on documentary, reality TV, etc. Reality TV is cheaper to produce than drama so putting them on the same footing [incentives] reality TV over drama." Another participant asked more generally: "How can Canada retain a distinct Canadian culture if its television landscape is American?"
281. The vertically integrated companies were generally in agreement with maintaining the current PNI requirements. For its part, Rogers argued that PNI expenditures should be used to create original local content. At the hearing, Rogers stated that the minimum allocation of PNI expenditures to independently produced programs hinders the creation of big-budget, higher-risk productions. Bell proposed that the test for what to include in PNI should be whether the programming is "a risky proposition to undertake."
282. The creative groups and others such as the CMPA, the Writers Guild, ACTRA, and the CMF all supported the continuation of PNI. The CMF stated that "four years of public policy and regulatory support have made a difference. Canadians are watching high-quality Canadian programs in prime time." The Ontario Ministry of Tourism, Culture and Sport stated that PNI is important to Ontario.
283. Most of the interveners who made comments on the PNI expenditure requirements for French-language services were in favour of maintaining or increasing the requirements. Bell supported maintaining the requirements imposed on its specialty services in exchange for maintaining the genre exclusivity policy and access rights for French-language Category A services.

284. UDA, SARTEC and ARRQ were of the view that PNI continue to be the cornerstone of French-language television, but that the current requirements, unevenly imposed on the various French-language services, are not providing sufficient protection for these categories. They also noted that TVA Group does not currently have a condition of licence towards exhibition or expenditures on PNI, and that V Média has a minimal exhibition requirement. UDA, SARTEC and ARRQ were of the view that the status quo would be preferable to the complete removal of all requirements to that effect, but that it would prefer to see targeted conditions of licence on each service, with specific minimum levels for each program category.
285. Only Corus proposed to eliminate the PNI expenditure requirements for French-language specialty services, arguing that these program categories already receive adequate support from funding mechanisms such as the CMF and tax credits, especially given that foreign online broadcasters are not subject to the same requirements.
286. With respect to children's programming, the majority of interveners supported its inclusion in the definition of PNI. On Screen Manitoba submitted that creating a children's programming category would provide a measurable approach to ensuring that Canadians of all ages have access to quality original Canadian programming.
287. The Shaw Rocket Fund and the Youth Media Alliance supported adding children's programming to the PNI definition. However, the Shaw Rocket Fund further stated that without a minimum guaranteed spend there is no guarantee that more children's programming will be produced.

#### **Commission's analysis and decisions**

288. The Commission considers that PNI expenditure requirements continue to be an appropriate tool for ensuring that Canadians have access to the maximum number of programs from program categories that are of national interest and that require continued regulatory support. This view was also shared by a vast number of interveners, including individual Canadians who participated in the proceeding.
289. PNI requirements were introduced in the English-language market in 2011, in the French-language market in 2012 and for CBC services in 2013. When the broadcasting licences for Rogers' services were renewed in 2014, the PNI requirements were made consistent with the other English-language ownership groups. Given the relatively short timeframe in which the PNI requirements have been in place, the Commission considers it would be premature to alter the policy at this time. The current requirements relating to PNI including the specific program categories in each linguistic market will therefore be maintained.
290. For services in the French-language market, the Commission will examine the PNI requirements at their next licence renewals. The Commission will consider the specific situation of each service, including its membership in ownership groups of various sizes and situations, in determining requirements.

291. The Commission also considers that the condition of licence requiring that at least 75% of the spending requirement for PNI be allocated to independently produced programs is one of the means by which the objective in the Act relating to the independent sector is fulfilled and should therefore be maintained.

***Definition of Programs of National Interest***

292. As parties pointed out at the hearing, there is currently no test to determine whether it is necessary to support particular types of programming through regulatory measures such as PNI.

293. In its intervention and at the hearing, Bell suggested that risk (meaning the financial risk of producing or acquiring programming that has a potential for low profit returns or unrecoverable costs) be a factor in deciding whether a certain type of program be considered PNI.

294. Section 3(1)(d)(ii) of the Act sets out the objective that the broadcasting system should provide Canadians with a wide range of programming that reflects Canadian attitudes, opinions, ideas, values and creativity. Therefore, any test to determine whether a particular type of program should be considered PNI should ensure that it helps meet this objective of the Act.

295. When considering if certain types of programming require regulatory support, the Commission must take into consideration whether specific outcomes or objectives would be achievable without regulatory intervention.

296. In this respect, the Commission considers that the notion of risk and the need for support must be linked with the contribution such programming makes to the broadcasting system. The Commission will therefore apply a three-part test in future determinations relating to the addition or removal of PNI categories. Specifically, a type of 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.

297. The Commission will use the above test should it decide to initiate a policy proceeding to add to or remove program categories from PNI in the future. The implementation of any changes to PNI program categories would be done at the time of licence renewals.



### **Children's programming**

298. The Commission considers children's and youth programming to be an integral part of the broadcasting system. During all phases of the Let's Talk TV consultation, individual Canadians and other interveners wrote and spoke about the value of children's programming and the importance of Canadian children watching Canadian programming. It is important to note that some children's and youth programming, such as drama programs targeting children, is already included in PNI.
299. However, as part of this proceeding, conflicting data was filed regarding the funding and production of children's and youth programming. Consequently, the Commission recognizes that there is a need to collect more detailed data to monitor effectively the number of children's and youth projects being certified by the Commission as well as the expenditures on this type of programming. The various regulations currently do not include any program categories devoted to children and youth that would aid in this process. Therefore, in order to monitor the creation, exhibition of and expenditures on children's and youth programming, the Commission will issue a notice of consultation later this year to initiate a proceeding in order to create children's and youth program subcategories. These subcategories could be based on the age groups of the target audience, such as preschool (0-4), school age (5-12) and youth (13-17).

## **D. A simplified and streamlined licensing process**

### **Consolidation of programming service licences**

#### **Intended outcome**

- ✓ *The licensing process is simplified and less burdensome.*

#### **Background**

300. Presently, the Commission grants licences of more than 20 types to various programming services, such as conventional television, Category A and B pay and specialty, community programming, VOD, PPV, etc.
301. Many of these types of services are subject to their own set of standard conditions of licence, in addition to the individual conditions applicable to each licence.
302. In the Broadcasting Notice of Consultation 2014-190, the Commission proposed to simplify the licensing approach for programming services by consolidating all services into three general types, based on the way in which these services are distributed to Canadians by BDUs. The three types would be as follows:
- (a) Basic services (over-the-air conventional stations and provincial educational services)
  - (b) Discretionary services (all pay and specialty services)
  - (c) On-demand services (PPV and VOD services)

### **Positions of parties**

303. Most broadcasters and BDUs generally supported the consolidation of licence types, although Bell and Corus suggested that this approach should not be implemented in the French-language market. Cogeco argued that this approach would only work as a simplification exercise if the Commission standardizes requirements for all services of a particular category as a whole. If individual services each have a long list of additional requirements, the licensing process would become complex.
304. At the hearing, the CPSC stated that standard conditions of licence for discretionary services would be harmful, particularly in the French-language market. It added that this would lead specialty services to broadcast general interest programming, thus allowing them to take further advertising revenues from conventional stations, which are already in a precarious situation.
305. Fairchild Television Ltd. indicated that it is not in the public interest to impose standard conditions of licence on all specialty Category A and B services.
306. In its final submission, Corus also requested that, during this process, the Commission eliminate all legacy conditions of licence, which they define as unique, non-standardized conditions of licence that largely reflect commitments made when services were initially licensed. It also urged the Commission to recognize the need for greater flexibility and reduced regulatory burden when drafting the standardized conditions of licence.
307. The CMPA stated that it supports the consolidation of programming service licences, subject to the Commission conducting a further proceeding to establish appropriate Canadian programming obligations. However, it added that any standardization of obligations associated with the consolidation of programming service licences should not result in a net decrease in Canadian programming contributions in the system.

### **Commission's analysis and decisions**

308. In light of the other changes announced in this policy, the Commission considers that a streamlined licensing process that consolidates virtually all television programming service licences into three broad categories is appropriate. As proposed in the Working Document, these three types will be as follows:
- (a) Basic services (including over-the-air conventional and community television stations and provincial educational services)
  - (b) Discretionary services (all pay and specialty services, including those services, other than conventional television stations, granted mandatory distribution on the basic service pursuant to section 9(1)(h) of the Act)
  - (c) On-demand services (PPV and VOD services)

309. Each type of licence will have its own standard conditions of licence. Over-the-air conventional and community television stations and provincial educational services will be licensed as basic services, with individual conditions of licence that differentiate these services from other basic services. Similarly, national news and mainstream sports services will be licensed as discretionary services with additional conditions of licence unique to these services that do not apply to other discretionary services. As is currently the case, the Commission will have the option of imposing individual conditions of licence on particular services.
310. The Commission will establish the standard requirements for each new licence category and will amend the various regulations in a later proceeding. The new licence classes will be introduced through the licence renewal process and will come into effect for each service at the beginning of its next licence term.

#### **Expanding the exemption of services that serve fewer than 200,000 subscribers – New discretionary service exemption order**

##### **Intended outcome**

- ✓ *The regulatory burden is reduced both for those discretionary services with fewer subscribers and for the Commission.*

##### **Background**

311. The Commission currently exempts certain classes of programming services from the requirement to hold a broadcasting licence provided that they meet specific criteria set out in the relevant exemption order. The services currently exempted include certain third-language services and Category B services that serve fewer than 200,000 subscribers.
312. In the Working Document, the Commission proposed to expand the exemption order relating to third-language programming services by eliminating exclusions for particular languages and to expand the Category B exemption order to include all discretionary services that serve fewer than 200,000 subscribers. Both of these exemption orders are currently set out in Broadcasting Order 2012-689.

##### **Positions of parties**

313. In its comments, Rogers indicated that there is no need for the exemption orders to be revised or simplified, since the Category B exemption order has only been in effect for a short period of time and the expansion of the third-language exemption order would do little to increase the number of these types of services. It added that the expansion of the third-language exemption order may even make it more difficult for the Commission to monitor these services.
314. Bell stated that should the Commission eliminate genre exclusivity for third-language services, it would support exempting all such services from licensing, provided they meet minimum requirements. Bell also suggested expanding the

existing exemption order relating to Category B services with fewer than 200,000 subscribers to include services that serve up to 500,000 subscribers.

315. Asian Television Network International expressed concern over expanding the exemption order for third-language services. It suggested that such a measure would not increase flexibility for consumers and that the measure would be for administrative reasons only.
316. IBG supported the greater use of exemption orders and the Commission's effort to expand them, particularly to ensure that programming requirements are consistent with other regulatory requirements. IBG also expressed the view that there is a need to amend the third-language exemption order to accommodate lower Canadian content requirements for services broadcasting in certain languages.
317. Cogeco and Sasktel both supported expanding the existing exemption orders to include additional discretionary and on-demand programming services with a low number of subscribers.

#### **Commission's analysis and decisions**

318. The Commission considers that the current exemption orders for Category B services and for certain third-language services can be merged and expanded to include all discretionary services with fewer than 200,000 subscribers. This new exemption order will continue to maintain certain distinctions between English- and French-language services on the one hand and third-language services on the other hand, such as the lower exhibition requirements that apply to third-language services, but would otherwise impose a common set of obligations on all of these services.
319. Merging and expanding the exemption orders in this way would not add new obligations to exempt services but would instead permit a greater number of services to register as exempt services, thereby reducing regulatory burden for broadcasters with fewer viewers and reducing burden on Commission resources. Furthermore, obligations related to adherence to a declared nature of service would be eliminated, consistent with the elimination of genre protection and further reducing the regulatory burden on these services.
320. Accordingly, the Commission has issued today Broadcasting Order 2015-88, the merged and expanded exemption order for discretionary services. The exemption order for discretionary services will come into force once the *Broadcasting Distribution Regulations* are amended to include a reference to this exemption order. Until such time, the current exemption orders for Category B services and for certain third-language services will remain in force.
321. In the past, services that preferred to operate under a broadcasting licence rather than as exempt undertakings were sometimes granted licences, despite being eligible to operate under one of the aforementioned exemption orders. Once the new exemption order comes into force, the Commission will no longer grant licences to services eligible to operate under that order.

Secretary General

### Related documents

- *Call for comments on proposed amendments to the exemption order for video-on-demand undertakings and to the standard conditions of licence for video-on-demand undertakings*, Broadcasting Notice of Consultation CRTC 2015-87, 12 March 2015
- *Exemption order respecting discretionary television programming undertakings serving fewer than 200,000 subscribers*, Broadcasting Order CRTC 2015-88, 12 March 2015
- *Measures to address issues related to simultaneous substitution*, Broadcasting Regulatory Policy CRTC 2015-25, 29 January 2015
- *Over-the-air transmission of television signals and local programming*, Broadcasting Regulatory Policy CRTC 2015-24, 29 January 2015
- *Simplified approach to tangible benefits and determining the value of the transaction*, Broadcasting Regulatory Policy CRTC 2014-459, 5 September 2014
- *Amendments to various regulations, the standard conditions of licence for video-on-demand undertakings and certain exemption orders – Provisions requiring the mandatory distribution of emergency alert messages*, Broadcasting Regulatory Policy CRTC 2014-444, 29 August 2014
- *Let's Talk TV: Working document for discussion*, Broadcasting Notice of Consultation CRTC 2014-190-3, 21 August 2014
- *Let's Talk TV*, Broadcasting Notice of Consultation CRTC 2014-190, 24 April 2014
- *Distribution of Category C national news specialty services*, Broadcasting Order CRTC 2013-735, 19 December 2013
- *Distribution of Canadian Category C national news specialty services*, Broadcasting Regulatory Policy CRTC 2013-734, 19 December 2013
- *Let's Talk TV: A conversation with Canadians about the future of television*, Broadcasting Notice of Invitation CRTC 2013-563, 24 October 2013
- *New exemption order respecting certain programming undertakings that would otherwise be eligible to be operated as Category B services, and amendments to the Exemption order respecting certain third-language television undertakings*, Broadcasting Order CRTC 2012-689, 19 December 2012



- *Amendments to the Exemption order for new media broadcasting undertakings (now known as the Exemption order for digital media broadcasting undertakings), Broadcasting Order CRTC 2012-409, 26 July 2012*
- *TVA Group Inc. – Licence renewals, Broadcasting Decision CRTC 2012-242, 26 April 2012*
- *Astral Media inc. – Group-based licence renewals, Broadcasting Decision CRTC 2012-241, 26 April 2012*
- *General authorizations for broadcasting distribution undertakings, Broadcasting Regulatory Policy CRTC 2011-522, 24 August 2011*
- *Group-based licence renewals for English-language television groups – Introductory decision, Broadcasting Decision CRTC 2011-441, 27 July 2011*
- *Exemption order for small video-on-demand undertakings, Broadcasting Order CRTC 2011-60, 31 January 2011*
- *Revision of the definition of a Canadian program to include Canadian programs that have been dubbed in Canada and outside Canada, Broadcasting Regulatory Policy CRTC 2010-905, 3 December 2010*
- *Regulatory framework for video-on-demand undertakings, Broadcasting Regulatory Policy CRTC 2010-190, 29 March 2010*
- *A group-based approach to the licensing of private television services, Broadcasting Regulatory Policy CRTC 2010-167, 22 March 2010*
- *Conditions of licence for competitive Canadian specialty services operating in the genres of mainstream sports and national news – Definition of “broadcast day” for mainstream sports services, Broadcasting Regulatory Policy CRTC 2009-562-2, 25 May 2012*
- *Regulatory frameworks for broadcasting distribution undertakings and discretionary programming services – Regulatory policy, Broadcasting Public Notice CRTC 2008-100, 30 October 2008*
- *Determinations regarding certain aspects of the regulatory framework for over-the-air television, Broadcasting Public Notice CRTC 2007-53, 17 May 2007*
- *Review of certain aspects of the regulatory framework for over-the-air television, Broadcasting Notice of Public Hearing CRTC 2006-5, 12 June 2006*
- *Certification for Canadian Programs – A revised approach, Public Notice CRTC 2000-42, 17 March 2000*

