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CRTC Releases Regulatory Plan for the Implementation of the Online Streaming Act

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On May 8, 2023, the Canadian Radio-television and Telecommunications Commission (CRTC) published its Regulatory Plan explaining the next steps in its efforts to modernize Canada's broadcasting system following the passage of the *Online Streaming Act*.

As discussed further in our previous Cassels Comment, the *Online Streaming Act* (also known as Bill C-11) received royal assent on April 27, 2023, providing Canada's *Broadcasting Act* with its most expansive set of amendments in over 30 years. While these amendments attempt to respond to rapid technological change in the broadcasting industry, many details regarding how these amendments will be implemented were left unclear in the text of the *Online Streaming Act.* As a result, the regulatory framework under development will be critical in setting out how these amendments will affect broadcasters and the public in practice.

The Regulatory Plan outlines a three-phase approach for the development and implementation of the CRTC's new regulatory framework. At each stage of the Plan, the CRTC will invite public consultation on a wide range of issues related to Canada's broadcasting system.

Phase One: Getting Started (Spring 2023)

In the first phase of its Regulatory Plan, which has already started and is expected to continue through Spring 2023, the CRTC will begin public consultations on how online streaming services are to be brought into Canada's broadcasting system. This will include considerations about which online streaming services will need to register with the CRTC and how the existing exemption orders for online services will need to change.

More broadly, this phase will also consider which broadcasters should be required to contribute to the support of the Canadian broadcasting system and what forms those contributions should take. During this phase, the CRTC will also publish an Information Bulletin which will clarify technical details for broadcasters.

Phase Two: Building the New Regulatory Framework (Fall 2023 / Winter 2023-2024)

In the second phase of its Regulatory Plan, which will begin in Fall 2023, the CRTC will expand its public consultations to build out the specific expectations and requirements that broadcasters will be required to meet under the new regulatory framework. The first set of consultations under this phase will involve a review of fees currently paid by broadcasters and how those fees should extend to online undertakings. Later sets of consultations, expected to begin in Winter 2023-2024, may include consultations related to:

- the definitions of Canadian content and Indigenous content;
- tools to support Canadian music and audio content;
- tools to develop, support, and promote Canadian video content;
- support for news and local programming; and
- methods for protecting consumers, including broadcaster codes of conduct and consumer complaint mechanisms.

Phase Three: Implementing the New Regulatory Framework (Expected Late 2024)

In the third and final phase of its Regulatory Plan, the CRTC will focus on implementing the policy decisions that it developed through the public consultations held during the first two phases. The CRTC has not yet provided any information about what this implementation process will entail. The Regulatory Plan provides that the CRTC expects to launch this implementation phase in late 2024.

Conclusion

Given how many questions remain regarding the implementation of the *Online Streaming Act*, the public consultations that will take place under the CRTC's Regulatory Plan will be crucial for traditional broadcasters, online streaming platforms, and the public at large to make their voices heard in terms of what Canada's modernized broadcasting system should look like.

The Cassels Entertainment & Sports and Intellectual Property Groups have been closely monitoring the passage and implementation of the *Online Streaming Act*. If you require assistance navigating the consultation processes outlined in the Regulatory Plan or understanding how the *Online Streaming Act* may impact your business, please contact any member of our Entertainment & Sports or Intellectual Property Groups.

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