

The Journey of a Thousand Miles Starts With But a Single Step: The CRTC Releases Highly Anticipated Modernized Framework for Certification of “Canadian Content”

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After years of debate in the Canadian film and television industry, Canada now finds itself on the verge of a significant update to the definition of what qualifies as “Canadian content” (CanCon) for Canadian Radio-television and Telecommunications Commission (CRTC) analog and digital/streaming broadcast content certification purposes.

On November 18, 2025, the CRTC released [Broadcasting Regulatory Policy CRTC 2025-299](#) (the Policy), outlining the broad strokes of a significant update to the CRTC’s CanCon certification framework. The updated CanCon definition is a response to technological developments in the production of films and television content, updated methods of bringing that content to the public, the ever-growing importance of carving out consumer-facing shelf space for CanCon in a highly competitive analog and streaming environment, and the financial realities of CanCon producers.

This newly proposed CanCon framework, which will be formally implemented through yet-to-be released regulations and an accompanying consultation process, includes an expanded list of key creative positions that qualify for production points toward CanCon certification, an introduction of “bonus points” that a production can earn for including Canadian cultural elements, and a more flexible copyright ownership policy. In accordance with standard CRTC procedures, these regulations are expected to be circulated in draft form so that stakeholders and the public can provide comments and further suggestions.

Background

Since 2023, the CRTC has focused on the modernization of the regulatory framework for Canada’s broadcasting and media production industries. As discussed in a previous [Cassels Comment](#), this process began with the *Online Streaming Act* receiving royal assent in April 2023. One of the most notable aspects of the *Online Streaming Act* was establishing “online undertakings” as a new class of “broadcasting undertakings” that fall under the CRTC’s regulation.

Following the coming-into-force of the *Online Streaming Act*, the CRTC embarked on an [extensive, multi-year regulatory plan](#) to develop a modernized regulatory framework for the Canadian broadcasting industry.

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One of the most notable elements in that regulatory plan refresh was an intended revision to the CRTC's definition of CanCon to align with the modern realities of the Canadian and global production of film and television (audiovisual) content for the analog and digital/streaming broadcast sector.

Currently, the CRTC classifies content for analog and digital/streaming broadcast as "Canadian" by applying a points system and Canadian spend criteria. Content earns "CanCon points" based on how many of the key creative positions in the production (such as directors, screenwriters, and editors) are held by Canadians.

Until now, for the CRTC to certify content as CanCon in most cases, content was required to receive a minimum of 6 out of 10 possible CanCon points, meet a minimum Canadian spend obligation, and be produced by a Canadian producer who retains creative and financial control of the production from development to exploitation. Many film and television industry stakeholders have argued that this traditional framework is too inflexible in the face of rapid changes to the production of film and television content and the realities of modern production financing, and that it does not reflect a modernized view of what Canadians consider to be truly Canadian content.

In November 2024, the CRTC moved forward with its intention to modernize the CanCon certification framework by publishing a [Notice of Consultation](#), in which it proposed a wide range of potential changes to the framework and invited comments from stakeholders and members of the public. The CRTC reviewed nearly 500 written interventions and heard 78 oral submissions during a three-week hearing in May 2025.

The Modernized CanCon Certification Framework

As the CRTC had hinted throughout its regulatory planning and consultation process, the modernized CanCon certification framework proposed in the Policy represents a significant departure from the existing framework.

While the new framework maintains the existing points-based certification system that primarily rewards productions in which key creative positions are held by Canadians, the CRTC proposes to expand on that system through a more individualized and flexible points threshold, a more robust list of points-earning categories, the introduction of cultural elements as points-earning criteria, and a sliding scale copyright ownership policy that serves as a more flexible replacement to the previous Canadian control requirements.

Percentage-based Threshold for Certification

One of the more complex structural changes to how points are tabulated under the new certification framework is a move away from the traditional numerical points threshold to a new percentage-based threshold.

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As noted above, the traditional framework required most productions to earn a minimum of 6 out of 10 CanCon points in order to be certified as Canadian for analog or digital/streaming broadcast, regardless of how many key creative positions the production actually has available. Many industry stakeholders argued that the traditional system penalizes smaller productions with fewer available key creative positions and therefore fewer opportunities to reach the 6-point threshold.

Under the new framework, productions will instead be required to earn 60% (or 80%, in the case of productions with more limited Canadian copyright ownership, as discussed below) of the points that would be available to that specific production based on the key creative positions that exist in that production.

For example, a smaller production that only has key creative positions that are collectively worth 4 points but earns 3 out of 4 of those possible points based on positions being held by Canadians will achieve a score of 75% and therefore satisfy the threshold. A larger production that has available key creative positions that are collectively worth 12 points would need to earn 8 points to achieve a score above 60% and therefore satisfy the threshold.

Mandatory Canadian Positions

The new framework maintains the existing requirement that at least one of the key creative positions of director or screenwriter, as well as at least one of the first or second lead performer, must be filled by a Canadian, regardless of how many points the production otherwise earns. However, the new framework permits some flexibility by allowing the director and screenwriter positions to be shared by Canadians and non-Canadians.

Specifically, if a production has multiple individuals sharing a position — for example, a TV writers' room that includes a mix of Canadian and non-Canadian writers — the production will satisfy the Canadian requirement, and earn the points associated with those positions, if at least 80% those individuals are Canadian. In addition to introducing flexibility into the CanCon system, this approach also facilitates valuable mentorship of Canadian creative talent by international experts. Similar requirements will apply to animation productions.

Additional Recognized Key Creative Positions

While ensuring that key creative positions are filled by Canadians remains a focus of the new framework, the Policy introduces several new positions that will now be eligible for CanCon points:

- **Showrunner:** For television programs that have a showrunner position, a production can earn 2 points if that position is held by a Canadian. In response to concerns raised by some interveners that “showrunner” is a subjective and ill-defined term in the television industry, the Policy includes a detailed definition of the position, which emphasizes that the showrunner is the “creative leader” of

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the production who “manages the production process and ensures quality from start to finish, working closely with writers to keep the narrative aligned with the creative direction from inception to final delivery.” The CRTC emphasizes that the showrunner position is distinct from the position of a director or writer and that double-counting of points where a single individual is both a showrunner and a writer or director will not be permitted.

- **Heads of Departments Responsible for Costume Design, Make-Up Artists, and Hair Artists:** Recognizing that costume designers, make-up artists and hair artists play “a key role in shaping a production’s artistic vision,” the new framework provides that the heads of department in these categories will now be recognized as key creative positions. A production will earn one CanCon point if *all* of those positions, to the extent that they exist on a production, are held by Canadians.
- **Visual Effects Director & Special Effects Director:** Under the new framework, a production that has both a visual effects director and a special effects director will earn one CanCon point if both positions are held by Canadians. If a production only has either a visual effects director or a special effects director, but not both, that production will earn the available point if the position that exists is held by a Canadian.

Cultural Elements Eligible for Points

One of the most significant substantive adjustments to the CanCon points structure under the new framework is the introduction of an entirely new “bonus” category of production elements intended to reflect Canadian culture.

In the initial proposal for the new framework, the CRTC took the preliminary view that the framework should not include cultural elements because those elements were potentially too subjective and difficult to define. However, the CRTC was persuaded to introduce a cultural elements category after compelling submissions from certain stakeholders about the role that cultural elements play in national certification systems in other jurisdictions and the specific types of cultural elements that have been recognized.

In total, a production will now be able to earn up to three CanCon “bonus points” towards certification if it satisfies the following three cultural criteria:

- **Characters, Synopsis & Location:** A production will earn one CanCon point if all of its lead characters (up to five) are Canadian or members of First Nations, Inuit, or Metis in Canada, are identified as such in the synopsis of the production, and if the story or narrative takes place entirely in Canada and is identified as such.
- **Source Material:** A production will earn one CanCon point if a Canadian written work is used as the source material for the production.
- **Musical Selections:** A production will earn one CanCon point if more than 50% of the pre-recorded or pre-existing musical selections featured in the production are Canadian. This bonus point will only be awarded if a production does not have a Music Composer position (which is its own CanCon

points-earning key creative position) or if a production's Music Composer position is held by a Canadian.

To address concerns from some industry stakeholders that adding cultural elements to the framework would unfairly penalize productions that are not about Canada or based on Canadian material but still include many Canadians in key creative positions, the CRTC has clarified that the cultural elements are “bonus” criteria in that they can assist a production to earn CanCon points towards their CanCon threshold but will not increase the denominator upon which the 60% threshold is based.

In other words, if a production has key creative positions worth 12 CanCon points and only six CanCon points are held by Canadians, satisfying the three cultural criteria would increase a production's total to nine CanCon points out of 12 (not 15) and therefore satisfy the 60% threshold.

A More Flexible Copyright Ownership Requirement

The new framework also replaces a controversial requirement relating to a rigid Canadian control of a production standard with a more flexible requirement focused on copyright ownership.

Under the previous framework, Canadian producers were required to demonstrate that they retained control of their production through development, creative and financial control, financing and producer remuneration for the production to be certified as CanCon. While many stakeholders generally support the idea of ensuring that CanCon is controlled by Canadians, some argue that the existing requirement is vague, too restrictive, and stifles collaboration between Canadian and foreign producers on programming content that ultimately employs many Canadians and reflects Canadian identity.

To balance these competing views, the new framework replaces the rigid control requirement with a more objective sliding-scale copyright ownership requirement. Under the new framework, a minimum of 20% of the copyright in a production must be owned by Canadians for the production to qualify as CanCon.

To ensure that productions are still sufficiently Canadian notwithstanding the lower minimum ownership requirement, the percentage threshold of “CanCon points” that a production needs to earn will differ based on how much of a production's copyright above 20% is Canadian-owned. Productions with Canadian copyright ownership between 20% and 50% will be subject to a higher 80% CanCon points threshold (i.e., they will need to achieve at least 80% of the maximum possible number of points for that production), whereas productions with Canadian copyright ownership above 50% will be subject to the default 60% threshold (i.e., they will need to achieve at least 60% of the maximum possible number of points for that production).

A production's degree of Canadian copyright ownership will also affect certain other requirements in the CanCon certification process for analog or digital/streaming broadcast. For example, where a production's

copyright is 100% Canadian-owned, the existing requirement that the producer, co-producer, line producer, and production manager be Canadian will continue to apply. However, where copyright ownership of a production is shared between Canadians and non-Canadians, it will be sufficient for 50% or more of the people in those roles (and other producer-related roles) to be Canadian.

Key Takeaways & Next Steps

The new framework provides greater flexibility to content producers in meeting the CanCon certification requirements that better reflect the commercial realities of producing and financing content.

In an increasingly globalized film and television content sector in which collaborations between Canadians and non-Canadians are more common than ever, the new framework should make it easier for the content produced by those collaborations to be recognized as CanCon while ensuring that those certified productions truly represent Canadian identity and values, both in terms of their creative elements and their stories.

A few further observations:

1. Now that the new framework has been released, the CRTC will move ahead with formally implementing it by way of new regulations and amendments to existing legislation. The CRTC has not provided a specific timeline for this step other than noting in the Policy that a notice of consultation calling for comments on the proposed regulations will be issued in the “near future.” Until the new regulations are brought into effect, the old CanCon rules will continue to apply. However, content producers who apply for CanCon certification during the period before the new regulations come into force will be allowed to choose whether they want their applications reviewed under the existing framework or deferred until after the regulations come into force. This results in a bit of a “no-man’s land” for producers intending to produce content during the interim while the regulations are being formulated and finalized.
2. While a new framework for the CanCon certification process for analog or digital/streaming broadcast purposes that recognizes and endeavours to adjust to the technical and commercial realities of content production and its financing is a strong step forward, CanCon certification for analog or digital/streaming broadcast content purposes is only one brick in the wall. For Canadian producers to effectively maximize their ability to finance these newly defined CanCon productions, similar or complementary amendments will have to be made to the definition of CanCon for the Canadian federal refundable film and video production tax credit program and its provincial counterparts.
3. While the CRTC canvassed the effects and use of artificial intelligence (AI) within the Canadian broadcasting system as part of the public consultation giving rise to the new framework, the CRTC recognizes that the use of AI is in the early stages and, while anticipated to grow readily, is not yet in

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a sufficiently steady state to set a balance between the potential benefits of AI as a creative tool and the importance of maintaining human control over the production process. The CRTC will continue to monitor the use and effects of AI and likely will address AI technology in more broad-reaching federal government legislation. However, for the moment, the new framework does not address AI specifically other than to recognize that in order to qualify for CanCon point categories, the key creative categories need to be staffed by humans and not by AI and that the CRTC will be viewing CanCon compliance through that lens.

The [Cassels Entertainment & Sports Group](#) has been closely following the CRTC's updates to Canada's broadcasting system and has extensive experience assisting film and television industry participants in CRTC consultations (including this one). If you have any questions about the content of this article or how the CRTC's new CanCon certification framework may impact your business, please contact any member of our Group.

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