



Patrimoine  
canadien Canadian  
Heritage

Sous-ministre Deputy Minister  
Gatineau (Québec) Gatineau, Quebec

PROTECTED B

FEB 10 2026

MEMORANDUM TO THE HONOURABLE MARC MILLER

NEXT STEPS IN THE IMPLEMENTATION OF THE ONLINE STREAMING ACT

(For Information)

**SUMMARY**

- Please find enclosed the scenarios [REDACTED] *Online Streaming Act* (Annex A); supplementary questions and answers have been provided (Annex B); [REDACTED] (Annex C)
- Officials are prepared to provide a detailed briefing to you at your convenience.

**Background**

- The *Online Streaming Act* received Royal Assent on April 27, 2023; it is the first major reform of the *Broadcasting Act* since 1991. With the amendments brought by the *Online Streaming Act*, the CRTC has the powers and tools to regulate online broadcasters in an equitable manner, including imposing regulatory requirements through conditions of service and the ability to levy administrative monetary penalties to promote compliance.
- In August 2024, the CRTC issued orders that require online streaming services that generate \$25 million or more in eligible Canadian broadcasting revenues and that are not affiliated with a Canadian broadcaster to contribute five percent of those revenues to certain funds (the base contributions).
- This CRTC decision is currently being challenged in court by Spotify, Amazon, Apple, and the Motion Picture Association-Canada, which represents the largest American studios. The Federal Court of Appeal has granted a stay on payments until a final ruling. The Court has not expressed any indication of when a decision could be issued, but it is expected to be in the coming weeks or months.
- In November 2025, the CRTC published the first part of its regulatory policy for the audiovisual sector, where it established a modernized definition of audiovisual Canadian content and, among other subjects, established how it intends to make online streamers' financial information (Canadian revenues, Canadian programming expenditures and other contributions) available to the public.
  - Apple and the Motion Pictures Association Canada (on behalf of major streaming platforms) have filed legal challenges with the Federal Court of


Appeal against CRTC's financial disclosure requirements. They argued that the regulatory framework does not allow them to seek confidentiality protection for revenue information they are required to submit, and that public disclosure of sensitive financial data could cause serious competitive harm.

- In parallel, the Canadian Media Producers Association has filed a legal challenge of the same decision but centering on the CRTC's decision to allow non-Canadians to own up to 80 percent of copyright in programs that are certified as Canadian content.
- These challenges are awaiting a Court decision to give leave to appeal.
- The CRTC is expected to issue the second part of its regulatory policy on the audiovisual sector, focusing on the expenditures requirements it intends to impose on all broadcasters, early in 2026 (the Expenditures Policy). Similarly, the CRTC is expected to release its policy on the sustainability of the broadcasting sector (the Markets Dynamics Policy) during Winter 2026. This policy should address issues of competition and discoverability.
- This will be followed by further consultations in 2026 where it will finalize the individual contributions and requirements for traditional and online platforms in Canada (the Tailored Conditions of Service).

#### *CRTC Independence*

- The CRTC is an independent quasi-judicial tribunal that regulates the Canadian communications sector in the public interest. Its independence is an important guardrail to protect against government interference in broadcasting affairs, helping preserve media freedom, journalistic independence and ultimately, Charter-protected freedom of expression in Canada.
- By design, the *Broadcasting Act* constricts the influence of the minister and of the Governor in Council over regulatory decisions, generally limiting them to issuing broad directions or to an appeal function for stakeholders who are of the view that the CRTC has deviated from the objectives of the Acts.

#### Conclusion




Francis Bilodeau

#### Attachments

s.21(1)(a) Prepared by: Digital and Creative Marketplace Frameworks Branch  
s.21(1)(c)

## SCENARIOS FOLLOWING FEDERAL COURT OF APPEALS RULING



- The first scenario would be the Court upholding the CRTC's decision completely.  This would reinstate the stayed base contributions requirements and would allow the CRTC to continue implementing its regulatory plans.



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**ANNEX A-2**



## QUESTIONS AND ANSWERS

**1. If the appeals court rules against the government in the ongoing court challenges to the initial base contribution decision, what next steps are possible?**

Depending on the Court's rationale for invalidating the CRTC's decision,

Regardless of the outcome (especially if the Court fully upholds the CRTC's decision),

**Pages 6 to / à 19  
are withheld pursuant to section  
sont retenues en vertu de l'article**

**21(1)(c)**

**of the Access to Information Act  
de la Loi sur l'accès à l'information**

**Pages 20 to / à 21  
are withheld pursuant to sections  
sont retenues en vertu des articles**

**21(1)(c), 23**

**of the Access to Information Act  
de la Loi sur l'accès à l'information**