

April 7, 2026

**Filed Electronically**

Marc Morin  
Secretary General  
Canadian Radio-television and  
Telecommunications Commission  
Ottawa, Ontario  
K1A 0N2

Dear Mr. Morin:

**Re: *Broadcasting Notice of Consultation CRTC 2026-18: Call for comments on proposed Regulations Prescribing Canadian Programs and proposed amendments to the Television Broadcasting Regulations, 1987, the Broadcasting Distribution Regulations, and the Discretionary Services Regulations***

1. The Writers Guild of Canada (WGC) is the national association representing approximately 2,500 professional screenwriters working in English-language film, television, radio, and digital media production in Canada. The WGC is actively involved in advocating for a strong and vibrant Canadian broadcasting system containing high-quality Canadian and Indigenous programming.

#### **Coming-into-force date**

2. Broadcasting Notice of Consultation CRTC 2026-18 (the Notice) states, at paragraph 5:

To align with the start of the broadcast year and to allow the transition to the new certification framework, the new regulations and consequential amendments to existing regulations would come into force on 1 September 2026, or on the day they are registered if registration occurs after 1 September 2026. The modernized certification framework would apply to all applications received after this date.

3. The WGC supports this coming-into-force date, and submits that the new certification framework, the new regulations and consequential amendments to existing regulations should come into force no later than 1 September 2026. In other words, the WGC does not support unwarranted or unnecessary delays to the implementation of the new certification framework.
4. From the WGC's perspective, the new framework includes important features that have the potential to better support Canadian screenwriters. These include the addition of "showrunner" to the points system for key creative personnel, as well as requiring a Canadian writer and director where Canadian copyright is not majority-Canadian owned. The WGC has consistently argued that even stronger measures are needed to fully support Canadian screenwriters, as the Canadian authorial voice in series audiovisual

production in particular, in the digital era. We are nevertheless hopeful that certain features in the new certification framework will improve the support of Canadian screenwriters within the Canadian broadcasting system. As such, we submit that they should be implemented on a timely basis, and not unduly delayed any longer than necessary.

5. As such, the WGC supports the 1 September 2026 coming-into-force date, and proposes that the new regulations come into force no later than that date.

### **CAVCO certification as an alternate track to CRTC certification**

6. The proposed *Regulations Prescribing Canadian Programs* provided at Appendix 1 of the Notice highlights an issue that the WGC believes deserved greater attention earlier, particularly in the proceeding pursuant to Broadcasting Notice of Consultation CRTC 2024-288. The proposed regulations in the current Notice state:

1 A program consisting of visual images or a combination of sounds and visual images constitutes a Canadian program for the purposes of the *Broadcasting Act* if it is

(a) a program in respect of which a *Canadian film or video production certificate*, as defined in subsection 125.4(1) of the *Income Tax Act*, has been issued;

7. The result of this is that if a program is certified for the purposes of the Canadian Film or Video Production Tax Credit (CPTC), then the Commission will automatically certify it as a Canadian program, despite it potentially meeting none of the new elements that the Commission has just spent the past year or more developing and expressing in Broadcasting Regulatory Policy CRTC 2025-299.
8. As the WGC stated in its final written comments to Broadcasting Notice of Consultation CRTC 2024-288, dated 23 June 2025:

87. It is unknown whether the Canadian Audio-Visual Certification Office (CAVCO), which certifies productions for the Canadian Film or Video Production Tax Credit (CPTC), will amend its eligibility criteria to match those of the Commission for the definition of “Canadian program”, including the addition of “showrunner” as a mandatory-Canadian creative role. In the event it does not, however, and if the Commission moves forward with the definition put forward as its preliminary view in Broadcasting Notice of Consultation CRTC 2024-288, the result will be that a vital support and protection for Canadian showrunners will exist in the Commission’s definition that will not exist in CAVCO’s certification process.

88. The WGC has strongly supported the Commission’s proposal to make the showrunner a mandatory position where it exists, for the reasons set out previously in this proceeding. Without such protection, Canadian showrunning — and Canadian writing — is at immense and existential risk in the face of enormous pressure to control the writing process through engagement of U.S. and U.S.-based showrunners. That’s what makes the Commission’s showrunner proposal such a potential game-changer for Canadian writers.

89. If, however, the Commission automatically certifies productions that have been certified by CAVCO, which does *not* have this protection, it will be creating an enormous loophole to

allow foreign streamers and others to effectively avoid the mandatory showrunner points, simply by meeting CAVCO's criteria.

90. The Commission's criteria for defining Canadian programs are its own, based on its own mandate, and information gathered through its own comprehensive consultation process. Nothing requires the Commission to "align" or mirror or otherwise walk in lock-step with other elements of the Canadian audiovisual landscape. This includes the Policy Direction, which requires the Commission to, "consider" (not determine), "whether its determination of what constitutes a Canadian program complements" (i.e. helps make something or someone more complete or effective — not "matches," "mirrors," or "copies") "other Canadian content policies that are applicable to the Canadian broadcasting system, including those pertaining to audio-visual tax credits or government funding."

91. Any actual or perceived administrative "efficiency" or "simplification" potentially achieved by aligning the Commission and CAVCO definitions is more than offset by the policy implications of a lowest-common-denominator approach to certification. The Commission's definition of Canadian content has never strictly mirrored CAVCO's, and it needn't start now, especially when it contemplates such a vital protection for Canadian screenwriters that would be completely vitiated if the Commission turned around and allowed CAVCO's definition to effectively replace its own.<sup>1</sup>

9. Ultimately, the Commission did not make the showrunner a mandatory-Canadian requirement in Broadcasting Regulatory Policy CRTC 2025-299, as the WGC had hoped it would. It nevertheless did make important changes to its certification framework for Canadian programming, including the incremental improvements for Canadian screenwriters cited above with respect to the coming-into-force date. Automatically certifying a program in respect of which a *Canadian film or video production certificate*, as defined in subsection 125.4(1) of the *Income Tax Act*, has been issued, represents very real potential end-run around key elements of the Commission's new certification framework. It arguably goes even beyond that, effectively outsourcing the Commission's responsibility to implement the objectives of the *Broadcasting Act* to other government institutions that may have no such responsibility themselves.
10. The WGC is aware that this is not strictly a new issue. We are aware that CPTC certification has long been recognized by the Commission as a path for its own certification. This was the case, however, in an earlier era, during which the two regimes much more closely aligned with each other than they do now. It was also the case in an earlier era during which "broadcasting undertakings" did not include massive global streaming services with the financial ability to bankroll major productions themselves, without the need for Canadian financing supports like the CPTC.<sup>2</sup>

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<sup>1</sup> [https://www.wgc.ca/sites/default/files/resource/2025-06/2025\\_06\\_23%20WGC%20Final%20Written%20Comments\\_BNC%202024-288\\_Canadian%20program\\_FINAL.pdf](https://www.wgc.ca/sites/default/files/resource/2025-06/2025_06_23%20WGC%20Final%20Written%20Comments_BNC%202024-288_Canadian%20program_FINAL.pdf)

<sup>2</sup> This was one of the subjects of "COMMENTARY (part three): C-11 must ensure Canadian screenwriters aren't left behind" (September, 2022), particularly the following, which focuses on the incentivizing power of the Canada Media Fund (CMF), but the argument applies to the CPTC as well (<https://cartt.ca/commentary-part-three-c-11-must-ensure-canadian-screenwriters-arent-left-behind/>):

"Currently, only traditional Canadian broadcasters are subject to Canadian content regulation under the Broadcasting Act, and they make significant use of the CMF to support their Canadian production. The CMF requires productions to achieve the full, 10 out of 10 points in order to be eligible for funding. As such, this has become the de facto standard for the genres the CMF

11. We are also aware that the continuation of the recognition of CPTC certification as a “Canadian program” by the Commission would have been implied by Broadcasting Notice of Consultation CRTC 2024-288 and Broadcasting Regulatory Policy CRTC 2025-299.
12. We nevertheless submit that this should not have been merely implied. It is a significant enough issue that it should have been an explicit component of Broadcasting Notice of Consultation CRTC 2024-288, meriting its own dedicated question there, its discussion at the public hearing, and a decision that expressly included the Commission’s rationale(s) in Broadcasting Regulatory Policy CRTC 2025-299.
13. This was not done then, so we submit that the Commission should do so now. If it does not, we submit that the Commission must include this issue amongst those that it monitors in the implementation of Broadcasting Regulatory Policy CRTC 2025-299 moving forward, so that it can course-correct quickly if it finds that it has indeed created an unintended loophole that allows key elements of its policy decision to be side-stepped via CPTC certification.

**Conclusion**

14. We thank the Commission for the opportunity to participate in this proceeding.

Yours very truly,



Neal McDougall  
Assistant Executive Director, WGC

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funds in the broadcasting system, and it is a near-certainty that the current level of support for Canadian screenwriters comes from this fact. Canadian broadcasters effectively need that money to produce content. They cannot leave CMF money on the table in exchange for not playing by the CMF’s rules and still expect to commission high-cost Canadian dramas, kids’ programming, and documentaries economically. The influence of the CMF in the current system is setting a de facto 10-point standard for the entire industry.

“This situation will not survive a post-C-11 world, however, because foreign streaming services can afford to leave money on the table. Foreign online undertakings are many, many times larger than Canadian broadcasters. They have much deeper financial pockets. That means that they can happily walk away from funding if it gives them more control over the production, including the ability to place non-Canadians in creatively vital writing positions.

“It boils down to the relative power of incentives versus regulatory requirements. Effective incentives must be big enough to actually incentivize the behaviour they seek, so the size of the entities you’re trying to incentivize matters. Canadian broadcasters are small enough, in the context of a global market, for the CMF’s funding to be an effective incentive. Foreign streamers are too big to have the same effect. And this isn’t just my opinion. It was also recognized in the 2020 final report of the Broadcasting and Telecommunications Legislative Review Panel, in its rationale for Recommendation #67.”

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