



Broadcasting Notice of Consultation CRTC 2022-58

PDF version

Ottawa, 3 March 2022

Public record: 1011-NOC2022-0058

Call for comments regarding the continued appropriateness of authorizing the distribution of RT in Canada

The Commission has received a request from the Governor in Council pursuant to section 15 of the *Broadcasting Act* (the Act) that the Commission hold a hearing to determine whether RT (formerly known as Russia Today) and RT France (collectively RT) should be removed from the list of non-Canadian programming services authorized for distribution in Canada and make a report as soon as feasible, but no later than two weeks after the effective date of the Order.¹ The Commission is therefore seeking comments on the continued appropriateness of authorizing the distribution of RT in Canada.

The deadline for the receipt of interventions is **8 March 2022**.

Background

1. Pursuant to section 5 of the *Broadcasting Act* (the Act), the Commission is required to regulate and supervise all aspects of the Canadian broadcasting system with a view to implementing the policy objectives set out in subsection 3(1) of the Act.
2. The Commission does not license non-Canadian services to broadcast in Canada. Instead, it authorizes Canadian broadcasting distribution undertakings (BDUs) to distribute those services, should they choose to do so, via the *List of non-Canadian programming services authorized for distribution* (the List). These services require a Canadian sponsor in order to be added to the List. By allowing BDUs to distribute non-Canadian services in Canada, the Commission recognizes that the availability of certain of these services may serve the public interest by adding choice, diversity and alternative perspective to the Canadian broadcasting system, thereby furthering the broadcasting policy set out in subsection 3(1).
3. The Commission's general approach to the addition of English- and French-language non-Canadian services to the List was set out in Public Notice 2000-173 and revised in Broadcasting Public Notice 2008-100. In regard to non-Canadian news services, the Commission determined that a more open-entry approach would be consistent with the importance it places on a diversity of editorial points of view. Accordingly, the Commission stated that, "absent clear evidence, as determined by the Commission, that a non-Canadian news service would violate Canadian regulations,

¹ [P.C. 2022-0183, 2 March 2022](#)

such as those regarding abusive comment, the Commission will be predisposed to authorize non-Canadian news services for distribution in Canada.”

4. Pursuant to this policy, the Commission authorized the distribution of Russia Today in Canada in Broadcasting Regulatory Policy 2009-676 at the request of the Ethnic Channels Group Limited (ECGL). The Commission authorized the distribution of RT France in Canada in Broadcasting Decision 2020-281 at the request of ECGL, as the Canadian sponsor.
5. Following the recent attacks by Russia on Ukraine, the Commission has received several complaints from the Canadian public regarding the programming on RT (formerly Russia Today) and whether that programming is consistent with the policy objectives of the Act and with the Commission’s broadcasting regulations.

Section 15 Direction

6. On 2 March 2022, the Commission received an order from the Governor in Council pursuant to section 15 of the Act requesting that the Commission hold a hearing to determine whether RT and RT France should be removed from the List and to make a report as soon as feasible, but no later than two weeks after the effective date of the Order (the Section 15 Order).
7. The Section 15 Order indicates that the Government of Canada has concerns as to whether programs broadcast by RT and RT France would violate regulations made by the Commission under the Act, if those programs had been broadcast by a licensed Canadian programming undertaking.

Commission’s preliminary view

8. In light of the concerns raised by the Government of Canada and the public with respect to the continued appropriateness of the distribution of RT and RT France (collectively RT) in Canada, the Commission is of the preliminary view that RT’s programming may not be consistent with the Commission’s broadcasting regulations, in particular, the abusive comment provisions such as those set out in section 5 of the *Television Broadcasting Regulations, 1987*:

5 (1) A licensee shall not broadcast

(b) any abusive comment or abusive pictorial representation that, when taken in context, tends to or is likely to expose an individual or a group or class of individuals to hatred or contempt on the basis of race, national or ethnic origin, colour, religion, sex, sexual orientation, age or mental or physical disability;

9. The Commission notes that similar provisions are also found in the *Discretionary Services Regulations* (section 3), and the *Broadcasting Distribution Regulations* (section 8(1)).

10. The Commission notes, as well, that the policy objectives set out in subsection 3(1) of the Act apply with respect to all programming broadcast in Canada, whether provided by Canadian or non-Canadian services. Notably, subparagraph 3(1)(d)(i) requires that the broadcasting system of Canada should serve to safeguard, enrich and strengthen the cultural, political, social and economic fabric of Canada. The Commission is concerned that the programming broadcast on RT is antithetical to the policy objectives and does not serve the public interest.

Call for comments

11. In light of the above, the Commission calls for comments on the continued appropriateness of the distribution of RT in Canada.
12. The Commission makes all broadcasting distribution undertakings and Ethnic Channels Group Limited parties to this proceeding and asks them to show cause why RT should not be removed from the List.
13. The Commission urges parties and interveners to provide any examples of RT's programming that in their view support their position.

Procedure

14. The *Canadian Radio-television and Telecommunications Commission Rules of Practice and Procedure* (the Rules of Procedure) apply to the present proceeding. The Rules of Procedure set out, among other things, the rules for content, format, filing and service of interventions, answers, replies and requests for information; the procedure for filing confidential information and requesting its disclosure; and the conduct of public hearings. Accordingly, the procedure set out below must be read in conjunction with the Rules of Procedure and related documents, which can be found on the Commission's website under "[Statutes and Regulations](#)." The guidelines set out in Broadcasting and Telecom Information Bulletin 2010-959 provide information to help interested persons and parties understand the Rules of Procedure so that they can more effectively participate in Commission proceedings.
15. The Commission invites interventions that address the issues and questions set out above. The Commission will accept interventions that it receives on or before **8 March 2022**.
16. The Commission encourages interested persons and parties to monitor the record of the proceeding, available on the Commission's website, for additional information that they may find useful when preparing their submissions.
17. Submissions longer than five pages should include a summary. Each paragraph of all submissions should be numbered, and the line *****End of document***** should follow the last paragraph. This will help the Commission verify that the document has not been damaged during electronic transmission.

18. Pursuant to Broadcasting and Telecom Information Bulletin 2015-242, the Commission expects incorporated entities and associations, and encourages all Canadians, to file submissions for Commission proceedings in accessible formats (for example, text-based file formats that allow text to be enlarged or modified, or read by screen readers). To provide assistance in this regard, the Commission has posted on its website [guidelines](#) for preparing documents in accessible formats.
19. Submissions must be filed by sending them to the Secretary General of the Commission using **only one** of the following means:

by completing the
[\[Intervention/comment/answer form\]](#)

or

by mail to
CRTC, Ottawa, Ontario K1A 0N2

or

by fax at
819-994-0218

20. Parties who send documents electronically must ensure that they will be able to prove, upon Commission request, that filing, or where required, service of a particular document was completed. Accordingly, parties must keep proof of the sending and receipt of each document for 180 days after the date on which the document is filed or served. The Commission advises parties who file or serve documents by electronic means to exercise caution when using email for the service of documents, as it may be difficult to establish that service has occurred.
21. In accordance with the Rules of Procedure, a document must be received by the Commission and all relevant parties by 5 p.m. Vancouver time (8 p.m. Ottawa time) on the date it is due. Parties are responsible for ensuring the timely delivery of their submissions and will not be notified if their submissions are received after the deadline. Late submissions, including those due to postal delays, will not be considered by the Commission and will not be made part of the public record.
22. The Commission will not formally acknowledge submissions. It will, however, fully consider all submissions, which will form part of the public record of the proceeding, provided that the procedure for filing set out above has been followed.

Important notice

23. All information that parties provide as part of this public process, except information designated confidential, whether sent by postal mail, fax, email or through the Commission's website at www.crtc.gc.ca, becomes part of a publicly accessible file and will be posted on the Commission's website. This information includes personal information, such as full names, email addresses, postal/street addresses, telephone and fax numbers, etc.

24. The personal information that parties provide will be used and may be disclosed for the purpose for which the information was obtained or compiled by the Commission, or for a use consistent with that purpose.
25. Documents received electronically or otherwise will be put on the Commission's website in their entirety exactly as received, including any personal information contained therein, in the official language and format in which they are received. Documents not received electronically will be available in PDF format.
26. The information that parties provide to the Commission as part of this public process is entered into an unsearchable database dedicated to this specific public process. This database is accessible only from the web page of this particular public process. As a result, a general search of the Commission's website with the help of either its own search engine or a third-party search engine will not provide access to the information that was provided as part of this public process.

Availability of documents

27. Electronic versions of the interventions and of other documents referred to in this notice, are available on the Commission's website at www.crtc.gc.ca by visiting the "Consultations and hearings – Have your say!" section, then selecting "our applications and processes that are open for comment". Documents can then be accessed by clicking on the links in the "Subject" and "Related Documents" columns associated with this particular notice.
28. Documents are also available at the following address, upon request, during normal business hours.

Les Terrasses de la Chaudière
Central Building
1 Promenade du Portage, Room 206
Gatineau, Quebec
J8X 4B1
Tel.: 819-997-2429
Fax: 819-994-0218

Toll-free telephone: 1-877-249-2782
Toll-free TTY: 1-877-909-2782

Secretary General

Related documents

- *Addition of RT France to the List of non-Canadian programming services and stations authorized for distribution*, Broadcasting Decision CRTC 2020-281, 20 August 2020

- *Filing submissions for Commission proceedings in accessible formats*, Broadcasting and Telecom Information Bulletin CRTC 2015-242, 8 June 2015
- *Guidelines on the CRTC Rules of Practice and Procedure*, Broadcasting and Telecom Information Bulletin CRTC 2010-959, 23 December 2010
- *Changes to certain practices for filing interventions – Expansion of filing practices to include the filing of joint supporting comments for broadcasting policy proceedings*, Broadcasting Information Bulletin CRTC 2010-28-1, 10 December 2010
- *Addition of Russia Today to the lists of eligible satellite services for distribution on a digital basis*, Broadcasting Regulatory Policy CRTC 2009-676, 29 October 2009
- *Regulatory frameworks for broadcasting distribution undertakings and discretionary programming services*, Broadcasting Public Notice CRTC 2008-100, 30 October 2008
- *Call for proposals to amend the lists of eligible satellite services through the inclusion of additional non-Canadian services eligible for distribution on a digital basis only*, Public Notice CRTC 2000-173, 14 December 2000