



Broadcasting Decision CRTC 2016-104

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Reference: Part 1 application posted on 3 November 2015

Ottawa, 18 March 2016

Ethnic Channels Group Limited
Across Canada

Application 2015-1244-2

Addition of 5 Kanal to the *List of non-Canadian programming services and stations authorized for distribution*

*The Commission **approves** an application to add 5 Kanal to the List of non-Canadian programming services and stations authorized for distribution (the list), and amends the list accordingly. The revised [list](#) can be found on the Commission's website at www.crtc.gc.ca, by clicking on "TV & Radio," "Programming" and "Access to programs on TV that aren't Canadian."*

Application

1. The Commission received an application from Ethnic Channels Group Limited (ECGL), acting as the Canadian sponsor, to add 5 Kanal, a non-Canadian third-language service, to the *List of non-Canadian programming services and stations authorized for distribution* (the list). The Commission did not receive any comments in regard to this application.
2. ECGL described 5 Kanal as a news service (90% Ukrainian-language and 10% English-language) that originates from Ukraine and that provides domestic and international news of relevance to the Ukrainian-speaking community. Its target audience would be Ukrainian-speaking Canadians.

Commission's analysis and decision

3. In Broadcasting Public Notices 2004-96 and 2008-100, the Commission stated that requests to add non-Canadian general interest third-language services to the list would generally be approved, subject to any requirement it deemed appropriate. However, as set out in Broadcasting Public Notice 2008-100, the Commission has retained a competitive test, which precludes the addition of a non-Canadian service that can be considered totally or partially competitive with Canadian discretionary (i.e., pay or specialty) television services. The Commission's approach also takes into consideration whether the service would violate Canadian regulations, including those regarding abusive comment. Non-Canadian third-language services that provide

narrowly targeted or “niche” programming are subject to the same approach as non-Canadian general interest third-language services.

4. In regard to non-Canadian news services, however, the Commission considers a more open-entry approach to be consistent with the importance it places on a diversity of editorial points of view. Consequently, in Broadcasting Public Notice 2008-100, the Commission stated that absent clear evidence, as determined by the Commission, that a non-Canadian news service will violate Canadian regulations, such as those regarding abusive comment, the Commission will be predisposed to authorize non-Canadian news services for distribution in Canada.
5. In the absence of opposing interventions and any evidence that the service would violate Canadian regulations, the Commission **approves** the application by Ethnic Channels Group Limited to add 5 Kanal to the *List of non-Canadian programming services and stations authorized for distribution* and amends the list accordingly. The revised [list](#) can be found on the Commission’s website at www.crtc.gc.ca by clicking on “TV & Radio,” “Programming” and “Access to programs on TV that aren’t Canadian,” and may be obtained in hard copy on request.

Secretary General

Related documents

- *Regulatory frameworks for broadcasting distribution undertakings and discretionary programming services – Regulatory policy, Broadcasting Public Notice CRTC 2008-100, 30 October 2008*
- *Improving the diversity of third-language television services – A revised approach to assessing requests to add non-Canadian third-language television services to the lists of eligible satellite services for distribution on a digital basis, Broadcasting Public Notice CRTC 2004-96, 16 December 2004*