



Broadcasting Regulatory Policy CRTC 2022-59 and Broadcasting Orders CRTC [2022-60](#) and [2022-61](#)

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References: 2020-192, 2020-193, 2021-185 and 2021-186

Ottawa, 4 March 2022

Amendments to the Exemption Order Respecting Teleshopping Programming Service Undertakings and to the Exemption order respecting still image and low-motion programming service undertakings

Summary

The Commission amends the *Exemption Order Respecting Teleshopping Programming Service Undertakings*, set out in the appendix to Broadcasting Regulatory Policy 2020-192, and the *Exemption order respecting still image and low-motion programming service undertakings*, set out in the appendix to Broadcasting Regulatory Policy 2021-185, in order to update in each the cross-reference to the other exemption order.

Background

1. In Broadcasting Regulatory Policy 2020-192, the Commission amended the *Exemption Order Respecting Teleshopping Programming Service Undertakings*, set out in the appendix to Broadcasting Public Notice 2003-11, so as to authorize modified versions of U.S. home shopping programming undertakings to operate under that order. The amended exemption order, Broadcasting Order 2020-193, is set out in the appendix to that regulatory policy.

2. Paragraph 10 of Broadcasting Order 2020-193 specifies the following:

The service of the undertaking is not combined on a single channel of a distribution undertaking with any other exempt services, except as allowed in *Exemption order respecting still image programming service undertakings*, as approved in *Final revisions to certain exemption orders*, Public Notice CRTC 2000-10, 24 January 2000.

3. However, in Broadcasting Regulatory Policy 2021-185, the Commission amended the *Exemption order respecting still image programming service undertakings*, set out in the appendix to Public Notice 2000-10, in order to include under that exemption order low-motion programming services, to allow, in addition to background music, sounds that are related to the broadcast images and to allow spoken words that are promotional in nature. The amended exemption order was published as Broadcasting Order 2021-186.

4. Given that Broadcasting Order 2020-193 makes reference to the previous Exemption order respecting still image programming service undertakings, it must be amended so that it makes reference instead to the revised Exemption order respecting still image and low-motion programming service undertakings (i.e., Broadcasting Order 2021-186).
5. Similarly, upon the amendment of the *Exemption Order Respecting Teleshopping Programming Service Undertakings*, the *Exemption order respecting still image and low-motion programming service undertakings*, set out in Broadcasting Order 2021-186, must also be amended, as it makes reference to the previous version of the Exemption Order Respecting Teleshopping Programming Service Undertakings. Specifically, Broadcasting Order 2021-186 specifies the following:

The service of the undertaking may be combined with the service of an undertaking exempted under the Exemption Order Respecting Teleshopping Programming Service Undertakings set out in the appendix to *Revised Exemption Order Respecting Teleshopping Programming Service Undertakings*, Broadcasting Regulatory Policy CRTC 2020-192 and Broadcasting Order CRTC 2020-193, 15 June 2020, on a single channel of a distribution undertaking.

Conclusion

6. Accordingly, the Commission amends the *Exemption Order Respecting Teleshopping Programming Service Undertakings* (specifically, paragraph 10 of Broadcasting Order 2020-193) and the *Exemption order respecting still image and low-motion programming service undertakings* (specifically, the above-noted paragraph set out in Broadcasting Order 2021-186) to update in each the cross-references to the other exemption order.
7. For ease of reference, the full text of the amended *Exemption Order Respecting Teleshopping Programming Service Undertakings* (Broadcasting Order 2022-60) is set out in Appendix 1 to the present regulatory policy. Further, the full text of amended *Exemption order respecting still image and low-motion programming service undertakings* (Broadcasting Order 2022-61) is set out in Appendix 2.

Secretary General

Related documents

- *Revised exemption order for still image and low-motion programming services*, Broadcasting Regulatory Policy CRTC 2021-185 and Broadcasting Order CRTC 2021-186, 1 June 2021
- *Revised Exemption Order Respecting Teleshopping Programming Service Undertakings*, Broadcasting Regulatory Policy CRTC 2020-192 and Broadcasting Order CRTC 2020-193, 15 June 2020

- *Review of exemption orders respecting experimental video-on-demand programming undertakings, video games programming service undertakings and teleshopping programming service undertakings*, Broadcasting Public Notice CRTC 2003-11, 6 March 2003
- *Final revisions to certain exemption orders*, Public Notice CRTC 2000-10, 24 January 2000

Appendix 1 to Broadcasting Regulatory Policy CRTC 2022-59

Broadcasting Order CRTC 2022-60

Exemption Order Respecting Teleshopping Programming Service Undertakings

The Commission, pursuant to subsection 9(4) of the *Broadcasting Act* (the Act), by this order, exempts from the requirements of Part II of the Act and any regulations, those persons carrying on broadcasting undertakings of the class defined by the following criteria:

Purpose

The purpose of these programming undertakings is to provide distribution undertakings with programming that is intended to sell or promote goods and services.

Description

1. With the exception of a U.S. programming undertaking specializing in home shopping that is modified for the Canadian market, the Commission would not be prohibited from licensing the undertaking by virtue of any Act of Parliament, of the *Direction to the CRTC (Ineligibility of Non-Canadians)* or of any other direction to the Commission by the Governor in Council.
2. The undertaking meets all technical requirements of the Department of Industry (the Department) and has acquired all authorizations or certificates prescribed by the Department.
3. The undertaking does not broadcast programming that is religious or political in nature.
4. The undertaking provides a programming service consisting exclusively of programming intended to sell or promote goods and services. The undertaking's programming does not include programming as described under Item 6 of Schedule I to the *Discretionary Services Regulations*, with the exception of infomercials, as defined in *Amendment to the Television Broadcasting Regulations, 1987 to permit, by condition of licence, the airing of "infomercials" during the broadcast day*, Public Notice CRTC 1994-139, 7 November 1994.
5. The undertaking's programming complies with the guidelines on gender portrayal set out in the Canadian Association of Broadcasters' (CAB) *Equitable Portrayal Code*, the provisions of Advertising Standards Canada's *Broadcast Code for Advertising to Children*, and the guidelines on the depiction of violence in television programming set out in the *CAB Violence Code*, as amended from time to time and approved by the Commission.
6. The undertaking provides its programming without charge to any distribution undertaking receiving the service.

7. The undertaking's programming originates in Canada, and the undertaking makes predominant use of Canadian creative and other resources in the creation and presentation of its programming.
8. The undertaking's programming complies with sections 3, 7, 8 and 9 of the *Discretionary Services Regulations*, as amended from time to time.
9. The undertaking identifies its programming by including, once every 30 minutes, a clear and prominent written and oral announcement that the programming is intended to sell or promote goods and services.
10. The service of the undertaking is not combined on a single channel of a distribution undertaking with any other exempt services, except as allowed in the Exemption order respecting still image and low-motion programming service undertakings, set out in Appendix 2 to *Amendments to the Exemption Order Respecting Teleshopping Programming Service Undertakings and to the Exemption order respecting still image and low-motion programming service undertakings*, Broadcasting Regulatory Policy CRTC 2022-59 and Broadcasting Orders CRTC 2022-60 and 2022-61, 4 March 2022.

Appendix 2 to Broadcasting Regulatory Policy CRTC 2022-59

Broadcasting Order CRTC 2022-61

Exemption order respecting still image and low-motion programming service undertakings

The Commission, pursuant to subsection 9(4) of the *Broadcasting Act* (the Act), by this order, exempts from the requirements of Part II of the Act and any regulations, those persons carrying on broadcasting undertakings of the class defined by the following criteria:

Purpose

The purpose of these television undertakings is to provide distribution undertakings with programming consisting of still images, (including graphic images) and/or low motion programming, with or without an audio component, and with or without a fee being charged to any distribution undertaking receiving the service.

Description

1. The Commission would not be prohibited from licensing the undertaking by virtue of any direction to the Commission by the Governor in Council.
2. The undertaking meets all technical requirements of the Department of Industry and has acquired all authorizations or certificates prescribed by the latter.
3. The undertaking does not broadcast programming that is religious or political in nature.
4. The undertaking's programming is provided to distribution undertakings, and consists of still images with or without alpha-numeric text and/or low motion programming, and with or without an audio component consisting of one of the following:
 - a) Background music and/or sounds that relate to what is presented by the still images and/or low-motion programming content.
 - b) the programming service of any licensed or exempted AM or FM station other than an educational radio or programming service, the operation of which is the responsibility of an educational authority;
 - c) the programming service of a licensed or exempted national audio programming undertaking; or
 - d) spoken words, including spoken words that are promotional in nature, that relate to what is represented by the still images and/or low-motion programming content.

The service of the undertaking may be combined with the service of an undertaking exempted under the Exemption Order Respecting Teleshopping Programming Service Undertakings set out in Appendix 1 to *Amendment to the Exemption Order Respecting Teleshopping Programming Service Undertakings and the Exemption order respecting still image and low-motion programming service undertakings*, Broadcasting Regulatory Policy CRTC 2022-59 and Broadcasting Orders CRTC 2022-60 and 2022-61, 4 March 2022, on a single channel of a distribution undertaking.

Definitions

Low-motion programming: A program that features extended coverage of an ordinary event or scene with no or limited video editing or camera movement.

Still image programming: A program that consists entirely of still images with or without alpha-numeric text, and with or without an audio component.