



**COVID-19 EMERGENCY
RELIEF FUNDS –
CMF THIRD-LANGUAGE
ALLOCATION
CRITERIA**

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1. GENERAL INFORMATION

Interpretation, Application, Disclaimer, and other Important Information

These Criteria for the CMF Emergency Relief Funds are for the information and convenience of Applicants (as defined in section 3.1) to the Canada Media Fund (CMF). They provide an overview of the objectives of Emergency Relief Funds, eligibility to receive the CMF Allocation of the Emergency Relief Funds and information on typical administrative practices of the CMF. Compliance with these Criteria is a prerequisite to eligibility for the CMF Allocation of the Emergency Relief Funds.

The CMF has full discretion in the application of these Criteria, to ensure funds are provided to those Applicants that meet the objectives established by the Government of Canada. In all questions of interpretation of these Criteria, the CMF interpretation shall prevail.

All Applicants must abide by the applicable business, administrative and reporting requirements established by the CMF in the distribution of its Allocation of the Emergency Relief Funds.

Please note: These Criteria may be changed or modified as required, without notice. Please consult the CMF website at www.cmf-fmc.ca for the latest Emergency Support Funds news and documentation.

Provision of Documentation

It is the responsibility of the Applicant to ensure that the CMF receives all relevant documentation and to update such documentation and information after a material change. The CMF may request other documentation and information to conduct an assessment and evaluation of the Applicant and, once assessed, to complete CMF file reviews.

Failure to Comply

If an Applicant fails to comply with these Criteria, as determined by the CMF, then the CMF may refuse the application, revoke the eligibility status of the Applicant and may demand repayment of any sums paid to the Applicant.

Misrepresentation

If, at any time, an Applicant, as required by the Criteria or as requested by the CMF, provides false information or omits material information in connection with an application, the Applicant may suffer serious consequences. These may include, among other outcomes:

- Loss of eligibility for funding
- Repayment of any funds already advanced, with interest
- Criminal prosecution, in the case of fraud

These measures may be imposed not only on the Applicant but also on related, associated and affiliated companies and individuals (as determined by the CMF at its sole discretion). Any Applicant receiving approval for funding will be required to sign a legally enforceable agreement, which includes further provisions concerning misrepresentations, defaults, and related matters.

2. COVID-19 EMERGENCY RELIEF FUNDS – CMF THIRD-LANGUAGE ALLOCATION CRITERIA

2.1 INTRODUCTION

On April 17, 2020, the Government of Canada announced it would provide \$500M to Canada’s cultural and sporting sectors in a bid to help artists, athletes and their organizations during the COVID-19 pandemic (“**Emergency Relief Funds**”).

The Government of Canada announced that the CMF would distribute a portion of the \$500M Emergency Relief Funds to some third-language applicants. Please go [HERE](#) on the Canada.ca website for more detailed information on the Government of Canada’s announcement.

The Criteria below outline the parameters for how Emergency Relief Funds to third-language producers (the “**CMF Third-Language Allocation**”) will be distributed including relevant eligibility criteria, the formula-based approach to determine the maximum amount of Emergency Relief Funds available and the responsibilities and requirements for each Applicant.

Eligible Projects are awarded funding on a first-come, first-served basis until resources for the Program are depleted or until the application deadline, whichever comes first. In the event that a large number of Projects are submitted on the same date, creating oversubscription, the CMF may distribute funding to those Projects deemed eligible on a proportional (pro-rated) basis, designate how many submitted projects will receive funding, distribute funding via a selective process or elect to distribute funding in some other equitable manner, to be determined in the CMF’s sole discretion.

3. ELIGIBILITY FOR FUNDING

3.1 ELIGIBLE APPLICANTS

An Eligible Applicant for the CMF Third-Language Allocation must meet the following eligibility criteria:

- It is a Canadian-controlled (as determined under sections 26 to 28 of the *Investment Canada Act*) parent corporation;
- its primary business operation is the production of news, public affairs, or entertainment/human interest programming for television broadcast in a language other than English or French;
- it has its head office in Canada and carries out its activities in Canada; it is not insolvent or bankrupt, or in the course of the reorganization of its business within the meaning of the *Bankruptcy and Insolvency Act* (Canada);
- it is applying to the CMF Third-Language Allocation for a single funding amount based on up to three projects that meet the definition of an Eligible Project listed in section 4 below;
- can **affirm and attest**¹ to the following:
 - it has never received a funding commitment from the CMF through either the CMF's Convergent Stream, Experimental Stream or Sector Development;
 - it has been negatively impacted by COVID-19, which has resulted in financial hardship and is therefore in need of Emergency Relief Funds to ensure a continuity of operations and to safeguard jobs;
 - it can demonstrate a projected negative financial impact of at least 25% of its activities;
 - it remains in operation at the time of application and plans to continue contributing to its sector in the future;
 - it will maintain its Canadian-controlled status for at least 12-months following receipt of any funds in the CMF Third-Language Allocation;
 - it is not receiving funding from multiple Government of Canada initiatives (e.g., Canada Emergency Response Benefit, Canada Emergency Wage Subsidy, Canada Emergency Business Account, and Canada Emergency Commercial Rent Assistance for Small Businesses and any other Government of Canada COVID-19 response initiatives) to cover the same costs as those applied for through the CMF Allocation. Further, if the Applicant *subsequently* receives any funding related to a Government of Canada COVID-19 response initiative, it will not use that funding to cover the same costs as those applied for through the CMF Third-Language Allocation;
 - where relevant, funds will be used to support workers such as the self-employed and freelance workers, artists, and creators; and
 - it will use the money according to the objectives of the Government of Canada and the spirit and intent of these Criteria; and
- has not applied for Emergency Relief Funds from either Telefilm Canada or Canada Council for the Arts.

¹Along with their application, Eligible Applicants will need to submit a signed attestation.

4. ELIGIBLE PROJECT

An Eligible Project to the CMF Third-Language Allocation is a TV project that can demonstrate the following:

- it is produced in a language other than English or French;
- it is a CRTC Category 1 (News), Category 2a (Analysis and Interpretation), or Category 11a (General entertainment and human interest);
- it was (or was scheduled to be) broadcast between March 15, 2020 and June 30, 2020 (or the intention to deliver between March 15, 2020 and June 30, 2020);
- it is not in-house² or broadcaster-affiliated programming³
- it conforms to the Canadian Association of Broadcasters' (CAB) Code of Ethics and to all programming standards endorsed by the Canadian Radio-television and Telecommunications Commission (CRTC), including the CAB Violence Code and the CAB Equitable Portrayal Code and does not contain elements of excessive violence, sexual violence, or sexual exploitation or elements which are obscene, indecent or child pornography within the meaning of the Criminal Code (as amended from time to time), or libellous or in any other way unlawful.
- it has received (or will receive) CRTC "C" certification as a domestic "Canadian Program"; and
- it is the subject of a signed barter agreement with an exempt or authorized CRTC discretionary service where the Applicant and broadcaster agree to collect and share revenue from advertisement time within the respective TV project.

²In-house Programming comprises Projects produced and owned by a broadcaster.

³A broadcaster-affiliated production company is an Applicant, as defined in section 3.1, that is affiliated with a broadcaster (the definition of "Affiliate" is set out in the *Canada Business Corporations Act*). Broadcaster-affiliated programming covers Projects produced by a broadcaster-affiliated production company and licensed by its affiliated broadcaster(s).

5. FUNDING

5.1 NATURE OF FUNDING CONTRIBUTION

The CMF Third-Language Allocation will be in the form of a non-repayable contribution.

5.2 AMOUNT OF FUNDING CONTRIBUTION

For the 16-week period between March 15, 2020 and June 30, 2020 (“**Eligible Time Period**”), Applicants may receive a single, lump sum amount that is the **lesser off the following options**:

- \$2000 per 30-minute project and \$2700 per 60-minute project (that were either broadcast, scheduled to be broadcast or were intended to be delivered) during the Eligible Time Period; or
- \$50,0000

Applicants may include up to 3 projects in determining the amount of funding contribution from the CMF Third-Language Allocation.

EXAMPLE #1: if an Applicant parent company produced a 30-minute project that was broadcast once a week during the Eligible Time Period along with a 60-minute project that was broadcast one time during the Eligible Time Period, they would receive the following amount:

- $\$2000 \times 16 \text{ weeks} = \$32,000$
- $\$2700 \times 1 \text{ week} = \$2,700$

Total CMF Third-Language Allocation contribution: \$34,700

EXAMPLE #2: If an Applicant parent company produced two separate 60-minute projects that were broadcast once a week during the Eligible Time Period, they would receive the following amount:

- $\$2700 \times 16 \text{ weeks} = \$43,200$
- $\$2700 \times 16 \text{ weeks} = \$43,200$

Total CMF Third-Language Allocation contribution: \$50,000

For clarity, Applicants that cannot demonstrate that they are eligible for at least \$5000 through the CMF Third-Language Allocation are ineligible to apply.

5.2.1 Eligible Costs

While Applicants will still be eligible for the CMF Third-Language Allocation if they applied to other Government of Canada COVID-19 financial relief initiatives (including the Canada Emergency Wage Subsidy, Temporary 10% Wage Subsidy and the Canada Emergency Business Account, amongst others) they will be prohibited from using funding from multiple Government of Canada financial relief initiatives on the same expenses.

6. APPLICATION PROCESS

6.1 HOW TO APPLY

All Applicants must apply online using [Dialogue](#).

Applicants must submit the appropriate application form, duly completed and signed, together with all required documentation, including the Applicant attestation form and broadcaster verification form(s), via Dialogue.

Documents required at the time an application is submitted is available on the Emergency Relief Funds – CMF Third-Language Allocation page on the CMF’s website. All subsequent documentation must be submitted online through Dialogue. If you have technical difficulties, please contact Services@telefilm.ca.