

# Québec introduces Bill 109 on discoverability of French-language content on digital platforms

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On May 21, 2025, Québec’s Minister of Culture et des Communications (Minister) tabled Bill 109, *An Act to affirm the cultural sovereignty of Québec and to enact the Act respecting the discoverability of French-language cultural content in the digital environment*<sup>[1]</sup> (the Bill).

The Bill would impose French-language content discoverability and interface requirements and quotas on “digital platforms” and manufacturers of TVs and connected devices. The Bill would also amend the Québec *Charter of Human Rights and Freedoms* to create a right to discoverability of and access to original French-language cultural content.

In addition to providers of video and audio streaming services and TV manufacturers, social media platforms and manufacturers of gaming consoles and media players are also subject to these requirements. There are no exclusions for platforms offering user generated content, platforms without a significant user-base in Québec, platforms without significant revenue from Québec or platforms providing educational or corporate videos. Although the Bill does allow for exceptions to be introduced through regulations, no indication has been provided on how this authority may be used.

As the Québec National Assembly has adjourned for the summer, now is a good time for organizations to consider how the Bill may impact their operations and whether to take steps to influence how the Bill evolves.

## Context, purpose and scope

If passed, the Bill would enact the *Act respecting the discoverability of French-language cultural content in the digital environment* (the Act). The stated purpose of the Act is to promote discoverability of and access to original French-language cultural content in the digital environment.

The introduction of the Bill followed a 2024 [consultation](#) by the Québec government on discoverability of French-language content and the Canadian government’s ongoing [endeavour](#) to promote Canadian content on digital platforms, including through the passage of Bill C-11, the *Online Streaming Act* in 2023.

The Act regulates a broad range of digital platforms, including platforms that: offer a service

for viewing audiovisual content online or listening to music, audio books or podcasts online; provide access to such a service offered by a third-party platform; or offer services enabling access to online cultural content determined by government regulation. Similarly, manufacturers (which may include importers and distributors) covered by the Act include manufacturers of television sets and devices that are intended to be connected to a television set that include an interface enabling viewing of audiovisual content online; provide access to online audiovisual content viewing services; or include an interface enabling access to online cultural content determined by government regulation.<sup>[2]</sup>

## Key provisions

**Obligations:** If passed, the Act will subject digital platforms and manufacturers to four key obligations, several of which will be further or entirely set out in regulation.

- **French interface by default:** The Act will require that, by default, the interface of digital platforms, television sets, and devices enabling access to online cultural content be set to French.<sup>[3]</sup> This constitutes an expansion of current language requirements under the *Charter of the French Language* applicable to “computer software, including game software and operating systems” (which do not apply if a French version of the software is not offered in any other jurisdiction).
- **French-language content quotas and accessibility:** The Act will give the government the power to pass regulations establishing “the quantity or proportion of original French-language cultural content or of content available in a French version” which digital platforms must offer.<sup>[4]</sup> In addition, the Act will require that the interface of television sets, or of devices intended to be connected to a television set that include an interface enabling viewing of audiovisual content online, provide access to viewing platforms that offer a majority of French-language cultural content, and are operated by a non-profit organization or a public-interest corporation.<sup>[5]</sup> Additional terms and conditions, including conditions governing the visibility of the digital platforms that must be accessible, will be set out in regulations.<sup>[6]</sup>
- **Discoverability:** The Act will give the government the power to pass regulations establishing digital platforms’ obligations with respect to discoverability of original French-language cultural content or of content available in a French version, and in particular obligations regarding content recommendation, promotion or display.<sup>[7]</sup>

The Act will also require the interface of digital platforms or television sets and connected devices to provide access to digital platforms that meet the presence and discoverability criteria for original French-language cultural content. Additional terms and conditions related to this requirement will be set out in regulations.<sup>[8]</sup>

- **Registration:** The Act will require that all digital platforms which meet the criteria determined by government in regulation register with the Minister.<sup>[9]</sup> The Act notes that a registration register will be published on the Minister’s website.<sup>[10]</sup>

**Substitute measures:** The Act provides that the Minister may opt to enter into a “substitute measures” agreement with a digital platform with the goal of facilitating the achievement of

the Act's objectives in a manner which is at least equivalent (e.g. providing funding for the production of local content).<sup>[11]</sup> The criteria which a digital platform must meet in order for substitute measures to be agreed upon will be set out in regulation.<sup>[12]</sup> The agreement must also be approved by the government.<sup>[13]</sup>

**Enforcement and penalties:** The Act will grant the Minister the power to

- conduct inspections and investigations<sup>[14]</sup>
- issue orders against digital platforms or manufacturers who are failing to perform their obligations under the Act, its regulations, or a substitute measures agreement<sup>[15]</sup>
- apply to the superior court for an injunction related to the carrying out of the Act<sup>[16]</sup>
- impose an administrative monetary penalty of \$2,500 in the case of a natural person and \$15,000 in all other cases on anyone that fails to comply with an order made by the Minister or that fails to comply with obligations specified in regulation<sup>[17]</sup>

The Act also states that anyone who contravenes an order of the Minister is liable to a fine of \$5,000 to \$50,000 in the case of a natural person and \$30,000 to \$300,000 for a corporation.<sup>[18]</sup> Additional offences subject to penal fines may be established by the government in regulation.<sup>[19]</sup>

## Key issues

**Scope:** As currently drafted, the Act's definition of "digital platform" is expansive. The definition would seem to include any organization, including social media companies and website operators, which offers audiovisual content, music, audio books, or podcasts to the public online, whether in exchange for financial consideration or not. The definition makes no distinction between organizations whose primary purpose is to disseminate such content (i.e. streaming services) and those who only host it incidentally or as an ancillary feature of their broader commercial activities (e.g. an organization's commercial website for the products or services it provides, which also hosts podcasts or webinars on topics of interest to clients).

**Jurisdiction:** In Canada, broadcasting has traditionally fallen under federal jurisdiction, with the 2023 modernization of the *Broadcasting Act* extending its scope to include online streaming platforms. While the Québec government's basis for introducing the Bill is its "right and capacity to act in order to preserve and promote the French language and Québec culture, including in the digital environment," the Bill's impact on broadcasting may raise certain constitutional questions with respect to the division of powers.

**Litigation risk:** The inclusion in the Bill of an amendment to the Québec *Charter of Human Rights and Freedoms* to create a new fundamental right "to discoverability of an access to original French-language cultural content" has the effect of conferring quasi-constitutional status to the Act. Moreover, through section 49 of the *Charter of Human Rights and Freedoms*, streaming platforms and device manufacturers are exposed to private rights of action, including applications for injunctive relief or claims for moral damages and punitive damages. These claims could be brought by way of class actions.

## Next steps

As the Bill is in the early stages of consideration by the National Assembly, it is still possible to formulate comments.<sup>[20]</sup> We anticipate that stakeholders from the streaming and manufacturing sectors will focus their recommendations on

- exempting categories of content from the Act, such as user generated content found on social media sites or streaming platforms, educational content or promotional content
- exempting platforms without a significant user-base in Québec or without significant revenue from Québec
- exempting websites or applications that include audiovisual or audio content as an ancillary element of the content they offer
- exempting game consoles and computers, smart phones and other devices which may enable access to audiovisual content online as an ancillary feature of the device
- clarifying that the French-by default interface requirement will be met by providing either a bi-lingual interface or an interface that allows the user to toggle between French and English

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<sup>1</sup> Bill 109, *An Act to affirm the cultural sovereignty of Québec and to enact the Act respecting the discoverability of French-language cultural content in the digital environment*, 1st Sess, 43<sup>rd</sup> Parl, 2025.

<sup>[2]</sup> Section 2 of the Act.

<sup>[3]</sup> Section 15 of the Act.

<sup>[4]</sup> Section 20, paragraph 1, subparagraph 2 of the Act.

<sup>[5]</sup> Section 17 of the Act.

<sup>[6]</sup> Sections 17 and 18 of the Act.

<sup>[7]</sup> Section 20, paragraph 1, subparagraph 4 of the Act.

<sup>[8]</sup> Section 16 of the Act.

<sup>[9]</sup> Section 6 of the Act.

<sup>[10]</sup> Section 14 of the Act.

<sup>[11]</sup> Section 21 of the Act.

<sup>[12]</sup> Section 23 of the Act.

<sup>[13]</sup> Section 21 of the Act.

[14] Section 34 of the Act.

[15] Section 42 of the Act.

[16] Section 46 of the Act.

[17] Sections 49 and 50 of the Act.

[18] Section 70 of the Act.

[19] Section 71 of the Act.

[20] Comments can be submitted through the National Assembly