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Trade Implications of Québec's Cultural Sovereignty Streaming Act, Bill 109

On May 21, 2025, Québec's Minister of Culture and Communications introduced **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***.[1] The bill is expected to be referred to committee and subject to consultation during the current parliamentary session, which ends December 12.

The measure's declared purpose is to promote discoverability and access to original French-language cultural content online in Québec. Given its broad scope and highly prescriptive goals, the bill erects significant digital trade barriers to the many U.S. companies likely to be in scope, mandating French-by-default interfaces, imposing quotas and "discoverability" requirements for French-language content, and establishing registration, inspection, and penalty regimes for non-compliance. Bill 109 effectively favors local cultural producers while fragmenting the North American digital market, creating regulatory duplication, higher compliance costs, and potential conflict with Canada's USMCA commitments designed to preclude discrimination against U.S. service suppliers and U.S. content.

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The bill sits alongside 2022's Bill 96 (strengthening French across sectors)[2] and the federal Online Streaming Act (Bill C-11),[3] which empowers the Canadian Radio-television and Telecommunications Commission (CRTC) to require contributions and establish discoverability frameworks for online streamers. Given the CRTC's jurisdiction over inter-provincial communication, the bill has raised conflict of law and constitutional questions.[4]

Scope

Bill 109 applies to every digital platform that offers access to online music, audiobooks, podcasts, or other online cultural content, as well as manufacturers of smart TVs and connected devices with interfaces that access online content (e.g., Roku and AppleTV). Online services targeting indigenous-content are excluded. The Bill envisages separate regulations to identify specific companies subject to prescriptive obligations. Assuming the designation criteria are based on subscribership or revenue, numerous U.S. firms in both the platform and

[1] https://www.assnat.qc.ca/en/travaux-parlementaires/projets-loi/projet-loi-109-43-1.html
[2] https://www.publicationsduquebec.gouv.qc.ca/fileadmin/Fichiers_client/lois_et_reglements/LoisAnnuelles/en/2022/2022C14A.PDF
[3] https://www.parl.ca/legisinfo/en/bill/44-1/c-11
[4] https://www.michaelgeist.ca/2025/06/quebecs-streaming-regulation-bill-109-unconstitutional-unnecessary-and-unworkable/

device sectors will inevitably be scoped in, given their broad market presence. Québec's online music and video market is valued at roughly USD$1.31 billion, underscoring the scale of digital activity that Bill 109 would regulate.

Most of the same companies covered by Canada's Online Streaming Act (Bill C-11) would likely also fall under Bill 109, since both target large streaming and digital-content platforms operating in Canada. According to a recent CCIA analysis,[5] roughly 80 percent of the services captured by these measures are U.S.-based, meaning the law's impact would fall disproportionately on American technology and media firms.

Obligations

Bill 109 imposes several core obligations on digital platforms and device manufacturers. All interfaces must, by default, display in French, ensuring users encounter French first when accessing content. The Québec government may also dictate how French-language material is recommended, promoted, or displayed through discoverability rules, and can establish minimum quotas for French or French-language content. It is difficult to conceive how quotas are possible for an interactive service carrying a large content library or involving user-generated content: Netflix typically has a library of 5,000-8,000 titles per country; YouTube adds 720,000 hours of content daily; and streaming music services access up to 100,000 new songs weekly.

Devices such as smart TVs must provide "must-carry" access to government-designated platforms that primarily offer French-language programming. Additionally, covered platforms are required to register with Québec's Minister of Culture, with their details published in a public registry. Non-compliance is subject to strict oversight and monetary penalties of up to CAD $300,000 per offense, with infractions recorded in a public penalty register.

Borrowing from Canada's Online News Act, the draft bill includes a mechanism for a covered platform to avoid prescriptive obligations by availing itself of undefined "substitute measures," which, as with Online News, may involve funding commitments to outside organizations. Given the likely difficulty in administering requirements (*e.g.,* quotas) ill-suited to an interactive medium, "substitute measures" may be the main tool envisaged, and one that risks introducing a highly arbitrary and uncertain regulatory regime.

Enforcement

Bill 109 establishes the *Bureau de la découvrabilité des contenus culturels,* an administrative unit within Québec's Ministry of Culture and Communications responsible for overseeing compliance with the new law. The Bureau is empowered to conduct inspections and investigations to ensure that digital platforms and device manufacturers meet their obligations. The Minister of Culture may issue corrective orders to these entities—or to third parties acting on their behalf—when non-compliance is identified. The legislation also authorizes the Minister to seek injunctions through the courts and introduces a detailed enforcement regime that includes administrative monetary penalties and criminal offenses for violations. All confirmed

[5] https://ccianet.org/library/cost-of-canadas-online-streaming-act/

penalties and enforcement actions must be made public through an official penalty register, ensuring transparency and deterrence (Sections 29-47, 48-68, 69-80).

Trade Barriers for U.S. Companies

Local Content Mandates and Algorithmic Controls

Bill 109 lets the Québec government set quotas for French-language content and dictate how that content is recommended, promoted, or displayed. For U.S. streaming platforms, this means redesigning algorithms and user interfaces to prioritize local content–effectively creating an advantage for Québec producers. While framed as cultural protection, these rules amount to a local content preference that conflicts with the USMCA's guarantee of equal treatment for digital products.[6]

Device-Level Requirements and Technical Barriers

The Act requires that covered platforms or devices default to French and include government-designated platforms showcasing mostly French-language programming. For U.S. companies, this introduces costly Québec-specific software and interface updates, fragmenting otherwise uniform North American product lines. Such device-level mandates add compliance and engineering burdens for foreign films.

Duplication of Federal Rules

At the national level, Canada's Online Streaming Act (Bill C-11) already regulates digital platforms, requiring contributions to and promotion of Canadian content. Bill 109 adds a provincial layer of oversight, creating overlapping reporting, inspection, and contribution obligations. This duplication increases regulatory uncertainty for U.S. companies that must now navigate two sets of compliance regimes for one digital market. Legal experts have also questioned the constitutionality and necessity of Québec's proposed framework, noting it may exceed provincial jurisdiction.[7]

Administrative Burdens and Legal Risk

Bill 109 compels covered companies to register with Québec's government, disclose usage data, and undergo possible inspections, backed by penalties of up to CAD$300,000 per offense. It also enshrines a "right to discoverability" in Québec's Charter of Human Rights and Freedoms, giving users the ability to sue non-compliant platforms. For foreign films, this means greater exposure to litigation and escalating compliance costs.

Conclusion

Bill 109 would introduce significant barriers and enormous uncertainty in the ability of U.S. digital suppliers to access the Québec market. Given its clear inconsistency with USCMA rules, clear and strong pushback against this ill-conceived measure should be a priority.

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[6] https://ustr.gov/sites/default/files/files/agreements/FTA/USMCA/Text/19-Digital-Trade.pdf
[7] https://www.michaelgeist.ca/2025/06/quebecs-streaming-regulation-bill-109-unconstitutional-unnecessary-and-unworkable/