

Brief submitted as part of the

**Consultation on the operation of the
Canada–United States–Mexico Agreement (CUSMA)**

submitted to Global Affairs Canada

by the Association nationale des éditeurs de livres

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Introduction

The Association nationale des éditeurs de livres (ANEL) wishes to thank the Canadian government for conducting a public consultation on the operation of the Canada–United States–Mexico Agreement (CUSMA).

As a member of the Coalition for the Diversity of Cultural Expressions (CDCE), ANEL supports the brief submitted by this Coalition, which brings together the main organizations of French- and English-speaking professionals in Canada’s cultural sector. Through its work and advocacy on the treatment of culture in trade agreements, the CDCE plays an essential role for cultural industries and their various organizations.

In this brief, which complements that of the CDCE, ANEL offers the Canadian government a more specific perspective on the Francophone book sector in Canada and presents recommendations focusing primarily on the need to maintain a general cultural exemption clause.

About ANEL

The Association nationale des éditeurs de livres (ANEL) represents the majority of French-language Canadian publishing houses and contributes to the promotion of the book sector nationally and internationally. Its mission is to represent and support its members in order to foster the health of the Quebec and French-Canadian publishing industry, as well as promote literature and creators nationally and internationally. The Association’s members publish various types of works, from novels and textbooks to essays and children’s books. Members are located in Quebec, Ontario, Manitoba, Saskatchewan, and New Brunswick.

Through its Québec Édition committee, ANEL supports its members in their export activities by organizing collective stands at trade fairs and exhibitions around the world. Through missions abroad and by welcoming partners from various countries, Québec Édition develops a network of contacts designed to help the profession expand its reach in international markets.

ANEL is a member of the International Publishers Association ([IPA](#)), the [Coalition for the Diversity of Cultural Expressions \(CDCE\)](#), and the Livres Québec interprofessional roundtable.

Context

In Canada, the book sector is a productive economic industry recognized for its financial, intellectual, and symbolic benefits. In Quebec, French-language Canadian books top the bestseller lists, accounting for 50% of sales in physical and online bookstores, despite strong European imports. Internationally, our authors have won numerous awards, their books have been translated into several languages, and our literature has been honoured at major events such as the 2020-2021 Frankfurt Book Fair, the 2024 Paris Book Fair, and, coming soon, the 2026 Gothenburg Book Fair.

Although they are mainly small and medium-sized enterprises (SMEs), French-language publishing houses in Canada, together with their English-language counterparts, account for 80% of new titles by Canadian authors. They contribute to the local, national, and international economy, selling works that reflect the diversity of the population—particularly by publishing Indigenous writers and those who identify with cultural or gender diversity—and demonstrate resilience, compete creatively, and experiment with innovative strategies.

According to Statistics Canada, the annual operating revenues of book publishers amount to \$1.6 billion¹. The value of Canadian books cannot be measured in dollars alone: our literature is a pillar of our identity, culture, education, thought, and expertise. Through originality, boldness, quality, and diversity, our literature helps make Canada a more empathetic, inclusive, educated, and democratic society.

While French-language publishing in Canada has earned its stripes, it remains a fragile industry due to the small size of its domestic market; low reading skills among part of the population; strong foreign competition from Europe; rising production, printing, warehousing, and shipping costs; and low profit margins. What's more, the artificial intelligence (AI) industry is now deceiving part of the Canadian readership with bogus texts: illegal competition from AI-generated publications is a scourge, particularly on online sales platforms. These texts are presented as works of human creation, when in fact they are nothing more than poor-quality counterfeits that even usurp the identities of real writers.

The federal government must ensure that it can maintain conditions that guarantee the development of the Canadian book industry by maintaining cultural exemption in any free trade agreement, by investing more in it and improving its legal framework.

¹ Statistics Canada, *The Book Publishing Industry*, 2022.

Convention on the Diversity of Cultural Expressions

The year 2025 marked the 20th anniversary of the adoption of the UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions, the result of leadership by the governments of Canada and Quebec and action by civil society. This convention has led to the recognition of cultural diversity as a treasure to be preserved by the 157 states that have acceded to it.

The Convention recognizes the unique nature of cultural activities, goods, and services as “carriers of identity, values, and meaning” beyond their commercial value. As defined by the CDCE in its brief:

“Cultural expressions embody our identities, reflect our values, and carry meaning. They allow us to share our vision of the world, to make it known, and to help it evolve. Enriched by their diversity, they are a fundamental driver of sustainable development. By promoting human rights and social inclusion, cultural expressions help us interpret our past and imagine the future. They inform and entertain us, while constituting an invaluable collective heritage.”

The Convention also defends the sovereign right of countries to implement policies that support national and local cultural expressions in order to protect them and enable them to flourish. The governments of Canada and Quebec have adopted cultural policies and laws dedicated to the vitality of creative industries, enabling creators and cultural enterprises to thrive and grow both at home and abroad.

Cultural exemption must be maintained at all costs

During negotiations for the 1988 Canada–United States Free Trade Agreement (CUSFTA), Canada fought to have its cultural industries exempted from the provisions of the agreement. This principle recognizes that cultural industries play a unique role in national life, compared to purely commercial industries such as manufacturing, forestry, and financial services, and that market competition rules should not apply in the same way. The cultural exemption was maintained when NAFTA replaced the CUSFTA in 1994, and when CUSMA replaced NAFTA in 2020.

The protection and promotion of cultural expressions have enabled Canada and Quebec to implement many measures essential to creation, dissemination, and promotion. Without policies, laws, and subsidies that protect culture, and without the cultural exemption that makes them possible, Canadian content would be threatened.

The Canadian book industry operates in a domestic market marked by strong competition from works imported mainly from Europe and the United States. While book industry players can only welcome “bibliodiversity” and rejoice that Canadian readers have access to a wide selection of titles in their original English or French, or in translation, they all recognize that without the support programs of the Canada Book Fund, the Canada Council for the Arts, and SODEC, to name just a few public investors, the book industry here would not be so vibrant. The main sources of support for the book industry include assistance for the publication, promotion, and marketing of books by local authors published by Canadian publishing houses.

This cultural exemption must be maintained in future versions of CUSMA so that Canada retains the right to regulate and subsidize its invaluable cultural sector. This is absolutely essential to preserving the sovereignty and independence of Canada’s cultural industries.

ANEL and other cultural organizations are delighted that [former] Steven Guilbeault, Minister of Canadian Identity and Culture, reaffirmed that “Culture is not on the table in trade talks (...) Our government’s priority is to get the best deal for Canadians and for our industries” as reported in *The Hill Times* on October 15, 2025. The minister reiterated this statement during Question Period on October 22, clearly and unequivocally affirming that the cultural exemption, as well as Canadian and Quebec culture, will remain protected in the trade negotiations: “We will protect Quebec culture and Canadian culture in the negotiations. That’s it, period.” (CDCE’s translation.)

Risky retaliation clause

As the CDCE has repeatedly pointed out, particularly during previous consultations, the retaliation clause associated with the CUSMA cultural exemption appears risky, however, in that it allows the United States and Mexico to impose countermeasures of equivalent commercial effect when a Canadian cultural protection measure is deemed incompatible with the Agreement.

Although this provision has never been invoked in practice to date, its existence is a cause for concern, particularly in light of statements by the U.S. administration and certain Republican governors who have criticized Canadian cultural support measures that they claim could pose a threat to bilateral digital trade.

The CDCE believes that maintaining the retaliation clause would run counter to the very spirit of the cultural exemption, which aims precisely to remove culture from commercial considerations and recognize its special status as a vehicle for identity, values, and meaning. Its removal would strengthen the potential for real effectiveness of the cultural exemption and ensure greater consistency between CUSMA and Canada's international commitments to the diversity of cultural expressions, particularly under the 2005 UNESCO Convention. Canada must have the freedom to adopt cultural policies adapted to contemporary digital and linguistic realities, without fear of economic sanctions.

Strengthening copyright

In 2012, Canada introduced a “fair use” exception for educational purposes in the Copyright Act, which was interpreted too broadly by Canadian educational institutions outside Quebec, who believed they were authorized to reproduce works on a massive scale without compensating authors and rights holders. This situation resulted in the loss of more than \$200 million in royalties to Canadian copyright holders.

In April 2025, the U.S. Trade Representative remained “deeply concerned” about this loophole, adding that it “significantly damaged the market for educational authors and publishers.”²

A clarification in the Copyright Act is needed to put an end to arbitrary and abusive interpretations of its provisions on the use known as “fair” in the education sector and the resulting damage to authors and publishers in Canada, as well as those in the United States, Mexico, and elsewhere.

Resolving this issue is an opportunity for the government to align itself with its priorities of supporting sovereignty and productivity, to enable the Canadian book industry to benefit—once again—from the same levers as their international partners, and to comply with the intellectual property provisions set out in international trade agreements binding on Canada.

This amendment to the Copyright Act would further harmonize our legislation with that of

² Office of the United States Trade Representative, *2025 Special 301 Report*, page 72.
[https://ustr.gov/sites/default/files/files/Issue_Areas/Enforcement/2025%20Special%20301%20Report%20\(final\).pdf](https://ustr.gov/sites/default/files/files/Issue_Areas/Enforcement/2025%20Special%20301%20Report%20(final).pdf)

our CUSMA partners, which would strengthen confidence in cross-border trade and the free flow of ideas.

Cultural sovereignty in the digital and AI era

The protection of cultural expressions has been particularly challenged in recent years by the development of digital technologies that have impacted the creation, distribution, and discoverability of Canadian content.

ANEL and the cultural organizations in our coalition, the CDCE, are closely monitoring these changes so that solutions can be implemented to preserve Canadian cultural sovereignty. In October 2025, CDEC published 13 proposals relating to, among other things, copyright and changes related to generative artificial intelligence (AI).³

ANEL and its members have participated, alone or with partners, in informing public authorities in the era of generative AI, notably through these contributions:

- Committing to Canadian Cultural Sovereignty – Priority issues for the cultural sector (CDCE)
- Undermining human creativity: a risk for civilization. Paper submitted in response to the Call for Papers on Artificial Intelligence and Creativity by the Special Rapporteur in the field of cultural rights of the Office of the United Nations High Commissioner for Human Rights (OHCHR20 observations on books and generative artificial intelligence) (ANEL)
- 20 constats sur le livre et l'intelligence artificielle générative (ANEL) / 20 findings on books and generative artificial intelligence (ANEL)
- L'intelligence artificielle dans le milieu de l'édition (Radio-Canada) / Artificial intelligence in the publishing industry (Radio-Canada)
- Mémoire soumis à l'occasion du projet de loi C-27 (ANEL et partenaires canadiens du livre) / Brief submitted on Bill C-27 (ANEL and Canadian book partners)
- Mémoire soumis à l'occasion de la consultation canadienne sur le droit d'auteur et l'intelligence artificielle (ANEL) / Brief submitted to the Canadian Consultation on Copyright and Artificial Intelligence (ANEL)
- "Art is human!" – Manifesto for the Protection of Authentic Creation
- Les prophètes de l'IA – Pourquoi la Silicon Valley nous vend l'apocalypse (Thibault Prévost, Lux Éditeur, 2024) / *The prophets of AI – Why Silicon Valley is selling us the apocalypse* (Thibault Prévost, Lux Éditeur, 2024)

³CDCE, *Committing to Canadian Cultural Sovereignty – Priority issues for the cultural sector*.
<https://cdec-cdce.org/en/publications/priority-issues-canada-culture/>

ANEL also offers a [Resources Page](#) to answer several important questions in the era of generative AI, not to mention its [Briefs](#) on many topics of current interest to the Canadian publishing industry.

Like the CDCE, ANEL is pleased that Canada's Copyright Act is based on the requirement that rights holders give permission for their works to be used, and encourages Canada to continue protecting its cultural ecosystem, which is also based on the recognition of its sovereign right to protect and promote its culture.

Conclusion

We hope that the parties to CUSMA will reach an agreement to continue this essential partnership between our three countries, while maintaining the exemption granted to cultural industries that preserves the richness of our distinct cultures.