

MEMORANDUM OF AGREEMENT (MOA)

BETWEEN

THE ALLIANCE OF CANADIAN CINEMA, TELEVISION AND RADIO ARTISTS (“ACTRA”)

AND

THE ASSOCIATION OF CANADIAN ADVERTISERS (THE “ACA”)

(KNOWN COLLECTIVELY AS THE “PARTIES”)

Whereas the Parties are party to the National Commercial Agreement (the “NCA”);

And whereas the NCA expired on June 30, 2021 and has continued in operation in accordance with its terms as the Parties, along with another party (the Institute of Canadian Agencies (the “ICA”)), attempted to bargain a renewal agreement;

And whereas the ICA chose to bargain with ACTRA separately from the ACA and advised ACTRA it should bargain separately with the ACA;

And whereas on April 26, 2022 the ICA deemed the NCA to be expired and of no force and effect;

The parties agree as follows:

1. The Parties agree to renew the NCA (including the Local & Regional Commercial Addendum) for the period June 1, 2022 to May 31, 2023, with the following modifications.
2. Effective June 1, 2022, there shall be a 2% increase to all minimum fees and rates.
3. Between the date of this Agreement and May 31, 2023, ACTRA will increase the amount of the contract service fee refund referred to in Article 2901(f) of the NCA from 33.3% to 60% and such refund will be provided to the ACA solely.
4. References to the ICA in the NCA between the Parties will be removed and clauses that need to be amended to reflect that the ICA is not a party to the NCA will be amended within 30 days of ratification (and if the Parties cannot agree on the amendments, the clauses will remain unchanged).
5. Nothing in this Agreement (other than paragraph 2 above) shall change the rights or obligations of the ACA’s members in respect of the NCA as they existed prior to the execution of this Agreement.
6. Notice to bargain the next renewal of the NCA for the period beginning June 1, 2023 may be given by either Party at any time after June 1, 2022.
7. This Agreement is subject to ratification by the Parties’ principals. In the case of ACTRA, their principals are their members and this Agreement will be submitted to eligible members for approval via referendum vote. Ratification by both Parties shall occur and be communicated

to the other Party no later than May 31, 2022, or this Agreement shall be of no force and effect. The Parties agree the existing terms and conditions of the NCA as they relate to the ACA's rights, and as they relate to ACTRA and/or its members, and any right, privilege or duty of ACTRA and/or its members will continue between the date of this Agreement and May 31, 2022.

8. This Agreement may be executed in counterparts, each of which shall be deemed to be an original, but all of which, taken together, shall constitute one and the same agreement. The Parties agree that the execution and exchange of the counterparts of this Agreement electronically, including by electronic transmission, is enforceable as if the counterparts were executed in original ink copies.

IN WITNESS THEREOF, THE PARTIES HAVE SIGNED ON THE DATES AND LOCATIONS BELOW.

Entered into this 26th day of April 2022.

For ACTRA:



Marie Kelly
National Executive Director

For ACA:



Ron Lund
President & CEO, ACA



Eleanor Noble
President, ACTRA National