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Audiovisual policies in the streaming era: Regulatory challenges and cooperation strategies in France and Brazil

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Abstract

The Covid-19 pandemic accelerated the disruption of audiovisual policies by streaming platforms, with policy makers struggling to keep up with the pace of digital transformations. The lack of regulation allowed digital players to grow within national markets without collaborating with local policy frameworks, raising concerns about regulatory asymmetry, copyright protection and investment in local productions. However, recent events have shown that it is possible to integrate the new players in local policy frameworks. This thesis investigates why streaming platforms cooperate with local audiovisual policies using a comparative analysis between France and Brazil. Through an interdisciplinary literature review and the analysis of legislation, government publications, press articles, data reports and 13 interviews with key stakeholders, five factors that led platforms to cooperate were identified: the framing of the problem, platform's lobbying influence in the political landscape, the coalitions between local audiovisual actors, the governmental units capacity to deal with the challenge and the compatibility between the taxation model and platforms business model. When looking at the combination of these factors, cohesion between national actors was a central factor. The study concludes with policy recommendations for Brazil's National Film Agency (Ancine).

Key words

Audiovisual policies, streaming platforms, regulation, disruption, cooperation

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Why should I read this research?

Watching films or a series on streaming platforms has become an integral part of our daily lives. During the pandemic, it became one of the main forms of entertainment, with online video services reaching 1.1 billion subscribers globally in 2020 (MPA, 2021). An industry that for a long time was dominated by Netflix, now faces the competition of strong players, from traditional Hollywood studios to powerful Big Tech companies. Researchers have tried to understand the disruptive impact of these new players in the industry, from the bankruptcy of Blockbuster to the decrease in broadcasting audience. However, fewer studies have focused on the disruption of local audiovisual policies.

In most parts of the world, government support is essential for local audiovisual markets to survive against the dominant United States industry. Policies to regulate and support the sector are fundamental to guarantee its growth, as well as to protect cultural diversity and national identity. However, these policies were designed before the digital age, making it challenging to adapt to the streaming platform's disruption. As a result, digital players grow inside national markets without cooperating with local policy frameworks, raising concerns about regulatory asymmetry, copyright protection and investment in local productions. For instance, few Netflix catalogs worldwide offer more than 20% of local content when compared to US programming (Lobato, 2019). To make platforms cooperate with the local ecosystem, countries have been trying to implement regulatory solutions, such as France's Audiovisual Media Services on Demand (SMAD) decree.

This research uses a comparative analysis between France and Brazil to identify factors that led platforms to cooperate with local audiovisual policies. This type of comparative analysis has been used to evaluate the impact of digital actors in other sectors, for example the effects of Uber on transportation regulation (Thelen, 2018). Comparing France and Brazil allowed interesting results because the countries present similar audiovisual policies frameworks. Hence, the research also presents an unprecedented comparison between these two systems. Interdisciplinary methodology, including sociological and political science theories, were employed to identify factors that led countries to respond differently and platforms to cooperate. The use of important theoretical frameworks, such as Fligstein (2012) and Kingdon (1984), in an interdisciplinary and comparative manner can inspire researchers, and the factors identified can be tested in other case studies.

This research also presents important contributions for policy makers. The thesis concludes with recommendations focused on the Brazilian case, given the country's strategic moment with an opportunity to include regulation of streaming in the government agenda. These recommendations are transferable to other countries considering the transnational challenge's character. Furthermore, the findings can be useful for other sectors facing similar challenges with the arrival of digital actors, such as transportation, music, and hotel industry.

I. Introduction

The Covid-19 pandemic was a challenging time for the audiovisual industry worldwide. With the interruption of ongoing production projects, the shutdown of cinemas and dropping in TV advertising revenues, almost all of the branches of the audiovisual sector were affected. In 2020 in the European Union, TV advertising was estimated to drop by 20% compared to 2019 (Cabrera Blázquez, et al., 2020). In Brazil, movie theaters' box office sales decreased by 78% in 2020 compared to the year before (Ancine, 2021). The situation was worse for countries where the audiovisual industry strongly depends on public funding. In France, for example, in 2020, the gross income taxes collected to finance audiovisual policies were down by more than 15% when compared to 2019 (CNC, 2022c).

Paradoxically, people never consumed as much audiovisual content as during the pandemic. Companies such as Netflix, Amazon Prime Video and Disney+ saw their audience grow while people were locked down in their homes. In 2020, online video services reached 1.1 billion subscribers globally, a 26% growth compared to 2019 (MPA, 2021). In France, there was an increase in video demand services' daily users by 69% in 2020 compared to the year before (CSA, 2021). In Brazil, 58% of the people said they watched more streaming services during the pandemic (Kantar Ibope Media, 2021).

This contradiction reveals a tendency that was already taking place before the health crisis: international streaming platforms disrupting local audiovisual markets. The new digital players use fiscally motivated location, lobbying and other strategies to avoid national taxation and obligations, gaining considerable competitive advantage in relation to local actors. Current frameworks of media regulation and protection of national audiovisual content, adopted especially in Europe and Latin America, have been struggling to integrate the new players. At the heart of this debate, lies the question: will streaming platforms cooperate with local audiovisual policies?

Yet, there are still several issues to be explored in the literature review on the topic in order to answer this question. Studies on the disruption caused by streaming platforms in the audiovisual industry have been mostly focused on the impact caused in other market players, mainly the television industry (e.g. D'Arma, Raats and Steemers, 2021; Lotz, Lobato and Thomas, 2018; Lobato, 2019). Fewer studies, however, have focused on the disruption caused on local audiovisual policy and how policy makers responded to it (e.g. Davis and Zboralska, 2017).

On the other hand, recent events have shown that it is possible to integrate the new players in local policy frameworks. On February 7th 2022, a panel reunited representatives from Netflix, France Televisions, the French Ministry of Culture, the European Producers Club (EPC), the European Regulators Group for Audiovisual Media Services (ERGA) and the French Audiovisual and Digital Communication Regulatory Authority (ARCOM) to discuss the implementation of the European Audiovisual Media Services Directive (AVMSD) in France (CNC, 2022b). The country has been one of the first ones to transpose the directive to national law, with the publication of the On-Demand Audiovisual Media Services (SMAD) decree (*Decree no. 2021-793 of June 22, 2021*), which defined percentages of investment in local production. Netflix, Disney+ and Prime Video also signed specific conventions

committing to local investments and windowing rules. The panel celebrated the inclusion of Netflix and other streaming platforms on the French ecosystem and presented an estimation that the new regulations would bring between 250 and 300 million euros to French production in 2022 (CNC, 2022b).

In other countries, though, this is not the reality. In Brazil, despite being one of the biggest markets for streaming platforms, a new regulation has not yet been implemented and a cooperative relation with platforms seems distant. In March 2023, filmmakers wrote an open letter to the senate pointing out that the regulation of streaming platforms was urgent for the national audiovisual industry (Fórum de Tiradentes, 2023). In the same month, a study showed that national content is underrepresented in platforms catalogs: less than 11% of the works available are Brazilian (Ancine, 2023).

The different ways the two countries have responded to disruptive new actors provide an interesting opportunity for a comparative analysis. Therefore, the goal of this research is to identify factors that led streaming platforms to cooperate with local audiovisual policies by comparing the two cases. The countries were selected not only because of the different responses, but also because they have a similar framework of audiovisual policies. Literature review showed that Brazil and France share four main characteristics: first, an independent governmental unit is responsible for implementing audiovisual policies. In France, this unit is the CNC (National Centre for Cinema and the Moving Image) and in Brazil the Ancine (National Film Agency). Secondly, they have a financing system based on economic solidarity between the media. Thirdly, they use a mix of selective and automatic mechanisms to support local production and, finally, they have a copyright jurisdiction based on the idea of author's rights.

The research relied on the analysis of legislation, government publications, press articles, data reports and 13 semi-structured interviews with different stakeholders, including film and television producers and directors, civil servants and former political appointees in Brazil and France. The data analysis was supported by different theoretical frameworks from sociology and political sciences, such as Fligstein (2012) and Kingdon (1984).

The results showed that in both countries the main regulatory issues raised by the arrival of streaming platforms were taxation asymmetry, copyright protection and investment in national production. Despite raising common concerns, Brazil and France responded quite differently to such challenges. Five factors that influence the different responses, leading to a more cooperative scenario in one of the case, were identified as: (1) framing of the problem; (2) politics and lobbying; (3) coalition of local actors; (4) government units capacities; and (5) compatibility between the taxation model and platforms business model. It was the combination of these factors that led platforms to cooperate with audiovisual policies. A central factor identified was the cohesion between national stakeholders, both between market and government actors.

The future perspectives for streaming platforms and audiovisual policies are yet full of uncertainties in both countries. In France, different actors believe that it is still necessary to improve the regulation and there is a concern about the implementation of the decree. In Brazil, the recent government change appears as an opportunity to implement a regulation to

streaming platforms. Considering this strategic moment in the Brazilian context, the thesis concludes with policy recommendations for Ancine, based on the findings of the research.

II. Methodology

The trajectory of this research was not a linear and rational process, but rather an iterative one. In spite of that, this section will systematize and present the research in steps in order to clarify the methodological choices and explain the structure of the work.

The first step consisted of a literature review on streaming platforms disruption on audiovisual policies (Section III). A first limitation in this sense was the lack of studies focusing on this specific effect streaming platforms had on audiovisual regulation. This led to an expansion of the literature review to encompass general studies about platforms and disruption, such as Gillepsie (2010) and Hasselbalch (2014). Media studies related to the impact of the arrival of streaming platforms on traditional audiovisual industries, specially television, were also helpful in this review, such as Lotz, Lobato and Thomas (2018) research on internet-distributed television and Lobato (2019) study on Netflix transnational impact. Specific case studies were also useful, for instance D'Arma, Raats and Steemers (2021) comparative analysis of public service media responses to SVoDs (Service Video on Demand) platforms in Flanders, Italy and the UK, and Davis and Zboralska (2017) work on the case of Netflix in Canada.

The literature review allowed the identification of important aspects on how streaming platforms seek to disrupt local audiovisual policies and also strategies they employ to avoid regulations. The next step was to look into the literature to find possible explanations for why these platforms would collaborate with local audiovisual actors and policies. Therefore, complementary theoretical studies from different disciplines were needed due to the lack of specific details on the matter. Theoretical frameworks that seek to understand why specific ideas and policies prevail in certain situations were essential to enrich the discussion. Two authors were especially helpful. Fligstein (2012) helped identify possible factors that explain how stability and change are achieved by social actors in circumscribed social arenas. Kingdon (1984) helped on the identification of factors that influence certain alternatives to be considered in the government agenda.

The next step was to test the hypothesis raised by the literature review. Digital economy allows companies to be present at the same time in different countries, providing a rich scenario for comparative analysis. A good example of this is Thelen's work (2012) on Uber and the different regulatory responses it caused in Europe and the United States. Thus, transnational comparison appears as a good method to test the hypothesis. Brazil and France were the cases chosen for two several reasons. First, the two countries responded differently to the arrival of the platforms. In France, there is a more collaborative relation between platforms and local audiovisual policies. In Brazil, on the other hand, regulations have not included platforms in the national audiovisual policy system. Secondly, the two countries have a similar framework of audiovisual policies, allowing the identification of factors beyond the idea that initial conditions would explain the different responses. Furthermore, it is also important to highlight personal reasons: as a Brazilian master student in France, I was able to have easier access to both countries audiovisual systems, with a special interest in this comparison between France and Brazil.

To explore the two cases, it was necessary to understand the current audiovisual policy frameworks. A first step was to look into its literature to comprehend how these models were constructed and implemented. For the French case, Depetris (2008), Alexandre (2015) and Creton (2008) works were specifically helpful, and for the Brazilian case, Ikeda (2015) and Sousa (2018) works should be highlighted. A second step was to understand the current regulatory responses for the arrival of streaming platforms. In this regard, more recent studies were important, such as Bellon (2016), Cousin (2018) and Escande-Gauquié (2021) works in France and Geisler (2021) and Ikeda (2021) studies in Brazil. The literature review was complemented by analysis of legislation, data and governmental publications. Here, it is important to notice that Brazil went through a government change electing President Lula at the end of 2022. Considering the instability of this context, the data and literature used refers only to the period previous to the elections of 2022. This process led to the identification of common aspects of both policy systems, but also important differences in terms of government stability and market structure. Section IV will present the result of this research.

After that, 13 interviews with different stakeholders were conducted, including mostly cinema and television producers, civil servants and former political appointees in Brazil and France. The approach to reach the stakeholders was through personal connections, which later was expanded by asking interviewees for suggestions. A closer relation with Brazil led to a predominance of interviews with Brazilians (9 interviewees) compared to France (3 interviewees). Only one interviewee had experience in both countries. Another limitation was the difficulty to find platform representatives willing to talk about the issue. The alternative was to conduct an interview with a lawyer who represents the platforms. Furthermore, the data was complemented with newspaper articles and official statements.

The goal of the interviews was to identify the positions and perceptions of these different actors in the debate around streaming platforms and audiovisual public policies. The interviews were semi-structured, including questions around the impact of the arrival of the streaming platforms on the person's work, the challenges it involved, perceptions about current regulatory measures and future perspectives for the audiovisual industry. The interviews were carried out in Portuguese, English and French and mostly through online platforms (Zoom and Google Meets). They were recorded for further analysis, with the interviewee's authorization. Twelve out of thirteen interviewees authorized their names to be cited in this thesis. The complete list of interviewees can be found in the appendix (Appendix 1).

The data collected during the interviews were analyzed in order to identify patterns of visions, positions and strategies adopted by the different actors. This allowed the identification of common issues that streaming platforms aroused in both countries. Then, the data collected was compared with the hypothesis previously raised in the literature review, allowing the identification of factors that led to different responses. Furthermore, the interviews were also an opportunity to map future perspectives for Brazil and France. The analysis is presented in section V. The interview quotes presented were the ones that better represented a certain idea, but it is important to note that the analysis considered the data collected in all interviews. In order to facilitate the reading, the quotes were translated into English. Also, the names of the organizations were translated from French and Portuguese

into English to facilitate the reading time. A complete list with the acronyms and names of the organizations can be found in the appendix (Appendix 2).

III. Platforms, disruption and audiovisual policies

A. How do streaming platforms disrupt local audiovisual policies?

To understand streaming platforms as a disruption, one needs to start by conceptualizing what disruptive means. Hasselback (2014) differentiates two concepts of disruption: first, a disruptive technology, which is a technology that presents remarkably better or faster ways of accomplishing something. Secondly, a disruptive innovation, which uses a disruptive technology in order to present a product or a service that is remarkably better than the previous one, creating new or altering terms of competition in existing markets. Using this definition, one can say that streaming platforms would be a disruptive innovation allowed by the advancement of a new technology, that is, the distribution of audiovisual content through the Internet, known as OTT (Over-The-Top). However, to fully understand the disruption caused by this innovation, it is essential to ask: disruptive to whom?

Different studies show how streaming platforms introduced transformations in different fields. The first and most evident disruption is in relation to the DVD market and video rental stores. Streaming services offer a more comfortable and cheaper option to access audiovisual content. As a result, between 2008 and 2019, DVD sales declined more than 86% in the United States (Whitten, 2019). The arrival of streaming also led to the bankruptcy of video rental stores, such as Blockbuster (Olito, 2023).

A significant part of the study of transformations caused by streaming platforms is focused on television. Lotz (2018) identifies four aspects that internet-distributed television is able to do better than previous technologies (satellite or cable distribution.): (1) non-linearity, in other words, it is not organized by schedule, allowing on demand access by users; (2) pure subscriber funding, changing the revenue model from advertising to subscription; (3) targeting strategies around ‘taste communities,’ allowed by data analysis and algorithm recommendations; and finally (4) vertical integration with exclusive control over production and distribution through direct-to-consumer streaming. D’Arma, Raats and Steemers (2021) highlight that it is the combination of these features with others such as transnationality and availability of significant investment capital that makes streaming a disruptive phenomenon for television.

Another important transformation caused by streaming is related to the way people access television. Hesmondhalgh and Lobato (2019) focus on how the arrival of internet distribution television transformed television hardwares. The authors call ‘device ecology’ the proliferation of internet-connected devices used to distribute and access audiovisual content, such as set-top boxes (e.g. Orange’s Livebox in France or Box ClaroTv in Brazil), gaming consoles (e.g. PlayStation), streaming sticks and media players (e.g. Amazon Fire TV Stick, Apple TV, Roku and Google Chromecast). Different from previous hardware associated with cable or satellite distribution, the new devices are sold directly to consumers and the dominant players are associated with technology companies, such as Apple, Google and Amazon. Johnson (2020) also analyzes the transformations in how television is accessed in the digital era. The author uses the term ‘appisation’ of television to describe the emergence of apps as a new means to deliver television service and content. Both studies argue that these new

softwares and hardwares raise important questions for cultural policy regarding prominence, discoverability and data privacy (Hesmondhalgh and Lobato, 2019; Johnson, 2020).

Internet distribution also allowed television to transcend national boundaries without the need to use extensive in-country infrastructure (Lobato, 2019). The author uses the term 'global television' to define services that operate in a large number of international markets simultaneously, Netflix being the main example. The author points to the duality between global and local: despite being a transnational service, these players still need the local expertise to succeed. Netflix had to partner with local stakeholders in order to function, such as local telecommunication services and internet providers. It also has to adapt to different audience patterns in terms of language, income level and tastes, leading to a service more and more geographically differentiated. One should notice that despite Netflix's willingness to invest in local content, the abundance of US programming is still the rule and only a few catalogs offer more than 20% of local content (Lobato, 2019). The quick development of this new player in local markets with a relevant base of domestic consumers has an important impact in national television services, which appear as slow-moving, self-serving rent-seekers when compared to the newcomers (Cable, 2016).

Despite the evident transformation streaming has caused in the television industry, there is not a consensus that the innovation is disruptive, considering that legacy technologies still have a space. What different authors argue is that the advent of internet-distributed services should be seen not as a replacement for previous technologies, but as an additional layer that increases the complexity of this environment (Hesmondhalgh and Lobato, 2019; Lotz, Lobato, Thomas, 2018; Lotz, 2018).

In addition to television, cinema is also a field impacted by streaming platforms. The economic model of streaming services seeks to eliminate traditional actors of the film value chain, especially movie theaters. The possibility of watching a great variety of films on demand is regarded as a factor that could decrease people's attendance to the movies (Escande-Gauquié, 2021). The battle between streaming services and movie theater is well exemplified in the Cannes Festival's decision not to accept film selections that were not first released in French movie theaters, leading to a battle with Netflix (Allison, 2019). Traditional Hollywood studio branches are also impacted by the increased competition from streaming original productions. Netflix, Amazon, Apple and Facebook are recruiting well known Hollywood directors and battling for the copyrights of film and TV series, festivals being the battleground of these disputes. (Cousin, 2018). As a result, the main US media conglomerates entered the streaming business (Macdonald and Smith-Rowsey, 2016), such as Warner/HBO with HBO Max and Disney with Disney+. Furthermore, as with television, the transnational character of streaming services also led to similar transformations in local film industries (Burgess and Stevens, 2021).

For both cinema and television industries, an important factor is the entry of Big Tech - also known as GAFAM (Google, Apple, Facebook, Amazon and Microsoft) - in the streaming market. Van Dijck, Poell and Waal (2018) use the term 'infrastructural platforms' to refer to these companies that today dominate the internet ecosystem by controlling the main digital services, such as search engines, browser, data analytics, cloud computing, email,

instant messaging and app stores. The arrival of this organization to the streaming market is seen as a factor that collaborates with the idea of streaming as a disruptive technology (Klatt, 2022). Klatt (2022) uses the case of Amazon to show how films and television units are just one of multiple services that allows the company to increase its influence within the internet economy by interacting with users and harvesting personal data. Due to the concentration of this market in a few companies with high financial power, concerns about competition policies are raised (Bourreaut and Perrot, 2020), especially in relation to local actors (Escande-Gauquié, 2021).

The variety of actors affected by the arrival of streaming leads to different attempts in creating typologies to organize this new field. Lotz, Lobato, Thomas (2018) points to five factors that can help disaggregate internet-distributed services: geography (global or national); business model (Free VoD, Advertising VoD, Subscription VoD or Transaction VoD), non-linearity (on demand or linear stream), ownership (pure video service or owned by other companies); and library structure (curated or user generated content). Johnson (2020) organizes the different TV apps in three categories: (1) content apps, designed especially to deliver television programmes and movies (e.g. Netflix); (2) discovery apps, that function as television guides (e.g. Just Watch); and (3) aggregators apps, that combine the access to a range of different apps (e.g. Apple TV). Geisler (2020) divides the market into three segments, according to the origin of the company that owns the service: (1) entertainment (e.g. Disney+ or Netflix); (2) technology (e.g. AppleTV or Prime Video), and (3) telecommunications (e.g. ClaroTV). The different possibilities of taxonomy show the complexity of this new market, composed of interconnected and highly dynamic actors (Lobato, 2019).

Apart from the disruption caused in television and cinema industries, different studies also seek to analyze the impact in policies. To understand this, one first needs to conceptualize what policy disruption means. Hasselbalch (2014) characterizes policy disruption as a change in the market's condition that leads to an invalidation of existing regulatory frameworks. He identifies two conditions that must be met for a policy to become disruptive: first, the innovator must move before the regulator; and, secondly, the externalities arising for the regulator must enter the public debate. The author also highlights that disruptive innovations are difficult to regulate due to their highly technical nature, high degree of uncertainty and transnational characteristics. The result of this difficulty is a regulatory inertia, characterized by the failure of regulatory bodies to adapt their rules to new markets (Downes and Mayo, 2014). Another result is 'policy silences' (Freedman, 2015), which are pathways that are not considered or discussed publicly, leading to non government intervention. 'Infrastructural platforms' are often seen as one of the main causes of policy disruption, operating in legal gray areas and generating debates about public values and common good that should have happened before their arrival (Van Dijck, Poell and Waal, 2018). Cable (2018) adds to this discussion by using the term 'reformer startups' to characterize fast-moving and well-capitalized new players that operate in the shadow of regulatory interventions, disrupting the policy regime.

These characteristics of a policy disruption can be identified with the arrival of streaming platforms. Lobato (2019) points out that many streaming services have become

controversial because of the way they evade national regulations. Lotz, Lobato, Thomas (2018) characterizes the policy landscape of internet-distributed television as unstable, due to the concentration of weight regulation in legacy distribution services, leading to a call for redistribution of regulatory burden. For Davis and Zboralska (2017), the most serious disruption in broadcasting is to the policy itself. By studying the case of the arrival of Netflix in Canada, they show how these new transnational challengers seek to rapidly expand among the local market in order to provide leverage in domestic regulatory reform. The disruption is stronger in countries with a tradition of local content regulation designed in a broadcast area (Lobato, 2019). Furthermore, the policy debates raised by the new players are not just about how to regulate, but also on what to regulate, considering factors such as prominence, discoverability and algorithm recommendations (Lobato, 2019).

In this scenario, streaming platforms use different strategies to avoid national regulation. A first classical strategy is lobbying. In 2019, Netflix, Amazon Prime and Disney+ joined the MPAA (Motion Pictures Association in America) (Escande-Gauquié, 2021). The organization congregates the biggest Hollywood studies and is famous for using lobby to contest the legality of regulatory policies (Depetris, 2008; Sousa, 2018). Cousin (2018) shows that the months before the arrival of Netflix in France were characterized by strong lobbying conducted by the platform in the different spheres of the audiovisual industry and in the highest political levels, with meetings with the Ministry of Culture and the Superior Audiovisual Council (CSA).

Literature from platform studies can help identify other strategies. Gillespie (2010) argues that the use of the word ‘platform’ in itself is a strategy to strike a regulatory sweet spot by framing the service and technology as something different. The use of the term also allows these players to adapt according to the context, since it’s an idea “specific enough to mean something, and vague enough to work across multiple venues for multiple audiences” (Gillespie, 2010, p.3) In this sense, Lobato (2019) shows how Netflix uses different terms to frame its service, depending on their goal:

In its dealings with the government, Netflix claims to be a digital media service - certainly not television, which would attract unwelcome regulation. Yet, in its public relations, Netflix constantly refers to television, because of its familiarity to consumers. Its interface design, on the other hand, prefers to evoke the cinema experience. Meanwhile, its subscription business model has echoes of pay-per-view TV, but its algorithmic recommendation system is pure new media. (Lobato, 2019, p.43).

Another strategy identified is the promise that these new services are better than the government or previous companies at creating economic and public values. Online platforms put their position as ‘bottom-up’ and ‘empowering consumers’ companies against a ‘top-down’ and ‘big government’ environment. (Van Dijck, Poell and Waal, 2018). For instance, in Canada, Netflix argued that through consumer demand alone they already delivered Canadian audiovisual content and stimulated innovation (Davis and Zboralska, 2017). Another example is described by Thelen (2018) when analyzing the arrival of Uber in the US. According to the author, the transportation platform was able to appease regulators by

positioning itself as a champion of free market and consumer choice. This discourse is similar to the one defended by the MPAA, that since 1994 uses communications campaigns to point to the need for a free market approach in the digital revolution era (Depétris, 2008). Furthermore, being outside national jurisdictions by operating the global market from the US (Lobato, 2019) and refusing to share data about the audience (Cousin, 2018; Davis and Zboralska, 2017) are other strategies identified.

B. Why would streaming platforms collaborate with national audiovisual policies?

The previous section showed how streaming platforms seek to disrupt national markets and policies, raising the question of why these platforms would collaborate with national audiovisual policies. Comparing countries with different levels of collaboration with streaming companies could be a way to answer this question by identifying what were the factors that led to different scenarios. An interdisciplinary literature review helps raise some hypotheses.

The state is identified as an actor with considerable potential to affect the stability of most fields (Fligstein, 2012). From this perspective, how the government acts can be seen as a first influential factor. Considering the influence that the referential of existing public policies has in the development of new ones (Jobert and Muller, 1987), a first hypothesis would be that countries with historical traditions of regulatory measures in the audiovisual sector would respond with stronger demands for the platform's cooperation. However, governments' positions also depend on the political landscape at the moment. Swing of national mood, changes in administration and turnover in Congress are factors that have powerful effects in terms of what policies are considered in the government agenda (Kingdon, 1984). According to Hasselbalch (2014), a regulatory response is only possible if the innovation has political salience. In this sense, Davis and Zboralska (2017) show how a political environment favorable to a consumer and free market approach gave more advantage to streaming services against legacy forms of distribution in Canada.

In addition to the state, national market characteristics also have to be taken into account. When analyzing the case of Netflix, Lobato (2019) shows that national markets shape the potential impact of Netflix. He argues that Netflix will adapt their position inside different markets, going from a mass communication service to a niche service, depending on the features of the local consumers. D'Arma, Raats and Steemers (2021) show that market characteristics, more specifically in terms of size, also affect the responses of local business actors towards their new players, since it influences the financial risks that national broadcasters are willing to take. For example, in a small market like Flanders, streaming services have less incentive to invest in collaborations with local actors.

For both state and non-state fields, a significant factor to be considered in shaping different responses is how the episode is interpreted (Fligstein, 2012). The identification of streaming platforms as a threat/enemy or an ally/opportunity is an important factor to understand national contexts (Lobato, 2019) and their different regulatory pressures (Hasselbalch, 2014). The framing of the arrival of streaming platforms in countries can affect

if the topic will or not enter the government agenda (Kingdon, 1984). Two factors appear as relevant in this process of problem definition: values and categories. Kingdon (1984) argues that the values one brings to a discussion plays a substantial role in problem definition: a mismatch between the observed conditions and what is considered as an ideal state becomes a problem. He also points to 'value acceptability' as one of the criteria for a policy to be considered as viable. In which category the issue is placed will also influence how people see the problem and which actors will influence the agenda (Kingdon, 1984). Considering this perspective, the category that streaming platforms are placed (e.g. as a technological or a media service) will influence the responses. How the problem is framed will also determine which actors will be mobilized in the political debate (Jobert, B. & Muller, 1987). While analyzing how countries responded differently to the arrival of Uber, Thelen (2018) shows that specific regulatory problems provoked by Uber in different national contexts mobilized different actors and shaped the way the debate was framed and fought.

Another factor identified in the literature is the coalitions that are created after the arrival of challengers. Thelen (2018) analysis also shows this process: the different regulatory outcomes depended on the specific alliances among interest groups, politicians and consumers. As an example, in Germany, taxi organizations were able to organize a coordinated response and ally with public transportation actors and consumers, isolating Uber as a threat. On the other hand, in the United States, Uber was able to cultivate an alliance with consumers, positioning them against taxi lobbies and pressuring politicians to deregulate the sector. A similar strategy is identified by Davis and Zboralska, (2017) in streaming platforms arrival in Canada, where the new actors were able to ally with domestic consumers in order to deter the implementation of new regulations.

Some resources can influence the capacity of different actors to successfully create a coalition in order to shape policies. A first resource would be cohesion. Kingdon (1984) argues that a cohesive group of actors will have some advantages in affecting the government agenda. Secondly, what Fligstein (2012) defines as Internal Governance Units (IGU) can also be an important resource. IGUs are organizations responsible for overseeing compliance with field rules and facilitating the functioning of a system. They also play an important role in connecting non-state actors to state actors. Some examples of these units are trade organizations, unions, and rating agencies.

Other resources are skills and expertise. Fligstein (2012) highlights the major role of socially-skilled actors to achieve field stability. These actors are characterized by their ability to understand the sets of actors and their interests, uncertainties and ambiguities and frame the stories to induce cooperation. Kingdon (1984) points to the process of gradual accumulation of knowledge among specialists in a policy community as a significant contributor to defining what is in the government agenda. Important actors in this process are what the author calls 'advocate policy entrepreneurs', characterized by their willingness to invest their resources, time and reputation for a future return, that usually comes with the approval of a policy they defend. An essential skill of these actors is the identification of 'windows of opportunities', that is, the alignment between problems, policies and politics which allow a certain issue to be considered in the government agenda. Furthermore, Hasselbalch (2014) argues that experts, as people with a feel for the game and instinct feeling, are required in moments of policy

disruption to defuse complicated situations. Also in this perspective, Escande-Gauquié (2021) concludes that the ability of professionals in French cinema to adapt in this disrupted ecosystem will be significant in the process of dealing with the digital challenges.

IV. Audiovisual policies in France and Brazil

The goal of this section is to present the main characteristics and actors of the audiovisual policy system in France and Brazil, and also the regulatory responses to the arrival of streaming services. Academic literature about these systems will be used and complemented with recent data, reports and legislations. In order to fully understand audiovisual policies, this review will look at both cinema and television policies, as well as the relationship between these two fields. Comparative tables summarizing this section can be found in the appendix (Appendix 3).

A first step is to understand the duality that characterizes cinema and how it reflects on the policy design. Cinema is defined by its double belonging to two universes at the same time; the arts/culture world and the entertainment/industry world. As a consequence, public policies integrate both economic and cultural goals, seeking to develop the economic sector as well as preserving cultural national identity (Creton, 2008). In this perspective, while cultural policies usually involve a relationship between state and culture, in the case of the audiovisual sector, questions around market and industry are added (Sousa, 2018).

This duality has a direct impact on the disputes around the alternatives of audiovisual policies. Ramos (1983) identifies two poles that characterize the disputes inside the Brazilian cinematographic field: a nationalist group, which defends cultural independence, and an industrialist-universalist group, which defends an industrial model for the sector. A similar dichotomy is found in the French context. Alexandre (2015) identifies three different groups that compete and collaborate in the design of French audiovisual policies: first, a liberal group, which combines technical progress and economic liberalization as way to stimulate cultural industries; second, a cultural group, which believe in regulation as a way to defend cultural democracy; and third, a group composed of French film executives that lobby to defend their companies and interests.

Despite these internal divergences, audiovisual policies in both countries have a common feature: be a contraposition to the United States market. Apart from nations like India or China, there are no countries in which the cinematographic policies are not designed as a response to Hollywood's power (Sousa, 2018). The dominance of the United States cinema is explained by its globalized strategy, based on the idea of universal-films, destined to audiences from all over the world. By exporting movies, Hollywood is able to amortize their cost in other territories, gaining great advantage in relation to other national markets (Creton, 2008).

The GATT (General Agreement on Tariffs and Trade) negotiation in 1993 was the stage of one of the most important battles between national cinemas and Hollywood. As a response to the US attempt to include audiovisual products in the liberalization trade, French succeeded in gathering other European countries to defend what became known as the cultural exception. The idea surrounding this concept is that audiovisual should not be considered a commodity like others, in view of its association with cultural identity. This negotiation allowed France and other countries to maintain their system of protection of the audiovisual sector (Regourd, 2010). After that episode, the principle of cultural exception

became not only a symbolic value, but also a legal instrument in international debates (Depéris, 2008).

The principle of cultural exception has been replaced in the international relation to the idea of cultural diversity since the ratification of Unesco's Convention for the Protection and Promotion of the Diversity of Cultural Expressions in 2005 (Buchsbaum, 2006; Depéris, 2008; Vernier, 2004). Authors present different visions about this movement. Depéris (2008) sees it as an expansion of the idea of cultural exception, by going beyond globalization logics and respecting cultures around the world, specifically in developing countries. On the other hand, Vernier (2004) argues that this replacement represents an abandonment of a strong political position in favor of a more diplomatic vision of culture. Either way, cultural diversity is now being used by governments to justify cultural policies. Buchsbaum (2006) shows that CNC reports have been using the concept to justify new regulation since the 2000s. The Convention is also used to legitimize Brazil's law that established national content quotas for pay television (Sousa, 2018).

A. The main characteristics

Brazilian and French audiovisual policies have relevant common features. A feasible explanation for this similarity is that Brazilian policies have been in different moments inspired by the French model (Sousa, 2018). Literature review and analysis of legislation and official documents allowed the identification of four common aspects between the two countries: (1) an independent government unit; (2) economic solidarity between different media; (3) mechanisms to support local production and (4) copyright jurisdiction.

1. An independent governmental unit

The first common characteristic is that both countries have a unique and independent government actor responsible for audiovisual policies.

In France, cinema has always been considered a 'state matter', characterized by important public intervention (Gimello-Mesplomb, 2006). The first policies implemented in the audiovisual sector were related to taxing and censorship. It was in 1946 that an autonomous public organization was established to deal with cinema policies: the The National Center of Cinematography and the Moving Image (CNC). First attached to the Ministry of Industry, the organization was transferred to the Ministry of Cultural Affairs in 1959 (Gimello-Mesplomb, 2006; Vernier, 2004).

The current mission of CNC is to sustain the audiovisual industry, to participate in the study and elaboration of audiovisual regulations; to promote and diffuse audiovisual works, to cooperate with local actors, to negotiate multilateral policies and to protect the cinematographic heritage (CNC, n.d.). It is managed by a president, nominated by the President of the Republic to a three-year mandate that can be renewed two times. The president is also responsible to preside over the Administration Board. Between 2018 and 2020, CNC expenses to support the audiovisual sector varied from 570 million euros to 730 million euros and the administrative expenses were at around 49 million euros. In 2020, the total of employees were 464 (CNC, 2022c)

CNC's role is complemented by other organizations. The main organization is the Audiovisual and Digital Communication Regulatory Authority (ARCOM), created in 2022 with the fusion of the Superior Audiovisual Council (CSA) with Hadopi (High authority for the dissemination of works and the protection of rights on the Internet). The organization is a regulatory agency, responsible for guaranteeing freedom of communication, economic balance and pluralism in audiovisual and digital spaces (ARCOM, 2022).

The history of audiovisual policies in Brazil is less stable when compared to France. Different authors show how the trajectory of cultural policies in the country are characterized by cycles and discontinuities (Rubim, 2007; Simis, 2010), changing as a reflex of broader transformations of the Brazilian State (Ikeda, 2015). This is not different in the audiovisual sector. The first important organization created to formulate and implement the cinema policy was the National Cinema Institute (INC), founded by the military dictatorship in 1966. However, three years later, it was replaced by another organization, Embrafilme (Brazilian Film Company). With Embrafilme, state participation in film production became more intense, with the public company acting directly in production and distribution activities (Simis, 2010). In 1990, however, liberal movements led President Collor to extinguish government incentives for the cultural sector, including Embrafilme. This moment is characterized as a traumatic moment for Brazilian cinema (Sousa, 2018), with only three national movies launched commercially in 1992 (Ikeda, 2015). To correct this situation, the government created a model of indirect foment using tax deduction as a way to attract investments to the audiovisual sector. Two main laws were implemented with this goal: the Rouanet Law (*Law No. 8.313, of December 23, 1991*) and the Audiovisual Law (*Law No. 8685, of July 20, 1993*), transferring the responsibility of financing cultural production from the state to the market (Ikeda, 2015).

In 2000, the III Brazilian Cinema Congress (CNC) reunited more than 50 entities associated with cinema professionals. The main resolution of the congress was the necessity of having once again the state participating in the development of cinema activities (Ikeda, 2015). This episode is considered a magical moment in the Brazilian cinema, where actors with historically different positions came into agreement to create a governmental organization aimed at protecting and promoting national cinema (Sousa, 2018). The result was the creation in 2001 of what Ikeda (2014) calls the 'institutional tripod', the combination of three state units responsible for cinema policy: the Superior Cinema Council (CSC), attached to the Chief of Staff of the Presidency and responsible for formulating the policies, the National Film Agency (Ancine), attached to the Ministry of Development, Industry and Foreign Trade (MDIC) and responsible for executing policies related to industrial aspects of cinema; and the Audiovisual Secretary, responsible for executing policies associated with cultural aspects and attached to the Ministry of Culture (MinC). However, in 2002, as happened in France, Ancine was transferred to the Ministry of Culture (*Decree No. 4,858, of October 13, 2003*).

In this ecosystem, Ancine has a crucial role as the most autonomous organization within the government. It was constituted as a 'special autarchy', which can only be extinct through law; it has financial and administrative independence and it is not subordinate to the Ministry (*Provisional Measure No. 2.228-1, of September 6, 2001*). Additionally, it is

managed by a board approved by the Senate composed of one president-director and three directors with fixed mandates and autonomy in the decision making process (Ikeda, 2015). The goal of the agency is to achieve the self-sustainability of the sector, which Ikeda (2021) points out as an extremely ambitious objective, considering that only a few national economies do not need the government support for the survival of the cinema industry. The agency is responsible for both regulating and promoting the audiovisual sector. In similar foreign institutions, these two roles are usually distinct (Silva, 2017). The aforementioned ARCOM in France is responsible for regulating the sector, while the CNC is in charge of promoting it. The regulatory role of Ancine is complemented by another agency, the National Telecommunications Agency (Anatel), responsible for regulating telecommunications services. Between 2018 and 2020, Ancine invested around 700 million reais (approximately 128 million euros) to support the sector (Ancine, 2022c) and around 115 million reais (approximately 20 million euros) with administrative expenses. The total of employees in 2021 was 502 (Portal de Transparência, 2023).

2. Economic solidarity between different media

Another common characteristic of the two systems is an economic solidarity logic, in which the most rentable media is responsible for financing the national audiovisual and cinema industry. In France, this logic was first introduced with the idea that the revenue generated by United States films should finance national production, and was later expanded to new actors as technologies evolved. This system is today composed of three taxes that represent 85% of the CNC's budget (CNC, 2022c):

- **TSA (Additional Supplementary Tax):** created in 1948, it is a tax of 10,72 % over the price of all cinema tickets sold in France. In 2020, the total amount collected was 28,5 million euros.
- **TST (Television Service Tax):** In 1986, the same logic was imposed on television. Today, two types of taxes are in place: one for editors, who have to pay a tax of 5,85% over their turnover; and distributors, who have to pay a tax between 0,5% and 3,5% over their turnover. In 2020, the total amount collected was 461,1 million euros.
- **TSV (Physical or Online Video Services Tax):** in 1993, this new tax was established. It represents a tax of 5,15% over the turnover of distributors of physical video and Video on Demand services. In 2020, the total amount collected was 62 million euros.

A comparison between the total amounts of each of the taxes show that television plays a major role in financing the national audiovisual industry. This dependence of the audiovisual policy on the television is even more relevant considering that television channels also have to comply with compulsory investment on cinema production. Canal Plus plays an important role in that regard; it has to use 12,5% of its total revenue in European productions and 9,5% in French productions. It also has pre-purchase obligations: 85% of its acquisition has to be original French works (CNC, 2023). According to Vernier (2004), this creates a contradictory relationship. On one hand the creation of the tax and financial obligations saved the French cinema, but on the other hand it also made it extremely dependent on television

In Brazil, a similar system was introduced with the creation of Condecine (Contribution to the Development of the National Film Industry) in 2011 (*Provisional Measure No. 2.228-1, of September 6, 2001*). The full amount raised by Condecine tax goes directly to the Audiovisual Sector Fund (FSA), responsible to finance the development of the national audiovisual industry. There are three types of Concine Taxes (Ancine, 2022b):

- **Condecine Title:** tax over the commercial exploitation of audiovisual works in each of the segments of the market. It has fixed values that vary depending on the type of work, market segmentation, duration and form of organization. In 2021, the total amount raised was 99,4 million reais (18 million euros).
- **Condecine Remittance:** tax of 11% over the remittance abroad of an amount related to income generated by the exploitation of cinematographic and phonograph video works, or from their acquisition or importation. In 2021, the total amount raised was 16,3 million reais (3 million euros).
- **Condecine Teles:** created in 2011, this tax is paid by concessionaires and authorized telecommunication services that provide the distribution of audiovisual content, such as internet providers, and television distributors. The values are fixed depending on the type of service. In 2021, the total amount raised was 857 million reais (157 million euros).

The fact that almost 90% of the total raised comes from Condecine Teles shows that in Brazil audiovisual policies are also extremely dependent on telecommunication services. However, the inclusion of television in this ecosystem in Brazil took more time when compared to France. According to Bahia (2012), the collaboration and integration of cinema and television was for a long time unfeasible, with a historical process that left the artistic role to the cinema and the communication role to the television. It's only in the 2000s that the distance between the two fields is seen as a problem and collaboration policies are considered. The main advance was the publication of the Pay TV Law (*Law No. 12,485, of September 12, 2011*), which established the Condecine Teles and other important measures, such as the obligation of national works in pay television channels and minimal quotas for the exhibition of national content. It also established limits to the vertical integration of telecommunications companies and TV producers, programmers and distributors in order to protect net neutrality. The creation of this law is considered to be a milestone in the relationship between cinema and television in Brazil (Sousa, 2018). However, it did not include broadcasting television.

3. Mechanisms to support local production

The mechanisms used to finance national audiovisual policies are similar in Brazil and France. Both countries apply two types of mechanisms: automatic mechanism and selective mechanism.

In France, the first support mechanism adopted in 1948 follows an automatic model: the resources are distributed according to the revenues generated by the films previously produced (Gimello-Mesplomb, 2006). As a result of the political and aesthetic revolution caused by the outbreak of the Nouvelle Vague, a mechanism that seeks to promote cinema as

an art form was established in 1959: the Advance on receipts for the production of cinematographic works (Depétris, 2008). The goal of this mechanism is to promote the renewal of French cinema by financing first works and independent audiovisual creators. The works are selected by a commission composed by audiovisual specialists (CNC, 2019).

In 2005, automatic mechanisms were implemented in Brazil, inspired by the French model. Two programmes were implemented: PAR (Additional Income Prize) and PAQ (Brazilian Cinema Quality Incentive Program). While the first is dedicated to producers, distributors and exhibitors according to previous box office turnover, the second is dedicated to producers based on participation and awards in the national and international film festivals (Ikeda, 2015). The automatic mechanism is complemented by a selective mechanism in 2006, in a model also inspired by France (Gimello-Mesplomb, 2006). The Law n° 11.437/06 created the FSA (Audiovisual Sector Fund), in which the resources are distributed to audiovisual projects in different parts of the value chain. The projects are selected by commissions composed of civil services. A management committee is responsible for defining the guidelines and the annual investment plan, composed by two representatives of the Ministry of Culture, one representative of Ancine, one representative of the accredited financial agency and two members of the audiovisual industry (*Law No. 11,437, of December 28, 2006*).

4. Copyright jurisdiction

Another common aspect is the copyright jurisdiction model. Both countries, through their own legislations - Law n°57-298 of March 11, 1957 for France and Law No. 9.610, of February 19, 1998 for Brazil - focus on the idea of author's rights. The two legislations seek to protect authors as the owners of the creations, including audiovisual works. They also recognize both the patrimonial rights and moral rights of the author, the first one related to the economic benefits and the second one including rights such as the claim over the authorship, the conservation of the integrity of the work and the modification of the work. In terms of audiovisual works, both legislations recognize as authors not only the director, but also the screenwriters and musical composition writers. However, the director is recognized as the owner of the moral rights. The partial or total transfer of the patrimonial author's rights is allowed, but not of the moral rights.

It is important to notice, however, that in France, the idea of authorship is recognized not only as a legal instrument, but also as an important political symbol. The combination of the aesthetic revolution of the Nouvelle Vague and the transformations in cultural policies (Law n°57-298 and creation of selective mechanisms) led to the 'sacralisation' of the image of the director as the central figure of French cinema (Depétris, 2008).

Despite the common aspects previously described, it is also necessary to highlight some important differences. First, the French model has a specificity: the media chronology, which is a national regulation that defines the order and time gaps that each form of cinematographic exploitation have to follow. The goal is to protect movie theaters as the first window of the cinema value chain (Escande-Gauquié, 2022). The windows are defined by agreements between the Ministry of Culture and professional organizations. The current legislation in place (*Order of February 4, 2022*) defines, for example, that a work can be sold in DVD after 4 months of its theatrical release.

The two systems also have different levels of success and stability. The audiovisual policy system implemented in France since 1946 is considered effective, capable of maintaining the French cinema in a relevant position (Creton, 2008). An example of this effectiveness is the market share: between 2012 and 2021, an average of 38,8% of cinema tickets sold was for French movies (CNC, 2022a). The success of the French policy can be understood as the result of a longer process of construction of a stable field. Alexandre (2015) argues that the key to the stability of this system is the career plan of its members, characterized by common training, interests, professional socialization and revolving doors. Even if there are divergences in microeconomic aspects, the tendency of the members of this system is to converge on the macro level, focusing on the defense of the national ecosystem and functioning as a balance against technological disruption. Another factor taken into account as an explanation for the stability is the cohesion between different audiovisual actors. Vernier (2004) highlights as one of the main features of the French model the common fight against the competitors of French cinema, mainly the United States cinema and television. The same idea is proposed by Buchsbaum (2006): “Through these years, despite internal differences, the French film community has defended the basic model of the French cinema support system” (Buchsbaum, 2006, p.19). Depetris (2008) also contributes to this vision and points out that even in the liberal governments of the early 1980s, the defense of French cinema was not called into question.

Brazil, on the other hand, is characterized as a less stable system. Ikeda (2021) argues that the audiovisual policy agenda in Brazil is influenced by government shifts: it's common to see a new leader opposing the previous administration, placing personal projects above the implementation of a professional management. An example was the transition between Dilma's to Temer's government in 2016, followed by Jair Bolsonaro's election in 2018, a moment of relevant change in the political landscape, from a leftist government to an extreme right governance that affected the country's cultural policies. Ikeda (2021) describes this moment as a period of dismantling of the audiovisual policies, especially with the paralyzation of the release of FSA resources. In this context, one of the greatest challenges of the agency would be to gain institutional maturity to establish its own policies, regardless of the presidential mandate (Ikeda, 2021).

Also differently from France, in Brazil there is not a history of broader coalitions in the audiovisual sector. The Brazilian group of cinema professionals is not recognized as a strong organization, capable of defining policies (Sousa, 2018). The literature review indicates that the only moment where differences were put apart in benefit of a common goal was during the III Brazilian Cinema Congress, where the different actors agreed on the creation of a state organization to support the audiovisual sector. However, this coalition would be broken once the specific regulation aspects started to be defined. According to the author, what defines cinema policies in the country is not the mobilization of the sector, but the current economic policy. Additionally, although Ancine's work is recognized as important in terms of securing resources for national production, advances in terms of market share were not present, which resulted in direct implications on the self-sustainability of the industry (Sousa, 2018). Between 2012 and 2021, an average of only 13,2% of cinema tickets sold were for Brazilian movies (Ancine, 2022a).

B. Market actors

This session presents the main actors that compose the Brazilian and French audiovisual market, highlighting the main similarities and differences between the two countries.

1. Cinema

The French cinematographic industry is described as an ‘fringe oligopoly’, in which a few majors occupy a central position, with a series of small companies, often referred to as independent, in the periphery (Creton, 2008). Three main organizations (Gaumont, Pathé and UGC) are in the center of this system, with a transversal action in different parts of the value chain. The existence of these powerful and competitive groups is an essential asset to the development of the national industry (Creton, 2008). This division of the French cinema industry in fringes is also described by Alexandre (2015), who organized the system in three circles. In the center, a group of insiders, composed of major cinematographic groups and television channels. This group represents the economic and decision power of the industry. On the other extremity, there is a group of outsiders, with a demographic relevance inverse to their economic power. This group is characterized by precarious conditions, lack of resources and resilience in hope to succeed. Between these two circles, there is a fringe of integrated intermediaries: around 20 production companies, 10 distributors and 20 exhibitors who have lasting partnerships with the main cinematographic organizations, television channels and the CNC. A paradox defines this last group: while there is claim for freedom, their activity is conditioned to exogenous resources. Furthermore, this system only authorizes punctual mobility between the circles, characterized by inertia.

In this perspective, the Brazilian cinema industry has an important difference from the French one: there are no cinematographic transversal groups as powerful as the French majors. The production sector is pulverized: 320 companies launched at least one movie between 1995 and 2009, with only 7,2% launching at least five movies (Ikeda, 2015). Sousa (2018) divides the Brazilian production sector into three groups: first, a group with few bigger organizations, like Gullane, O2 and Conspiração, with higher financial capacity; a second group organized by economic medium economically fragile companies; and a third group made up of very small companies, without even a staff.

In terms of distribution, international companies are predominant in both countries. In France in 2021, five majors American groups (Universal Pictures International, The Walt Disney Company, Warner Bros, Sony Pictures, Paramount) were responsible for 53,8% of the market, while five French distributors associated with the main French cinematography groups (SND, Gaumont, Studio Canal, Pahté Films, UGC Distribution) accounted for 27,7% of the market (CNC, 2022a). In Brazil, international majors represent an even bigger market share. In 2021, six international majors (Disney, Warner, Universal, Fox, Sony e Paramount) represented 93% of the revenue, responsible for 61 of the 306 films released. Three national distributors concentrated the rest of the market: Paris, Imagem and Diamond Films. Considering only national releases, Paris Filmes had an absolute domain, representing 79,5% of market share (Ancine, 2022a).

In terms of exhibition, there are some important differences between France and Brazil. In France, out of the 6193 screens, national groups are responsible for 3905, representing 63,1% of the sector. The main groups were Pathé Gaumont (14,5%), CGR (11,4%) and UGC (8,2%) (CNC, 2022a). In Brazil, on the other hand, the exhibition sector is dominated by foreign companies. In 2021, out of the 3266 screens, almost half belonged to international groups, with Cinemark (USA) leading with 624 screens, followed by Cinépolis (Mexico), with 400 screens. Kinoplex is the biggest national group, with 202 screens (Ancine, 2022a).

2. Television

France and Brazil have important differences in terms of the structure of the television industry. To understand this difference, it is necessary to look at the historical context. Chevalier (1990) presents an important analysis. Until 1974, the French market followed a public model, common to most of the European countries, characterized by the state monopoly and based on the idea of audiovisual as a public service. However, as a consequence of political and technological transformation, this model went through a transition period between 1981 and 1986. The privatization of public channels and creation of private and paid channels (Canal Plus, le Cinq and Le Six) transformed the industry into a mixed market, composed of public and private actors, regulated by the High Authority for Audiovisual Communication. Despite this liberalization movement, television continues to be highly regulated by the state: private channels have to follow strict rules in terms of production, advertising and distribution. Today, public television in France is managed by the group France Televisions, responsible for the biggest part of the audience in 2021 (28,9 %) (CNC, 2022a). It is followed by the three main private groups: TF1 (27,2 %), M6 (14,3%) and Canal Plus (6,8%) (CNC, 2022a).

The Brazilian television industry followed an opposite direction, based on the idea that audiovisuals should be regulated by the private market. It was one of the first countries in the world to install a commercial broadcasting in 1950 (Rubim and Rubim, 2014). The lack of regulation led to a historical control of the sector by a few familiar companies that persist until today (Butcher, 2006; Ikeda, 2015). Four main groups control the sector (Globo, Record, Band and SBT), through a federative model, in which each group's own a network of local stations. For example, in 2015, Globo owned 123 different stations in 5.175 municipalities (Ancine, 2016b). National audiovisual content is predominant in broadcasting, with 'telenovelas' playing a major role in the consolidation of Brazilian television (Rubim and Rubim, 2004). However, in pay television, international production is predominant: in 2021, it comprised 49,7% of the total programming (Ancine, 2022a). Globo is the most relevant actor in Brazilian television. The group is the leading channel in broadcasting audience, with a market share of 31,2% in 2021, followed by Record (11,4%) and SBT (9,8%) (Feltrin, 2022). It is also the leading group in pay television, being responsible for approximately 30,7% of the total of channels offered, followed by Time Warner at 29,1% (Ancine, 2016). According to Butcher (2006), Globo's power is also symbolic: it became the representation of modern and industrialized Brazil, and the main "image factory" of the country.

3. Platforms

International streaming platforms arrived first in Brazil than in France. In 2011, Netflix was launched in the Brazilian market, followed by HBO GO (2016), Amazon Prime (2016) and Disney+ (2020) (Garrett, 2020). Today, Brazil is Latin America's country with the largest number of streaming services, with 59 platforms available (Ancine, 2023). Globo is the only national media group with a strategy to enter the VoD market (Geisler, 2020): it launched its platform Globoplay in 2015, where it broadcasts Globo's live programming and has almost all the older titles previously produced by the channel (Ancine, 2019). National telecommunications operators also participate in the provision of VoD as second-tier aggregators (e.g. Net Now and Vivo Play). There are other independent national providers, but with more vulnerable positions in the market (Ancine, 2019). The online video platform with the most audience in 2022 was YouTube (14,7%), followed by Netflix (4,4%), Globoplay (0,8%) and Amazon Prime Video (0,5%) (Kantar Ibope Media, 2023). In terms of national content, a study published by Ancine (2023) showed that only 10,9% of the works available are Brazilian. The platform with the biggest participation of national content is Box Brazil Play, at 91%, followed by Globo channels (57%) and Globoplay (30%). On Amazon Prime Video and Netflix, national content represented 6% of the catalog.

In France, Netflix arrived three years later, in 2014. Before that, national players had already launched streaming platforms, such as myCanal by Canal Plus in 2013 and OCS Go by Orange in 2014. Smaller national platforms are also present, such as Universciné and La Cinetek (CNC, 2022a). In 2020, the groups France Télévisions, M6 and TF1 launched together a platform - Salto - with the ambition to create a '*Netflix à la française*' (French Netflix). However, the project did not succeed and the platform closed in 2023 (Reeb, 2023). According to CNC (2022a), in 2021 the Pay VoD market total turnover was estimated at 1.746,6 million euros. In 2021, Netflix was the leading platform, with 63.6% of VoD consumers saying they have paid to watch programs on the platform. The leader is followed by Amazon Prime Video (36,1 %), Disney+ (26,1 %) and Orange VOD (16,6%) (CNC, 2022a). In terms of national content, French films represent only 17.4% of the cinema content available on international platforms. For Netflix and Prime Video, around 11% of their film catalogs are composed of French films. For Disney, this number goes down to 3,7%. On national platforms, on the other hand, French cinema represents 61,9% of the film catalog for FilmoTV and 39,8% for MyCanal (CNC, 2023).

C. The regulatory response to streaming platforms

1. France

To understand France regulatory response to streaming platforms, it's important to position the discussion in the European context. A first measure adopted at European level in terms of audiovisual regulation was the publication of the Television without Frontiers Directive in 1989. It established the free flow for television programs in the European Union and also encouraged the implementation of production and distribution quotas by the member states. In 2007, a revision of the directive led to the publication of the Audiovisual Media Services Directive (AVMSD) in order to include new media services in the regulation (European Commission, 2012). With the advance of streaming platforms, the latest review of

the directive was carried out in 2018 (*Council directive 2018/1808/EU*). The new regulatory framework states that Member States shall ensure that at least 30% of the catalogs of media service providers of on-demand audiovisual are composed of European works. It also allows Member States to introduce financial obligations upon foreign VoD services that target their domestic audience, even if the service is established in another Member State. The oversight of the compliance with the rules, however, is the responsibility of the country of origin where the service is established.

France played an important role in the revision of the AVMS directive in 2018. Bellon (2016) shows how the mobilization of French actors since the arrival of Netflix in the country, specially through the Ministry of Culture, was coupled with a diplomatic action to influence the European institutions to impose a framework compatible with French domestic policies. Escande-Gauquié (2021) contributes to this perspective by highlighting French cinema professionals' lobbyist pressures to oblige the European Union to play its role as a regulator protector. The author uses the term 'emotional lobbying' to describe this strategy executed by French cinema professionals, which consists of using a crisis discourse to frame the need of a public regulation and also creating constructive dialogues with the platforms. An example is the conference organized by the Ministry of Culture during the Cannes Festival in 2016. The event brought together audiovisual and cinema creators, platforms representatives (Amazon Prime Video, Youtube), representative of traditional audiovisual players (Gaumont, Orange Studios) and members of the European Parliament to discuss the role of digital actors in the financing and distribution of European audiovisual (Ministère de la Culture, 2016).

In terms of national policies, France was one of the first countries to impose on streaming services tax obligations for the benefit of audiovisual production. Kostovska, Raats and Donders (2020) point out that one explanation for this pioneerism would be the country's historical affinity with this kind of policy. What became known as 'Netflix Tax' was approved by a decree in 2014, but it was only implemented in 2017, waiting for the endorsement of the European Commission (Cousin, 2018). As of 2023, video on demand services have to pay a tax of 5,15% on their annual turnover to the CNC (CNC, 2022a).

France was also the first country to transpose the AVMS directive into national law, with the publication of the Audiovisual Media Services on Demand (SMAD) decree (*Decree no. 2021-793 of June 22, 2021*). The legislation defined that subscription video on demand services have to devote from 20% to 25% of their annual turnover to the production of European and French cinematographic and audiovisual works, comprising 85% of original French expression and 20% of cinematographic works. This rule applies to services with an annual turnover superior to 5 million euros and audience superior to 0,5% of the total audience. It also defined that at least three quarters of the expenses in cinematographic works has to be devoted to independent European production and two thirds for audiovisual works. In terms of catalog, it establishes that services have to reserve 60% of their cinematographic titles to European works and 40% to French original works. It also created obligations for catch-up TV, transactional and free video on demand services. Additionally to the SMAD decree, other legislations were implemented to assure the transposition of the European directive and to rebalance the obligations of other media players (Ministère de la Culture, 2021).

Perhaps the best example of how platforms are cooperating with French audiovisual policy was the signing of specific conventions with ARCOM. Netflix and Disney+ agreed on investment obligations in animation and documentary, while Amazon Prime focused on documentaries and performing arts (Bruneau, 2022). These conventions allowed these platforms to have shorter windowing rules: 15 months after theatrical release for Netflix and 17 months for Disney and Amazon Prime (*Order of February 4, 2022*).

2. Brazil

The Brazilian context is characterized by a lack of regulatory responses to streaming platforms. A first action took place in 2012, when Ancine published a Normative Instruction (Ancine, 2012), including Video On Demand in the list of services that should pay the Condecine Title tax. However, since the creation of a new tax would require the approval of a new legislation by the congress, the measure was considered illegal (Ancine, 2019). The first debates about the regulation of streaming inside the CSC (Superior Cinema Council) happened in 2015, leading to the publication of a document identifying the main challenges of the regulation (CSC, 2015). In the following year, Ancine's directory approved a regulatory notice to inform the market actors of the agency's intention to promote a public debate about the regulation of on demand audiovisual communication (Ancine, 2016a). The document highlights the need to implement a balanced taxation model and regulatory obligations in terms of production and distribution of national content. After that, a public consultation was conducted, leading to a document with Ancine's recommendation in relation to the regulation of the sector (Ancine, 2017). In the same year, CSC created a work group with the goal of developing a proposal of legislation to regulate the incidence of Condecine on streaming services (Ancine, 2019). In 2018, CSC presented a proposal of a hybrid model of Condecine for SVoD platforms, in which the companies could choose between a tax calculated over the number of titles or subscribers (Ancine, 2019). In 2019, Ancine published a report analyzing the regulatory impact of the VoD market (Ancine, 2019). Another proposal of taxation was made by a work group designed by the CSC in 2020, defining a tax of 1% to 0,75% over revenues and an obligation of 0.2% of direct investment in national productions (Lauterjung, 2020).

Besides the discussions in the executive power, there are regulation proposals in the legislative sphere. In the Congress, deputy Paulo Teixeira presented a law project (*Bill n. 8.889, of 2017*) in 2017. A similar project was presented in the Senate by Humberto Costa in 2018 (*Senate Bill n. 37, of 2021*), however, it was withdrawn in the same year. Other two projects, one in the Senate and one in the Congress, propose the inclusion of video on demand in the list of services that should pay the Condecine (*Bill n. 483, of 2022*; *Senate Bill No. 2231, of 2021*).

The lack of a regulation for the VoD market in the last years is pointed as one of the biggest gaps of Ancine policies, specially during the last two governments (Ikeda, 2021). When analyzing the dispute around the taxation of streaming platforms, Geisler (2020) argues that the lack of regulation creates an institutional environment favorable to the entry of big VoD foreign companies, risking national products. The author identifies as a strategy adopted by VoD operators and the MPAA to avoid tax a liberal discourse, claiming that the market is

still growing. Other authors point out to the need to rebalance the regulatory obligations between old and new players of the audiovisual sector (Oliveira and Ragazzo, 2017; Saikali and Padilha, 2017).

V. Comparative analysis

This section will present the result of the analysis of the interviewees and complementary data (newspaper articles and official statements) and relate the findings with the literature review.

A. Common issues

The arrival of streaming platforms raised common regulatory issues in Brazil and France. The results showed that the most prominent problems were taxation asymmetry, copyright protection and investment in national production.

1. Taxation asymmetry

The first issue that arises is taxation asymmetry. Emerging digital companies were able to avoid national taxes and obligations through lobbying and fiscally-motivated location (Alexandre, 2017; Lobato, 2019). On the other hand, traditional audiovisual players, such as broadcasters and telecommunication companies, have obligations in terms of investing, producing and distributing national and independent content, creating an asymmetry between traditional and new players that compete in the audiovisual market (Escande-Gauquié, 2021).

2. Copyright protection

As a result of the author's right system established in both countries, audiovisual actors, specially in the TV industry, have regulatory obligations to assure that local and independent creators get the copyrights related to their work. However, the same obligations were not applied to streaming platforms. There is a common concern between independent producers of becoming service providers for the platforms. Sousa and Ravache (2022) use the term 'arts uberization' to characterize this new form of relationship. The lack of future revenues attached to copyright ownership also generates concerns about the long term sustainability of national audiovisual actors.

3. Investments in national production

Taxes paid by traditional audiovisual players in Brazil and France go directly to funds responsible to finance national and independent productions, who also have obligations to invest in national products. The fact that the same is not applicable for streaming platforms generates concerns about the future funding of the local audiovisual industry (Bellon, 2016; Geisler, 2020, Vlassis, 2017).

The consequence of this asymmetric regulation is an unbalanced field in which traditional players have more obligations and constraints than the new players, especially considering taxation and obligation in investing in national content (Ikeda, 2021; Kostovska, Raats and Donders, 2020; Saikali and Padilha, 2017). This unbalanced scenario leads to uncertainty regarding the current rules governing the field (Fligstein, 2012). There is a fear that the current consensus between different actors, that allowed the sustainability of the national audiovisual funding system, could be fragilized and destabilized (Alexandre, 2016). It is important to highlight that in France another specific regulatory issue is also a concern,

that is, the fragilization of the movie theaters in the face of new digital players and the respect of the media chronology (Escande-Gauquié, 2021).

B. Different responses

Despite the common issues described above, countries have responded differently. As described in the previous section, in France, tax and investment obligations are already being imposed, while in Brazil a new regulation has not been implemented. The analysis allowed the identification of five relevant factors that led to different responses: (1) framing of the problem; (2) politics and lobbying; (3) coalition of local actors; (4) government units capacities; and (5) compatibility between the taxation model and platforms business model. A comparative table summarizing these findings can be found in the appendix (Appendix 3).

1. Framing of the problem

The first factor to be considered is how the arrival of streaming platforms was defined by the different actors (Fligstein, 2012). A first way to look at this question is by analyzing how the media described the episode. Bellon (2016) and Cousin (2018) highlight the dramatic framing of French daily press with the launch of Netflix in 2014, with headlines such as ‘Netflix, an American giant that makes France tremble’ (Sallé, 2012) and ‘Netflix, a kick in the TV’ (Garridos and Roberts, 2014). On the other hand, in Brazil, the press reception was more neutral, with articles mostly describing the new service, such as ‘Get to know the services that allow watching TV programs at any time’ (Brentano, 2011). The concerns that appear are mostly related to infrastructure challenges - ‘Bad broadband challenges Netflix in Brazil’ (Fusco, 2011) - or the sustainability of the business model, considering it was facing economic challenges in the United States - ‘Netflix may not make profit in 2012’ (Estado, 2012). The perception that in Brazil Netflix was received with more positive opinions than in France is described in this statement by one of the interviewees:

“In Brazil, things were rather different, Netflix arrival was received a little better. Brazil doesn't have the same relationship with what comes from the United States. There was more openness, people were more benevolent. There was no public criticism. There were comments about “How about TV Globo facing Netflix?”. But that didn't come up immediately. It came up later, because no one would imagine that Netflix would put Globo in such a vulnerable position” - **Matthieu Thibaudault**, professional with experience in Brazilian and French audiovisual

How the traditional audiovisual players defined the episode is another important factor. Even before the arrival of Netflix in France, the three major directors of French private television groups (TF1, Canal Plus and M6) wrote together an open letter to the Ministry of Culture presenting their concerns about the unfair competition posed by international streaming platforms due to asymmetric regulation (Europe1, 2014). This episode shows that the arrival of the new players was instantly seen as a threat to the French Television. In Brazil, the reaction of Globo was different, characterized by a lack of identification of the new challenger as a real threat:

“For Globo, the first impact was arrogance. This will be nothing. We carefully analysed Netflix's balance sheet and saw that it was a company that did not make profit. It earned a lot, but spent too much on production and co-production. So the first moment was that it would not work” - **Marcelo Spinola**, former director at Globo

In France, audiovisual and cinema professionals also quickly identified the arrival of streaming platforms as a potential threat. In October 2014, in the annual meeting of the ARP (French Civil Society of Authors-Directors-Producers) a roundtable entitled ‘Netflix, what after?’ discussed the impact of digital companies on the support of audiovisual creation (ARP, 2014). Escande-Gauquié (2021) identifies only a minority of French professionals that believed in the opportunities that digital actors could bring. On the other hand, in Brazil, for independent producers, the arrival of SVoD platforms was seen as a ‘way to survive’, considering the lack of public resources available for the audiovisual sector during Bolsonaro’s government (Sousa and Ravache, 2022), leading the producers to accept the contractual conditions of the platforms:

“With all the public tragedy that we experienced in the government, it ended up that those who managed to survive in the sector ended up accepting all the terrible conditions of streaming platforms” - **Marina Rodrigues**, independent audiovisual producer

The way the problem is framed impacts directly on the government’s agenda (Kingdon, 1984). The mobilization of players in France, from film producers to television channels, placed the launch of Netflix and the revision of market rules on the government's priorities, leading to debates inside the Ministry of Culture and meetings with Netflix emissaries between December 2013 and June 2014 (Bellon, 2016). The same movement is not perceived in Brazil, where the first meeting about VoD regulation on the CSC dates from 2015 (Ancine, 2019), four years after the arrival of the platform in the country.

The values that different actors bring to a debate plays an important role in problem definition, especially considering the conception of what is an ideal state and what is appropriate for government intervention (Kingdon, 1984). From this perspective, it is essential to point out the principle of cultural exception as an object of large public consensus in France. Historical alliances between French film professionals and the State in the defense of this value frames the new players as a threat. The idea that the cultural exception is not only a political tool, but also a legal instrument in international relations (Depétris, 2008) was highlighted in the interviews:

“Today, there are no legal tools to constrain them (the platforms). So if there is no legal tool, it remains the political and symbolic tool, which the CNC handles a lot. The cultural exception in France is something that is quite strong politically” - **Maxime Boutron**, former Financial and legal director at CNC

In Brazil, additionally to the fact that the arrival of streaming platforms was not seen as a problem, there is also a resistance towards the alternatives available: regulation is not a solution with high value acceptability (Kingdon, 1984). There is a tradition of resistance of

public opinion towards regulation policies, especially in the media sector, and it is an issue that hardly enters the government agenda (Silva, 2017). An example of this is the press and public opinion reaction to the regulation of Pay Television in 2011, echoing the idea that the new law would be a form of censorship (Sousa, 2018). The same concern is raised by one of the interviewees:

“It is a very difficult discussion with public opinion as a whole, which in Brazil tends to always see regulation as something negative, like the government wanting to censor what you want to watch, intervening in freedom. It is a very stereotyped view of what regulation is. I think it is because of years of a very neoliberal ideology. I remember that in 2011, when the Pay TV law was approved, there was a massive advertising campaign on television, saying that if the law was approved, Brazil would become Cuba, China, that the government would decide what you want to watch. I think the tendency, unfortunately, is to use the same argument. It's a difficult debate with the public opinion too” - **Henrique de Souza**, civil servant at Ancine

In sum, in France, the arrival of streaming platforms - and more specifically Netflix - is seen by administrators, major companies and audiovisual sector representatives not as a new opportunity, but as a threat that calls for public response (Alexandre, 2017; Bellon, 2016). The strength of the cultural exception referential in the country favors this discourse in the international sphere (Jobert and Muller, 1987). In an opposite direction, in Brazil, the arrival of the new players is not seen initially as a problem. For TV players, it was not considered a potential competitor, and, for independent producers, it was considered just as an alternative source of revenue in a period of financial restriction. Additionally, public opinion resistance towards regulation policies weakens the main alternative proposed.

2. Politics and lobbying

The positions and strategies adopted by the challengers of the field is another important step to understand the two scenarios. In France and Brazil, streaming platforms adopted the same position: to be against any type of regulation or in favor of one with small obligations. These perception is shared by state actors of both countries:

“The platforms state that ‘regulation, I want as little as possible, so I want you to set me the investment obligations of 2% of my turnover, not 15% or 20%’ ” - **Maxime Boutron**, former Financial and legal director at CNC

“The big global players have a position that when it is not refractory to regulation, because in general it is refractory, it is in favor of regulation, but a minimum regulation, with a minimum percentage, no quotas, no prominence, no access to data” - **Henrique de Souza**, civil servant at Ancine

As seen previously, one of the main strategies used by the platforms to defend their position is lobbying (Depetris, 2008; Escande-Gauquié, 2021; Sousa, 2018). This lobbying usually gets to the higher level of the country's political hierarchy, as told by one of the interviews when describing the negotiation with the platforms:

“Obviously difficult, it was an arm-wrestle. It happened cordially, but there were all the time threats and very significant lobbying of these platforms, including at the highest level, that is to say, to the President of the Republic in France. So we were lucky to have been quite supported by the government and the President of the Republic. But it is true that these platforms have also filed several legal appeals to challenge the decree. So, we exchanged a lot with the platforms lawyer’s to try to have a decree that was legally solid and politically acceptable”
- **Xavier Lardoux**, former director of cinema and audiovisual at CNC

The impact of this lobbying strategy in the debate will depend on its ability to influence national politics. In France, the arrival of Netflix and other streaming platforms received high-level political attention, involving the cabinet of the Elysee and the Ministry of Culture (Bellon, 2016). Not only was it a priority in the governmental agenda, but CNC also had the President's support to defend their position, as highlighted by Xavier Lardoux.

The Brazilian political scenario offered a different landscape for platform’s lobbying. The change of government was a major event that lead to a shift in the government’s position towards regulation of streaming platforms (Kingdon, 1984), as described by a former director of Ancine:

“When I arrived at Ancine, this debate (about streaming regulation) was already quite mature, quite advanced. I arrived at the end of 2015, this debate continued throughout 2016. In 2017, we had the impeachment of president Dilma. Then the government changes, the minister changes and these guidelines lessen a little. At Ancine, the debate was extremely hot. Then there was a period of change of directors, change of president and the debate lessened” - **Debora Ivanov**, associate and producer at Gullane Entretenimento and former Ancine’s director

Additionally to the fact that streaming regulation was not on the governmental agenda, Michel Temer’s government allowed the approximation of the big North American players to the state (Geisler, 2020). The best example of this movement is the nomination of representatives of television conglomerate and international platforms to compose the Superior Cinema Council (CSC), such as Paula Pinha, director of public policy in Netflix America Latina, and Marcelo Bechara, director of regulation and new media in Grupo Globo (Globo, 2018). Ikeda (2021) highlights the contradiction of this political decision:

Evidently, foreign companies seek to defend the lowest possible level of regulation, which is why it sounds, at the very least, contradictory for representatives of foreign companies to compose a council that formulates policies for the development of the Brazilian audiovisual sector (Ikeda, 2021, p.187)

The presence of these actors in the Council and also their relation with the new directors of Ancine was seen by an agency public servant as a factor that influenced directly in the proposal of streaming regulation presented by the CSC in 2020. The proposal defined very low taxation rates of 1% to 0,75% over revenue and 0.2% of direct investment in national productions (Lauterjung, 2020):

“We know that there is a dialogue between the directors (of Ancine) and the streaming platforms. Backstage dialogues. The 2020 Superior Cinema Council regulation project is practically a custom-made project for the platforms, because it is a project of non-regulation in practice” - **Henrique de Souza**, civil servant at Ancine

The legislative environment in Brazil is also viewed as not proper to the debate around streaming regulation (Ikeda, 2021). According to Geisler (2020), deputies and senators do not see any political advantage in supporting this cause and do not want to disagree with powerful actors.

In conclusion, the streaming platforms lobbying constitute one of the biggest challenges for the implementation of a regulation, working as a negative blocking (Kingdon, 1984). In France, the political support of the higher level to CNC as the mediator in this debate weakened the platforms' power of influence. In Brazil, the government change was used as an opportunity for platforms to increase their influence power over governmental decisions, mainly through the nomination of new members to the CSC. Therefore, while CNC becomes an ally of the local audiovisual actors, Ancine and the CSC become an ally of the new players.

3. Coalition of national audiovisual actors

After understanding the strategy developed by the new players, it is necessary to look at the positions of the national audiovisual actors. The shock provoked by the arrival of streaming platforms inspired the formation of different coalitions in France and Brazil, resulting in different regulatory responses, a similar finding as one described by Thelen (2018) while analyzing the Uber case.

As seen before, in France, both the TV and the cinema sector framed the episode as a problem. However, they focused on different regulatory issues. For the TV sector, the most evident problem was the regulatory and taxation asymmetry, as evidenced by the common letter written by the TV diregents to the Ministry of Culture, in which they accuse the heaviness and complexity of the regulation and recommend the revision of the obligations and relaxation of sectoral taxes. In this sense, the moment of uncertainty is seen by these private television players as an opportunity to promote a reform in the audiovisual policy, reducing their obligations (Bellon, 2016). Looking back to the cinema sector, results show that the main concern of producers and directors is related to the lack of copyright protection and reduction in public financial resources available for local production. Thus, the alternative mainly defended by these actors is not the decrease of obligation for TV, but the increase of obligations for the new digital players.

Despite local actors not converging on the possible alternatives, the agreement over the idea that the arrival of streaming platforms posed a serious threat to the cultural exception referential was able to unite the actors. The result was a joint mobilization, with a unanimous discourse denouncing the unfair competition with digital players and defending the public system to support national cinema and television (Bellon, 2016; Escande-Gauquié, 2021). As seen in the literature review, the coalition between different audiovisual actors is not new in

France, but identified as a historical characteristic in France (Buchsbaum, 2006; Depetris, 2008; Vernier, 2004)

The neo-corporatist organization of the sector (Jobert and Muller, 1987) favors the professional mobilization towards consensus and stability. Union organizations function as Internal Governance Units (Fligstein, 2012), promoting the interests of the class and the dialogue with politicians (Bellon, 2016). In this scenario, CNC plays an important role as a 'semi-governmental advocate' (Buchsbaum, 2006). Through CNC commissions and exchanges with the Ministry of Culture, French film professionals approach the administration and get close to the political power (Depétris, 2008). This coalition between government and unions was also identified in the interviews:

“The French institutional discourse is not just something from the CNC or the French public bodies that work with the audiovisual sector, it is also a discourse that comes from the French unions, which are extremely powerful” - **Matthieu Thibaudault**, professional with experience in Brazilian and French audiovisual

Another factor that is recognized as an aspect that promotes consensus inside the cinematographic class is the fact that the main exhibitors are also producers and owner of the rights (Pathé, UGC, Gaumont), taking not only symbolic, but also material advantage of the fight in favor of cultural exception (Depétris, 2008).

As a result of this consensus established between the different audiovisual national actors, government agents perceive as positive the opinions about the regulation implemented in 2021. Both the French Civil Society of Authors-Directors-Producers (ARP, 2021) and the Society of Dramatic Authors and Composers (SACD, 2021) published press releases saluting the publishing of the decree by the government. Not only the cinema professional recognized as positive the new policy, but also the TV sector, even though in the beginning it was identified as an opportunity to have less regulation:

“The television channels were impatiently awaiting the two measures that I mentioned, that is to say, the taxation of these platforms and the obligations of investment in the financing of works. Why? Because the historical television channels like TF1, France Télévisions, M6, Canal Plus, also have taxation by the CNC and they too have financing obligations. So out of fairness and justice, television channels have been asking for a long time that the platforms are put in the same boat, that is to say, have the same constraints as the TV channels. So these two regulations that I cited earlier, the tax and the investment obligations, were of course applauded by the television channels, because it was justice” - **Xavier Lardoux**, former director of cinema and audiovisual at CNC

The initial positions of the different audiovisual actors in Brazil is similar to France. For the cinema and audiovisual professionals, specially producers, the main regulatory issue is in relation to copyrights. It is recognized as the main agenda for BRAVI (Brasil Independent Audiovisual), as association that reunites national production companies, as seen is this statement by their president:

“This is BRAVI’s agenda for this government: participation of the producers in the copyrights. It’s not a discussion about quotas, it is copyright ownership. This is the big agenda. I already took to some platforms that we are working with total focus on this. Brazilian series are celebrated for being the most watched in the world, but the producers don’t participate on the commercial returns of the series, because they don’t have the copyright” - **Mauro Garcia**, executive-president at BRAVI

However, television private groups see the moment as an opportunity to have less obligations imposed by the Pay Television Law:

“The debate is, in the case of Pay TV law: ‘Why is there a law for us, but not for streaming?’. So they want the no-law. To end with the Pay TV law so everyone stay equal” - **Mauro Garcia**, executive-president at BRAVI

Together with the television groups, telecommunications companies, who also had financial obligations imposed to them by the Pay Television law, and now represent 90% of the resources that go to the FSA, see the opportunity of ‘deregulation’ of the sector (Geisler, 2020). This contradiction between the local audiovisual actors is explicit by one of the interviewees:

“The industry as a whole, at this moment, wants to review this. I keep imagining my filmmaker friends: ‘I want Netflix to have a production quota’. And, on the other hand, the telecommunication companies say: ‘no, I don't want to pay 20%, I want to pay 2%’ ” - **Marcelo Spinola**, former director at Globo

These disputes about the alternatives were not overcome by broader coalitions against the common threat. As seen previously, different from France, the Brazilian group of cinema professionals is not recognized as a strong group (Sousa, 2018). Additionally to the national cinema professionals’ lack of political capital, the sector doesn’t have the same economic power when compared to France due to the lack of national companies that integrate the different activities of the audiovisual value chain (Ikeda, 2021). The economic power in terms of the national audiovisual industry is actually concentrated in the television sector, more specifically in Globo. Therefore, foreign distributors, broadcasters and telecommunication companies are identified as actors with greater influence in politics, acting by monitoring the government actions, allowing it to move in certain ways and not exceed certain limits (Silva, 2017). National broadcasters and telecommunications companies are also actors with high influence in the congress, with resources to influence public opinion (Geisler, 2020).

In sum, both countries share similar positions in the cinema and television sector: the cinema sector in favor of imposing new obligations to streaming platforms while the television industry seeks to reduce the obligation imposed on them. However, in France, the strength of cinema professional class and the historical union of the audiovisual sector lead to the formation of a cohesive group, capable of influencing the government agenda (Kingdon, 1984). On the other hand, in Brazil, the cinema professional class lack of political and economic power when compared to telecommunication groups prevented the creation of a

cohesive group, giving streaming platforms an advantage in influencing the government agenda.

4. Capacity of Governmental Units

States play a considerable role in achieving stability in fields (Fligstein, 2012). Therefore, to analyze the role of the government, it is important to look at the position of the governmental units responsible for audiovisual regulation in each of the jurisdictions and, more specifically, their capacity to influence the field.

In France, there were two state actors involved in the debate around streaming regulation: CNC and the Ministry of Culture, through the General Direction of Media and Cultural Industries (DGMIC), with different positions:

“In the middle there was the state and the CNC, trying to find balance. To be transparent with you, the CNC leans more on the creator side and the DGMIC more to the broadcaster side, so it was up to the state to find a balance between the two extreme poles and it was a long negotiation to find the right delicate balance in the middle” - **Maxime Boutron**, former Financial and legal director at CNC

The presence of different positions show that one cannot understand the state as a hegemonic field, but as a space where disputes also exist (Fligstein, 2012). Even with internal disagreements, the state was able to find a balance that led to the approval of the decree. In this process, CNC can be understood as a socially skilled actor (Fligstein, 2012), who was able to understand the sets of stakeholders and their interests, uncertainties and ambiguities and frame the stories to induce cooperation. This mobilization and the argumentation of CNC was describe in the interviews:

“What helped the CNC and the state to find an equilibrium was when we managed to make artists and creators understand - and the confinement that helped a lot with that, with Covid - that the platforms were also of interest to them, because it allows millions of people, even billions on earth, to watch French works. For example, the film ‘The Wolf’s Call’ by Antonin Baudry was broadcast by Netflix worldwide. It allowed this French film, which was very successful in France, to be successful worldwide. We showed creators that it could be interesting for them to be available on Netflix, on Amazon Prime Video, not in two or three countries, but in one hundred and ninety countries. This was the first point that allowed us to move forward. The second point was when the platforms understood that all the regulations we were putting in place would not prevent them from making money. That is to say, the platforms have understood that, although the obligations remain high, it does not prevent them from making money. When they (the platforms) are told that they must invest part of their turnover in creation, that does not prevent them from investing. It's not a pure loss, it allows them to invest in a film that will undoubtedly work and that will bring them money. And when they give a part of their taxation to the CNC, it's the same. Because the CNC can support works that will be later on the

platform. They will profit thanks to a work that their money made possible to finance. When everyone understood that, it was a win-win, it made it possible to find the best point of equilibrium” - **Maxime Boutron**, former Financial and legal director at CNC

Another strategy was to put the platforms against the principle of cultural exception. In Maxime’s words: “Being the production of cultural content their goal, they don’t like to put themselves against the cultural exception, because it gives a bad image”. This strategy is an example of how socially skilled actors can appeal to the identity and beliefs of others to frame the action (Fligstein, 2012). Furthermore, media chronology also appears as an important factor in this negotiation process, since it allowed the government to have a bargain power, exchanging commitment to investments in local content to shorten release windows:

“It is an exchange. If you give more money to the French cinema, then your distribution window will be closer and that is of course what the platforms are asking for today” - **Xavier Lardoux**, former director of cinema and audiovisual at CNC

A resource that helps the CNC and the state to increase its capacity is the organization and sharing of common knowledge and information. Commissions, committees, missions and reports are political tools used by these actors to “adapt the system while limiting the negotiation cost” (Alexandre, 2017, p.9). In the case of streaming platforms, the cabinet relied on numerous expert reports that anticipate the arrival of Netflix, presenting proposals for adaptations in the regulation (Bellon, 2016). This process can be understood as a ‘softening-up’ strategy, in which advocates push forward their ideas in different forums of the policy community, to educate people and achieve more easily a consensus about the alternatives when the problem arrives (Kingdon, 1984).

The stability identified inside the French government is not present in the Brazilian case. As seen before, the government change and the replacement of directory lead to a change in the priorities on Ancine’s agenda, discontinuing the debate around streaming regulation. This change on the sectorial agenda with the government shift is seen as an inherent feature of Ancine (Ikeda, 2021). This lack of stability affects the cohesion of the agency, leading to internal conflicts. Regarding the debate around streaming regulation, the directory is seen as actors co-opted by the platforms’ interests. The statement of one of the interviewees about her participation on a public hearing about the taxation of streaming platforms in 30 June 2020 (Câmara dos Deputados, 2022) highlights this perception:

“With me at the table, there was a representative from Ancine, who should have been Alex Braga (Ancine’s president-director), but he didn’t go, because it is known that he avoids these discussions. When it’s time to face the audiovisual people, he does not come. But he sent a representative from Ancine, who for me was the only character who was there in the discussion and who spoke a little against it, he brought some numbers somehow doubtful, showing that Brazilian works were successful in the streaming catalog, that thinking about a screen quota was not necessary, a very liberal view. And then we see that Ancine will be a very big challenge” - **Marina Rodrigues**, independent audiovisual producer

On the other hand, Ancine's civil servants, organized through the Ancine's Public Servants Association (ASPAC), have a position in favor of the inclusion of streaming regulation in the government agenda:

“The fight of the civil servants as an entity has always been in defense of strengthening the national audiovisual industry. We've had several clashes over the last decade, both in terms of pay-TV law, so it was always a point that the public servants were very clear about. Due to the institutional role of the agency, we have to fight to strengthen the national audiovisual industry. I think obviously, there are always different individual opinions, but so do all the categories. I think it can be said that there is a consensus on the need for regulation of streaming” - **Henrique de Souza**, civil servant at Ancine

One of the main examples of this dispute between bureaucracies and political appointees is the public letter released by ASPAC denouncing regressions on audiovisual policies (ASPAC, 2022). The letter points to the absence of dialogue between directory and public servants and the lack of transparency in administrative processes. It also highlights the debate around SVoD platforms as the main regulatory topic at the moment and criticizes the proposal elaborated by the directory:

In recent years, however, while several countries have advanced in the regulation of VoD services, Ancine's management has retreated in the debates on the subject, and the current president-director Alex Braga participated in the elaboration of a proposal for regulation that does not foresee quotas, and establishes a Condecine over revenue that in practice would be limited to 0.27%, by far the lowest in the world, in a smaller volume of resources to what is currently practiced. If the proposal is approved, it will actually be the formalization of non-regulation, transforming Brazil into a tax haven for VoD companies. (ASPAC, 2022, p.2)

The bureaucracy is identified as a way to guarantee the survival and defense of the sector (Geisler, 2020). However, its low political and economic power compared to other actors in the market and in the state does not allow civil servants to influence agenda setting (Kingdon, 1984). The result of this lack of cohesion inside the government is inertia. Neither the regulation proposal presented by Ancine in 2017 and in 2020 were implemented nor streaming was not considered a priority in the government agenda.

As identified in the French case, the organization of knowledge is another factor that affects the government capacity to influence the debate. Regulatory agencies need to have data and market information and their efficiency will depend on how they are used (Rezende 2012). This is another problem in the Brazilian case. According to Ikeda (2021), Ancine was not able to establish a robust data system and an organizational intelligence to intervene in the market asymmetries, specially in the scenario of technological transformations. The same perception is shared by Ancine's public servants:

“It was a subject that we studied a lot at the time of the regulatory impact report in 2016, so the people involved in that regulatory impact analysis took ownership

of the debate. Since then, the Agency has abandoned it, it has been 6 years without discussing the matter. I think everyone from Ancine today is pretty out of date with the debate. Unfortunately, our day-to-day work does not require us to know about VoD regulation. The Regulation Superintendence itself does not have any accumulation of knowledge on this topic. It is a debate that the management chose not to address” - **Henrique de Souza**, civil servant at Ancine

Another problem identified is the reluctance of market agencies to dispose of their data (Rezende 2012). The lack of official platform data about transactions, subscriptions, revenues and advertising available to the Brazilian government is a way to avoid regulation (Geisler, 2020, Ancine, 2019).

In conclusion, the French government presented an effective response to the conflict around streaming platforms. CNC was able to find a balance between different interests and achieve the consensus necessary to approve a new regulation. The presence of social skilled actors in a stable field was a relevant characteristic to achieve this scenario, together with a process of “softening-up” inside the policy community (Kingdon, 1984). In Brazil, however, the lack of cohesion inside the government lead to the impossibility of placing streaming regulation on the government agenda, prevailing the position of political appointees rather than civil servants.

5. Compatibility between the taxation model and platforms business model

The last factor that influenced the two scenarios was the compatibility between the taxation model and the new players business model. In France, the tax obligations imposed to traditional audiovisual players, mainly broadcasters, is calculated in relation to the revenue generated. This feature made it easy for the French system to expand this obligation to new players as they appeared. According to Kostovska, Raats and Donders (2020), “the investment obligations for foreign-VOD players were introduced in a path-dependent manner, by building on familiar policy instruments, previously applied to other players and consistent with policy traditions of safeguarding the domestic film production and audiovisual sector” (Kostovska, Raats and Donders, 2020, p.11).

In Brazil, the value paid in tax by traditional audiovisual players (Condecine Title) is defined according to the number of audiovisual titles broadcasted, produced, licensed and distributed, with fixed values for each type of work. There is a consensus that this model does not apply to the streaming platforms business model, which has as one of its main features the size, diversity and quality of its catalogs. If streaming services had to pay a tax for each title in their catalog, it could be an incentive to invest in titles with greater commercial appeal, restricting its catalog and decreasing its diversity. It could also be an obstacle to the entrance of smaller platforms (Geisler, 2020; Sousa, 2018; Sousa and Ravache, 2022). The challenge of adapting this familiar policy instrument to the new player was the subject of a lot of debates. According to Ladeira and Marchi (2020), this limited the discussion to a taxation debate, making the topic lose its substantial dimension. The same perception is shared by one of the interviewees:

“Brazil wasted time in a ludicrous debate about Condecine. People at Netflix must have been so happy to open the press coverage and see that there was still a meeting about Condecine. It was a bad idea trying to apply Condecine to streamers. The Condecine applies to television very well. In France, we apply a tax directly on revenues. Not necessarily Ancine promoted this idea that Condecine should also apply to Netflix, it was mainly the unions. This does not apply when we talk about an online audiovisual media service, over-the-top, with catalog.” - **Matthieu Thibaudault**, professional with experience in Brazilian and French audiovisual

C. Future perspectives

1. Uncertainty about the future

The analyses of the interviews pointed to a common perception: the uncertainty about the future of audiovisual national industries. Three main sources of uncertainty were identified:

- **Sustainability of the business model of streaming platforms:** with the increase in the number of streaming platforms and in the production of films and series, there is a skepticism about the sustainability of this model, considering people financial and time limitations to consume audiovisual content:

“There is something about which we are uncertain, and that is what is the spectators' willingness to pay, that means, how far the market can be extended on the basis of multiple subscriptions” - **Maxime Boutron**, former Financial and legal director at CNC

“It's not possible, nobody watches so many series. It's not possible for everyone to produce thousands and thousands of thousands of series on each platform, nobody watches it, so I think there will be a slowdown” - **Marcelo Spinola**, former director at Globo

- **Market Concentration:** with the coming of new players in the streaming market, there is also a perception that there are going to be future concentration movements in order to sustain the industry:

“I think at some point they're going to merge, like Apple, maybe will buy Netflix at some point or maybe another type of company. But at some point, they will need more money. So they will be absorbed. Like HBO now will be absorbed by Amazon in France. They cannot all live together and there is too much competition, not enough programs and not enough subscribers” - **Julie Vielle**, director at Terminal 9 Studios (TV production company)

- **Impact of TikTok:** a final uncertainty about the future is related to the role of social media, specially with the advance of TikTok as a platform of production and consumption of audiovisual content:

“One point which is important in the current context in the streaming industry, is the entry of TikTok. Today with an immense audience in all countries, including Brazil, it has captured a lot of advertising revenue and without any programming cost. This is another challenge for global media industry” - **Marcelo Spinola**, former director at Rede Globo

2. France: a model in progress

In France, the approval of the new regulation is seen as a victory by national actors and the first results are starting to show. An interesting example is the rise of partnerships between streamers and broadcasters to finance productions. The trend is identified as a result of the increased competition and economic pressure after the pandemic, but which was bolstered due to the implementation of the SMAD decree (Keslassy, 2023). One of the interviewees pointed out to this as a surprising effect:

“I would have never imagined that both worlds could still be together and find a way to work together, which is happening now because they are financing programs together” - **Julie Vielle**, director at Terminal 9 Studios (TV production company)

However, there is also a recognition that challenges still exist and future improvements will be necessary:

“The platforms’ regulation is a subject that is still in development, not completely finished. The regulation moves all the time because the sector itself moves all the time. There are always new platforms. There are always new issues and therefore regulation is constantly evolving” - **Maxime Boutron**, former Financial and legal director at CNC

“It's basically very imperfect so far because it doesn't embrace and contemplate all the platforms in France. A regulation that presents asymmetries in its implementation is not a regulation that works. For now, it's a taste of what we wanted as regulation for global streamers” - **Matthieu Thibaudault**, professional with experience in Brazilian and French audiovisual

The main concern is in relation to the implementation of the regulation. If the publication of the decree was seen as a sign that it is possible to get streaming platforms to cooperate with national public policies, there is still an uncertainty: are the platforms also going to cooperate during the implementation of the policy? The main concerns are related to access to data (e.g. the exact turnover of the platforms in France) and the imposition of sanction, considering that the country responsible is not the country of destination, but the country of origin:

“Where it works less well is if these platforms never respect their obligations, in particular if their exposure obligations are managed not by the country of destination, but by the country of origin. So, if we say, on Netflix, in France, there are 10% of European titles and not the 30% demanded by the directive, it's

not us, France, who can sanction Netflix, it's the equivalent of the ARCOM in the Netherlands” - **Maxime Boutron**, former Financial and legal director at CNC

3. Brazil: a window of opportunity?

With the election of Lula in 2022, there was a change of perspectives. The interviews showed a shared vision that the new government is an opportunity to reconstruct Brazilian audiovisual and cinema industry, which was disregarded during previous governments:

“I believe that now we will go through a period of reconstruction, of rethinking. There is a window of opportunity for us to make an audiovisual policy that sees audiovisual as a cultural right” - **Henrique**, civil servant at Ancine

This perception is followed by an increase in public resources available for the audiovisual sector, with the release of resources from the FSA (Lauterjung, 2023), a revision of the tax incentive law (Rouanet Law) and regulation of new laws created during the pandemic to support the cultural sector (Rocha, 2023). The regulation of streaming was placed as a priority in the new government agenda (Amado, 2022), as pointed by one of the interviewees, who was part of the Culture Commission of the transition government:

“So the trend now is to re-heat the agency's efforts in relation to VoD regulation. It has also been announced as a priority on the regulatory agenda” - **Debora Ivanov**, associate and producer at Gullane Entretenimento and former Ancine’s director

Favoring this idea, Ancine published in March 2023 a study called ‘Panorama of the Video On Demand Market in Brazil’ (Ancine, 2023), which presented important data about the sector, such as the participation rate of Brazilian content in the services that operate in the country. The launch of the study reverberated in the press, resulting in articles highlighting the need for a regulation and the role of Ancine on this debate (Sanchez, 2023). In the same month, filmmakers were also mobilized to bring the topic to government attention. In an open letter to the Senate, the regulation of SVOD platforms was highlighted as ‘urgent’ (Fórum Tiradentes, 2023). Also, screenwriters and directors are going to Brasília in May to demand authorities the implementation of a right to remuneration for public exhibition of their works in broadcasting, pay television and streaming services (Guimarães, 2023).

These movements might open a ‘window of opportunity’ (Kingdon, 1984) in Brazil to implement a streaming regulation. However, there are still concerns about the resistance towards regulation policy, specially in the congress and inside Ancine:

“We have a renewed Congress. The deputies were one hundred percent renewed and part of the Senate. There is a trend towards the right now in Congress. We had difficulties until today to move forward with this agenda. We are going to continue having difficulties, despite having a new government that is certainly in favor of this regulation, but this depends on the National Congress.” - **Debora Ivanov**, associate and producer at Gullane Entretenimento and former Ancine’s director

“There are changes in the ministry, but Ancine will keep the same board of directors with minimal change, and perhaps Lula will appoint a vacant seat on the board. I believe the main challenge is to maintain a friendly dialogue with the board of directors, so that it understands that it is an issue of extreme urgency for the sector and for the agency itself, which takes care of the audiovisual sector fund and need to have their tax revenues always up to date” - **Marina Rodrigues**, independent audiovisual producer

VI. Conclusion

A. Why will platforms collaborate with audiovisual policies?

The Covid-19 pandemic accelerated a tendency: the disruption of audiovisual policies by streaming platforms. The rapid growth of the new digital actors changed market's conditions, leading to an initial invalidation of the existing regulatory framework (Hasselbalch, 2014). The results showed that, in France and Brazil, the main regulatory issues raised were the same: taxation asymmetry, lack of copyright protection and decrease in funding for national production. The difficulty to regulate disruptive actors is increased by the platform's strategy to avoid new regulations, especially through lobbying. In Brazil, the result was regulatory inertia (Downes and Mayo, 2014). In France, however, six years after the arrival of Netflix, a regulation was approved with the cooperation of the platforms, who signed specific conventions with the government.

Factors that lead platforms to cooperate with local audiovisual policies were identified in the comparative analysis. The selection of two countries that share a comparable audiovisual policy framework enabled the exploration of factors beyond the assumption that current public policies would shape future policies. Five relevant factors were identified: the framing of the problem by different actors, platform's lobbying influence in the political landscape, the coalitions between local audiovisual actors, the governmental units capacity to deal with the challenge and the compatibility between the taxation model and platforms business model. It is important to highlight, however, that it is a mixing of these factors that led to different regulatory responses.

While looking at the combination of these factors, one can notice the importance of cohesion: more cohesive groups led to situations in which platforms had to cooperate with local policies. In France, television and cinema actors, supported by the media, created a cohesive group to defend the cultural exception, a movement that at this point is already a tradition in French audiovisual policies. In Brazil, the arrival of the new actors did not have the same impact, with telecommunications companies seeing the moment as an opportunity to have less regulation, while cinema professionals, with less political and economic power, claimed for the regulation of the new actors.

In the state, cohesion was also essential. In Brazil, the political landscape allowed an alliance between the government and the streaming platforms, making it impossible to place the regulation in the agenda, despite Ancine's public civil servants' willingness to do so. In France, on the other hand, the government presented a cohesive response in defense of the audiovisual policy system. CNC played an important role as a skilled actor with the necessary expertise to mediate the debate. The fact that CNC is an organization with a history of stability, while Ancine is part of a context characterized by discontinuation, also influenced the organization's capacity to include the new players on the audiovisual policy framework.

Further research could explore other actors that could have influenced the responses and were not included in this case study. For example, consumers and how they allied with different actors was identified as a central factor in previous studies (Davis and Zboralska,

2017; Thelen, 2018). Surveys and social media could be used to include this perspective. The platform's transnational character also allows further comparative analysis with other countries that are facing the same challenges. Analyzing if the factors that were relevant here were also relevant in other cases could be interesting and contribute to the literature on platforms and disruption.

B. Policy Recommendations

In Brazil, public policies were essential to secure the financing of the audiovisual industry and the protection of national content. However, the advance of streaming platforms destabilized this policy framework and raised regulatory issues. Thus, turning the new players into collaborative actors is essential to guarantee the sustainability of the national audiovisual industry.

The recent government change in Brazil opens a 'window of opportunity' to include the regulation of streaming platforms in the political agenda. Considering the importance of this strategic moment, the final part of this research will present policy recommendations for Ancine, based on the findings of the comparative analysis. The goal here is not to present the most appropriate regulatory solutions, but to give recommendations that could be helpful in the process of dealing with the challenge. It is important to highlight that the responsibility to propose and approve a regulation for the streaming market is of the legislative power. However, Ancine, as the organization responsible for regulating the sector, plays a significant role. In this sense, the moment is also an opportunity for Ancine to lead the debate and strengthen its position as the actor responsible for maintaining national audiovisual policies.

1. Produce knowledge to enrich the public debate

The development of reports, commissions and conferences about the regulation of streaming platforms increased CNC's capacity to propose solutions and guide the debate. Therefore, investing in research and analysis about the topic is a way to strengthen Ancine's position in the discussion. Recent events showed the agency is already working on this. In March, the publication of a study about the video on demand market presented important data about the lack of national content in the platforms and generated debate in the media about the need of a regulation for the sector. Further skilful use of this knowledge, through conferences and debates, for example, would allow the agency to bring the topic to public debate and increase the value acceptability of regulatory solutions.

2. Build minimum consensus between national actors

Cohesion was a significant factor to achieve the cooperation of the platforms with the local audiovisual policies. Ancine could mediate a dialogue between television and cinema actors to get to minimal consensus in defense of the national industry, similar to what happened in France. The episode of the III Brazilian Cinema Congress, which led to the creation of Ancine 22 years ago, shows that it is possible to create a cohesive group in the country to achieve a common goal.

3. Identify platform's needs in the national market

The literature review showed that platforms have to adapt to characteristics of the local market in order to succeed. In France, the strength of the cultural exception principle gave the government a symbolic power to face the platforms and media chronology served as a bargain tool. Understanding the need of the platforms in the Brazilian market could allow Ancine to find balance between the different actors' interests and effectively mediate the debate.

4. Design a flexible regulatory model

The future perspectives showed that the audiovisual market is still adapting to the technological changes and uncertainty remains. Therefore, it is important to think about flexible regulatory models that are capable of adapting to further transformations. This will avoid future incompatibilities between regulation and innovation disruption, such as the one Brazil is facing now in terms of the taxation model.

5. Keep an eye on France

The research showed that a comparative analysis can be enriching. Exchanges with CNC, especially considering the common characteristics of the organizations, could be an important tool for Ancine to collect learnings. Important in this exchange would be not to focus only on the regulatory solutions proposed by France, since they might not be the best ones for the Brazilian reality, but to exchange information about the process. Also important will be to follow the implementation of the regulation of France in the next years to see if platforms will keep on collaborating with the national policies.

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VIII. Appendix

Appendix 1 - Interviews (in alphabetical order)

Interview 1 - Daniel Celli

Date: 10/01/2023

Duration: 45 minutes

Place: Zoom

Language: Portuguese

Daniel has been working in the audiovisual sector for 17 years, having worked in international film festivals and in the planning of international co-production events. In recent years has been committed to public management, thinking actions within public policies that stimulate the audiovisual market. These include the creation of the São Paulo Film Commission, a department that acts as a facilitating agent, with the mission of attracting and supporting audiovisual productions in the city of São Paulo. In the last year, he was a consultant for the United Nations Development Program (UNDP), in a Technical Cooperation Project with the Ministry of Economy, for matters related to public policies for the audiovisual industry and currently coordinates Rio Film Commission thinking of further enhancing the City of Rio de Janeiro as a destination for audiovisual productions.

Interview 2 - Debora Ivanov

Date: 20/01/2023

Duration: 37 minutes

Place: Zoom

Language: Portuguese

Debora Ivanov is a lawyer, producer and partner at the production company Gullane. She has over 25 years of experience in the market, with a focus on commercial and institutional relationships. She was the director of Ancine from 2015 to 2019. She is the Executive Director of SIAESP (Union of the Audiovisual Industry of the State of São Paulo). Her work also stands out in the area of Social Responsibility, as she is the founder of the Querô Institute, dedicated to training young filmmakers from peripheral regions and +Mulheres Líderes do Audiovisual Brasileiro, a network dedicated to the development of female leadership in the Audiovisual Sector.

Interview 3 - Henrique Souza

Date: 19/01/2023

Duration: 50 minutes

Place: Zoom

Language: Portuguese

Henrique is a graduate in Cinema and Audiovisual for the Federal University of Recôncavo da Bahia (UFRB). He has worked for Ancine since 2014. For a few years, he worked for the market analyses department, where he took part in the elaboration of the regulatory impact analysis of Video on Demand services. Today, he works at the accountability department and is the current president of the association of public servants of Ancine (National Film Agency).

Interview 4 - Joao Fenerich

Date: 11/01/2023

Duration: 53 minutes

Place: Sao Paulo, Brazil

Language: Portuguese

João studied Marketing and Administration at ESPM-SP (Higher School of Advertising and Marketing - São Paulo) and in Performing Arts at Oficina de Atores Nilton Travesso in São Paulo. He has experience as an actor for TV Globo series (e.g. *Sob Pressão*, 2019) and telenovelas (e.g. *Quanto Mais Vida Melhor*, 2021)

Interview 5 - Julie Veille

Date: 16/02/2023

Duration: 44 minutes

Place: Zoom

Language: English

Julie Veille is a writer and director at Terminal 9 Studios, a French production company. She directed documentaries such as ‘Diana Ross - Supreme Diva’ (2019) for Arte and ‘Les Secrets de L'Invité’ (2016) for France 2. Previously, she worked for 10 years as talent booker and artistic director at Endemol. She also teaches at SciencesPo, being responsible for the course ‘From Broadcast Networks to Platforms : the Challenges for TV Production’. She is a bachelor in Mass Communication at Emerson College in Boston, US.

Interview 6 - Marcelo Spinola

Date: 14/03/2023

Duration: 49 minutes

Place: Zoom

Language: Portuguese

Marcelo is a business executive with 25 years of experience in the management of the main media companies in Brazil. He started to work with television in 1992, as Business

Development Manager and Expansion Supervisor at TVA (Televisao Abril). From 1994 to 1995 he worked as commercial and business development director at HBO Brasil. From 1995 until 2018 he worked at Rede Globo in different positions (business development director, international distribution director and international channels director). In 2018, he co-founded the company CastWay Brasil, a technology startup integrating Digital Platform, Content and Solutions to Internet Service Providers. Today, he works as a consultant for different companies in media and digital transformation. He is a bachelor in business administration at FGV EAESP - School of Business Administration of São Paulo.

Interview 7 - Marina Rodrigues

Date: 10/01/2023

Duration: 48 minutes

Place: Zoom

Language: Portuguese

Marina graduated in Cinema and Audiovisual at the Higher School of Advertising and Marketing (ESPM-RIO). She has experience as an executive producer in the Latin American market with passages at Caliban Produções, MotherSuperior Films and Guerrilha Filmes. She created the project '*Simplificando Cinema*' (Simplifying Cinema), a blog and a podcast that aims to simplify issues about the audiovisual market that are rarely commented on the internet. She has been studying and writing about regulation of streaming platforms in the last years, especially on social media. On June 30 2022, she was invited to speak during a public audience about the taxation of streaming companies at the Congress.

Interview 8 - Matthieu Thibaudault

Date: 19/01/2023

Duration: 81 minutes

Place: Zoom

Language: Portuguese

Matthieu Thibaudault has 10 years of experience in the international digital and entertainment industry in Brazil and France. In France, he had experience at media companies, like Orange and TF1, and was the Head of economic data for French Cinema abroad at Unifrance for 3 years. In Brazil, he worked from 2014 to 2016 at Rio de Janeiro for the French Ministry of Foreign Affairs, first as an audiovisual advisor and later as the Director of the Cinematheque of the Embassy of France in Brazil. Since 2020, he has been working as a Cultural and Audiovisual Attaché at the French Embassy in Sao Paulo. He graduated in Economic Sciences at Nantes University

Interview 9 - Mauro Garcia

Date: 24/01/2023

Duration: 60 minutes

Place: Zoom

Language: Português

Mauro has forty years of experience in the area of communication and television. He is a Titular Member of the Superior Council of Cinema and Associate of the Brazilian Academy of Cinema. He is the current Executive President of BRAVI (Brazil Independent Audiovisual), a non-profit entity founded in 1999, which reunites 675 production companies. He was responsible for development of strategic television and other media projects, such as the implementation of the TV Cultura & Arte Channel for the Ministry of Culture and TV Rátimbum, the first Brazilian pay-tv channel for children. From 2005 to 2010, he was the Director of Programming at TV Cultura in São Paulo.

Interview 10 - Maxime Boutron

Date: 02/03/2023

Duration: 43 minutes

Place: Zoom

Language: French

Graduated at Sciences Po and ENA (Ecole Nationale d'Administration), Maxime Boutron joined the State Council (*Conseil d'État*) in 2011, where he worked in different functions. Between 2015 and 2017, he was a tax advisor to the Minister of Economy and Finance. Between 2017 and 2022, he worked as the financial and legal director and deputy to the director general of the CNC. Today, he works at the State Council (*Conseil d'État*) as public magistrate.

Interview 11 - Roberto de Oliveira

Date: 24/01/2023

Duration: 60 minutes

Place: In person at Sao Paulo, Brazil

Language: Português

Profile: Roberto de Oliveira is an audiovisual producer and director, with experience in different TV channels. He worked as a programming coordinator at TV Cultura and project development director at Globo. He was also the vice-president of TV Bandeirantes. He has been behind emblematic moments in audiovisual Brazilian popular music for over 50 years. Its collection includes the Chico series, about Chico Buarque, the Maestro Soberano series, about Tom Jobim, the Biografitti series, about Rita Lee, and Falso Brilhante, by Elis Regina. In 2022, he released his first feature film '*Elis & Tom, Só Tinha de Ser com Você*'.

Interview 12 - Xavier Lardoux

Date: 07/03/2023

Duration: 31'

Place: Zoom

Language: French

Profile: Graduated at Sciences Po, Xavier Lardoux was from March 2015 to August 2022, the director of cinema and audiovisual at the CNC. Previously, he had been Secretary General (from 2010 to 2013) then Deputy Director General of UniFrance (from 2013 to 2015), after eight years at the Paris City Hall as Culture and Cinema Project Manager. He currently teaches at SciencesPo and ESCP Business School, and is a member of the arts commission in the *Centre National du Livre*.

Interview 13 (anonymous)

Date: 15/02/2023

Duration: 32'

Place: Zoom

Language: Português

Profile: Tax Lawyer at one of the biggest Brazilian law firms. Has as clients most of the streaming platforms, such as Netflix, HBO and Amazon Prime.

Appendix 2 - Acronyms and Translations

France

CNC	National Centre for Cinema and the Moving Image	Centre National du Cinéma et de l'image animée
CSA	Superior Audiovisual Council	Conseil Supérieur du Cinéma
DGMIC	General Direction of Media and Cultural Industries	La direction générale des médias et des industries culturelles
Hadopi	High authority for the dissemination of works and the protection of rights on the Internet	Haute autorité pour la diffusion des œuvres et la protection des droits sur l'internet
ARCOM	Audiovisual and Digital Communication Regulatory Authority	L'Autorité de régulation de la communication audiovisuelle et numérique
ARP	French Civil Society of Authors-Directors-Producers	Société civile des Auteurs Réalisateurs Producteurs
SACD	Society of Dramatic Authors and Composers	Société des Auteurs et Compositeurs Dramatiques
SMAD	Audiovisual Media Services on Demand	Services de Médias Audiovisuels à la Demande
TSA	Additional Supplementary Tax	Taxe Supplémentaire Additionnelle
TST	Television Service Tax	Taxe sur les services de télévision
TSV	Taxe sur les services vidéo physique ou en ligne	Physical or Online Video Services Tax
-	Advance on receipts for the production of cinematographic works	l'Avance sur recettes avant réalisation
-	High Authority for Audiovisual Communication	Haute Autorité de la communication audiovisuelle
-	Ministry of Culture	Ministère de la Culture
-	Ministry of Industry	Ministère de l'Industrie

Brazil

ANATEL	National Telecommunications Agency	Agencia Nacional de Telecomunicaciones
Ancine	National Cinema Agency	Agência Nacional do Cinema
ASPAC	Ancine's Public Servants Association	Associação dos Servidores Públicos da Ancine
BRAVI	Brasil Independent Audiovisual	Brasil Audiovisual Independente
CONDECINE	Contribution to the Development of the National Film Industry	Contribuição para Desenvolvimento da Indústria Cinematográfica Nacional
Condecine Remessa	Contribution to the Development of the National Film Industry - Remittance	Contribuição para Desenvolvimento da Indústria Cinematográfica Nacional - Remessa
Condecine Titulo	Contribution to the Development of the National Film Industry - Title	Contribuição para Desenvolvimento da Indústria Cinematográfica Nacional - Título
CSC	Superior Cinema Council	Conselho Superior de Cinema
Embrafilme	Brazilian Film Company	Empresa Brasileira de Filmes
FSA	Audiovisual Sector Fund	Fundo Setorial do Audiovisual
III CBC	III Brazilian Cinema Congress	Congresso Brasileiro de Cinema
INC	National Cinema Institute	Instituto Nacional do Cinema
MDIC	Ministry of Development, Industry and Foreign Trade	Ministério do Desenvolvimento, Indústria, Comércio e Serviços
MinC	Ministry of Culture	Ministério da Cultura
PAQ	Brazilian Cinema Quality Incentive Program	Programa de Incentivo à Qualidade do Cinema Brasileiro
PAR	Additional Income Prize	Prêmio Adicional de Renda
SaV	Audiovisual Secretary	Secretaria do Audiovisual
-	Chief of Staff of the Presidency	Casa Civil

Appendix 3 - Comparatives Tables

Table 1 - Audiovisual Policies Frameworks

Main common characteristics		
	France	Brazil
Independent Governmental Units responsible for the audiovisual policies <i>Action complemented by other governmental units</i>	CNC: The National Center of Cinematography and the Moving Image, attached to the Ministry of Culture Other units: <ul style="list-style-type: none"> - General Direction of media and cultural industries (DGMIC) at the Ministry of Culture - Audiovisual and Digital Communication Regulatory Authority (ARCOM) 	Ancine: National Film Agency , attached to the Ministry of Culture Other units: <ul style="list-style-type: none"> - Audiovisual Secretary (SaV) at the Ministry of Culture - Superior Cinema Council (CSC) - National Telecommunications Agency (Anatel)
Economic solidarity between different media <i>Most rentable media are responsible for financing the national audiovisual and cinema industry</i>	System composed of three taxes: TSA (Additional Supplementary Tax): 10,72 % over the price of all cinema tickets sold TST (Television Service Tax): two types of taxes are: one for editors, (5,85% over turnover;) and distributors (between 0,5% and 3,5% over turnover) TSV (Physical or Online Video Services Tax): a tax of 5,15% over the turnover of distributors of physical video and Video on Demand services	Three types of Condecine Tax: Condecine Title: tax over the commercial exploitation of audiovisual works with fixed values depending on the characteristics of the work Condecine Remittance: tax of 11% over the remittance abroad of an amount related to income generated by the exploitation, acquisition or importation of audiovisual works. Condecine Teles: tax paid by telecommunication services that provide the distribution of audiovisual content with fixed values depending on the type of service
Mechanisms to support local productions <i>Mix of selective and automatic</i>	Automatic: resources are distributed according to the revenues generated by the films previously produced Selective: Advance on receipts for the production of cinematographic	Automatic: PAR (Additional Income Prize) and PAQ (Brazilian Cinema Quality Incentive Program). Selective: resources are distributed to audiovisual projects in different parts

<i>mechanisms</i>	works	of the value chain through the FSA (Audiovisual Sector Fund)
Copyright jurisdiction <i>Focused on the idea of author's rights</i>	Law n°57-298 of Mars 11 1957 <i>(Loi n°57-298 du 11 mars 1957)</i>	Law N° 9.610, of february 19 1998 <i>(Lei N° 9.610, de 19 de fevereiro de 1998)</i>
Main differences		
Media Chronology	Defined by national regulation	Not defined by national regulation
Level of stability	Stable field Career plan of its members, characterized by common training, interests, professional socialization and revolving door as a key factor (Alexandre, 2015)	Unstable field Audiovisual policy agenda in influenced by government shifts (Ikeda, 2021)
Cohesion	Historical cohesion between different audiovisual actors in defense of the cultural exception and the French cinema support system	No history of broader coalitions in the audiovisual sector. The Brazilian group of cinema professionals is not recognized as a strong one, capable of defining policies (Sousa, 2018).
Market Share	National cinema with a relevant market share Between 2012 and 2021, an average of 38,8% of cinema tickets sold was for French movies	National cinema without a relevant market share Between 2012 and 2021, an average of only 13,2% of cinema tickets sold were for Brazilian movies
Regulatory responses to Streaming Platforms	Regulatory inertia Ancine's Normative Instruction (2012): includes Video On Demand in the list of services that should pay the Condecine Title tax, but the action had no legal power CSC's proposal of taxation (2020): defining a tax of 1% to 0,75% over revenues and an obligation of 0.2% of direct investment in national productions Regulation proposals in the legislative sphere.	Regulation implemented "Netflix Tax": tax of 5,15% on streaming platforms annual turnover to the CNC Audiovisual Media Services on Demand (SMAD) decree: SVoD services have to devote from 20% to 25% of their annual turnover to the production of European and French cinematographic, along other obligations Specific conventions with Arcom: Netflix, Disney+ and Amazon Prime

		agree on investments in local production and shorter windowing rules
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Table 2 - Market Actors

	France	Brazil
Cinema Industry	Production	
	<p>Oligopoly: a few majors occupy a central position, with a series of small companies, often referred to as independent, in the periphery (Creton, 2008).</p> <p>Three main organizations with a transversal action: Gaumont, Pathe and UGC</p>	<p>Pulverized: 320 companies launched at least one movie between 1995 and 2009, with only 7,2% launching at least five movies (Ikeda, 2015).</p> <p>Absence of powerful cinematographic transversal groups</p>
	Distribution	
	<p>International companies are predominant</p> <p>In 2021, Universal Pictures International, The Walt Disney Company, Warner Bros, Sony Pictures, Paramount were responsible for 53,8% of the market</p> <p>Five french distributors associated were responsible for 27,7% of the market (SND, Gaumont, Studio CanaL, Pahté Films, UGC Distribution) (CNC, 2022a).</p>	<p>International companies are predominant</p> <p>In 2021, Disney, Warner, Universal, Fox, Sony e Paramount represented 93% of the revenue.</p> <p>Three national distributors concentrated the rest of the market: Paris, Imagem and Diamond Films. (Ancine, 2022a).</p>
	Exhibition	
	<p>National companies are predominant</p> <p>Out of the 6193 screens, national groups are responsible for 3905, representing 63,1% of the sector.</p> <p>The main groups were Pathé Gaumont (14,5%), CGR (11,4%) and UGC (8,2%) (CNC, 2022a).</p>	<p>International companies are predominant</p> <p>In 2021, out of the 3266 screens, almost half belong to international groups, with Cinemark (USA) leading with 624 screens, followed by Cinepolis (Mexico), with 400 screens.</p> <p>Kinoplex is the biggest national group, with 202 screens (Ancine, 2022a).</p>

Television	<p>Historically controlled by the public sector: state monopoly until 1974</p> <p>Mixed market, composed of public and private actors: France Televisions, responsible for the biggest part of the audience in 2021 (28,9 %), followed by TF1 (27,2 %), M6 (14,3%) and Canal+ (6,8%)</p> <p>Highly regulated by the state: private channels have to follow strict rules in terms of production, advertising and distribution.</p>	<p>Historically controlled by the private market: historical control of the sector by a few familiar companies that persist until today (Butcher, 2006; Ikeda, 2015).</p> <p>Monopoly of TV Globo: a market share of 31,2% in 2021 in broadcasting. In pay television, it is responsible for approximately 30,7% of the total of channels offered</p> <p>Poorly regulated by the state: Lack of regulation for broadcasters. Pay Tv Law (2011) defines rules for cable and satellite television.</p>
Platforms	International	
	<p>Netflix arrived in 2011,</p> <p>Online video platform with the most audience in 2022 was Youtube (14,7%), followed by Netflix (4,4%), Globoplay (0,8%) and Amazon Prime Video (0,5%)</p>	<p>Netflix arrived in 2014</p> <p>In 2021, Netflix was the leading platform, with 63.6% of VoD consumers saying they have paid to watch programs on the platform. It is followed by Amazon Prime Video (36,1 %), Disney+ (26,1 %) and Orange VOD (16,6%)</p>
	National	
	<p>Globo is the only national player with a streaming platform: Globoplay, launched in 2015 (Ancine, 2019).</p> <p>Smaller national platforms are also present, but with more vulnerable positions in the market (Ancine, 2019).</p>	<p>National players launched streaming platforms, such as myCanal by Canal Plus in 2013 and OCS Go by Orange in 2014.</p> <p>In 2020, the groups France Télévisions, M6 and TF1 launched together a platform Salto, but the project did not succeed and closed in 2023 (Reeb, 2023)</p>
	Local content	
	<p>Only 10,9% of the works available are Brazilian (Ancine, 2023)</p> <p>Amazon Prime Video and Netflix: only 6% of national content</p> <p>National Platforms: bigger participation of national content: Box Brazil Play, with 91%, followed by Globo channels (57%) and Globoplay (30%).</p>	<p>French films represent only 17.4% of the cinema content available on international platforms.</p> <p>Amazon Prime Video and Netflix around 11% of their film catalogs are composed of french films.</p> <p>National platforms: French cinema represents 61,9% of the film catalog for FilmoTV and 39,8% for MyCanal (CNC, 2023).</p>

Table 3 - Responses to Streaming Platforms

	France	Brazil
Framing of the Problem	The arrival of international streaming platforms is seen as a threat by administrators, major companies and calls for public response. The strength of the cultural exception referential in the country favors this discourse.	The arrival of the new players is not seen initially as a problem. For TV players, it was not considered a potential competitor, and, for independent producers, it was considered an alternative source of revenue in a period of financial restriction. Public opinion resistance towards regulation policies weakens the main alternative proposed.
Politics and Lobbying	CNC becomes an ally of the local audiovisual actors Political support of the higher level to CNC as the mediator in this debate weakened the platforms' power of influence.	Ancine and the CSC become an ally of the platforms Government change was used as an opportunity for platforms to increase their influence power over governmental decisions, mainly through the nomination of new members to the CSC
Coalition of National Actors	Formation of a cohesive group, capable of influencing the government agenda Influenced by strength of cinema professional class and the historical union of the audiovisual sector lead to the	Lack of a cohesive group, giving streaming platforms an advantage in influencing the government agenda. Influenced by cinema professional class lack of political and economic power when compared to television and telecommunication groups
Government Unit Capacity	CNC capable of giving an effective response to the conflict CNC was able to find a balance between different interests and achieve the consensus necessary to approve a new regulation. Presence of social skill actors was a relevant characteristic to achieve this scenario,	Ancine incapable of giving an effective response to the conflict Lack of cohesion inside the Brazilian government lead to the impossibility of placing streaming regulation on the governmental agenda, prevailing the position of political appointees rather than civil servants.
Taxation model	Compatible with platforms business model Tax obligations calculated in relation to the revenue generated made it easy for the French system to expand this obligation to new players as they appeared.	Not compatible with platforms business model Tax obligation calculated by title (Condecine Title) does not apply to the platform's business model, since it could be an incentive for platforms to restrict their catalog's diversity.

This series presents the Master's theses in Public Policy and in European Affairs of the Sciences Po School of Public Affairs. It aims to promote high-standard research master's theses, relying on interdisciplinary analyses and leading to evidence-based policy recommendations.

Audiovisual policies in the streaming era:

Regulatory challenges and cooperation strategies in France and Brazil

Maria Marta Pinto

Abstract

The Covid-19 pandemic accelerated the disruption of audiovisual policies by streaming platforms, with policy makers struggling to keep up with the pace of digital transformations. The lack of regulation allowed digital players to grow within national markets without collaborating with local policy frameworks, raising concerns about regulatory asymmetry, copyright protection and investment in local productions. However, recent events have shown that it is possible to integrate the new players in local policy frameworks. This thesis investigates why streaming platforms cooperate with local audiovisual policies using a comparative analysis between France and Brazil. Through an interdisciplinary literature review and the analysis of legislation, government publications, press articles, data reports and 13 interviews with key stakeholders, five factors that led platforms to cooperate were identified: the framing of the problem, platform's lobbying influence in the political landscape, the coalitions between local audiovisual actors, the governmental units capacity to deal with the challenge and the compatibility between the taxation model and platforms business model. When looking at the combination of these factors, cohesion between national actors was a central factor. The study concludes with policy recommendations for Brazil's National Film Agency (Ancine).

Key words

Audiovisual policies, streaming platforms, regulation, disruption, cooperation