

The European Producers Club (EPC) and the European Audiovisual Production Association (CEPI) express their support for Brazilian independent producers in their efforts to advocate for a well-balanced regulation of streaming services.

Discussions in Brazil are intensifying ahead of a Senate vote on an important new piece of legislation that could introduce several key provisions aimed at promoting Brazilian audiovisual productions and ensuring a more diverse offering for Brazilian audiences.

Bringing together 200 prominent European independent production companies, **the EPC, together with CEPI**, representing 2 600 independent production companies across 19 national associations of European countries, **welcome the willingness of Brazilian legislators to regulate on-demand services operating within the country and express their support for API¹** (*Associação das Produtoras Independentes do Audiovisual Brasileiro*) **and the Brazilian independent audiovisual sector that would be impacted by this regulation.**

Drawing on their experience with the implementation of **Audiovisual Media Services Directive** of the **European Union**, the EPC and CEPI see numerous benefits in this type of legislation, which forms the **backbone of cultural diversity in the audiovisual sector**. Similarly to the Brazilian draft, **the EU directive includes three main components**, combining quantitative and qualitative obligations:

1. **Quotas:** 50% European works for linear services and 30% for on-demand services. These are minimum thresholds, and several EU countries have chosen to go beyond them.
2. **Prominence:** In addition to including a minimum share of European works in their catalogues, on-demand services must also ensure these works are promoted, visible, and easy to find.
3. **Financial obligations:** these take the form of levies, direct investment obligations, or a combination of both. Seventeen European countries have introduced such measures, with rates ranging from 0.5% in very small countries to 25% in larger markets. These mechanisms are **powerful tools** to channel private investments and public support toward independent local productions. Interesting to see that Brazil is considering making the levy applicable to Video sharing platforms too, an initiative already in place in France and discussed at EU level too.

¹ Brazilian Association of Independent Producers: [Associação das Produtoras Independentes do Audiovisual Brasileiro](#)

Naturally, the details matter, and ensuring the effectiveness of such measures requires careful attention to:

1. **The definition of Brazilian works:** If the definition is too broad, productions in which Brazilian independent producers do not own any IP rights could qualify, undermining the objective of strengthening local ownership.
2. **The enforcement of the 30% quota:**
 - The EU guidelines recommend to calculate the quota: 1 season = 1 title².
 - The timing of compliance: at every point in time or on average over a pre-determined period? If the latter is preferred for more flexibility, it is important to opt for a reasonable duration (not a decade).
3. When an obligation to invest is introduced at national level, avoiding that all investments can qualify and make sure that the obligation **incentivize investments into local productions in the domestic languages**, led by independent producers.
4. **Transparency of viewing data:** we do not have in EU law an obligation for the AVMS provider to share audience/consumption data with rightsholders. This is unfortunate since this information is crucial to independent producers and also important for public authorities when monitoring the impact of the legislation or supporting policy.

EPC and CEPI hope that this legislation will move forward in its best possible form and remain at the disposal of Brazilian producers and stakeholders to exchange experience and knowledge.

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² [https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52020XC0707\(03\)](https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52020XC0707(03))