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DEATH BY A THOUSAND QUOTAS: THE IMPACT OF FOREIGN REGULATIONS ON STREAMING SERVICES

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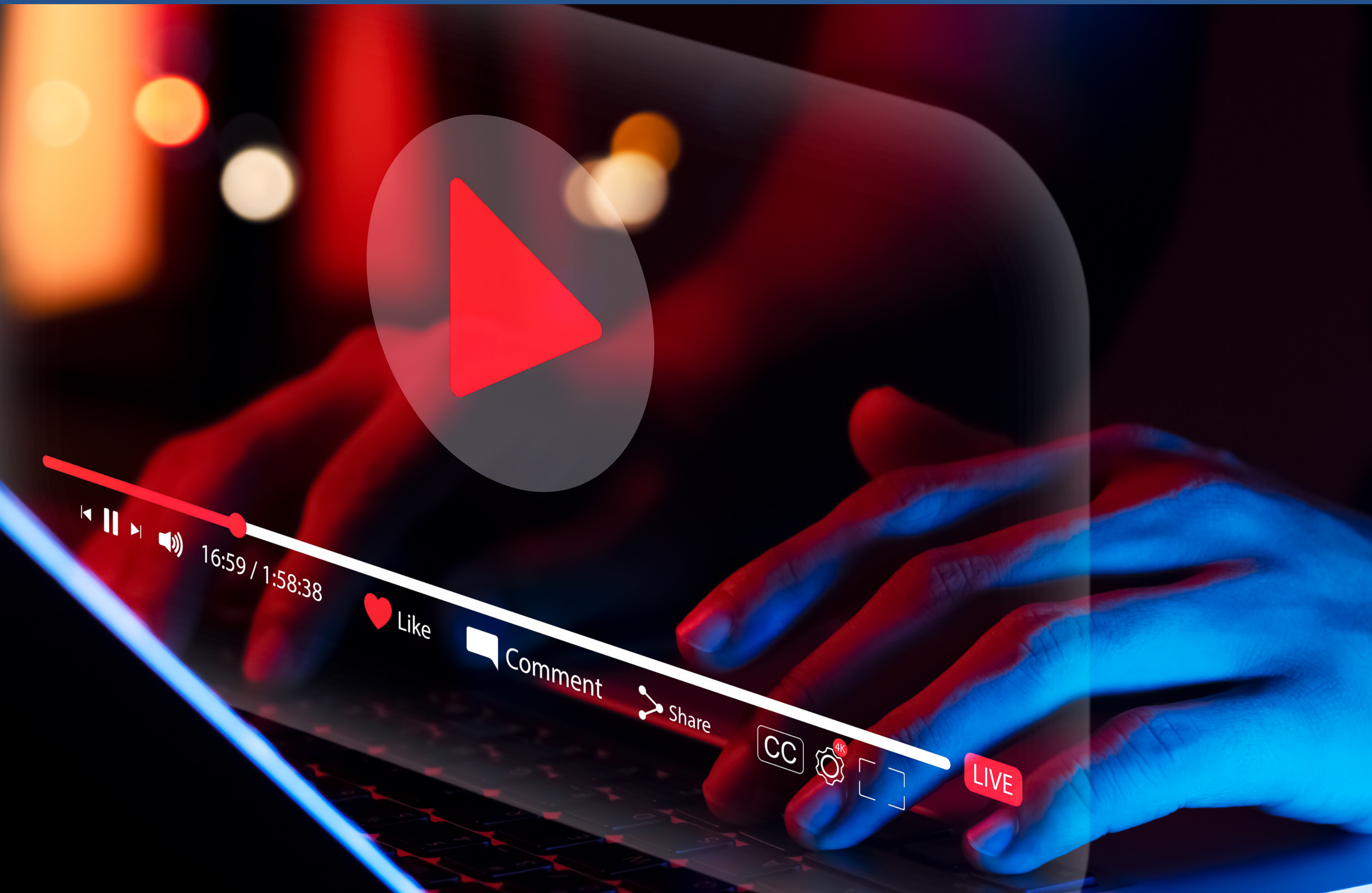

Contents

01

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The Taxpayers Protection Alliance (TPA) is a rapid response taxpayer group dedicated to analyzing and researching the consequences of government intervention in the economy. TPA examines public policy proposals through a non-partisan focus, identifying how government waste and overreach impact taxpayers and consumers regardless of the political party responsible.

TPA holds government officials in the United States, and around the world, accountable through editorials, statements, coalition letters, public interest comments, and radio and television interviews. TPA recognizes the importance of reaching out to concerned citizens through traditional and new media, and utilizes blogs, videos, and social media to connect with taxpayers and government officials.

While TPA regularly publishes exposés and criticisms of politicians of all political stripes, TPA also provides constructive criticism and reform proposals based on market principles and a federalist philosophy. TPA empowers taxpayers and consumers to make their opinions known to their elected and non-elected officials and embraces bold solutions to hold an ever-growing government in check.

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02 Introduction

The video streaming market has become one of the fastest-growing industries of the last decade. Going from a relatively niche market at the start of the 2010s, to arguably the dominant method of content distribution in the mid-2020s, the industry has experienced significant expansion. This expansion is evident in the number of services available to consumers, the growth of providers' catalog offerings of both licensed and in-house productions, and the growing list of countries where streaming services are available.

The story of the streaming industry's success is also largely a story of American success. Most of the leading streaming services are owned by American companies. Much like any other digital technology, the U.S. has been able to maintain a virtually uncontested position of leadership in the video streaming market. Unfortunately, as is the case with other tech and digital products, this has meant that foreign governments are devising backdoor ways to benefit from American success by extracting some of the value generated from these companies and seeking to disadvantage them compared to local players. For example, the governments of Australia, Brazil, Canada, and the European Union have either passed or are considering regulations that would impose minimum investment requirements, local content quotas, or taxes on streaming platforms as a condition of being allowed to operate in the country. This report documents these attempts at taxation and regulation and demonstrates the detrimental impact on U.S. companies and consumers in relevant countries.

03

An Overview of Hostile Legislation Across the Globe

European Union

The European Union (EU) was one of the first governments to implement regulations on video-on-demand streaming services.[i] Enacted in 2010 and amended in 2018, the EU Audiovisual Media Services Directive (AVMSD) grants member states the power to introduce content quotas and investment requirements to streaming services. Following the 2018 amendment process, the AVMSD now mandates platforms to "secure at least a 30% share of European works in their catalogs and ensure prominence of those works" and grants member states the authority to pass legislation that would obligate platforms "to contribute financially to the production of European works, including via direct investment in content and contribution to national funds." This second provision applies to platforms even if the service is not based in the member state's jurisdiction, as long as it still targets its population.[ii]

In other words, the AVMSD passed a 30 percent catalog quota ostensibly favoring European content, while giving local governments the power to pass specific legislation mandating foreign streaming services to spend a percentage of their local revenue in local content production. As each member state can set their own investment mandate rates and conditions, the AVMSD has created a significantly complex compliance regime. For example, Germany is currently considering an 8 percent investment obligation for streaming platforms, with a requirement that investments go towards German-speaking works, while also reverting the rights of these works to the producers. However, platforms can avoid these requirements by increasing their investment to 12 percent.[iii] Meanwhile, France's investment mandate can reach an astounding 25 percent nationally, and countries like Belgium have different rates for its sub-regions, making it more difficult and costlier to comply.[iv] As these different rules and rates proliferate, the costs of complying with the AVMSD increase exponentially.

Canada

In April 2023, the Canadian government passed the Online Streaming Act (OSA), which amended the previously existing Broadcasting Act, passed in 1991. The new law defined "online undertakings" as a new type of broadcasting, so that online streaming platforms could fall under the purview of the Canadian Radio-television and Telecommunications Commission

(CRTC)—a body similar to the United States' Federal Communications Commission. The law then tasked the CRTC with issuing regulations to update the Broadcasting Act, requiring streaming platforms to "make certain annual contributions to the Canadian broadcasting system and, specifically, support the creation and production of Canadian and Indigenous content."[v]

A year later, the CRTC released a decision detailing the monetary amount that platforms must contribute and where these funds will be directed. In its ruling, the CRTC mandated that platforms with annual revenues greater than CA$25 million contribute "not less than 5% of its annual contributions revenues derived from its audio-visual/audio broadcasting activities from the previous broadcast year" to designated funds. The CRTC's threshold ensures that the tax only captures U.S. companies. As for the designated funds, the CRTC determined that platforms must distribute their contributions in the following manner:

- No less than 2 percent to the Canada Media Fund (CMF);
- No less than 1.5 percent to the Independent Local News Fund;
- No less than 0.5 percent to the Indigenous Screen Office Fund;
- No less than 0.5 percent to any or a combination of identified Certified Independent Production Funds that demonstrate a dedicated funding envelope for producers from official language minority communities; and
- No less than 0.5 percent to a combination of an additional selection of funds:
    - Black Screen Office Fund;
    - Canadian Independent Screen Fund for Black People and People of Colour (BPOC) creators; and
    - Broadcasting Accessibility Fund.

While the OSA does not specify content quotas for online streaming services, the Broadcasting Act grants the CRTC the power to impose them if it deems fit. As of January 2026, the CRTC has not declared an intention to apply a quota system to online streaming services, but it does have one in place for broadcast and over-the-air television channels.

Like the European Union, Canada's approach also has an issue of subnational legislation further complicating and driving up compliance costs. Québec's Bill 109 imposes content quotas and "discoverability" rules, and establishes "must-carry rules."[vii] The content quotas are particularly egregious, as the requirement that 25 percent of the catalog must be French-speaking content will be onerous enough that it will force platforms to potentially reduce their English-speaking catalogs.[viii]

Australia

On November 27, 2025, the Australian Parliament passed a law imposing a minimum expenditure requirement for video streaming platforms, which forces platforms to invest in local content in order to operate in the country.[ix] The spending mandate gives companies two options: either spend at least 10 percent of their total local programming expenses or spend at least 7.5 percent of their gross Australian revenues. These funds will be directed to the production of new Australian content with a specific focus on drama, children's, documentaries, arts and educational programs. Under this legal framework, total program expenditure is defined as "expenditure for all eligible programs available on a regulated [streaming video on demand] SVOD service for its Australian service."

The bill was passed as an amendment to the Broadcasting Services Act, passed in 1992 for the stated purpose of "ensur[ing] that access to Australian content is made readily available to, and not unreasonably denied to, Australian consumers." The mandate in the bill applies to services operating in Australia with at least one million Australian subscribers, meaning the majority of services impacted will be American in origin.[x]

Brazil

Since 2017, Brazil has been considering passing similar regulations on streaming services. In 2025, there was renewed momentum on passing a quota and forced investment bill following a political push by local producers and President Lula da Silva. The bill was approved by the House in 2025 and by the Senate previously, and is now in its final stage, with the Senate set to give final approval. As currently drafted, Bill No. 2,331/2022 establishes a system in which Condecine VoD will be collected annually at a maximum rate of 3 percent. Meanwhile, in the House version, VoD services would pay from 0.5 percent to 4 percent. Funds would be directed to the Fundo Setorial do Audiovisual (FSA), the country's main incentive fund for independent production that also finances distribution and exhibition infrastructure. The bill would also allow platforms to discount their tax bill—instead of paying the tax—by licensing Brazilian independent content.[xi]

Additionally, the proposal includes a content quota mandating that platforms' catalogs are comprised of at least 10 percent Brazilian content (50 percent from independent producers). Companies would be required to give this content "prominence" in their platform catalog. The bill would also establish a "minimum theatrical window" of 63 days, which prevents movies from being released onto a streaming platform until nine weeks after theatrical release.[xii]

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04 The (Not so Hidden) Costs of These Regulations

The most significant and evident costs of the aforementioned regulations are the money transfers—through either contributions to a fund or mandated investments in local productions—that streaming services must make as part of the minimum investment mandates established in different laws and legislative proposals. However, precisely quantifying these costs poses a challenge, as most governments do not disclose official figures quantifying contributions, even though the rules for contributions are public. To make matters worse, the discretion the AVMSD gives to member states to decide how to implement their rules has created significantly different standards on a country-by-country basis in Europe.

Nonetheless, it is still possible to derive an approximate, albeit imperfect, estimate of yearly contributions. This can be done using publicly available sector-wide revenue estimates. By examining this data in tandem with market share metrics, it is possible to estimate what proportion of said revenue is attributable to U.S.-based companies. After applying the rates established by each law, the resulting number will give an approximate measure of the yearly contributions of U.S. companies in European countries. In the cases of Australia, Brazil, and Canada, this analysis relies on figures compiled by the Computer & Communications Industry Association (CCIA).[xiii] The resulting estimates represent a best-possible approximation of the yearly contributions of U.S.-based streaming services globally.

For European countries, the estimates in the table below are based on what France—the only country in which regulators have publicized official figures of contributions by platforms—considers to be "local streaming revenues." The French authority definition of revenues seems to follow what is considered as over-the-top (OTT) revenues, which includes the revenues product of subscription income, alongside advertising revenue and pay-per-view revenues. The estimate follows the assumption that the rest of the European countries also base their calculations on OTT revenue. It would be reasonable to assume that, despite the country-level differences in rates, implementation of the AVMSD would be uniform across the EU. Brazil's proposal, similarly appears to consider OTT revenues for its calculation. Therefore, the market revenue projection in Table 1 takes that into account.

04 The (Not so Hidden) Costs of These Regulations

Table 1: Estimation of Global Yearly Contributions of U.S.-Based Streaming Companies

Country	Minimum Investment Rate (% Of Revenue)	2025 Total OTT Market Revenue (in millions)	U.S.-Company Market Share	Estimated U.S. Revenue Subjected to Contribution (in millions)	Yearly Contribution Based on 2025 Revenue (in millions)
Belgium	2-4% for Flanders region 2.2-9.2% for Wallonia region[xiv]	$1,061.21[xv]	83%[xvi]	$880.80	$36.99-$116.27
Croatia	5%[xvii]	$70.85[xviii]	99%[xix]	$70.14	$3.51
Czechia	3.5%[xx]	$380.7[xxi]	82%[xxii]	$312.17	$10.93
Denmark	6%[xxiii]	$409.12[xxiv]	73%[xxv]	$298.66	$17.92
France	20%-25%[xxvi]	$1,510*[xxvii]	-	-	$260.54*[xxviii]
Greece	1.5%[xxix]	$327.4[xxx]	88%[xxxi]	$288.11	$4.32
Italy	16%[xxxii]	$3,934.02[xxxiii]	63%[xxxiv]	$2,478.43	$396.55
Norway	4%[xxxv]	$844.47[xxxvi]	78%[xxxvii]	$658.69	$26.35
Poland	1.5%[xxxviii]	$1627.67[xxxix]	55%[xl]	$895.22	$13.43
Portugal	5%[xli]	$241.07[xlii]	84%[xliii]	$202.50	$10.12
Romania	4%[xliv]	$221.14[xlv]	92%[xlvi]	$203.45	$8.14
Spain	5%[xlvii]	$3152.37[xlviii]	67%[xlix]	$2,112.09	$105.60
Switzerland	4%[l]	$1,136.65[li]	84%[lii]	$954.79	$38.19
Australia	7.5%	-	-	$2,100[liii]	$157.5
Canada	5%	-	-	$5,730[liv]	$287
Total					**$1,366.71- $1,445.98**
Brazil (if passed)	6%	$4,577.88[lv]	83%[lvi]		
Total+Brazil					**$1,594.69- $1,673.96**

**Officially reported average contribution and market revenue from U.S. companies (2021-2023)*

As can be seen above, minimum investment contributions are poised to cost U.S.-based streaming companies approximately $1.4 billion next year, without accounting for sector growth in future years. If Brazil were to pass its proposal, the figure could approach $1.7 billion. Such required contributions can become extremely onerous for an industry that typically operates within thin profit margins, as the costs of complying with these laws can end up potentially upending the commercial viability of these services.

Next year, minimum investment contributions are poised to cost U.S.-based streaming companies

$1.4B

Library quotas also introduce issues for streaming platforms, users, and even the local producers they claim to support. These policies' flaws become more apparent once they are enacted in multiple markets. Local content quotas hurt consumers and platforms, as they lead to a degradation of service, as platforms must cut or limit the number of foreign-made

04 The (Not so Hidden) Costs of These Regulations

products from their catalog or artificially surface local content in order to comply. It defeats one of the strongest advantages platforms have against broadcast or over-the-air content: having vast and diverse content catalogs that consumers can access on demand. By incentivizing platforms to cut their total library, quotas are resulting in inferior products, which not only hurts individual platforms' businesses but also forces consumers to make do with lower quality products, as the competing alternatives will also have constrained catalogs. Content quotas are just the latest on a long list of well-intentioned policies that end up harming those they claim to protect. Similar to other types of trade protectionism, content quotas incentivize other jurisdictions to enact similar retaliatory quotas of their own. If multiple jurisdictions follow suit, the financial viability of all locally-made productions will ultimately be affected, as foreign-enacted quotas restrict the potential market of these productions.

This is best illustrated with an example. As the EU established its three-in-ten local content quota for streaming services, other countries (like Brazil) are now considering enacting similar measures. The current version of the Brazilian proposal envisions a 10 percent quota. If this restriction is enacted, a French production will be considered local in France, but foreign in Brazil. Therefore, if a platform brings a show or movie produced in France to its catalog in Brazil, it risks exceeding that one-in-ten proportion and falling into noncompliance in Brazil. In other words, the intellectual property (IP) produced in France now has limited export potential, as it would be considered "foreign" in every other country with a similar regime.

This "beggar thy neighbor" content policy results in everyone being worse off. The more countries replicate these policies, the more that locally-produced IP will be limited to their local audiences for distribution, reducing their commercial viability and stunting their growth potential. As a result, locally produced IP is far less likely to receive worldwide acclaim. Additionally, by restricting the sorts of content platforms can and cannot host, the costs of licensing compliant IP are likely to go up, as platforms will now have to bid amongst each other to be able to license an increasingly scarce supply of existing compliant IP.

This "beggar thy neighbor" content policy results in everyone being worse off.

The potential losses for platforms skyrocket when the content quotas and investment mandates are passed in tandem. As explained above, in a world where content quotas proliferate, locally-produced content becomes less commercially appealing and has a smaller potential for growth. At the same time, platforms are forced to invest into these local productions with a limited growth potential. This combination of policies introduces both observable and unobservable costs. The former would be reflected in balance sheets once a production fails and leads to a loss.

Economists, however, know too well the importance of accounting for unseen costs, such as the forfeited revenue from subscriptions, merchandise, licensing, and other sources of revenue that emerge from universally successful productions. Under this regime, worldwide hits like

04 The (Not so Hidden) Costs of These Regulations

Squid Game or *Money Heist* would have faced increased resistance for their introduction into foreign markets, as platforms would undermine their local-to-foreign content ratio by including them in their catalog, thus limiting their potential to reach global audiences. The global distribution of these productions under streaming services led not only to commercial success from a viewership standpoint but also created two cultural phenomena that resulted in the popularization of both the shows' merchandise and multiple licensing deals that use the shows' IP in products like video games. However, if the IP were initially denied entry into foreign markets, none of these additional sources of revenue would have materialized. from a viewership standpoint but also created two cultural phenomena that resulted in the popularization of both the shows' merchandise and multiple licensing deals that use the shows' IP in products like video games. However, if the IP were initially denied entry into foreign markets, none of these additional sources of revenue would have materialized.

"The issues with degraded commercial viability compound when investment mandates or content quotas are also paired with micromanagement of platforms' catalogs or investment decisions."

The issues with degraded commercial viability compound when investment mandates or content quotas are also paired with micromanagement of platforms' catalogs or investment decisions. Namely, by restricting which genres platforms can host or invest in as they try to comply with these laws. For example, Australia's law specifically mandates that platforms invest in less commercially successful genres such as drama, children's, documentary, arts and educational programs.[lvii] Meanwhile, France also imposed a clause which requires streamers to invest in "animation, creative documentaries, or recordings or recreations of live performances."[lviii]

The EU experiment provides proof of this phenomenon. As a report by the International Center for Law and Economics (ICLE) notes, when the EU passed the AVMSD, it did so with the intention of invigorating a pan-European audiovisual industry. However, the bill still allowed member states to establish their own domestic quotas and minimum investment requirements. The result was that member states focused mostly on domestic production and distribution while crowding out works from neighboring European nations.[lix] For example, streaming services in France would acquire and distribute French content to fulfill their obligations in France, but they would do so at the expense of Spanish works. This further limited a European market that was already characterized by linguistic and cultural differences, thus hampering the profitability of these local works even more.[lx]

Furthermore, when these quotas were taken in conjunction with minimum investment mandates, the end result was a decline in the amount of locally-produced content. This was

The (Not so Hidden) Costs of These Regulations

due to both a rise in production costs and the aforementioned fall in profits. As the ICLE report explains, the minimum investment mandates resulted in an inflationary spiral that increased production costs for local media, especially talent acquisition. As these funds started flowing in and production companies tried to leverage them to ramp up content creation efforts, they had to compete with one another for a largely fixed supply of actors and technical staff. This competition led to bidding wars that only made the cost of labor involved in content creation more expensive. At the same time, content quotas were limiting the potential markets where these increasingly costly works could be distributed. The incentive was then to produce a lower volume of big budget productions, in hopes that these works could compete in quality rather than quantity. This approach usually favors larger studios and crowds out smaller and medium studios, increasing barriers to entry and harming competition. The end result was a significantly hampered industry that produced fewer works. Due to decreased competition, the works that did get produced were lower quality.[lxi] These findings were bolstered by the French regulator's study on the implementation of the AVMSD, claiming the industry pivoted towards producing a lower amount of bigger budget productions, instead of benefiting independent and small budget production.[lxii]

The negative effects of quota systems also extend to consumers, as streaming services must sacrifice some of their most appealing features to comply with these quotas. As mentioned above, after their enactment, these quota systems forced platforms to hold a specific domestic-to-foreign content ratio at all times. This might be theoretically feasible in the long term, but it introduces significant short-term content challenges, mainly as platforms try to procure domestic content to satisfy these quotas. Producing a movie or a show takes a significant amount of time, as these productions have to go through a planning and casting phases prior to release. Platforms cannot just turn on a switch and increase the amount of locally produced content in their catalog. Even if they acquire already-released IP, the negotiation and procurement process still take a significant amount of time. Thus, in the immediate aftermath of the enactment of a quota system, platforms are forced to shoulder switching costs. If they cannot increase their local content fast enough, they must cut their foreign offerings to comply with the mandated proportion, or pay the fines associated with non-compliance. In other words, platforms are pushed to degrade their service in various ways: most obviously by reducing their catalog of foreign movies, or removing a key competitive feature of streaming services versus other analog services like over-the-air television. They might delay the introduction of new features or IP, or exit the market altogether. The costs are ultimately borne by consumers, who must consume a worse product either by remaining in diminished streaming services they are already subscribed to, or going back to basic over-the-air products.[lxiii]

05 The Path Ahead

The global dominance of the American streaming industry has unfortunately created an opportunity for foreign governments to compete through overregulation rather than merit. As their domestic streaming industries often pale in comparison to their American counterparts, foreign governments can afford to pass costly regulations to extract value from U.S.-based operations with little resulting political cost. These governments have little trouble exempting local services from contribution mandates to create an uneven playing field. Moreover, such measures are likely to be popular, as politicians are seen as protecting local entrepreneurship.

It appears the only way to address these discriminatory policies and their global proliferation is through trade negotiations and diplomatic efforts. For example, the Trump administration has already taken notice of and rightly criticized these hostile regulations in Australia,[lxiv] and has called out these policies as discriminatory in the presidential memorandum on “Defending American Companies and Innovators From Overseas Extortion and Unfair Fines and Penalties.”[lxv] Incorporating the streaming industry into ongoing trade negotiations is imperative to prevent foreign governments from using American companies as proxy funders of their cultural programs. Markets, not bureaucrats, should lead the way in providing streaming services for consumers.

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