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SCREEN QUOTAS IN BRAZIL: A BRIEF HISTORY AND ONE PROPOSITION¹

COTA DE TELAS NO BRASIL: UM BREVE HISTÓRICO E UMA PROPOSIÇÃO

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Simis (2009) addressed the mandatory exhibition requirement, or screen quota, considering it one of the oldest forms of protection and promotion of national audiovisual production. According to the author, as early as 1932, Getúlio Vargas, through Article 12 of Decree No. 21,240, “instituted the mandatory exhibition of educational films, one for each program shown in movie theaters” (Simis, 2009, p. 138).

However, it was only in 1934 that the policy was effectively implemented, with the additional requirement that a national short film be exhibited in each program (Simis, 2009). For the author, this policy was “conceived as a way to curb market abuses, translated into the ill will of exhibitors and the greed of foreign film companies that sought to prevent the entry of new competitors” (p. 138).

In the last decade of the twentieth century, Law No. 8,401/1992 established the obligation for companies that own, lease, or rent movie theaters, spaces, or venues for public commercial exhibition to screen Brazilian feature-length films for a certain number of days, set annually by decree of Executive Branch, with a validity period of ten years. This law, together with Law No. 8,313/1991 (the Rouanet Law) and Law No. 8,685/1993 (the Audiovisual Law), forged “the beginning of a new film policy” (Dantas & Rodrigues, 2018). Among these measures, Provisional Measure No. 2,228-1 revoked Law No. 8,401/1992, specifying changes to the screen quota policy for movie theaters as of 2002.

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In this editorial, I discuss the use of screen quotas in promoting Brazilian film production from 2002 onward³. Initially, I present a historical overview and a synthesis of the decrees published between 2002 and 2025, highlighting the main criteria for the effective implementation of screen quotas in Brazil. Finally, I propose a formula for calculating the maximum screen quota limit that I consider more inclusive in economic terms and broader in the number of titles to be exhibited in movie theaters, as well as more consistent with the recent growth of Brazilian film production.

Given that the validity of the screen quota policy was recently extended until December 31, 2033, this proposal aims to expand its effects on the competitiveness of small national production and distribution companies, as well as on the breadth of access to the cultural diversity portrayed in Brazilian cinema.

A BRIEF HISTORY OF BRAZILIAN SCREEN QUOTA POLICY IN THE 21ST CENTURY

It was in September 2001 that President Fernando Henrique Cardoso adopted Provisional Measure No. 2,228-1, establishing the general principles of the National Cinema Policy. At the same time, it created the Higher Council of Cinema and the National Film Agency (ANCINE), instituted the Program to Support the Development of National Cinema (PRODECINE), and authorized the creation of Financing Funds for the National Film Industry (FUNCINES), among other provisions.

Morais (2019, p. 62), in summarizing the founding bases of Brazilian audiovisual policy, notes that this provisional measure was a response to the mobilization of the Brazilian film community, which demanded “a public body to subsidize national production, filling the gap left by the extinction of Embrafilme,” which

³ I will only address the so-called screen quota for exhibition in movie theaters. However, I note that Law 12.485 of 12/09/2011, which deals with audiovisual communication with conditional access, establishes in article 16 the following obligation: “In qualified space channels, at least 3h30 (three hours and thirty minutes) per week of the content broadcast during prime time must be Brazilian and integrate qualified space, and half must be produced by an independent Brazilian production company” with validity until December 31, 2038. On this subject, I suggest reading Jambeiro, Ferreira and Moraes (2019), Costa (2015) and Lopes (2015).



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had been dissolved in 1990. The author highlights the importance of the 3rd Brazilian Cinema Congress (CBC), held in Porto Alegre, between June 28 and July 1, 2000, “after almost fifty years since the first editions of the meeting (1952 and 1953).”

However, going beyond the issues of film production in Brazil - which was the main demand of the sector in 2000 - Simis (2017, p. 60), in analyzing the transformations that occurred in the exhibition system in Brazilian movie theaters, suggests that exhibition is “the central axis of cultural policy for the democratic diffusion of cinema, taking into account the issue of diversity, especially the exhibition of Brazilian cinema”.

Similarly, Geraldes and Carvalho (2014), in their historical overview of cultural policies for access to cinema in Brazil, observed a predominance of policies focused on film production to the detriment of access to films. They argue that “the increase and diversification of investment in production, which resulted in a high number of annual releases of the most varied genres and profiles, were unable to ensure that the film reaches the viewer or that the viewer reaches the film” (p. 95).

Cardoso (2024, p. 264) notes that “historically, not only in Brazil but also in countries that apply quotas for the production and exhibition of national works, the measure has, in general, positive reach and impacts.”

Among the issues addressed by Provisional Measure No. 2,228-1, Article 55 determined that “for a period of twenty years, counted from September 5, 2001, companies that own, lease, or rent movie theaters, spaces, or venues for public commercial exhibition shall exhibit Brazilian feature-length cinematographic works for a number of days fixed annually by decree, after hearing the representative entities of producers, distributors, and exhibitors” (Brazil, 2001).

The first decree establishing the rules for the screen quota was issued during the government of Fernando Henrique Cardoso - Decree No. 4,196/2002, valid for the year 2002 (Brazil, 2002). Eight months later, Decree No. 4,556/2002 established the rules for 2003. In subsequent years, 16 additional decrees were issued, covering the period between 2004 and 2018, and 2020. For 2019, during the government of Michel



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Temer, no decree was promulgated, and for 2021, during the government of Jair Bolsonaro, no decree was issued either. Thus, out of a legal provision of 20 years, coverage was provided for 18 years (90%) of what had been established by the Provisional Measure.

More than two decades later, during the third term of President Luiz Inácio Lula da Silva, through Law No. 14,814/2024, among other amendments to Provisional Measure No. 2,228-1, Article 55 was given the following wording: “Until December 31, 2033, companies that own, lease, or rent movie theaters, spaces, venues, or exhibition complexes for public commercial exhibition are required to exhibit Brazilian feature-length cinematographic works within their programming, observing the minimum number of sessions and the diversity of titles, established under the terms of the regulations, on an annual basis, by decree of Executive Branch, after hearing ANCINE and the representative entities of producers, distributors, and exhibitors” (Brazil, 2024).

It should be noted that, in relation to the 2001 provisional measure, there was innovation in the requirement for diversity of titles, as well as the replacement of the minimum number of days with a minimum number of sessions for the exhibition of Brazilian films.

On June 19, 2024, President Luiz Inácio Lula da Silva signed Decree No. 12,067, establishing the rules for 2024. This was followed by Decree No. 12,323 of December 19, 2024, referring to the year 2025. More recently, Decree No. 12,796 of December 23, 2025, provided for the mandatory exhibition of Brazilian cinematographic works in 2026. Thus, over the course of three decades, should Law No. 14,814/2024 be effectively enforced, Brazil will complete 28 years of the existence of screen quotas for the exhibition of national cinema in the 21st century.

Within the set of 21 decrees published between 2002 and 2025, three general criteria for the application of screen quotas for Brazilian cinema can be identified. For the years 2002 and 2004, minimum limits of days were established, linked to the number of screens in exhibition complexes. In 2002, the minimum number of days ranged from 28 days per screen for complexes with up to six screens, gradually



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decreasing to an average of 19.7 days for complexes with 11 screens. In the case of complexes with more than 11 screens, an additional seven days per screen were added. In 2004, a minimum of 63 days per screen was established, regardless of the size of the exhibition complex.

For the remaining years - 2003, 2005 to 2018, and 2020 - screen quotas combined the number of screens with a minimum number of titles. Finally, the most recent decrees (for 2024, 2025, and 2026), issued during the third term of President Luiz Inácio Lula da Silva, adopted the criterion of a minimum percentage of sessions per number of screens in the exhibition group, combined with a minimum number of titles. Chart 1 summarizes the main screen quota criteria for this period.

Chart 1 – Decrees and specification of Screen Quotas – 2002/2025

Decree	Screen Quota
4.196/2002	1 room (28 days); 2 rooms (56 days); 3 rooms (84 days); 4 rooms (112 days); 5 rooms (140 days); 6 rooms (154 days); 7 rooms (175 days); 8 rooms (182 days); 9 rooms (196 days); 10 rooms (210 days); 11 rooms (217 days); Mais de 11 rooms (217 days + 7 days por room)
4.556/2002	1 room (35 days; 2 titles); 2 rooms (70 days; 3 titles); 3 rooms (105 days; 3 titles); 4 rooms (154 days; 4 titles); 5 rooms (210 days; 4 titles); 6 rooms (217 days; 5 titles); 7 rooms (224 days; 6 titles); 8 rooms (238 days; 6 titles); 9 rooms (252 days; 6 titles); 10 rooms (266 days; 7 titles); 11 rooms (280 days; 7 titles); More than 11 rooms (280 days + 7 days per additional room; 7 titles)
4.945/2003	63 days per room, space, or exhibition location, whether adjoining or not, located in the same complex and belonging to the same company.
5.328/2004 5.648/2005	1 room (35 days; 2 titles); 2 rooms (84 days; 2 titles); 3 rooms (147 days; 3 titles); 4 rooms (224 days; 4 titles); 5 rooms (280 days; 5 titles); 6 rooms (378 days; 6 titles); 7 rooms (441 days; 7 titles); 8 rooms (448 days; 8 titles); 9 rooms (448 days; 9 titles); 10 rooms (455 days; 10 titles); 11 rooms (462 days; 11 titles); More than de 11 rooms (462 + 7 days per additional room; 11 titles)
6.004/2006	1 room (28 days of display on the room; 2 titles); 2 rooms (70 days in the total complex; 2 titles); 3 rooms (126 days in the total complex; 3 titles); 4 rooms (196 days in the total complex; 4 titles); 5 rooms (280 days in the total complex; 5 titles); 6 rooms (378 days in the total complex; 6 titles); 7 rooms (441 days in the total complex; 7 titles); 8 rooms (448 days in the total complex; 8 titles); 9 rooms (468 days in the total complex; 9 titles); 10 rooms (490 days in the total complex; 10 titles); 11 rooms (506 days in the total complex; 11 titles); 12 rooms (516 days in the total complex; 11 titles); 13 rooms (533 days in the total complex; 11 titles); 14 rooms (546 days in the total complex; 11 titles); 15 rooms (570 days in the total complex; 11 titles); 16 rooms (592 days in the total complex; 11 titles); 17 rooms (612 days in the total complex; 11 titles); 18 rooms (630 days in the total complex; 11 titles); 19 rooms (637 days in the total complex; 11 titles); 20 rooms (644 days in the total complex; 11 titles); More than 20 rooms (644 + 7 days per additional room in the complex; 11 titles)



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6.325/2007 6.711/2008 7.061/2009	1 room (28 days; 2 titles); 2 rooms (70 days; 2 titles); 3 rooms (126 days; 3 titles); 4 rooms (196 days; 4 titles); 5 rooms (280 days; 5 titles); 6 rooms (378 days; 6 titles); 7 rooms (441 days; 7 titles); 8 rooms (448 days; 8 titles); 9 rooms (468 days; 9 titles); 10 rooms (490 days; 10 titles); 11 rooms (506 days; 11 titles); 12 rooms (516 days; 11 titles); 13 rooms (533 days; 11 titles); 14 rooms (546 days; 11 titles); 15 rooms (570 days; 11 titles); 16 rooms (592 days; 11 titles); 17 rooms (612 days; 11 titles); 18 rooms (630 days; 11 titles); 19 rooms (637 days; 11 titles); 20 rooms (644 days; 11 titles); More than 20 rooms (644 + 7 days per additional room in the complex; 11 titles)
7.414/2010 7.647/2011 7.874/2012 8.176/2013	1 room (28 days; 3 titles); 2 rooms (70 days; 4 titles); 3 rooms (126 days; 5 titles); 4 rooms (196 days; 6 titles); 5 rooms (280 days; 7 titles); 6 rooms (378 days; 8 titles); 7 rooms (441 days; 9 titles); 8 rooms (448 days; 10 titles); 9 rooms (468 days; 11 titles); 10 rooms (490 days; 12 titles); 11 rooms (506 days; 13 titles); 12 rooms (516 days; 14 titles); 13 rooms (533 days; 14 titles); 14 rooms (546 days; 14 titles); 15 rooms (570 days; 14 titles); 16 rooms (592 days; 14 titles); 17 rooms (612 days; 14 titles); 18 rooms (630 days; 14 titles); 19 rooms (637 days; 14 titles); 20 rooms (644 days; 14 titles); More than 20 rooms (644 + 7 days per additional room in the complex; 14 titles)
8.386/2014	1 room (28 days; 3 titles; maximum number of rooms with the same title: 1); 2 rooms (70 days; 4 titles; maximum number of rooms with the same title: 2); 3 rooms (126 days; 5 titles); maximum number of rooms with the same title: 2); 4 rooms (196 days; 6 titles; maximum number of rooms with the same title: 2); 5 rooms (280 days; 8 titles; maximum number of rooms with the same title: 2); 6 rooms (378 days; 9 titles; maximum number of rooms with the same title: 2); 7 rooms (441 days; 11 titles; maximum number of rooms with the same title: 2,5); 8 rooms (480 days; 12 titles; maximum number of rooms with the same title: 2,5); 9 rooms (531 days; 14 titles; maximum number of rooms with the same title: 3); 10 rooms (560 days; 15 titles; maximum number of rooms with the same title: 3); 11 rooms (583 days; 17 titles; maximum number of rooms with the same title: 3); 12 rooms (600 days; 18 titles; maximum number of rooms with the same title: 4); 13 rooms (624 days; 20 titles; maximum number of rooms with the same title: 4); 14 rooms (644 days; 21 titles; maximum number of rooms with the same title: 4); 15 rooms (675 days; 23 titles; maximum number of rooms with the same title: 5); 16 rooms (704 days; 24 titles; maximum number of rooms with the same title: 5); 17 rooms (731 days; 24 titles; maximum number of rooms with the same title: 5); 18 rooms (756 days; 24 titles; maximum number of rooms with the same title: 5); 19 rooms (763 days; 24 titles; maximum number of rooms with the same title: 6); 20 rooms (770 days; 24 titles; maximum number of rooms with the same title: 6); More than 20 rooms (770 + 7 days per additional room in the complex; 24 titles; 30% of room in the complex)
8.620/2015 8.944/2016 9.256/2017	The quotas for up to 17 rooms from Decree no. 8,386/2014 were maintained, and the following were altered: 18 rooms (756 days; 24 titles; maximum number of rooms with the same title: 6); 19 rooms (779 days; 24 titles; maximum number of rooms with the same title: 6); 20 rooms (800 days; 24 titles; maximum number of rooms with the same title: 6); More than 20 rooms (800 + 7 days per additional room in the complex); 24 titles; maximum number of rooms with the same title: 30% of the rooms in the complex).



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10.190/2019	1 (27.4 days); 2-3 rooms (28.2 days); 4-5 rooms (31.0 days); 6-7 rooms (32.9 days); 8-9 rooms (34.7 days); 10-11 rooms (36.5 days); 12-13 rooms (37.3 days); 14-15 rooms (38.1 days); 16-17 rooms (39.2 days); 18-20 rooms (40.8 days); 21-30 rooms (41.1 days); 31-40 rooms (42.5 days); 41-50 rooms (47.8 days); 51-70 rooms (49.3 days); 71-80 rooms (50.2 days); 81-100 rooms (51.1 days); 101-200 rooms (54.6 days); 201 or more (57.3 days) 1 room (3 titles); 2 rooms (4 titles); 3 rooms (5 titles); 4 rooms (6 titles); 5 rooms (8 titles); 6 rooms (9 titles); 7 rooms (11 titles); 8 rooms (12 titles); 9 rooms (14 titles); 10 rooms (15 titles); 11 rooms (17 titles); 12 rooms (18 titles); 13 rooms (20 titles); 14 rooms (21 titles); 15 rooms (23 titles); 16 rooms or more (24 titles)
12.067/2024	1 room (7.5% of sessions); 2 or 3 rooms (8.0% of sessions); 4 or 5 rooms (8.5% of sessions); 6 or 7 rooms (9.0% of sessions); 8 or 9 rooms (9.5% of sessions); 10 or 11 rooms (10.0% of sessions); 12 or 13 (10.5% of sessions); 14 or 15 (11.0% of sessions); 16 or 17 rooms (11.5% of sessions); 18 to 20 rooms (12.0% of sessions); 21 to 30 rooms (12.5% of sessions); 31 to 40 rooms (13.0% of sessions); 41 to 50 rooms (13.5% of sessions); 51 to 70 rooms (14.0% of sessions); 71 to 80 rooms (14.5% of sessions); From 81 to 100 rooms (15.0% of sessions); From 101 to 200 rooms (15.5% of sessions); 201 or more rooms (16.0% of sessions). 1 room (3 titles); 2 rooms (4 titles); 3 rooms (5 titles); 4 rooms (6 titles); 5 rooms (8 titles); 6 rooms (9 titles); 7 rooms (11 titles); 8 rooms (12 titles); 9 rooms (14 titles); 10 rooms (15 titles); 11 rooms (17 titles); 12 rooms (18 titles); 13 rooms (20 titles); 14 rooms (21 titles); 15 rooms (23 titles); 16 rooms or more (24 titles)
12.323/2024 12.796/2025	It maintained the same percentages of sessions as the previous decree and changed the minimum number of titles: 1 room (4 titles); 2 rooms (5 titles); 3 rooms (7 titles); 4 rooms (8 titles); 5 rooms (11 titles); 6 rooms (12 titles); 7 rooms (15 titles); 8 rooms (16 titles); 9 rooms (19 titles); 10 rooms (20 titles); 11 rooms (23 titles); 12 rooms (24 titles); 13 rooms (27 titles); 14 rooms (28 titles); 15 rooms (31 titles); 16 rooms or more (32 titles)

Source: Prepared by the author based on Brazil (2025) and Brazil (2025a)

What stands out is the fact that, over the years, the diversity of titles has expanded. In 2003, the maximum number of titles required was seven for complexes with ten or more screens. Between 2005 and 2010, this number increased to eleven titles for groups with eleven or more screens. Over the following four years, this limit was raised to fourteen for complexes with twelve or more screens. Between 2015 and 2018, there was a jump to twenty-four titles when there were sixteen or more screens, and this limit was maintained for 2020 and 2025. Finally, the decree that established the screen quotas for 2026 raised this limit to thirty-two films for exhibition groups with sixteen or more screens.

However, merely observing this growth in the maximum number of titles to be exhibited over this period is not sufficient to claim that this, in itself, is a positive development. It seems to me that a better assessment of the evolution of the screen



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quota for Brazilian cinema arises from comparing, over this period, the proportions of the screen quota in relation to the total number of national films exhibited each year.

Table 1 presents data on the number of releases and the maximum screen quota for the period between 2002 and 2018. Although data for 2020 were also available, I chose not to include them, as that year was the first of the COVID-19 pandemic, which had a highly devastating effect on the Brazilian movie exhibition market. In 2020, only 59 Brazilian films were released, a drop of 35% compared to the 2019 releases (167).

Table 1 – Maximum number of titles to be shown within the screen quota and number of national films released each year. – 2002 a 2018

Year	Releases	Maximum Quota Limit	%	Year	Releases	Maximum Quota Limit	%
2002	29	Not defined	-	2003	30	7	23,3
2004	49	Not defined	-	2005	46	11	23,9
2006	71	11	15,5	2007	78	11	14,1
2008	79	11	13,9	2009	84	11	13,1
2010	74	11	14,9	2011	100	14	14,0
2012	83	14	16,9	2013	129	14	10,8
2014	114	14	12,3	2015	133	24	18,0
2016	142	24	16,9	2017	160	24	15,0
2018	182	24	13,2			% Médio	15,7

Source: Prepared by the author based on Brasil (2025) and OCA (2025)

As can be seen in Table 1, there was a decrease in the proportion of films released each year in relation to the maximum screen quota. As the Brazilian film production that reached movie theaters grew, the screen quotas became smaller and smaller in percentage terms, not exceeding 20% as occurred in 2003 (23.3%) and 2005 (23.9%). On average, in the 15 years in which this value was defined, the screen quota represented 15.7%.

Thus, it is clear that the screen quota policy, throughout the 20 years it was in effect, did not show a behavior consistent with the growth of the presence of Brazilian films in movie theaters. In fact, when comparing the first two years (2003 and 2005), which averaged 23.6%, with the two most recent (2017 and 2018), which averaged 14.1%, it can be seen that the coverage of the screen quota has decreased by almost ten percentage points since its inception.



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INCREASE IN THE MAXIMUM SCREEN QUOTA LIMIT⁴

The data presented in the previous section suggests a question: would it be possible to establish a more comprehensive screen quota policy, allowing a greater diversity of national films to reach movie theaters in Brazil?

Although the screen quota policy has other incentive mechanisms⁵ which go beyond defining the number of films required according to the number of screens in the exhibiting group in each location, it might be interesting to aim for at least 20% of the films released annually, approaching the values achieved in 2003 and 2005. Of course, it is not possible to predict exactly how many films will be released in the year following the publication of each decree. However, an analysis of the behavior of the Brazilian film exhibition market in previous years can help establish a screen quota in percentage terms with regard to the diversity of titles.

One possible estimate would be to use 25% of the average number of films released in the previous three years as the screen quota. Table 2 presents the data relating to this formula for defining the maximum screen quota for the period between 2003 and 2018, except for 2004.

⁴ This proposal takes on the character of a personal reflection on the subject, and its possible consideration in future decrees should follow what is established in article 55 of law no. 14.814/2024: Until December 31, 2033, companies that own, lease, or rent theaters, spaces, locations, or complexes for commercial public exhibition are required to exhibit Brazilian feature films as part of their programming, observing the minimum number of sessions and the diversity of titles, established in accordance with the regulations, on an annual basis, by decree of the Executive Branch, **after consulting Ancine and the representative entities of producers, distributors, and exhibitors** (my emphasis).

⁵ Starting in 2005, with the publication of IN 38, ANCINE began to regulate in detail how to comply with the mandatory exhibition of Brazilian feature films. Until 2024, 13 more normative instructions were published amending the previous ones (ANCINE, 2024).



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Table 2 – Difference between the maximum annual screen quota and the maximum quota calculated as 25% of the average number of films released in previous years.

Year	Maximum Quota (a)	Average number of films released in the previous 3 years	Maximum Quota recalculated (b)	Difference (b-a)
2003	7	27	7	0
2005	11	36	9	-2
2006	11	42	10	-1
2007	11	55	14	3
2008	11	65	16	5
2009	11	76	19	8
2010	11	80	20	9
2011	14	79	20	6
2012	14	86	22	8
2013	14	86	21	7
2014	14	104	26	12
2015	24	109	27	3
2016	24	125	31	7
2017	24	130	32	8
2018	24	145	36	12

Source: Prepared by the author based on Brazil (2025) and OCA (2025)

The results presented in Table 2 show that, as of 2007, the use of this formula for calculating the maximum screen quota would result in higher values than those defined in the annual decrees of the period. For example, in 2018, the maximum screen quota would be 36 films, equivalent to 25% of the average number of Brazilian films released in 2015 (133), 2016 (142), and 2017 (160). Thus, the screen quota according to this estimate would be 50% higher than that provided for in Decree No. 9,256/2017 (24 films).

For 2025, Decree No. 12,067/2024 established a maximum screen quota of 24 titles. However, applying the proposed formula would raise this quota to 44 films, equivalent to 25% of the average number of Brazilian films released in 2022 (173), 2023 (160), and 2024 (197). Finally, for 2026, Decree No. 12,796/2025 provides for a maximum screen quota of 32 films. Although the number of films released in 2025 has



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not yet been made available, partial information can be found in Dataset 28 of ANCINE's Open Data Portal (Brasil, 2025a).

This dataset, which is updated monthly, contains information on the commercial releases of distributors, including the release dates of works in exhibition theaters and the country of origin. The most recent update of these data, dated December 1, 2025, provides information on 155 Brazilian films released between January 9, 2025, and November 6, 2025. Thus, the suggested formula for defining the maximum screen quota results in 43 films (25% of the average of the total number of films released in 2023 [160], 2024 [197], and the partial result for 2025 [155]). As can be seen, this quota would be higher than the quota established in the recent decree issued at the end of 2025.

In this way, gradually, in line with the growth in the release of Brazilian films in the exhibition market, the actual proportion of the maximum screen quota in relation to the films exhibited each year would approach the figures achieved at the beginning of the century. Additionally, a criterion could be established whereby, in the event of a decline in the average number of releases over each three-year period, the maximum quota established in the previous year would be maintained.

CONCLUSION

Trindade (2022) presents an overview of the creation of specific bodies and legislation for the Brazilian audiovisual sector and observes that:

Although the screen quota is one of the real policies for protecting Brazilian films, it has proven ineffective in terms of exhibition, which is considered insufficient by many directors in the country. In the opinion of some producers and filmmakers, it is insufficient and has not helped them to get their films into theaters. On the other hand, other professionals in the sector argue that the legislation imposes limitations, as it has forced exhibitors to release films that may not generate a return, which translates into losses.

Given these divergent positions, it is clear that adopting a more assertive policy, expanding the space for Brazilian films on cinema screens, could provoke a



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reaction from free-market advocates in the field⁶. In this regard, it is worth recalling the vote delivered by Minister Dias Toffoli of the Supreme Federal Court, denying the Extraordinary Appeal 627.432, filed by the Union of Cinematographic Companies of the State of Rio Grande do Sul (TOFFOLI, 2022), which questioned the mandatory exhibition of Brazilian films in cinemas established by Provisional Measure No. 2.228-1, of September 6, 2001. In his vote, Dias Toffoli stated that “the screen quota, consisting of the mandatory exhibition of national films in Brazilian cinemas, and the administrative sanctions resulting from its non-observance are constitutional.” (TOFFOLI, 2022, p. 344).

Furthermore, Toffoli (2022) reaffirms the difficulties faced by Brazilian film productions in cinemas, stating that

The audiovisual market has peculiar characteristics. Concentrated, it is dominated by a few large business groups, which dictate what reaches cinemas, as well as their programming, making it extremely difficult to include works that are not part of the mainstream (p. 326).

Further on, when commenting on allegations of government interference in business activity, harming free enterprise, Toffoli (2022) reinforces the economic and social character of the provisional measure, highlighting that, from an economic point of view,

...while, on the one hand, the provisional measure, with its screen quota, imposes some restrictions on “companies that own, rent, or lease theaters, spaces, or locations for commercial public exhibition” (which will necessarily screen Brazilian feature films); on the other hand, it favors national economic development by promoting Brazilian audiovisual production (p. 331).

And, from a social point of view, with regard to the protection of national culture and identity, Toffoli (2002) argues that

... Provisional Measure No. 2,228-1/01 promoted an intervention aimed at enabling the realization of the right to culture, without, on the other hand, affecting the core rights to free enterprise, free competition and private property, merely adapting economic freedoms to their social function (p. 334).

⁶ On this topic, I suggest reading Benjamini, Frarão, and Hülse (2023)



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Thus, by proposing that the maximum limits for annual screen quotas be calculated based on an average three-year performance in terms of film releases in the cinema market, I believe that the potential beneficial effects, both economic and social, of promoting film production in Brazil would be reinforced.

This would occur, on the one hand, by increasing the competitiveness of small production and distribution companies present in the Brazilian market and, on the other hand, by increasing the number of titles, allowing for greater access to the Brazilian cultural diversity so well portrayed in our films.

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