



## INTEREST GROUP DYNAMICS IN REGULATING DIGITAL PLATFORMS IN BRAZIL: Efforts to Set Rules on Online News Revenues

*Dinâmica dos grupos de interesse na regulação das plataformas digitais no Brasil: propostas para estabelecer regras sobre as receitas das notícias online*

*Dinámicas de los grupos de interés en la regulación de las plataformas digitales en Brasil: esfuerzos por establecer normas sobre los ingresos de las noticias en línea*

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### ABSTRACT:

The concentration of online content distribution and advertising revenue by platforms has fundamentally changed the traditional media landscape, triggering a crisis for publishers who relied on those revenues. Your study analyzes legislative proposals in Brazil aiming to address this complex policy battleground. The conflict over online news revenue is a prime example of a regulatory struggle driven by powerful, competing interest groups. The core of this battle lies in the redistribution of economic value and the establishment of new market rules to address the unequal bargaining power between legacy media and digital giants. Based on policymaking analysis and Latin American media regulation frameworks, we examine how legislative efforts are structuring a *new logic of media policy* in the country.

**Keywords:** Digital platforms; online news; media regulation; platform regulation.

### RESUMO

A concentração da distribuição de conteúdo online e da receita publicitária pelas plataformas mudou fundamentalmente o panorama da mídia tradicional, provocando uma crise para os editores que dependiam dessas receitas. Seu estudo analisa propostas legislativas no Brasil que visam abordar esse complexo campo de batalha político. O conflito sobre a receita de notícias online é um excelente exemplo de uma disputa regulatória impulsionada por grupos de interesse poderosos e concorrentes. O cerne dessa batalha reside na redistribuição do valor econômico e no estabelecimento de novas regras de mercado para lidar com o poder de barganha desigual entre a mídia tradicional e os gigantes digitais. Com base na análise da formulação de políticas e nas estruturas de regulamentação da mídia na América Latina, examinamos como os esforços legislativos estão estruturando uma nova lógica de política de mídia no país.

**Palavras-chave:** Plataformas digitais, notícias online, regulação da comunicação, regulação das plataformas digitais.

### RESUMEN

La concentración de la distribución de contenidos en línea y los ingresos publicitarios por parte de las plataformas ha cambiado radicalmente el panorama mediático tradicional, lo que ha provocado una crisis para los editores que dependían de esos ingresos. Su estudio analiza las propuestas legislativas en Brasil destinadas a abordar este complejo campo de batalla político. El conflicto sobre los ingresos por noticias en línea es un ejemplo paradigmático de una lucha

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regulatoria impulsada por poderosos grupos de interés rivales. El núcleo de esta batalla radica en la redistribución del valor económico y el establecimiento de nuevas reglas de mercado para abordar la desigualdad en el poder de negociación entre los medios tradicionales y los gigantes digitales. Basándonos en el análisis de la formulación de políticas y los marcos de regulación de los medios de comunicación en América Latina, examinamos cómo los esfuerzos legislativos están estructurando una nueva lógica de la política de medios de comunicación en el país.

**Palabras clave:** Plataformas digitales, noticias en línea, regulación de los medios de comunicación, regulación de las plataformas.

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## Introduction

The recent ascendancy of digital platforms has profoundly reshaped society. News content distribution and the field of journalism are among the areas most acutely affected by this influence. By controlling the circulation of online content, including news, and relying heavily on advertising revenue, digital platforms such as Facebook, Instagram and Google siphoned away income traditionally secured by established publishers, particularly in broadcasting, print, and online media. This shift triggered a crisis in the media industries and fueled widespread debates about how to re-establish equilibrium in online news funding models.

Multiple countries have attempted to grapple with this issue (Bossio et al., 2022). However, these initiatives have been plagued by extreme controversy and intense political and economic disputes among publishers, regulators, and digital platforms (Leaver, 2021). When regulators sought to create mechanisms to guarantee fair compensation for content production, digital platforms reacted fiercely, lobbying to block proposed bills and even threatening to exit countries or restrict access to online news. In Brazil, this problem has similarly given rise to multiple regulatory initiatives. This paper explores the emergence of these legislative efforts to address the dominance of digital platforms in online news production and distribution, as well as the equitable sharing of revenues generated by these businesses with journalists.

This study examines proposals that could fundamentally alter the online news ecosystem, which is now severely "platformized." We highlight the key interest groups driving the policy design in this sector. We draw on policymaking analysis and media policy studies in Latin America and Brazil (Paulino; Guazina, 2020; Ramos, 2000). The analysis maps the proposals and strategies of the interest groups involved in the legislative process, examining how their perspectives and demands are incorporated into the bills and their subsequent progress through the Brazilian Parliament. This investigation is grounded in the historical and structural contexts and the evolution of the media policy landscape in Brazil.

This article contributes to the literature on media policy and online news regulation by highlighting efforts in Global South nations. Additionally, it evaluates historical and contextual factors in rule-making processes, arguing that media regulation analysis must take into account specific national and political contexts, as well as policymaking cultures and procedures. We posit that the current political dialogue in Brazil can offer valuable insights to ongoing debates in other countries about potential regulatory solutions aimed at a central goal: how to foster a sustainable journalism environment on the Internet. These initiatives are relevant investigation topics because they possess the potential to reconfigure the structures and power relations within media systems.

The paper is organized into the following sections: first, it explores the current Latin American and Brazilian media regulatory landscape. Next, it discusses the existing literature on digital platforms and news media production and presents its methodological approaches based on policymaking analysis and media regulation. Finally, the paper analyzes the most prominent bills currently before the Brazilian Parliament and the corresponding strategies employed by interest groups.

## Media market and regulation in Brazil and Latin America

Latin America possesses an extensive history of media policy, where both colonization and successive military dictatorships have profoundly shaped media consumption and regulatory frameworks (Bastian, 2019). Despite the regional similarities, it is inaccurate to generalize media ownership issues across all Latin American countries; the situation in Brazil is particularly acute. Currently, four media groups control 89% of the combined daily newspaper market, and two families own the entirety of the magazine industry (Moreira; Noam; Mutter, 2016). Although radio and broadcast television exhibit greater diversity, this high level of concentration continues to significantly impact journalistic activity (Paulino; Gomes, 2019). Brazil's media ownership history is intricately linked to practices of political clientelism. Prior research indicates that the Brazilian government has been actively involved since 1960 in the establishment of media organizations that now own the vast majority of communication production (Silva; Schmidt, 2019).

The Media Ownership Monitor project, initiated in 2017, provides comprehensive data on this concentration, indicating that the current levels are concerning. The four largest television groups (Grupo Globo, Grupo Record, SBT, and Bandeirantes) command over half of the national audience. According to the Reuters Institute Digital News Report 2024 (Newman et al., 2024), the most accessed weekly news groups across TV, cable, radio, and print media in Brazil were Rede Globo (42%), Rede Record (30%), TV SBT (22%), and the O Globo newspaper (20%).

Between 2013 and 2024, reliance on traditional sources for news has declined precipitously: television usage fell from 75% to 50%, and print media consumption dropped from 50% to 11% (Newman et al., 2024). The primary

driver of this reduction is the financial difficulties experienced by traditional media groups. A report by the Poder360 portal demonstrated that at least 17 medium-to-large national media outlets ceased operations in Brazil (Lopes; Oliva, 2021). The decline of traditional Brazilian media is marked by both financial losses and audience erosion. The main print outlets in the country recorded a drop in circulation from 963 thousand in 2017 to 394 thousand in 2022 (Yahya, 2023). Print circulation has sharply decreased, while online readership has grown, mirroring the broader migration of advertising revenue to digital platforms: free-to-air TV's share of advertising fell from 68% in 2015 to 43% in 2023, concurrently with Internet advertising's rise from 7% to 37% (Deloitte, 2023).

Within the digital sphere, advertising investments are primarily directed toward digital platforms (such as Facebook, Instagram, and TikTok) and search engines. According to the IAB Brazil "Digital AdSpend 2022" survey, online advertising resources are allocated as follows: 53% to social networks, 28% to search engines, and only 19% to publishers and vertical sectors. Large international conglomerates dominate these segments within the country, most notably Meta (controlling Facebook, Instagram, WhatsApp, and FB Messenger) and Alphabet (controlling Google and YouTube).

Considering the Latin American—and particularly the Brazilian—media landscape, it is imperative to study the political context that underpins policymaking. With regard to media policy, understanding the impact of digital platforms on the viability and monetization models of media organizations is fundamental to the future progress of the industry. This paper will therefore proceed by exploring the main conceptual frameworks surrounding digital platforms and their relationship with journalistic production.

## Digital platforms and news content production

The relationship between digital platforms and news content production has been an important subject of reflections of and concerns Platforms—understood as digital infrastructures that govern how users interact online—are fundamentally organized around the circulation and collection of data, the monetization of information, and algorithmic processing (Poell; Nieborg; Dijck, 2020). News organizations have increasingly relied on digital platforms to facilitate content distribution, and the ever-changing algorithmic landscape and platform governance structures have led media organizations to become dependent on them for audience traffic (Meese; Hurcombe, 2021).

Poell et al. (2023) acknowledge that while the current journalistic scenario is inherently turbulent, characterized by a power asymmetry between news media production and digital platforms, avenues for dialogue persist. News media organizations actively contest algorithmic demands and may develop alternative strategies in response to platform governance, often by forging new monetization models. These opportunities are referred to as "spaces of negotiation" (Poell; Nieborg; Duffy, 2023), within which journalists can cultivate opportunities to determine how they produce, distribute, and monetize content. These spaces are principally shaped by three variables: platform evolution, the stage of content production, and the nature of the news organization (Poell; Nieborg; Duffy, 2023).

The enduring influence of broadcasting is a defining feature that renders Brazil unique within the global communication landscape. While digital-native news organizations often find it easier to acclimate to algorithmic demands (Ramos, 2021), the more traditional media conglomerates have been compelled to engineer their own alternatives. A primary case study illustrating this adaptation is the process of platformization undertaken by Rede Globo, a media giant established in 1965, which had to undergo a massive internal reorganization to successfully navigate the new digital environment (Silva, 2024).

The 2018 integration of the various companies operating under the Globo umbrella catalyzed an unprecedented internal restructuring. This transformation encompassed everything from adopting a specialized digital lexicon (e.g., the assimilation of English terms such as *martech*, *big data*, and *cluster*) to revamping their own digital and physical infrastructure. Furthermore, the launch of the Globoplay streaming platform, conceived as a direct strategic response to the market dominance of Netflix in Brazil, necessitated profound changes in Globo's core content production processes (Silva, 2024).

## Methodology

Policymaking and rulemaking are central to the creation and evolution of communications systems. Media systems are not merely the result of the actions of companies and professionals; they are fundamentally shaped by political and economic factors, including political groups that seek to advance their interests and translate them into institutional structures. In the media sector, policy is neither value-free nor disinterested but is embedded within a political context of competing views and aims grounded in unequal power relations (Freedman, 2008). Drawing on this assumption, this paper integrates policymaking analysis with media regulation studies, focusing on Latin

America in general and Brazil in particular, to situate the investigation of the rulemaking process within concrete structural and historical dynamics.

Policymaking and rulemaking are fundamentally shaped by policymakers and interest groups, including business associations, unions and labor organizations, Non-Governmental Organizations (NGOs), and research institutions. McCormick and Tollison (2012) argue that this approach examines how government activity is determined by the dynamics of resource and wealth allocation and transfer among organizations through rules, such as policies and legislation. Policymakers serve a mediating role in these processes, effectively defining the terms of resource redistribution. These interest groups form coalitions among themselves and with policymakers, actively seeking to influence policy design. The concept of policy design concerns both the policymaking process and the underlying political dynamic in which it is grounded and shaped, as well as its results—the policy content of specific rules and government initiatives (Schneider, 2013).

These groups employ a range of strategies to influence policy design, such as framing a policy problem, promoting policy responses to these problems, mobilizing their resources, and working to embed their proposals into the policy's content. In the case analyzed here, the core interest groups are the media and communication companies that lead the production and circulation of content and news in society. Consequently, their lobbying strategies are amplified by their distinct ability to directly influence their audiences and galvanize support for their agendas and policy responses. Assessing these strategies requires considering this particular power structure and how it is managed during the parliamentary discussions of the bill.

For this paper, the analysis of how interest groups operate to influence policy design will involve five steps: (1) mapping the most relevant groups, (2) understanding how they frame the problem, (3) analyzing their resources and how they are managed, (4) tracing their lobby strategies, and (5) examining how their preferred responses are translated into the policy design. Crucially, within the Brazilian Parliament, this effort is not confined to a single bill or policy draft. Specific topics often become the subject of multiple proposals that are debated simultaneously across different thematic committees in both the lower house and the Senate.

Since the policymaking process is inherently embedded in the policy dynamic and power relations, its analysis must be conducted within socially and historically situated contexts. In the Brazilian case, Bolaño (2007) argues that three primary ideological conceptions historically drive problem framing and policy responses:

1. The Conservative Perspective: Adopted by broadcasting groups and coalitions, which operated fiercely during the 20th century to preserve a Brazilian media policy design that afforded these companies weak obligations and extensive protections.
2. The Liberal Perspective: Primarily led by the telecommunications conglomerate, particularly around the time of the sector's privatization in the 1990s. For the purposes of this paper's analysis, digital platforms can be conceptually grouped with the interests involved in this second conception.
3. The Progressive Perspective: Championed by media workers' organizations and civil society groups.

### **Digital platforms, publishers, and civil society: interest groups aiming to shape the distribution of online news revenues in Brazil**

The analysis of legislative proposals aimed at establishing rules for the use of and payment for online news on digital platforms in Brazil centered on three bills due to their prominence in public discourse and their progress within the Parliament. Bill 2.630/2020 (Congresso Nacional, 2020) was designed to regulate three platform types—social media, messaging applications, and search engines—by establishing accountability measures, transparency obligations, and guidelines for handling harmful content. Bill 2.370/2019 (Congresso Nacional, 2019) sought to amend the existing Copyright Law (known as *Author's Rights* in the Brazilian legal framework) to mandate that digital platforms compensate publishers for the content they utilize.

Bill 1.354/2021 (Congresso Nacional, 2021) was specifically formulated to require digital platforms with over two million users to pay publishers for content usage, using language similar to Bill 2.370/2019. The compensation mechanism was a mandatory bargaining model between publishers and platforms. Furthermore, the bill formally defined journalistic content and prohibited platforms from excluding news pieces to evade these newly established obligations.

The initial analytical step involved mapping the interest groups actively operating with Members of Parliament (MPs) and participating in the public debate surrounding these bills. Following Bolaño's (2007) scheme of historical conceptions and political actors, these interest groups were categorized into three distinct groups. First,

Publishers, comprising multiple sub-sectors of the traditional media industry, including broadcasting, newspapers, magazines, and advertising companies. Their positions are rooted in the historic conservative conception of media policy, which sought to preserve the structural advantages of established media companies. Second, Digital Platforms, particularly social media, messaging applications, and search engines. This group operates either individually or through industry associations and advocates for the liberal conception of policy, aiming to shape legislation toward "free market" frameworks that impose minimal or no regulatory obligations on their operations. Third, Workers' Bodies and Civil Society Organizations (NGOs). This group has historically strived to incorporate the perspectives of workers, audiences, scholars and service users into the bills. They advocate for the progressive conception, promoting the "democratization" of media and communications alongside the protection of digital rights.

## **Publishers**

Publishers operate within the Parliament not only individually but primarily through their industry associations. The two most prominent associations are the Brazilian Association of Radio and Television Broadcasters (ABERT) and the Brazilian Association of Telecommunications (Abratel). While ABERT is historically led by Brazil's largest media group, Globo, Abratel is fundamentally led by major TV networks (e.g., Record). Within the print media sub-sector, the main representative body is the National Newspaper Association (ANJ). In recent years, these associations have coalesced with other publishers and industry groups to form the "Liberty with Responsibility Coalition." They employ significant economic resources through structured lobby teams, and their political resources include established bonds with and direct influence over Parliament. Crucially, their political capital is amplified by their ability to shape public opinion via their media outlets.

Publishers framed the regulatory challenge as a financial crisis directly caused by the concentration of advertising revenue in digital platforms, which, they argued, threatened the sustainability of the entire media industry. Their proposed response was an agenda demanding legislative intervention to reallocate wealth, aligning with the framework set forth by McCormick and Tollison (2012). Their core strategy involved direct engagement with politically aligned MPs and key figures involved in the three relevant bills (such as rapporteurs and committee leaders).

Initially, publishers targeted Bill 2.630/2020, introduced in the Senate in 2020 amidst the COVID-19 pandemic. This proposal addressed a broad spectrum of issues—from platform responsibilities to transparency requirements—and became the primary initiative for platform regulation in Brazil (Valente, 2022). However, online news revenue distribution was not initially among its provisions. The publishers' strategy successfully resulted in the insertion of an amendment into the text, mandating that digital platforms must compensate publishers for the use of their content. This amendment was incorporated into the bill version passed by the Senate. Its subsequent passage through the Senate between 2022 and 2023 was followed by intense debate and sustained efforts for its approval in the Lower House, where media outlets, organized in a coalition of 40 associations, published statements supporting the bill (Coalizão Liberdade com Responsabilidade, 2022). Despite these efforts, the bill ultimately stalled (as detailed in the subsequent section).

Following the setback with Bill 2.630/2020, publishers leveraged their political resources to engage MPs and insert similar compensation provisions into the other two bills. They intensified pressure on MPs to support these proposals and to advance the agenda of redistributing online news revenue (Toledo, 2024). This interest group subsequently elevated the agenda to the international level; for example, in May 2024, the International Broadcasting Association published a policy document advocating for digital platform regulation, specifically including measures for content payment (Jornal Nacional, 2024).

Leveraging their political influence, publishers attempted to compel a vote on Bill 2.370/2019 in the Lower House during the second half of 2023. This effort was ultimately unsuccessful, attributed to dissent from other stakeholders, including artists and streaming companies. Consequently, the bill currently remains pending deliberation before the Communications Committee in the Lower House. The publishers then shifted their strategy to Bill 1.354/2021, which was under discussion in the Communications Committee. This committee is historically more receptive to publishers' interests, often featuring members with direct ties to media companies, making it an ideal venue for advancing their supported legislation. This interest group successfully mobilized representatives on the committee analyzing Bill 1.354/2021 and, in May 2024, secured its approval (Agência Câmara dos Deputados, 2024).

## Digital platforms

Digital platforms, representing the liberal conception in this policy debate, also deploy sophisticated lobbying efforts, operating either individually or through collective bodies. A prominent group representing these companies is the Brazilian Chamber of Digital Economy, but platforms also fund a dedicated think tank, the Digital Board, which focuses on producing knowledge and influencing policymaking in alignment with their interests. As some of the most valuable companies globally, this interest group effectively uses its massive economic resources as leverage in its lobbying strategies. As advocates, they maintain frequent contact and meetings with key Members of Parliament (MPs), particularly those in leadership positions on committees and in Congress.

Digital platforms have consistently opposed Bill 2.630/2020, intensifying their lobbying efforts as the proposal advanced. Their campaign was powerful enough to influence parliamentary dynamics: backed by far-right political groups, their efforts reportedly led to 33 MPs changing their votes shortly before the 2022 session (Estadão, 2023). This pressure ultimately stalled the bill, which was later shelved (Azevedo & Teixeira, 2024).

The platforms' political power is significantly amplified by their control over public debate, which largely occurs within their services (social media, messaging apps, and search engines). Leveraging their large user base and wide reach, they use their services not only to express opposition but to directly reach users and mobilize public opinion. For instance, during the debate over Bill 2.630/2020, Google added a link to its homepage leading to a blog post openly advocating against the bill.

This blocking strategy was also applied to Bills 2.370/2019 and 1.354/2021. During a 2021 public hearing on Bill 1.354/2021, representatives from Google and Facebook voiced opposition to the proposal, alleging that it infringed upon the free market economic principle (Agência Câmara dos Deputados, 2021). Their combined efforts were successful in helping to block Bill 2.370/2019, but they were unable to prevent Bill 1.354/2021 from passing in the Communications Committee, demonstrating both their substantial power and the limits of their blocking strategy against a committee historically favorable to publisher interests.

## Workers' bodies and civil society organisations

The primary actors from civil society involved in the analyzed policy design process were the National Federation of Journalists (Fenaj), Reporters Without Borders, the Digital Rights Coalition, and the Digital Journalism Association. Compared to publishers and platforms, these groups lacked substantial economic and conventional political resources. In this scenario, they attempted to influence Members of Parliament (MPs) by relying on argumentative strength, highlighting the shortcomings and weaknesses of the proposed bills, and suggesting necessary amendments.

In the debates surrounding Bill 2.630/2020, these networks and associations sought to remove the news remuneration provisions from the text, arguing that such a complex topic required a separate legislative initiative. Conversely, the National Federation of Journalists (Fenaj) proposed an amendment specifically ensuring compensation for individual journalists, arguing that without this addition, Article 32 would exclusively benefit large publishers (Fenaj, 2023). Neither of these suggestions was ultimately incorporated.

Regarding Bill 1.354/2021, these organizations issued a joint policy brief underscoring the bill's fundamental importance to democracy by its capacity to enable a more pluralistic media ecosystem. A key criticism they raised was the omission of rules directly addressing professionals in the field. Following this warning, the topic was subsequently integrated into the final parliamentary report.

However, this interest group was not limited to seeking specific improvements within the existing bills. The organizations introduced a broader agenda that questioned the efficacy of the proposed bargaining model, recommending alternative mechanisms altogether. They specifically advocated for the taxation of digital platforms and the creation of a dedicated fund to support journalism. The purpose of this fund was to promote diversity and plurality in news coverage, with a focused emphasis on perspectives related to gender, class, and race. These resources would be allocated toward launching new initiatives, maintaining existing projects that meet established criteria, and supporting essential training programs.

## Conclusion

This paper analysed how interest groups in Brazil's media policy sphere shape legislative design, using bills mandating platform compensation for news content as a case study. The findings demonstrate a significant asymmetry of power, with publishers and platforms leveraging extensive political and economic resources for

direct engagement with Parliament, while unions and civil society groups struggle to incorporate their demands for democratic and labor reforms into the policymaking process.

The study effectively updates Bolaño's (2007) framework by integrating digital platforms as key, newly emerged interest groups that now dominate the communications landscape. While Bolaño analyses the media policy logic in Brazil, we can speak of a *new logic of media policy* in the country. The conservative conception historically held by broadcasting and media associations initially translated into a strategy of blocking new legislation to preserve the existing policy design. Since the 2010s, this conservative goal has evolved into a strategy of active regulation (or "pro-regulation"), aimed at protecting their industries from external threats. This shift manifested in regulatory actions against cable companies (e.g., the Pay TV Law of 2011) and, more recently, against digital platforms (as seen in the analyzed bills).

This new approach seeks to limit the power of new entrants and re-balance the allocation of resources, particularly stemming the flow of advertising revenue that migrated from traditional publishers to major digital platforms. Publishers have historically maintained a stable policy design pattern and consistent access to policymakers, even successfully blocking structural reforms during periods of Labour Party governance (2003–2016 and 2023–2025). These current initiatives, however, represent a significant change in their policy trajectory, moving from passive defense to active lobbying for new rules.

Digital platforms emerged in the 2010s, quickly establishing dominance. Their initial narrative was framed by the liberal conception, promoting themselves as a disruptive segment offering innovation and new services. Their growth benefited immensely from a policy design characterized by low obligations and responsibilities. When established publishers, government bodies, and progressive groups began to frame platform power as a policy problem, the platforms' liberal rationale quickly led to a conservative strategy in terms of policymaking: namely, blocking new policy designs (such as the compensation and accountability bills) that would impose financial burdens or regulatory constraints.

While publishers and platforms focused on setting rules to benefit their respective business interests, unions and civil society organizations pursued a progressive agenda. Their aim was to influence policymaking to improve working conditions and promote a media system that is more balanced, pluralistic, and diverse (addressing gender, class, and race perspectives). The asymmetry of resources between this group and the corporate lobbies is notable. While they have historically attempted to find "windows of opportunity," this case study underscores the persistent challenges they face in successfully embedding their reformist agenda into the final policy design, indicating structural obstacles to achieving a more democratic media policy in Brazil.

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