9 The EU AI Act in a Global Perspective

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Abstract The European Union (EU)'s AI Act is one of the first regulatory instruments dedicated to the governance of AI technologies. As such, it is often portrayed as a potential trendsetter in global regulation, but is that likely to be case? This chapter argues that the AI Act is likely to be influential, though perhaps not as much as other pieces of EU digital regulation, such as the GDPR. After presenting the key features of the AI Act's regulatory framework, the chapter reviews the nascent literature on that regulatory instrument and identifies two potential obstacles to its diffusion: the AI Act's reliance on specific features of the EU's institutions and its calibration towards EU-specific political compromises. These factors suggest that the EU's approach to AI regulation is neither unavoidable nor a gold standard for other jurisdictions, though it can still provide valuable lessons for AI governance around the globe.

Keywords: artificial intelligence; Brussels Effect; policy diffusion; technical standards; digital regulation

9.1 Introduction

Over the past decades, the European Union (EU) has positioned itself as a global leader in digital regulation. Its legislation on topics such as internet governance (Kuner, 2019) and data protection (Greenleaf & Cottier, 2020) has served as a template for lawmakers around the world, who are often inspired by features of EU law or downright replicate them when drafting laws on digital matters. When it comes to artificial intelligence (AI), the EU has designed its main instrument for AI regulation—the AI Act (Regulation (EU) 2024/1689, 2024)—with the explicit aim of establishing a global gold standard for regulation

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(Commission, 2021a). In this chapter, I argue that the AI Act is an important development in AI governance, but one that is likely to have a limited reach as a global standard.

To understand why that might be the case, we need to consider some aspects of this regulatory proposal. First (9.2), we must consider how the AI Act works as a legal instrument, that is, what approach it uses to regulate AI. As I argue below, the AI Act is shaped by some quirks of the EU legal system (9.3), which has certain capabilities and constraints that are very different from the ones available to other jurisdictions. The limits of the AI Act's mechanics and its institutional embedding suggest that the mechanisms that turned laws such as the EU General Data Protection Regulation (GDPR) into global standard might be less salient in the case of the AI Act (9.4). As a result, the EU remains likely to be a major player in the global landscape of AI governance, but the AI Act is likely to become an international "gold standard" than other pieces of EU digital regulation.

9.2 The AI Act's risk-based approach to regulation

The first thing that must be said about the AI Act is that it is a complex piece of regulation. Its official text in English is 144 pages long, with 113 articles and 13 annexes that establish a product safety framework that involves EU organizations, national regulators, and private actors and interfaces with a variety of other EU law instruments. This complexity suggests a first obstacle to the international diffusion of the AI Act: other jurisdictions might struggle to replicate that regulatory network in their own legal systems. The following paragraphs focus, instead, on introducing the core features of the AI Act's framework to illustrate how that piece of legislation is expected to work.[2]

With the AI Act, the EU aims to achieve internal and external goals. Internally, the AI Act is meant to create a single market for AI within the EU,[3] providing legal certainty for the adoption of AI technologies while addressing their potential risks to values such as the protection of fundamental rights, democracy, and the rule of law.[4] Externally, it is expected to spread the EU's "human-centric approach to AI" and global leadership in the development of "trustworthy" AI.[5] Those two sets of regulatory goals shaped the EU's choice of instruments for regulation.

Generally speaking, the EU has patterned the AI Act after its established approach to product safety. Doing so allows the Union and its 27 Member States to benefit from expertise and institutions that have been working for decades on product safety (Mazzini &

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[2] This section draws extensively from Almada & Petit (2025), which offers a longer introduction to the Act's overall logic.
[3] Recital 1 AI Act.
[4] Article 1(1) AI Act.
[5] Recital 8 AI Act.

Scalzo, 2022). It also allows the AI Act to benefit from the international reputation of the EU's product safety framework, which has inspired regulation in various other countries (Siegmann & Anderljung, 2022). Last but certainly not least, it allows the EU to steer the creation of a single market for AI-based products and services (Krarup & Horst, 2023), thus responding to concerns that Europe might fail to reap the economic benefits of AI technologies largely developed in the US and China (Draghi, 2024).

In this section, I briefly discuss three critical points of the AI Act: its framing of AI as a regulatory object (9.2.1), its segmentation of AI objects into different risk classes subject to specific rules (9.2.2), and the actors involved in its compliance and enforcement (9.2.3).

9.2.1 Framing AI as a product

To regulate AI through a product safety framework, the EU lawmaker had to frame AI as a product. It has ultimately decided to do so by directing regulation towards two types of products. Most of the rules laid down in the AI Act are directed towards *AI systems*: towards computer systems that, given inputs, can infer how to generate certain outputs— such as predictions, content, recommendation, or decisions—to influence physical or virtual environments.[6] Additional rules apply to *general-purpose AI models*, that is, towards models that can be used to power inferences in a broad range of systems.[7]

Those rules are directed towards two main regulated actors. The *provider* of an AI system or general-purpose AI model is a person or collective actor[8] that is responsible for its development.[9] A system's *deployer*, instead, is whoever uses that AI system under their own authority.[10] Some rules are directed at other actors in the supply chain of those technologies,[11] but, for the most part, the AI Act focuses on creating obligations for providers and deployers, both before and after an AI system or general-purpose AI model is developed.

9.2.2 Addressing the risks of AI

Due to its product safety pedigree, the AI Act regulates the AI products outlined above by controlling access to the EU single market. That is, it establishes conditions that must be met if an AI system or general-purpose AI model is to be placed on the EU single market or put into service in the EU. Uniquely among product safety legislation (Veale & Borgesius,

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[6] Article 3(1) AI Act.
[7] See the precise definition in Article 3(63) AI Act.
[8] Which might be a legal person, such as an incorporated business, or take any other legal form.
[9] Either by directly developing it or by putting into service or placing on the market a system (or model) that somebody else developed on their behalf, under the conditions of Article 3(3) AI Act.
[10] Article 3(4) AI Act, which excludes from the definition individuals using AI systems for a personal non-professional activity.
[11] Articles 22–25 AI Act.

2021), it also lays down rules for how those products can be used by their deployers. All those rules are guided by the idea that AI technologies create certain risks, which must be eliminated or mitigated before AI can be safely used.

The notion of risk is extensively used in EU law, both in digital law and in other regulatory domains. However, the AI Act distinguishes itself from other pieces of regulation concerned with digital technologies by following a top-down approach to risk (de Gregorio & Dunn, 2022). The rules that apply to every AI system or general-purpose model are determined based on the EU lawmaker's perception of the risks associated with it. As scholars have pointed out (see, e.g., Grozdanovski & De Cooman, 2022; Paul, 2023; Kusche, 2024), the legislative assessment does not follow any particular methodologies. Instead, it reflects political judgments about potential harms from AI. While individual providers and deployers have considerable leeway in choosing the specific measures they will adopt in each case, they are required to meet different standards according to the vision laid down by the lawmakers.

For AI systems, the AI Act establishes three regulatory regimes. Each AI system is allocated to one of those regimes depending on the purpose it is designed for. Some purposes are deemed to pose unacceptable risk, and as such the use of AI for them is prohibited.[12] For example, one cannot use AI systems for subliminal manipulation of individual behaviour.[13] Other applications are classified as *high-risk*, as their potential for harm can be mitigated to an acceptable level by risk management measures.[14] The bulk of the AI Act establishes a detailed legal framework for those systems, which includes technical requirements for providers, measures that deployers must adopt, and an extensive post-marketing surveillance obligation.[15] The European Commission estimates that these rules will apply to something between 5 to 15% of all AI systems (Almada & Petit, 2025). Therefore, most AI systems are subject only to a general literacy requirement,[16] in addition to specialized rules that apply to certain applications[17] and to specific types of system.[18]

The regulation of general-purpose AI models follows, instead, a cumulative approach. Any model that can be used for a broad range of purposes can only be placed on the EU market

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[12] Article 5 AI Act.
[13] This restriction is contained in Article 5(1)(a) AI Act.
[14] Article 6 AI Act.
[15] These requirements are uniform, in the sense that the same rules apply in all EU countries, and Member States can only adopt their own rules if the AI Act authorizes them or is silent about a particular matter.
[16] Article 4 AI Act, which also covers high-risk AI systems.
[17] For example, AI systems used in healthcare applications remain subject to laws on matters such as medical device regulation.
[18] See, e.g., Article 50 AI Act.

if it meets certain requirements.[19] This means must adopt a policy for compliance with EU law on copyright and related matters, and disclose model-related information to regulators, the general public, and to downstream providers who want to use the model in their own system. The overall idea behind this approach is to ensure that those other actors can integrate the general-purpose AI models while still fulfilling their own legal obligations.[20]

For some high-capability models classified as *general-purpose AI models with systemic risk*, these requirements oblige providers to extensively test their models before and after making them available, mitigate systemic risks, and report serious incidents in which risk has led to considerable harm.[21] By creating those requirements, the EU lawmaker wants to ensure that the unique risks posed by advanced models are addressed by the actors with the technical capabilities to create such models in the first place.[22]

9.2.3 Compliance and enforcement

To ensure that the regulatory approach sketched above functions in practice, the AI Act mobilizes a variety of actors. Much of the work in implementing this regulation falls on the regulated actors themselves. They are required to determine how their AI system (or model) is classified under the AI Act, determine how the abstract requirements from the Act must be implemented in that system or model, and assess whether the measures they adopt are sufficient to meet the legal standard.[23] As providers and deployers carry out these tasks, they interface with other private and public actors.

Horizontal relationships among regulated actors can take a few forms. As mentioned in the previous section, the AI Act establishes various duties across the AI supply chain, requiring upstream providers of models and systems to cooperate with downstream providers and with the deployers of the finished systems. Additionally, the AI Act encourages the emergence of technical standards, codes of practice and conduct, and certification schemes that detail the legal requirements present in the Act. In formal terms, reliance on those standards, codes, and certifications is not mandatory. In practice, however, these are likely to be unavoidable: the AI Act offers requirements at a very abstract level, and following those sources allows regulated actors to discharge their duties more effectively. As such, it has been argued that the AI Act effectively delegates a substantial chunk of

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[19] Article 1(2)(e) AI Act.
[20] Recital 101 AI Act.
[21] Article 55 AI Act.
[22] Recital 110 AI Act.
[23] For the most part, this is a self-assessment, but third-party assessment is required in some cases: Article 43 AI Act.

regulatory power to entities such as the European Standardization Organizations (see, e.g., Cantero Gamito & Marsden, 2024; Almada & Petit, 2025).

Vertical relationships—that is, the application of state power towards regulated actors—involve a complex network. Each of the EU's 27 Member States is required to designate one or more market surveillance authorities.[24] These authorities are granted powers to request information about AI systems from providers and deployers,[25] compel those actors to comply with the AI Act,[26] and issue sanctions such as restricting the product's access to the EU single market[27] or fining the provider.[28] Similar powers exist for the regulation of general-purpose AI models, but their exercise is concentrated at the AI Office established within the European Commission.[29] The result is a system that centralizes the regulation of advanced AI models, while requiring close coordination between the AI Office and national regulators for AI systems.

9.3 The road to the AI Act

The AI Act did not emerge in a legal vacuum. Even though it has emerged as a response to the advances in machine learning technologies since 2012,[30] this response is shaped by a series of institutional path dependencies. First and foremost, the EU's regulatory powers are constrained by the powers granted to it by its Member States (Mangiameli, 2021), which are to a large extent connected to the formation and maintenance of a single market. As a result of these limits, the EU approach to AI regulation ended up being shaped as a form of market regulation (Krarup & Horst, 2023).

Market regulation can take many forms. In fact, the EU approach to digital regulation relies on various kinds of legal approaches. Some of them, such as the Digital Services Act (Goanta, 2024), are patterned after consumer protection. Others, such as the Digital Markets Act, aim to foster competition between Big Tech companies (Moreno Belloso & Petit, 2023). The AI Act, instead, adopts a product safety approach, laying down technical requirements that must be observed before certain AI-related products can be placed in the EU market as well as post-marketing controls (Mazzini & Scalzo, 2022).

This approach is different from existing approaches to digital regulation. It also deviates from the recommendations of the high-level expert group on AI convened by the European

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[24] Article 70 AI Act.
[25] Article 74 AI Act.
[26] Article 79(2) AI Act.
[27] Article 79(5) AI Act.
[28] Article 99 AI Act.
[29] Article 88 AI Act.
[30] On the recent history of machine learning, see Kneusel (2024, pp. 34–41).

Commission (AI HLEG, 2019), which had recommended an approach based on principles and rights. In this section, we examine the factors that led the EU to make the various regulatory decisions that shaped the AI Act as it currently stands.

9.3.1 Before the AI Act proposal: dealing with uncertainty

Before the AI Act, there was the GDPR. In the earlier 2010s, the EU undertook a massive reform of its data protection law system, which uniformized laws across its Member States. Some of the provisions introduced by this reform were already designed with AI technologies in mind. One application of AI—automated decision-making—was explicitly targeted by the GDPR, becoming the subject of requirements in Article 22 GDPR (Brkan, 2019). More generally, the strict requirements laid down by the GDPR for the use and reuse of personal data, as well as the information disclosure requirements for processing that data, were thought to address the potential risks of using massive data sets to create AI systems (Lagioia & Sartor, 2020). As a result of those provisions, some commenters went as far as to describe the GDPR as "the first piece of legislation for AI" (Nemitz, 2018, p. 8).

Yet, the very existence of an AI Act suggests that the EU lawmaker no longer sees data protection law as enough to address the issues raised by AI.[31] Such a change of perspective was driven by substantial public controversy regarding the risks and opportunities of AI for the EU and its citizens (Bakiner, 2023). On the one hand, quick advances in AI technologies created expectations that countries would need to either adopt the technology or fall behind other economies (Draghi, 2024). On the other hand, developments such as the childcare benefits scandal in the Netherlands—in which tens of thousands of individuals were falsely accused of fraud through the use of an automated risk system (Hadwick & Lan, 2021)—made the use of AI a salient topic in European politics. From that moment, a variety of stakeholders tried to push for their own visions of how to regulate AI in the EU.

Various EU institutions relied on a series of mechanisms to address both challenges. The European Parliament, the Council of the EU, and the European Commission all developed expert studies, public consultations, and other forms of policy directed towards addressing the risks of AI and fostering technical development.[32] In particular, the Commission convened a high-level expert group on AI, which suggested the need for a principle-based approach to AI regulation that should be tailored to the needs of specific sectors (AI HLEG, 2019, p. 38). Ultimately, as seen in Section 9.2 above, the AI Act ended up following a different approach.

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[31] The question of whether such a perception is justified exceeds the scope of this chapter.
[32] For an overview of the historical development, see Hoffmeister (2024).

9.3.2 The AI Act proposal: business as usual?

Ultimately, the European Commission decided to create its AI regulation from a different template.[33] The AI Act follows what is called the "new approach" in product safety legislation (Ullrich, 2019). Under this approach, EU law establishes essential requirements for certain products, which must be met before a product can be commercialized in the EU single market. The manufacturers of those products must interpret the applicable legal requirements and decide how to comply with them, and national regulators enforce conformity with those requirements. As a result of this approach, the AI Act features an extensive set of requirements, as opposed to the light-touch approach originally suggested by the high-level expert group on AI.

The Commission's decision to follow a cumbersome regulatory approach to regulation is arguably at odds with its goal of fostering the adoption of AI technologies in the EU. In fact, some scholars and industry groups have argued that the regulatory overhead created by the AI Act creates the risk of stifling European innovation in AI.[34] Seen from another angle, however, the decision to regulate AI as a product can in fact reinforce the EU's regulatory ambitions. By patterning the AI Act after an established branch of EU law, the European Commission ensures that it can be enforced by institutions with decades of experience (Mazzini & Scalzo, 2022).

Furthermore, the EU model of product safety regulation has influenced the practices of manufacturers around the world, even when they sell their products in other jurisdictions (Bradford, 2020). Reliance on product safety as a pattern for the AI Act thus offers a way for the EU approach to AI regulation to spread worldwide, in line with the Commission's ambition of shaping global AI governance (Commission, 2021a).

To regulate AI as a product, the Commission focused the AI Act on a single regulatory object: the AI system.[35] Those systems were defined as computer systems built with certain types of technologies, such as machine learning.[36] Under the proposal, it would be prohibited to use AI systems for some applications,[37] and AI systems built for some applications were considered to be high-risk.[38] The providers of those high-risk systems were subject to rules based on the New Approach outlined above, which laid down

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[33] In the EU, legislative proposals are introduced by the Commission and only become law after being approved by the European Parliament (elected by the citizens of EU member states) and the Council (formed by representatives of Member State governments). For an overview of the process, see Cabral (2020).

[34] See, however, Bradford (2024).

[35] Art. 1 AI Act proposal (Commission, 2021b).

[36] Art. 3(1) AI Act proposal.

[37] Art. 5 AI Act proposal.

[38] Art. 6 AI Act proposal.

requirements that systems must meet before they can be sold in the EU and post-market monitoring obligations. In addition, the AI Act proposal innovated in establishing certain obligations for users of high-risk AI systems (Veale & Borgesius, 2021). The general lines of this approach were retained in the final version of the AI Act and will be explained in Section 9.3 below. Nonetheless, important aspects of the Act changed during its legislative procedure.

9.3.3 Fine-tuning during the legislative procedure

The AI Act's legislative procedure was marked by an unprecedented level of public attention. It was followed closely by the media, corporate interests, civil society organizations, and other stakeholders.[39] While the final text retained the overall shape of the Commission's proposal, the ensuing political debates and controversies changed some key aspects of the AI Act. In this subsection, we will introduce some of the key compromises that emerged out of this negotiation procedure.

One of the main differences between the AI Act's final text and the Commission's proposal rests in its treatment of general-purpose AI models. In the original text, regulation took for granted that AI systems were objects that could be used for a narrowly defined set of tasks. However, some forms of AI technologies can be used for a broad range of tasks. This was made evident towards the end of 2022, when OpenAI released its ChatGPT chatbot, which allowed users to interact dialogically and obtain answers for a variety of topics. The debate on how to best frame those technologies almost derailed the entire AI Act legislative procedure, as some Member States—in particular France and Germany—did not want to stifle local start-ups offering this kind of AI (Bertuzzi, 2023). As a compromise, the final version of the AI Act features some rules targeted specifically at general-purpose models, which are briefly discussed in Section 9.3 above.

Another important development during the AI Act's legislative procedure is the heightening of geopolitical tensions surrounding AI. The last few years have seen a heightening of the discourse about European digital sovereignty (Broeders et al., 2023; Monsees & Lambach, 2022; Roberts et al., 2021). In the field of AI, this discourse becomes particularly thorny, given that developments in AI technologies are to a large extent driven by US and Chinese businesses (Mügge, 2024). Even if these tensions are not always codified in the AI Act itself, they are likely to affect its implementation.[40]

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[39] To my knowledge, there is not yet a comprehensive academic treatment of the media coverage during the AI Act's legislative procedure. For a journalistic overview of the process, see (Bertuzzi, 2024).

[40] See, for example, how the involvement of non-EU businesses led to the exclusion of one of the EU standardization organizations from the process of developing standards for the AI Act (Volpato & Eliantonio, 2024).

To finish this list—but certainly not the list of political disputes over the AI Act—it is important to mention how the substantive values protected by the Act were themselves shaped in the legislative procedure. The Act's product safety approach was criticized, from an early stage, as leading to an insufficient level of fundamental rights protection and leaving some critical applications outside its coverage (Edwards, 2022; Smuha et al., 2021). On the opposite direction, it was also criticized as excessive regulation that would curb European innovation in AI (KI Bundesverband, 2023). Between these two poles, the AI Act's approach to classifying and responding to risks changed in a rollercoaster-like fashion (Palmiotto, 2025), arriving at a compromise that is unlike to fully please either field in the dispute. It is now the time to analyse the actual regulatory contents of the finished AI Act.

9.4 The AI Act as a potential global template for AI regulation?

Over the past few years, the EU has exercised an outsized influence in global approaches to the regulation of digital technologies. European data protection law is often framed as a "gold standard" for data protection laws around the world (Greenleaf, 2021; Li & Chen, 2024; Tarafder & Vadlamani, 2025), and the influence of more recent pieces of EU legislation is already felt in how countries outside Europe design their legal frameworks on issues such as platform governance (see, e.g., Bueno & Canaan, 2024). Accordingly, the EU's approach to AI regulation is widely expected[41] to shape how countries will approach the challenges of AI governance.

Several factors contribute to the EU AI Act's salience in global debates about AI regulation. The EU has been a first mover in this domain: the AI Act was one of the first bills on AI proposed around the world,[42] as well as one of the first binding legal instruments to be adopted on this topic.[43] Thanks to its more than 400 million inhabitants and a GDP *per capita* that is more than twice the global average ('European Union', 2024), the EU single market is incredibly attractive for providers of consumer-facing and business-to-business AI applications. The EU also benefits from a worldwide reputation as a successful regulator in digital matters more generally (Siegmann & Anderljung, 2022). Last but not least, the AI Act was explicitly designed for the purpose of positioning the EU to "spearhead the development of new ambitious global norms" (Commission, 2021a, p. 4). In this section, I

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[41] These influences are acknowledged but not always seen as a positive development, raising critiques of protectionism (Cruz, 2023) and European imperialism (Bradford, 2020, Chapter 8).

[42] But not the first one: in Brazil, for instance, an AI regulation bill was under discussion as of February 2020 (PL 21/2020).

[43] Once again, however, one must acknowledge forerunners such as the Council of Europe's Framework Convention on AI and the Colorado AI Act, both formally adopted before the AI Act's final approval.

argue that—those advantages notwithstanding—the AI Act might not spread as much as other pieces of EU digital regulation.

9.4.1 Transplanting the EU AI Act globally

How could the AI Act influence global AI governance beyond the EU's borders? Scholarship on policy diffusion has identified a variety of potential mechanisms (Porto De Oliveira, 2021), some of which have been postulated to exist for AI regulation (Feldstein, 2024; Greenleaf, 2024). The most straightforward form of diffusion would be a *legal transplant*, that is, the adoption by non-EU jurisdiction of legal provisions—or even entire laws—that follow the AI Act's approach.[44] The following paragraphs introduce the most salient of those mechanisms, highlighting how they have started to manifest regarding the AI Act.

In debates about digital regulation, it is common to see references to the so-called *Brussels Effect*. In its original meaning, the term was coined by the legal scholar Anu Bradford (2012, 2020) as an explanation for why private actors often comply with stringent EU regulation even in jurisdictions where less stringent rules apply. Bradford (2020, p. 6) distinguishes between two stages of this phenomenon. In the *de facto* Brussels Effect, multinational businesses decide that it make more economic sense to comply with EU standards worldwide than to offer separate products or services to Europe or risk losing access to the EU single market. Once the *de facto* effect sets in, those businesses often start lobbying lawmakers to adopt laws that are closer to the EU standard, thus creating a *de jure* Brussels Effect. Whenever the conditions for a Brussels Effect are present (Bradford, 2020, Chapter 2), laws from jurisdictions all over the world end up resembling the EU regulatory approach, as seen in domains such as data protection, environmental, and competition law (Bradford, 2020, Chapters 4–7).

Another mechanism that heightens the relevance of EU regulation at a global scale is the *extraterritorial effect* of its digital regulations. Through means such as territorial extension clauses (Scott, 2014), EU lawmakers have ensured that legal instruments such as the GDPR and the AI Act can, under some circumstances, apply to individuals and organizations based outside the EU. For example, the AI Act's requirements for high-risk AI systems and general-purpose AI models apply to providers and deployers based outside the EU, if their products are placed on the market (or their outputs are used) in the EU. Thanks to the attractiveness of the EU single market and the current concentration of markets for AI technologies (Almada et al., 2025), this means that many of the main providers of AI models and AI-based products around the world cannot avoid engagement

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[44] More generally on the concept of legal transplants, see (Husa, 2018; Prado, 2020).

with the EU's regulatory requirements, even if they are subject to other laws in other jurisdictions.

Both the Brussels Effect and extraterritorial effect of internal law allow the EU to unilaterally influence regulation around the world. However, even the force of those mechanisms is seldom enough to *force* other jurisdictions to follow the lawmakers of other countries to follow Brussels's view of regulation (Belli & Gaspar, 2023). Likewise, private actors can depart from EU regulation outside the European single market for a variety of reasons, not least the need to comply with national laws that diverge from the EU template (Li & Chen, 2024). Therefore, the EU's pursuit of global leadership in the AI governance space depends also on how other jurisdictions react to the AI Act.

Accordingly, the EU has engaged with other international actors to advocate for its approach to AI regulation. In particular, the EU has participated as a bloc in the negotiations of the Council of Europe's Framework Convention on Artificial Intelligence, with the explicit goal of ensuring its alignment with the AI Act (Council Decision (EU) 2022/2349, 2022). Given the expected relevance of AI for the global economy, the EU is also likely to include AI-related clauses in its future trade agreements, as it already does with matters of data protection and cybersecurity (Fahey, 2022; Irion, 2022). These bilateral, plurilateral, and multilateral agreements thus create incentives for other countries to align their views and tools of governance with the EU toolkit, including the AI Act.

Alignment can also stem from unilateral decisions by other governance actors. That is, a state, international organization, or private actor might deem it beneficial to follow the EU's lead even in the absence of economic incentives or international law commitments. For example, AI regulation worldwide is currently converging towards risk-based regulation (Kaminski, 2023), a modality of regulation that frames governance as a technical problem that requires considerable expertise in legal and technological matters (Almada & Petit, 2025, Section 6). However, few countries have access to the resources and technical know-how needed for that treatment of risks, as AI expertise is largely concentrated in a few countries and in the private sector (Maslej et al., 2024). Because the EU has a reputation for regulatory capacity in digital matters (Bradford, 2020, Chapter 5), countries that lack such resources might replicate the AI Act's approach to regulation in order to free-ride on the regulatory work of EU enforcement institutions. In this case, the spread of EU norms is once again the result of a unilateral process — albeit one that is initiated by the recipient country rather than the EU.

9.4.2 Obstacles to transplantation

The mechanisms outlined above suggest that the EU's ambition of shaping global discourse on AI regulation is not far-fetched. The economic strength of the European single market, the EU's existing regulatory capacity, and its pioneering activity all suggest good reasons why regulators elsewhere might look to Brussels when deciding how to deal with their own AI-related issues. Still, scholarly and policy debates on this issue also suggest some reasons why the AI Act might not become the gold standard of global AI governance.

Some of those issues relate to the empirical question of whether the mechanisms discussed above are actually present in practice. For example, the occurrence of the Brussels Effect depends on certain conditions, such as the attractiveness of the European Single Market, the stringency of EU law, and the unviability of creating separate products for the EU (Bradford, 2020, Chapter 2). Yet, those conditions might not apply for some types of AI technologies. For example, it has been argued that the AI Act's rules for systems outside the high-risk category are not particularly stringent (Almada & Radu, 2024). In that case, the rationale for a *de facto* Brussels Effect is weakened, as compliance with EU law might not be sufficient to meet the requirements being developed in other jurisdictions, such as Brazil or South Korea.

Transplantation of AI Act provisions into the law of non-EU countries is also limited by the agency available to those countries. Even though the AI Act is a pioneering AI regulation, and it reflects a risk regulation approach that is also present in other laws around the world (Kaminski, 2023), other jurisdictions can implement their view of risk in different ways. For example, Brazil's proposed AI bill and the Council of Europe's Framework Convention on AI both put a higher emphasis on individual rights than the EU AI Act's product safety approach examined in Section 9.2 above.[45] This means that a country looking for a template for its own AI laws can draw from other models and not just the EU's. In a geopolitical moment when "digital sovereignty" is gaining popularity as a policy slogan (Pohle & Thiel, 2020; Belli & Gaspar, 2023; Chander & Sun, 2023; Roberts et al., 2023; Fratini et al., 2024), countries might seek to pursue regulatory models closer to the ones of their geopolitical allies or eschew foreign convergence altogether.[46]

Each of these factors might prompt a country to depart from the EU approach when designing its own regulatory framework. At this stage, there is little evidence one way or the other, as both the AI Act and other approaches to AI regulation are very recent. Some initial signs such as the convergence between the EU and the US on digital matters (Fahey, 2024), suggest that the "European approach to artificial intelligence" is gaining traction around

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[45] See other chapters of this volume for introductions to national approaches outside the EU.
[46] See Chapter 6 of this volume.

the world. Still, other factors—such as lobby by tech corporations based in the US, can counteract the EU influence (Hine, 2024)—point in the opposite direction. As of 2025, it is still too early to arrive at a conclusion of whether the EU will succeed in shaping global AI regulation. But, even if it does, the factors above suggest that influence might not happen by simple emulation of the AI Act's legal text by other countries.

9.4.3 Influence beyond legal transplantation

Even if countries do not transplant AI Act provisions into their national laws, their regulatory efforts might still be influenced by the EU. For example, courts in non-EU jurisdictions might look up to the decisions of the European Court of Justice as a persuasive authority when interpreting their own laws (Kuner, 2019, pp. 130–132), and legal scholars trained in EU jurisdictions might influence national debates by relying on concepts and methods developed in a European context. So, textual differences between laws in the EU and abroad might disguise deeper forms of convergence on how to view AI as a regulatory issue.

In particular, a country might deviate from the specific instruments present in the AI Act, but still follow the core elements of its risk-based approach:[47] a focus on AI systems and models as technical objects, the segmentation of those objects into risk tiers, and the reliance on technical standards and post-market surveillance. This is arguably the case of laws adopted in Brazil and South Korea,[48] both of which proceed by dividing AI applications into risk tiers and regulating them through established risk regulation tools.[49] This type of influence produces legal instruments that are not necessarily similar in form to the EU approach, but still view regulatory problems and solutions in a very similar way.

Convergence may also happen beneath the level of lawmaking. For example, the EU *de facto* outsources the production of much of the AI Act's technical content to technical standards that are to be produced by European Standardization Organizations (Cantero Gamito & Marsden, 2024). While these standards respond to EU law, providers might still benefit from their technical guidance when deploying AI systems in other jurisdictions. If they do so, the result is likely to be of an interpretation of national laws that is shaped by the EU. However, this effect is likely to be limited by the existence of alternative standards produced by sources such as international standards organizations and national bodies such as the US National Institute of Standards and Technology (NIST).

Once again, however, structural factors and regulatory practices can also be a source of divergence between jurisdictions. For example, countries might formally replicate the letter

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[47] See Section 9.2 above.
[48] TODO: ADD REFERENCE TO FINAL TEXTS IN ENGLISH.
[49] See Kaminski (2023).

of the AI Act, but lack the resources to enforce its expertise-intensive provisions (see, e.g., Abungu, 2022). Or they might receive EU influences in ways that reflect local priorities rather than the EU's aims in the AI Act. [50] Last but not least, it has been argued (Almada & Radu, 2024; Pagallo, 2023) that the diffusion of the AI Act might undermine the EU's avowed goal of leading the charge for trustworthy AI, as the political compromises that generated the Act lead to gaps in its protection of values such as fundamental rights. These factors suggest that, even if the AI Act is likely to influence AI laws worldwide, it is still too soon to know the shape of that influence, let alone whether it will benefit the EU's geopolitical aims in AI governance.

9.5 Conclusion

Because the AI Act itself is a recent piece of legislation, many empirical questions about the EU's influence over global AI governance remain open. How much are other AI laws around the world—such as the one adopted in South Korea and the one currently under discussion in Brazil—influenced by the AI Act? Will any similarity between the legal texts in different jurisdictions translate into actual convergence between regulatory practices? Or will the growing geopolitical race for AI (Roberts et al., 2023) create a fragmented landscape for governance? It is still too early to offer a conclusive answer to these questions. Nonetheless, this chapter hopes to contribute to those timely discussions by outline the key features of the AI Act and identifying factors that might promote or hinder its global diffusion. In doing so, it provides a starting point for understanding the evolving role of the EU in global AI governance.

The factors examined above suggest that one should not leap towards the conclusion that the EU has laid down the global template for regulation. The AI Act is a complex piece of legislation, and its implementation requires legal and technological capacities that might be too expensive to replicate elsewhere (9.2). It reflects political constraints and judgments that are deeply rooted in the European context (9.3), and as such might not be particularly attractive to lawmakers in other countries. Especially when those lawmakers are not bound to the European model and can draw from other alternatives or try to innovate in their regulatory designs (9.4). This is not to say that one should ignore the EU template outside of its Member States. To the contrary: only by learning from its strengths and weakness it will be possible to shape a global governance regime that addresses the challenges created by AI and avoids the stagnation of a regulatory monoculture.

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[50] For example, it has been argued that the EU's influence in Brazilian laws for platform governance is better understood not as a Brussels Effect but as a "symbolic" example that stringent regulation is possible, even if the actual path taken is somewhat different (Bueno & Canaan, 2024).

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