SYEUL
SLOVAK YEARBOOK OF EUROPEAN UNION LAW

PUBLISHED BY
COMENIUS UNIVERSITY BRATISLAVA
FACULTY OF LAW

ISSN (online): 2729-9988

WHAT HAPPENS IN BRUSSELS DOES NOT STAY IN BRUSSELS: REGULATORY INTENTIONS AND GLOBAL EFFECTS OF EU REGULATION

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This paper is an output of the project UK/1288/2026 – Právne reakcie tretích krajín na extrateritoriálne účinky ekonomického práve Európskej únie

This article was originally presented, under the title "Un pour tous or "Everybody wants to rule the World": Can EU Law Regulate Global Challenges?", at the conference "The Milestones of Law in Central Europe 2026" held on 27–28 March 2026 in the Purpose-built facility of the National Council of the Slovak Republic Častá – Papiernička.

Abstract: *This paper examines how the European Union (EU) addresses selected global challenges through its legal order, and the extent to which EU law achieves global reach beyond its territorial borders. Starting from the premise that global challenges must first be incorporated into "EU challenges," the analysis explores how issues of global concern are brought within the scope of EU regulatory action through the competences conferred on the Union. The analysis focuses on selected regulatory responses in the fields of digital regulation, environmental protection and competition law, which serve as illustrative rather than exhaustive examples of how EU law addresses challenges of a global character. The paper further analyses the intention of the EU regulator when adopting such measures, distinguishing between expressed and non-expressed objectives of global regulation. It demonstrates that in certain cases—such as the GDPR, DSA, AI Act and EUDR—the intention to influence the behaviour of third-country actors is explicitly reflected in the recitals and provisions of the legislation, while in contrast, in instruments such as the DMA, EUTR and EU competition law, global effects arise implicitly from the protection and functioning of the internal market. In its second part, the paper identifies two principal mechanisms through which EU law achieves global reach. First, particular emphasis is placed on the de jure Brussels Effect, whereby third countries adopt or align with EU regulatory standards. Second, the extraterritorial reach of EU law, primarily through territorial extension, enables EU rules to apply to conduct with a sufficient connection to the internal market. In this context, the paper distinguishes between expressed and non-expressed extraterritoriality. It concludes that the EU operates as a global regulatory actor by shaping access to its internal market, positioning EU law as a benchmark for global standards.*

Key words: *global challenges; EU Law; intention of the EU regulator; Brussels Effect; extraterritorial effects*

Suggested citation:
Tomáš Žifčák, 'What Happens in Brussels Does Not Stay in Brussels: Regulatory Intentions and Global Effects of EU Regulation' (2026) 4 *Slovak Yearbook of European Union Law* 89. https://doi.org/10.46282/syeul.2026.4.1493

Submitted*: 30 May 2026*
Accepted*: 29 August 2026*
Published*: 30 August 2026*

1. INTRODUCTION

The World is currently facing challenges due to the increasing interconnectedness of the global economy and society. These challenges are commonly referred to as Global Challenges. The United Nations (UN) addresses Global Challenges as Global Issues, defining them as issues that transcend national boundaries and cannot be resolved by any one country acting alone. Examples of such issues include climate change, digital governance and sustainable development, including the regulation of fair competition.[1]

In light of these developments, the question arises of how supranational entities, such as the European Union (EU), respond through their legal frameworks to challenges that, by their nature, transcend territorial borders. The EU represents a unique legal order based on the principle of conferral, meaning that it may act only within the competences granted to it by the Member States.[2] Nevertheless, the EU has increasingly emerged as a key regulatory actor in areas that have clear global implications, particularly in the fields of data protection, digital services, artificial intelligence, environmental protection, and competition law.

Against this background, this paper seeks to answer two main research questions. First, how does EU law address selected global challenges through its regulatory framework? Second, how does EU law achieve global reach outside its territorial borders? While the first question examines how global challenges are incorporated into the EU regulatory framework and how the EU responds to them through its legal order, the second examines the external dimension of EU law and its ability to influence behaviour beyond the Union.

To address these questions, the paper first analyses how selected global challenges are addressed through the EU regulatory framework, including the role played by the principle of conferral and the relevant legal bases for EU action. It then examines whether the EU intends its legislation to have global effects, distinguishing between explicit and implicit regulatory objectives. Finally, the paper explores the mechanisms through which EU law achieves global reach, focusing on the Brussels Effect and the extraterritorial application of EU law.

The analysis does not seek to provide an exhaustive account of all EU measures addressing the global challenges. Instead, it focuses on selected examples from digital regulation, environmental protection and competition law. Particular attention is paid to regulations, namely the GDPR, DSA, DMA, AI Act, EUTR and EUDR. This choice reflects the legal characteristics of regulations under Article 288 Treaty on the Functioning of the European Union (TFEU): they are binding in their entirety, directly applicable in all Member States, and may impose regulatory requirements on economic operators without requiring national transposition. This makes them particularly suitable for examining how regulatory choices made at the EU level may affect the conduct of actors established outside the Union. Articles 101 and 102 TFEU are included for comparison, since they similarly regulate the conduct of undertakings directly and constitute an established example of EU rules producing effects beyond the Union. The instruments analysed, therefore, serve as illustrative examples of different regulatory responses and different forms of global reach rather than as an exhaustive catalogue of EU action.

[1] For fair competition as global challenge see: Ondrej Blažo, Ochrana Hospodárskej Súťaže v Medzinárodnom Práve - Nástroje Zabezpečenia Ochrany (Univerzita Komenského v Bratislave, Právnická fakulta 2013) 48–49.
[2] Article 5(1) and (2) TEU; Case C-376/98 *Germany v Parliament and Council* EU:C:2000:544; Case C-600/14 *Germany v Council* EU:C:2017:935; Case C-687/15 *Commission v Council (WRC-15)* EU:C:2017:803.

2. THE EU REGULATORY RESPONSE TO GLOBAL CHALLENGES: *GLOBAL CHALLENGE = EU CHALLENGE*

The In order to examine how the European Union addresses global challenges through its legal order, it is first necessary to identify how such challenges are brought within the scope of EU regulatory action. This necessarily requires identifying the competence that enables the Union to act. For this purpose, since the EU does not possess *Kompetenz-Kompetenz*, the Member States (as *"Masters of the Treaties"*) have, through the founding treaties, conferred on the EU a set of powers enabling it to adopt legislative measures.[3] The scope of powers conferred on the EU by the Founding Treaties is governed by the principle of conferral. Article 5 of the Treaty on European Union (TEU) represents a central cornerstone governing the EU competence order and, at the same time, serves as a limitation and constraint on the EU's powers, meaning that the EU can act only if the Founding Treaties allow it to act.[4] When identifying the fields in which the EU may adopt legislative measures, the TFEU in Articles 3 and 4 (exclusive and shared competence) provides a better understanding of the areas where the EU can adopt such measures, notwithstanding special rules of the founding treaties.

The manner in which EU law responds to global challenges may be understood through several stages. The first and foremost step is for a global challenge to become an EU challenge, meaning that an issue of global concern must be translated into a regulatory concern falling within the objectives and competences of the Union. The second phase consists of the EU identifying the appropriate legal basis and regulatory instrument through which it may respond to that challenge. The final phase consists of the legislative process itself, through which the regulatory response is adopted and incorporated into the EU legal order.

Looking back, it was already mentioned that current global challenges include, among others, those arising from the rapid evolution of technology (data protection, AI, etc.), climate change and environmental protection, and the promotion of fair competition. In each of these areas, the EU has adopted regulatory measures that translate global challenges into concrete obligations within the EU legal order.

In the field of technology, the EU adopted the General Data Protection Regulation *(GDPR)*,[5] based on Article 16 TFEU; the Digital Services Act *(DSA)*,[6] based on Article 114 TFEU; and the Artificial Intelligence Act *(AI Act)*,[7] based on Articles 16 and 114 TFEU.

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[3] Manuel Kellerbauer, Marcus Klambert and Jonathan Tomkin, THE EU TREATIES AND THE CHARTER OF FUNDAMENTAL RIGHTS A COMMENTARY (Oxford University Press 2019) 65–67.

[4] ibid 64–65.

[5] Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (Text with EEA relevance), OJ L 119, 4.5.2016, pp. 1–88.

[6] Regulation (EU) 2022/2065 of the European Parliament and of the Council of 19 October 2022 on a Single Market For Digital Services and amending Directive 2000/31/EC (Digital Services Act) (Text with EEA relevance), PE/30/2022/REV/1, OJ L 277, 27.10.2022, pp. 1–102.

[7] Regulation (EU) 2024/1689 of the European Parliament and of the Council of 13 June 2024 laying down harmonised rules on artificial intelligence and amending Regulations (EC) No 300/2008, (EU) No 167/2013, (EU) No 168/2013, (EU) 2018/858, (EU) 2018/1139 and (EU) 2019/2144 and Directives 2014/90/EU, (EU) 2016/797 and (EU) 2020/1828 (Artificial Intelligence Act) (Text with EEA relevance), PE/24/2024/REV/1, OJ L, 2024/1689, 12.7.2024.

DOI: 10.46282/syeul.2026.4.1493:

In the area of environment, the EU adopted, for example, the currently highly debated Timber Regulation *(EUTR)*[8] and Deforestation Regulation (EUDR),[9] both based on Article 192(2) TFEU.[10]

The area of competition law is regulated by the primary law in Articles 101 and 102 TFEU, but the EU has also adopted secondary legislation on competition, the Digital Markets Act *(DMA)*, based on Article 114 TFEU.[11]

Therefore, the selected instruments illustrate that EU responses to global challenges do not rest on a single general competence to regulate matters of global concern. Rather, global challenges are addressed through different Treaty competences and translated into regulatory measures directed at specific aspects of those challenges. Thus, it is the connection of that problem to an area of conferred EU competence that enables its transformation into an object of EU regulation.

2.1 "EU wants to rule the World": Regulatory Intentions beyond the Union

It is evident that global challenges are issues transcending territorial borders of national states (or in this case, the territorial borders of the EU). Therefore, this section examines whether, and to what extent, the regulatory response adopted by the EU reveals an intention to influence conduct beyond the Union, therefore, for a global regulation, by focusing on recitals of regulations analysed in this paper. For these purposes, the aim of the EU regulator while adopting legislation will be divided into two approaches: *(A) Expressed intention of the EU regulator for global regulation* and *(B) No expressed intention of the EU regulator for global regulation.*

A. Expressed intention of the EU regulator for global regulation

The EU regulator, in some cases, may, by exercising its regulatory power over the EU's internal market and citizens, expressly intend for its legislation to be binding on third state nationals, therefore regulating the behaviour of persons or companies established in a third state that are in some way, especially by operating their business, connected to the EU and its internal market. This approach will examine how the EU regulator expressed the intention for global regulation, namely in the case of GDPR, DSA, AI Act and EUDR.

In case of the ***GDPR***, the EU regulator first mentions third-state nationals in Recital 23, stating that in order to ensure that natural persons are not deprived of the protection, the processing of the personal data by the controllers not established in the Union should be subject to the GDPR. Here, it can first be observed that the EU regulator, while aiming to protect the rights of its citizens, intended to regulate the behaviour of

[8] Regulation (EU) No 995/2010 of the European Parliament and of the Council of 20 October 2010 laying down the obligations of operators who place timber and timber products on the market Text with EEA relevance, OJ L 295, 12.11.2010, pp. 23–34.

[9] Regulation (EU) 2023/1115 of the European Parliament and of the Council of 31 May 2023 on the making available on the Union market and the export from the Union of certain commodities and products associated with deforestation and forest degradation and repealing Regulation (EU) No 995/2010 (Text with EEA relevance), PE/82/2022/REV/1, OJ L 150, 9.6.2023, pp. 206–247.

[10] In the area of environment, the EU adopted more legislation, but for the purposes of this Paper, the focus will be on EUTR and EUDR.

[11] Regulation (EU) 2022/1925 of the European Parliament and of the Council of 14 September 2022 on contestable and fair markets in the digital sector and amending Directives (EU) 2019/1937 and (EU) 2020/1828 (Digital Markets Act) (Text with EEA relevance), PE/17/2022/REV/1, OJ L 265, 12.10.2022, pp. 1–66; the DMA is placed in the area of competition law within this paper, because of its recital 5, according to which these rules were adopted, because the scope of Articles 101 and 102 is "limited to certain instances of market power."

controllers or processors established in third countries. This intent is later strengthened in Recital 101, where the EU regulator explicitly states that when personal data are transferred from the Union to controllers or other recipients in third countries, the level of protection in the Union by GDPR should not be undermined and that transfers to third countries may be carried out only in full compliance with the GDPR.

From these two recitals, a clear intention of the EU regulator to pursue global regulation can be observed, expressly mentioning operators based outside the EU.

In the ***DSA***, the EU regulator, in Recital 7, states that, in order to ensure the effectiveness of the rules and a level playing field within the internal market, the rules should apply to providers of intermediary services irrespective of their place of establishment, insofar as they offer services in the Union.

In this case, the intention of the EU regulator is not as clearly evident as it was in the case of GDPR. However, from the wording “irrespective of their establishment”, it can be observed that the EU regulator's intention is to account for the possibility of a provider from a third country operating on the internal market.

Looking at the ***AI Act***, the EU regulator used a similar approach as in the case of DSA, where in Recital 21 states that in order to ensure a level playing field and an effective protection of rights and freedoms of individuals, the rules should apply to providers of AI systems irrespective of whether they are established in the Union or in a third country.

Here, the similarity with the DSA can be observed, where the EU regulator, using the same reasoning, relies on the possibility that a provider of an AI system based in a third country will provide its system on the internal market.

In the EUDR, which will completely repeal EUTR at the end of 2029,[12] the EU regulator in Recitals 1, 2 and 3 firstly addresses[13] that forests provide a wide variety of environmental, economic and social benefits; then that deforestation and forest degradation are taking place at an alarming rate; and that they contribute to the global climate crisis. The EU regulator then later, in Recital 30, states that operators and traders should be bound by the obligations regardless of whether the trade takes place through traditional or online means, and that EUDR should ensure that in every supply chain there is an operator who is established in the Union and can be held accountable. Finally, in Recital 41, the EU regulator states that the EUDR should lay down obligations concerning relevant commodities, promote deforestation-free supply chains and take into account protection in both the Union and third countries.

From the Recitals of the EUDR, it can be observed that the EU regulator firstly recognises that the issue of deforestation is of global concern. In this case, the intention of the EU regulator may not be as clearly evident as it was in the case of both DSA and AI Act. However, from the wording of Recital 30, “in every supply chain there is an operator who is established in the Union”, the intention becomes clear when assessing that every supply chain means both within and outside the Union. The intention of the EU regulator becomes clear when assessing the need for an operator that is established in the EU. This indicates that the EU regulator aims to regulate the behaviour of third-country nationals by imposing a duty to establish a subsidy within the EU.

[12] Art. 37(1 and 2) of EUDR.
[13] Uses the same reasoning as in the EUTR (see further).

DOI: 10.46282/syeul.2026.4.1493:

B. No expressed intention of the EU regulator

In contrast to the first approach, where the EU regulator directly expressed its intention to regulate the behaviour of third-country nationals – even though primarily aiming to protect its internal market and citizens – the second approach will examine how the EU regulator aimed for its regulation to become global while not directly expressing its intention to regulate the behaviour of third-country nationals, namely in the case of EUTR and DMA.

Regarding the ***EUTR***, the EU regulator firstly addressed in Recitals 1, 2 and 3 that the forests provide a wide variety of environmental, economic and social benefits; then that the growing demand for timber and timber products worldwide, in combination with governance deficiencies, illegal logging and associated trade, become matters of ever greater concern; and that illegal logging is a problem of major international concern. The EU regulator then, in Recital 16, mentions that operators placing timber and timber products on the internal market for the first time should exercise due diligence to minimise the risk of placing illegally harvested timber and timber products on the internal market.

From this, it can be observed that, even though the EU regulator in this case recognised that the issue at hand is of global concern, the intention is to protect the internal market and not necessarily to regulate the behaviour of third-country nationals, even though obligations under this regulation may arise for them via extraterritorial effects.[14]

Looking at the ***DMA***, the EU regulator in Recital 5 states that although Articles 101 and 102 TFEU apply to the conduct of gatekeepers, the scope of these provisions is limited to certain instances of market power. Later on, the EU regulator elaborates that the existing Union law does not address the challenges to the effective functioning of the internal market posed by conduct of gatekeepers that are not necessarily dominant from the market power point.

From this, it is apparent that the DMA is intended primarily for the protection of the internal market, and the EU regulator, in this case, does not mention third-country nationals in any way. Therefore, even though the DMA produces extraterritorial effects,[15] the primary intention is the protection of the internal market and not the necessary regulation of third-country nationals.

In the case of ***EU competition law*** that is embedded in the founding Treaties themselves, concretely in Articles 101 and 102 TFEU. Looking at the wording of these rules, it becomes apparent that the intention of Member States as Masters of the Treaties was to regulate the behaviour of enterprises solely on the internal market itself. Therefore, the intention for global regulation in this regard remains elusive. Nevertheless, EU competition law has achieved global reach through its extraterritorial effects.[16]

2.1.1 Conclusion

From the above analysis of the Recitals of respective regulations adopted by the EU regulator it can be apparent that the EU regulator may and in cases of GDPR, DSA, AI Act and EUDR the EU regulator indeed does express its intention to – among protecting its internal market and citizens – regulate behaviour of third-country nationals and therefore aims for its regulation to have global impact reaching outside its territorial borders. While in cases of GDPR, DSA, AI Act, and EUDR, the intention was apparent from

[14] The problem of extraterritorial effects will be later addressed in part 3.2 of this paper.
[15] See n 14.
[16] See n 14.

the recitals, in cases of EUTR and DMA, and in competition law, this intention of the EU regulator (and Member States) was not directly expressed, as in the regulations of the first approach. However, since even these regulations affect the behaviour of third-country nationals, it may be argued that the intention of the EU regulator for EUTR, DMA and EU competition law to become global is present in a hidden form.

3. GLOBAL REACH OF EU LAW

Since global challenges are considered to be issues transcending territorial borders of national states, which cannot be resolved by any one country acting alone, a second question arises regarding how the EU Law transcends its territorial borders and impacts the behaviour of third-country nationals on one hand and legal orders of third countries on the other. However, the global reach of EU Law should be situated within the broader context of the relations between legal orders worldwide. As Cassese observes, the global legal order develops not only vertically, between national[17] and global levels, but also horizontally through the interaction of legal orders.[18] This section, therefore, analyses how the EU, through its regulatory unilateralism in addressing global challenges,[19] impacts third countries due to the global reach of its legal order. The focus will be on the concept of "Brussels effect", which was construed by Anu Bradford, and the extraterritorial reach of EU Law that has been part of the research of a number of scholars.[20] These two phenomena, while both contributing to the global reach of EU Law, should nevertheless remain conceptually distinct. As Rapoport pointed out, the "Brussels Effect" does not generally derive from the extraterritorial scope of EU rules, but rather from the normative force of the specific rule, and without any intervention by the EU. However, this distinction between these two phenomena becomes less clear in practice, as they may partially overlap.[21]

The aim of this section is not to replicate their ideas but rather, through synthesis, to illustrate the global reach of EU Law and its impact on third countries with respect to the global challenges addressed in this paper.

3.1 Projection of EU Law and Brussels Effect

The concept of the Brussels Effect, as mentioned earlier, was introduced by Anu Bradford, who laid out key conditions for unilateral regulatory globalisation and

[17] Or in the case of EU supranational.
[18] Sabino Cassese, *Il diritto globale: Giustizia e democrazia oltre lo Stato* (EINAUDI 2009) 24.
[19] Adopted regulation focused within this paper.
[20] For example: Joanne Scott, 'Extraterritoriality and Territorial Extension in EU Law' (2013) 62 American Journal of Comparative Law 87 <https://doi.org/10.5131/ajcl.2013.0009>; Lena Hornkohl, 'The Extraterritorial Application of Statutes and Regulations in EU Law' (2022) 2022 SSRN Electronic Journal <https://doi.org/10.2139/ssrn.4036688>; Lena Hornkohl, 'The Extraterritorial Application of Statutes and Regulations' *Extraterritoriality in Comparative Perspective* (Brill | Nijhoff 2025) <https://doi.org/10.1163/9789004720183_018>; Marek Martyniszyn, 'Extraterritoriality in EU Competition Law' in Nuno Cunha Rodriguez (ed), *Extraterritoriality of EU Economic Law The Application of EU Economic Law Outside the Territory of the EU* (Springer 2021) <https://doi.org/10.1007/978-3-030-82291-0_3>; Ondrej Blažo, 'The Mirage of Territoriality: EU Law's Extraterritorial Reach Between Protectionism and Altruism' (2025) 1 Comenius : Bratislava legal forum 545 <https://doi.org/10.46282/bpf.2025.33>.
[21] Cécile Rapoport, 'À La Recherche Des Frontières de l'extraterritorialité Du Droit de l'Union Européenne' in Edouard Dubout, Francesco Martucci and Fabrice Picod (eds), *L'extraterritorialité en droit de l'Union européenne* (Bruylant 2021) 24.

DOI: 10.46282/syeul.2026.4.1493:

explained how EU Law impacts other countries.[22] The key elements of unilateral regulatory globalisation, *i. e.,* the Brussels Effect, are, according to Bradford: *Market size, Regulatory capacity, Preference for strict rules, Predisposition to regulate inelastic targets,* and *Nondivisibility of Standards*.[23] This phenomenon is then divided into two parts: the *de facto* Brussels Effect and the *de jure* Brussels Effect.

By the *de facto* Brussels Effect, Bradford states that the multinational corporations often have an incentive to standardise their production on a global scale and adhere to a single, most strict rule.[24] The EU regulates its internal market, and the companies exporting their production in the EU must abide by EU rules. The incentive of multinational corporations to standardise their production can be answered by a pragmatic approach. Corporations voluntarily standardise their production to strict rules because it is more economically convenient to have a single set of production standards consistent with the strictest rules in the world, thereby ensuring consistency with all rules across the globe. Therefore, the impact that the EU has thanks to the *de facto* Brussels Effect is due to the size and irreplaceability of its internal market.

By the *de jure* Brussels Effect, Bradford means formal adoption of the EU's strict rules by other countries – regulatory convergence – that is realised primarily through lobbying of the companies affected by the *de facto* Brussels Effect to their domestic governments in an effort to level competition against their domestic competitors who are not export-oriented.[25] It should be noted that this convergence remains formally voluntary for the third countries, even though it is realised primarily through lobbying.

Therefore, Bradford observed that the EU Law has a global reach, which is realised primarily through the power of its internal market within the globalised economy.

3.1.1 Brussels Effect in practise

If the EU Law has global reach thanks to the Brussels effect, it must therefore be observed in practice in order for this theoretical concept to be relevant. Therefore, this part will focus on the operation of the Brussels Effect in practice. The focus will be on the *de jure* Brussels effect of regulations analysed within this paper,[26] therefore, on which third countries adopted EU rules into their legal orders. It is not the aim of this section to conduct a deep comparative analysis of EU Law and adopted legislation by third countries, but rather to illustrate the global reach of EU Law in regard to global challenges discussed.

Regarding ***GDPR,*** the *de jure* Brussels Effect was – and still is being – mapped by Ronan Murphy.[27] Within this mapping, he divided it into three approaches: *Full adoption of the GDPR (1), GDPR-influenced regulation (2),* and *some regulation on both consent mechanisms and personal data processing (3).*[28]

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[22] Anu Bradford, 'The Brussels Effect' (2012) 107 Northwestern University Law Review 1; Anu Bradford, *The Brussels Effect: How the European Union Rules the World* (Oxford University Press 2020) <https://doi.org/10.1093/OSO/9780190088583.001.0001>.
[23] Bradford, 'The Brussels Effect' (n 22) 11–19; Bradford, *The Brussels Effect: How the European Union Rules the World* (n 22) 26–65.
[24] Bradford, 'The Brussels Effect' (n 22) 6.
[25] ibid 6, 8.
[26] GDPR, DSA, DMA, AI Act, EUTR, EUDR.
[27] Ronan Murphy, 'Mapping the Brussels Effect: The GDPR Goes Global' <https://cepa.org/comprehensive-reports/mapping-the-brussels-effect-the-gdpr-goes-global/>.
[28] ibid; the division also mentioned 3 more criteria 'Subject to the GDPR by law,' 'Some regulation on consent mechanisms' - Russia and Mexico, and 'Some regulation on personal data processing' - Egypt.

Ad (1), countries like Albania, Serbia, Kosovo and the UK took the approach of full adoption of the GDPR.[29]

Ad (2), countries such as Georgia, Israel, Japan, Kenya, Moldova, Nigeria, North Macedonia, Rwanda, South Korea, Sri Lanka, Thailand, the United Arab Emirates, and Vietnam were inspired in framing their legislation by the GDPR.[30]

Ad (3), countries like Argentina, Australia, Bosnia and Herzegovina, Brazil, Canada, China, India, Indonesia, Montenegro, New Zealand, Singapore, South Africa, Switzerland, Turkey, Uganda, Ukraine, and Zambia have adopted, amended or are in the process of adopting/amending their national legislation to GDPR-like standards of both consent mechanisms and personal data processing.[31]

From the above, the *de jure* Brussels Effect of the GDPR and its global reach are evident, since 35 states outside the EU have been affected by the GDPR in respect of their domestic legislation, and 17 of them adopted the GDPR in full or were GDPR-influenced when framing their respective regulations.

In the case of ***DMA***, the *de jure* Brussels Effect was also mapped by Murphy.[32] In this case, he divided the approaches that countries took when influenced by DMA into *Similar rules adopted (1), Similar rules proposed (2)* and *Early discussion of new rules (3).*[33]

Ad (1) countries like Japan, Nigeria, Kazakhstan, the UK and Uzbekistan adopted similar rules to the DMA.[34]

Ad (2) in countries such as Brazil, Burundi, Canada, Democratic Republic of Congo, Egypt, Ethiopia, Kenya, Libya, Madagascar, New Zealand, Rwanda, Somalia, South Korea, Sudan, Thailand, Tunisia, Uganda, Zambia, and Zimbabwe have been proposed similar rules based on the DMA.[35]

Ad (3) In countries like Australia, India, Indonesia, Malaysia, Mexico, Morocco, Switzerland, and Turkey, the early discussion about new rules inspired by DMA has already begun.[36]

From this, it can be observed that the DMA affected 32 states, while 5 states had already adopted similar rules, and in 19 states, similar rules were proposed. Therefore, the global reach of EU Law via the *de jure* Brussels Effect is apparent.

As regards the ***DSA, AI Act, EUTR,*** and ***EUDR,*** such a comprehensive mapping of the Brussels Effect, as in the cases of GDPR and DMA, has not yet been published. Nevertheless, this part will review the presence of the *de jure* Brussels Effect within the scope and aim of this paper.

In the case of the ***DSA***, the *de jure* Brussels Effect, proposals for similar regulation are present in the Global South, where countries such as Brazil, India, Indonesia, and Nigeria have already adopted or proposed legislation reflecting DSA

[29] ibid.
[30] ibid.
[31] ibid.
[32] Ronan Murphy, 'Mapping the Brussels Effect' <https://cepa.org/comprehensive-reports/the-brussels-effect-goes-global/>.
[33] ibid.
[34] ibid.
[35] ibid.
[36] ibid.

DOI: 10.46282/syeul.2026.4.1493:

objectives.[37] Other examples may be found in cases of Australia and UK, which also reflected on the DSA.[38]

Here, it can be observed that, even though the impact of DSA is not currently on the same scale as in the cases of GDPR and DMA, the global reach of EU Law is still present to some extent.

Regarding the ***AI Act*** and the *de jure* Brussels Effect, observations can once again be seen in Global South countries. In Brazil, the proposal for the AI Act, mirroring the EU risk-based framework, awaits final approval, while in Peru, the AI Act has been enacted and is closely aligned with the EU approach.[39] Turkey also proposed its own draft of the AI Act, mirroring the EU's framework.[40] Observations were also made in countries like Canada, which proposed the AI and Data Act, mirroring the EU and South Korea, which borrowed the EU's risk and transparency approach.[41] Also, some influence can be observed in Australia and New Zealand, exploring minor tweaks.[42]

The impact of the AI Act may seem somewhat scattered, but, as Bradford observed in her Digital Empires, this may be due to the ongoing rivalry among the regulatory models of the EU, China, and the US.[43] On the other hand, it has been argued that the EU's standards will likely shape the governance worldwide, but this shall be seen in the future.[44]

Looking at the environmental regulations ***EUTR*** and ***EUDR***, the *de jure* Brussels Effect observations are made in countries of the Global South,[45] namely Brazil, Colombia, Côte d'Ivoire, Ghana, Indonesia, Malaysia, Peru, and Vietnam, reshaping either their legal, administrative, and productive dynamics in order to comply with EU environmental regulations.[46] Therefore, the global reach of EU Law is present even in the field of environment regulation, impacting mostly countries in the Global South.

Regarding ***EU competition law,*** the *de jure* Brussels effect is observed mainly in countries like South Africa, Singapore, India, China, Mexico, Russia, Colombia, Venezuela and Ethiopia.[47] The global reach of EU law regarding competition law is therefore present, impacting a number of countries around the globe.

3.2 Extraterritorial reach of EU Law

Another method of global reach of legal order from one jurisdiction to another is the concept of extraterritoriality of law. The topic of extraterritoriality was the subject

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[37] Ayesha Bhatti, 'How the Brussels Effect Hinders Innovation in the Global South' (Center for Data Innovation 2026) 19–20 <https://itif.org/publications/2026/01/26/how-brussels-effect-hinders-innovation-in-global-south/>.

[38] Anu Bradford, *Digital Empires: The Global Battle to Regulate Technology* (Oxford University Press 2023) 341–342 <https://doi.org/10.1093/oso/9780197649268.001.0001>.

[39] Bhatti (n 37) 21.

[40] ibid 26.

[41] Anda Bologa, 'Burying the Brussels Effect? AI Act Inspires Few Copycats' <https://cepa.org/article/burying-the-brussels-effect-ai-act-inspires-few-copycats/>.

[42] ibid.

[43] Bradford, *Digital Empires: The Global Battle to Regulate Technology* (n 38) 11–13.

[44] Marco Almada and Anca Radu, 'The Brussels Side-Effect: How the AI Act Can Reduce the Global Reach of EU Policy' (2024) 25 German Law Journal 646, 658 <https://doi.org/10.1017/GLJ.2023.108>.

[45] Ana Flávia Trevizan, Alan Marques Miranda Leal and Victor Esteves Najjar Valle, 'Forest Trade on the Amazon Frontier and Its Interaction with the EUDR' (2025) 38 International Journal for the Semiotics of Law - Revue internationale de Sémiotique juridique 2025 38:5 1639 <https://doi.org/10.1007/S11196-025-10250-7>; Alan Leal and others, 'EUDR and Deforestation in Brazil: Are Producers Anticipating the European Deforestation-Free Regulation?' 1 <https://doi.org/10.2139/SSRN.6214698>.

[46] Leal and others (n 45) 6–7.

[47] Bradford, *The Brussels Effect: How the European Union Rules the World* (n 22) 115–119; Blažo (n 1).

of research of a number of scholars.[48] Scott introduced the concept of "territorial extension", differentiating it from extraterritoriality *per se,* stating that territorial extension means that the application depends on territorial connection (in this case, to the territory of the EU).[49] Hornkohl recently categorised the extraterritorial effects based on nationality, presence, conduct, effects, anti-evasion, counterparty, and property.[50] Blažo recently analysed extraterritoriality of internal market rules from the perspective of consequences, dividing them into three main types: productive, structural and behavioural.[51] The aim of this section is not to reproduce their ideas and arguments, but rather, through synthesis, to illustrate the global reach of EU law, in regard to global challenges discussed within this paper, via extraterritorial effects. This section will be focused firstly on elaborating on the concept of extraterritoriality of EU law in general, and then on examining the intention of the EU regulator for extraterritorial effects.

The issue of extraterritoriality of law was addressed by Permanent Court of International Justice (PCIJ) in case *Lotus,*[52] where the PCIJ stated on the one hand that jurisdiction of State cannot be exercised outside its territory except by virtue of permissive rule, but on the other hand it emphasized that international law does not prohibit a State to exercise its jurisdiction in its own territory in respect of any case relating to acts which have taken place abroad.[53] By this, the PCIJ provided a basis for what Scott calls *territorial extension*; therefore, the application of a legal rule is triggered by the existence of a territorial connection.[54]

Regarding extraterritorial effects of EU law via territorial extensions, it should be remembered that it needs to be in conformity with international law, since the EU has an obligation to contribute to the strict observance and development of international law as stated in Article 3(5) TEU. It was confirmed by the Court of Justice of the EU (CJEU), e.g., in the case of the *Air Transport Association*,[55] that when the EU adopts an act, it is bound by international law in its entirety.[56] This points to the territorial scope of the EU. According to the founding treaties, the territorial scope is apparent. Articles 52 TEU and 355 TEU together establish the territory of the EU. As Blažo summarised, the territorial scope of the EU comprises the territory of Member States, subject to restrictions under Article 355 TFEU.[57] This means that the extraterritoriality of EU law is an "illusion" of extraterritoriality, since the EU law applies strictly on a territorial basis, even though it governs the behaviour of a third-country national or business.

The aim of this section is to illustrate the global reach of EU law via extraterritorial effects. As was discussed in Section 2.1 of this paper, the EU regulator

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[48] For example: Scott (n 20); Marise Cremona and Joanne Scott, *EU Law Beyond EU Borders: The Extraterritorial Reach of EU Law* (Oxford University Press 2019) <https://doi.org/10.1093/OSO/9780198842170.001.0001>; Hornkohl, 'The Extraterritorial Application of Statutes and Regulations in EU Law' (n 20); Hornkohl, 'The Extraterritorial Application of Statutes and Regulations' (n 20); Nuno Cunha Rodrigues (ed), *Extraterritoriality of EU Economic Law,* vol 4 (Springer Nature 2021) <https://doi.org/10.1007/978-3-030-82291-0>; Ondrej Blažo (n 20).

[49] Scott (n 20) 89–90; Joanne Scott, 'The Global Reach of EU Law' in Marise Cremona and Scott Joanne (eds), *EU Law Beyond EU Borders: The Extraterritorial Reach of EU Law* (Oxford University Press 2019) 23–25 <https://doi.org/10.1093/OSO/9780198842170.003.0002>.

[50] Hornkohl, 'The Extraterritorial Application of Statutes and Regulations in EU Law' (n 20); Hornkohl, 'The Extraterritorial Application of Statutes and Regulations' (n 20).

[51] Blažo (n 20) 566–568.

[52] Case of the SS '*Lotus'* (France v Turkey) (Judgment) [1927] PCIJ Series A No 10.

[53] ibid [45-46].

[54] Scott (n 20) 90; Scott (n 49) 24–25.

[55] Case C-366/10 *Air Transport Association of America and Others* ECLI:EU:C:2011:864.

[56] ibid [101].

[57] Blažo (n 20) 548.

DOI: 10.46282/syeul.2026.4.1493:

may, by exercising its regulatory power, intend for its legislation to become global; it may also construe the rule in a way that explicitly intends for the extraterritorial effects. Thus, this section will examine how the EU regulator construed the rules of the respective regulations. For these purposes, the regulations and their respective rules will be divided into two types: *Expressed extraterritoriality (A)* and *Non-expressed extraterritoriality (B)*, illustrating the triggers of territorial extension and linking them to the intention of the EU regulator for global regulation discussed in Section 2.1 of this paper.

A. Expressed extraterritoriality

The EU regulator may construe the legal rules in a way that explicitly anticipates the extraterritorial effect. Therefore, this approach will analyse which rules directly assess the possibility of third-country nationals. The expressed extraterritoriality of EU law can be observed in cases of GDPR, DSA, DMA and AI Act.

In the case of the ***GDPR***, in Article 3 the EU regulator directly expressed the extraterritoriality of this rule of territorial scope stating that this Regulation applies to processing of personal data in two categories regarding controller or processor not established in the Union: firstly that the processing activities are related to a) offering of goods or services to such data subjects in the Union; or b) monitoring of behaviour that takes place within the Union. Secondly, the processing takes place where the law of the Member State applies by virtue of international law. Therefore, the trigger of territorial extension in this case can be observed in the processing of personal data under the conditions set out in Article 3 of the GDPR.[58] However, the extraterritorial reach of EU data protection law has been recognised even under the predecessor regime to the GDPR, in the *Google Spain* case.[59] In this case, the Court emphasised that the EU legislature had prescribed a particularly broad territorial scope in order to prevent individuals from being deprived of the protection guaranteed by EU data protection law or that protection from being circumvented.[60] Later on, the limits of such global reach were illustrated in the *Google v CNIL* case.[61] In this case, the Court stressed that although effects within the EU could justify the EU's competence to impose de-referencing outside its territory, the relevant provisions did not demonstrate that the EU intended, with respect to the right to de-referencing, a scope extending beyond the territory of the Member States.[62] This broad territorial reach can also be connected to the intention of the EU Regulator, since, as Recitals 23 and 101 clearly state, the GDPR is intended to apply to third-state controllers or processors as expressly anticipated under the conditions laid down in Article 3 of the GDPR (see Section 2.1 above).

Regarding the ***DSA***, the EU regulator explicitly affirmed its extraterritorial scope in Article 2, stating that this Regulation shall apply to intermediary services offered to recipients based in the Union, *irrespective* of where the providers have their place of establishment.[63] The trigger of territorial extension can be observed in this case in the activity of offering intermediary services on the internal market. Like in the case of the GDPR, the connection to the intention of the EU regulator for global regulation can be established only via the extraterritoriality of Article 2 of DSA, since Recital 7 also states the same criterion, irrespective of the place of establishment of the provider of respective services (see Section 2.1 above).

[58] Art. 3(2,3) GDRP.
[59] Case C-131/12 *Google Spain and Google* EU:C:2014:317.
[60] ibid., [54].
[61] Case C-507/17 Google (Territorial scope of de-referencing) EU:C:2019:772.
[62] ibid., [62].
[63] Art. 2(1) DSA.

Looking at the ***DMA,*** the EU regulator directly embedded the extraterritoriality in Article 1, stating that this Regulation shall apply to core platform services provided by gatekeepers to business users based in the Union, irrespective of the place of establishment or residence of the gatekeepers.[64] The trigger of territorial extension can be observed in providing services on the internal market; therefore, the same criterion as in the case of DSA. Unlike in the case of GDPR and DSA, the intention of the EU regulator for global regulation cannot be found in the Recitals, since the main aim was the protection of the internal market, since the scope of Articles 101 and 102 TFEU is limited and therefore not sufficient (see Section 2.1 above). However, through the extraterritoriality, the intention for global reach of DMA can be observed in this case, even though this intention may be concealed from the recitals.

In the case of ***the AI Act,*** the EU regulator expressly anticipates extraterritoriality in Article 2, stating that this Regulation applies to providers placing AI systems on the market in the Union, irrespective of whether those providers are established or located within the Union or in a third country.[65] Here, once again, can be observed with the DSA and DMA, but the AI Act expressly uses the term *in a third country*. Therefore, the trigger for the territorial extension can be observed in the placing or putting into service or placing general-purpose AI systems on the internal market. The intention of the EU regulator for global regulation in this case can also be connected here, like in the case of DSA, since the Recital 21 states the same criterion as Article 2(1)(a) of the AI Act (see Section 2.1 above).

From the above stated, it becomes apparent that the EU regulator, while aiming for global regulation of global challenges, secures the global reach of its legislation via territorial extensions and explicitly imposes that the rules shall also apply to subjects based outside the EU territory, *ergo* in a third country, as was illustrated in cases of GDPR, DSA, DMA[66] and AI Act.

B. Non-expressed extraterritoriality

In contrast to the first approach, where the EU regulator construed the rules with express extraterritoriality, the second approach will examine rules that do not directly anticipate third-state nationals but nonetheless produce extraterritorial effects. The non-expressed extraterritoriality can be observed in the EUTR, the EUDR, and Articles 101 and 102 TFEU.

Regarding the ***EUTR***, Scott has already identified its extraterritoriality and territorial extension.[67] The extraterritoriality of the EUTR is set out in Article 4, which prohibits placing illegally harvested timber on the internal market.[68] Therefore, the trigger of territorial extension in this case is present in the form of conduct, *ergo,* placing timber products on the internal market for the first time.[69] As to the intention of the EU regulator for global reach, this cannot be connected as was in cases above, since the recitals, even though recognising the problem being international, the aim suggests the protection of the environment in the EU territory via regulation of the internal market (see Section 2.1

[64] Art. 1(2) DMA.
[65] Art. 2(1)(a) AI Act.
[66] Even though the intention in case of DMA was concealed in protection of internal market.
[67] Scott (n 20) 98–99; Scott (n 49) 45–46.
[68] Art. 4(1) EUTR.
[69] Scott (n 20) 99.

DOI: 10.46282/syeul.2026.4.1493:

above). But the intention to achieve global reach can be deduced more from the fact that the EU is a major importer of such goods.[70]

Looking at the ***EUDR,*** the EU regulator did not directly impose extraterritoriality as in the first approach, but the EUDR still embeds extraterritoriality in a form of conduct, as in the case of the EUTR.[71] In Article 3, the EU regulator uses the same criterion as in EUTR, prohibiting the placing or making available of relevant commodities and products on the internal market unless they are deforestation-free, they have been produced in accordance with relevant legislation, and they are covered by due diligence obligations.[72] The trigger for territorial extension in this case is placing or making available commodities and products on the internal market; therefore, practically the same as in the case of the EUTR. Regarding the intention for global regulation, this can be connected even though the extraterritoriality is not directly expressed since the EU regulator in Recital 30 aimed for every supply chain to comply with the EUDR (see Section 2.1 above), which can also be supported by the fact that the EU is a major importer of relevant products and commodities.

As to the case of ***EU competition law*** embedded in the primary law of the EU in Articles 101 and 102 TFEU, the matter of extraterritoriality has been addressed by a number of scholars.[73] While Articles 101 and 102 TFEU prohibit cartel agreements and abuse of dominant position on the internal market, the extraterritoriality of these provisions can be observed in a form of conduct that anticompetitive behaviour affects competition on the internal market. This was confirmed by the CJEU recently in the *Intel*[74] case and developed by the *Béguelin Import*[75] case, where the Court stated that the fact that an undertaking is situated in a third country does not prevent the application of these rules, if the behaviour is operative on the territory of the internal market.[76] Therefore, the trigger of territorial extension is established by the localised effects in the form of conduct, *ergo,* in prohibited behaviour affecting competition within the internal market. As to the intention of global reach, the Member States, as Masters of the Treaties intended for the protection of the internal market. But the global reach can be connected based on the size of the market itself.

From the above stated, it can be deduced that even though the EU regulator (or, in the case of competition, Member States) did not intend for global regulation (apart from EUDR), the global reach of EU law is, in this regard, achieved via extraterritorial effects.

4. CONCLUSION

This paper set out to examine how EU law addresses selected global challenges through its regulatory framework and how EU law achieves global reach beyond its territorial borders.

With regard to the first research question, the analysis has shown that EU law responds to global challenges by translating particular dimensions of those challenges into matters falling within existing areas of EU competence. The principle of conferral,

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70 See further for example: Scott (n 49) 47–51.
71 It has already been stated that the EUDR will completely repeal EUTR while expanding its scope not only to timber products.
72 Art. 3 EUDR.
73 For example: Martyniszyn (n 20); Blažo (n 20).
74 Case C-413/14 P *Intel v Commission* ECLI:EU:C:2017:632.
75 Case C-22/71 *Béguelin Import v G.L. Import Export* ECLI:EU:C:1971:113.
76 Case C-413/14 P *Intel v Commission* ECLI:EU:C:2017:632 [43]; Case C-22/71 *Béguelin Import v G.L. Import Export* ECLI:EU:C:1971:113 [11].

therefore, does not operate as a test of whether the EU may regulate "global challenges" as an autonomous category. Rather, the selected examples demonstrate that issues of global concern are addressed through different Treaty competences and regulatory instruments depending on the particular aspect of the challenge concerned. Data protection and digital governance, environmental protection and fair competition thus provide distinct legal pathways through which global problems become objects of EU regulatory action.

Furthermore, the analysis has demonstrated that the EU regulator, when exercising its competences, may pursue objectives that extend beyond the internal market. In several instances, notably in the GDPR, DSA, AI Act and EUDR, the intention to influence the behaviour of third-country actors is expressly reflected in the recitals and provisions of the respective legislation. In other cases, such as the DMA, EUTR and EU competition law, the primary objective remains the protection of the internal market; however, global effects arise implicitly due to the structure and operation of the rules. This distinction between expressed and non-expressed intention indicates that the EU's global regulatory dimension may be either explicit or embedded within internal market regulation.

With regard to the second research question, the analysis has identified two principal mechanisms through which EU law achieves global reach: the Brussels Effect and the extraterritorial reach of EU law, primarily through territorial extension. The Brussels Effect explains how the size and attractiveness of the EU internal market incentivise multinational corporations to adhere to EU standards globally (de facto effect) and encourage third countries to align their domestic legislation with EU rules (de jure effect). The examples discussed within this paper, particularly in the areas of data protection and digital markets, demonstrate that EU regulation has already influenced a significant number of jurisdictions worldwide.

At the same time, the extraterritorial reach of EU law ensures that EU rules apply whenever a sufficient territorial connection to the internal market is established. This is achieved through legal triggers for territorial extensions, such as offering goods or services within the Union, placing products on the internal market, or producing effects within the EU. While formally remaining within the limits of territorial jurisdiction under international law, these mechanisms enable the EU to regulate the behaviour of third-country nationals in practice. The distinction between expressed and non-expressed extraterritoriality further demonstrates that the EU may either explicitly design rules to produce such effects or rely on their functional operation.

Taken together, these findings support the conclusion that the EU is not merely a regional regulator confined to its internal market, but an increasingly influential global regulatory actor. Its influence does not derive from the formal extension of its jurisdiction, but from a combination of legal design, regulatory capacity and the economic weight of its internal market.

In conclusion, EU law addresses global challenges by incorporating particular dimensions of those challenges into its existing regulatory framework and translating them into legal obligations applicable within the EU legal order. The effects of these regulatory responses, however, do not necessarily remain within the Union. It achieves global reach not by formally extending its territorial jurisdiction, but by shaping the conditions under which global actors access and operate within its internal market. The result is a form of unilateral regulatory globalisation in which EU law increasingly serves as a benchmark for global standards. The examples analysed in this paper are illustrative rather than exhaustive and therefore do not establish a uniform model of EU responses to global challenges. They nevertheless demonstrate that the relationship between the

DOI: 10.46282/syeul.2026.4.1493:

global nature of a regulatory problem, the intention underlying the EU response, and the external effects ultimately produced by that response may differ considerably across regulatory fields. The extent to which this influence will persist or evolve, particularly in light of competing regulatory models, remains a matter for further research.