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Artificial Intelligence Governance Beyond Borders: The EU AI Act's Influence on Third Party Legal Frameworks and Regional Organizations

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Abstract: This research examines the perspective and influence of the European Union's Artificial Intelligence Act (EU AI Act) on AI regulation in third countries and regional organizations. Using a doctrinal legal method with statutory and comparative law approaches, the study finds that the EU AI Act is a binding regulation applicable to all EU Member States. It aims to improve the internal market by introducing horizontal regulations focused on human rights protection. The Act defines AI broadly as a family of technologies affecting all aspects of life and classifies AI systems by risk level to determine development and market standards. This framework influences third-country regulations through the Brussels Effect. De facto, global companies, including from the U.S. and China, comply with the EU AI Act to access its market. *De jure*, some countries adopt its provisions into their own legal frameworks. The EU AI Act also impacts regional organizations such as ASEAN, which incorporates elements of the Act into cooperative policy documents, reflecting a shared political commitment to responsible AI governance.

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1. Introduction

The development of artificial intelligence (AI) technology in the era of the fourth industrial revolution and society 5.0 has had a significant impact on multiple dimensions of human life. AI's ability to autonomously process data has improved efficiency and provided solutions to global challenges.[1] However, alongside its advancement, AI has also raised ethical concerns regarding its associated risks and potential dangers.[2] One such example is the emergence of the slogan "No AI Art," which reflects artists' protests against AI-generated artworks that utilize human-made creations without attribution or compensation, ultimately raising copyright infringement issues.[3] The risks and dangers of AI are further exemplified by the fatal accident involving a Tesla autonomous vehicle in China in 2015, as well as 723 reported autonomous vehicle collisions in California between 2023 and July 2024.[4]

The growing risks posed by the deployment of AI highlight the importance of effective regulation to mitigate potential harm, particularly in terms of safety and governance. Concerns over AI-related risks have drawn the attention of states, international organizations, and non-state actors such as academics, industry stakeholders, and civil society. These concerns have sparked multidimensional debates encompassing technology, economics, ethics, law, and socio-political aspects.[5] Furthermore,

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1 Siti Masrichah, "Ancaman Dan Peluang Artificial Intelligence (AI)," *Khatulistiwa: Jurnal Pendidikan Dan Sosial Humaniora* 3, no. 3 (2023): 83–101, https://doi.org/10.55606/khatulistiwa.v3i3.1860.

2 Rostam Josef Neuwirth, "Prohibited Artificial Intelligence Practices in the Proposed EU Artificial Intelligence Act," *SSRN Electronic Journal*, https://doi.org/10.1016/j.clsr.2023.105798.

3 Jess Weatherbed, "ArtStation Is Hiding Images Protesting AI Art on the Platform," The Verge, December 23, 2022, accessed September 15, 2024, https://www.theverge.com/2022/12/23/23523864/artstation-removing-anti-ai-protest-artwork-censorship.

4 Wenjun Wu, Tiejun Huang, and Ke Gong, "Ethical Principles and Governance Technology Development of AI in China," *Engineering* 6, no. 3 (2020): 302–9, https://doi.org/10.1016/j.eng.2019.12.015; California Department of Motor Vehicles, "Autonomous Vehicle Collision Reports," California DMV, 2024, accessed July 27, 2024, https://www.dmv.ca.gov/portal/vehicle-industry-services/autonomous-vehicles/autonomous-vehicle-collision-reports/; "Examining Autonomous Car Accidents and Statistics," Lee, Gober & Reyna – Texas Personal Injury Attorneys, 2024, accessed July 27, 2025, https://www.lgrlawfirm.com/blog/examining-autonomous-car-accidents-and-statistics-2/.

5 Margarita Robles Carrillo, "Artificial Intelligence: From Ethics to Law," *Telecommunications Policy* 44, no. 6 (2020): 2, https://doi.org/10.1016/j.telpol.2020.101937.

the emerging regulatory competition at various levels indicates that ethical principles alone may be insufficient to address the complex challenges presented by AI.[6]

A major milestone in AI regulation was the publication of the White Paper on AI-A European Approach to Excellence and Trust by the European Commission in February 2020, followed by a formal legislative proposal in April 2021, and the adoption of the Artificial Intelligence Act (AI Act) in July 2024. The Act entered into force in August 2024 and will be fully applicable by 2027.[7] However, the AI Act also carries strong extraterritorial implications, giving rise to the so-called "Brussels Effect" due to the EU's market dominance and its ability to shape global standards in AI marketing.

Previous studies have indicated that the EU AI Act has the potential to become a global standard through the dissemination of EU values and standards via AI regulation. However, the presence of the Brussels Effect in each EU regulation also carries the risk of unintended consequences, including the weakening of human rights protections due to regulatory distortion.[8] Another study outlines three potential approaches to the future standardization of the AI Act, to be carried out through European Standardisation Organisations (SSOs). First, the SSO approach addresses complex normative questions independently. This approach may raise concerns regarding democratic legitimacy, as it tends to rely on technical discourse and often excludes non-expert stakeholders and the wider public. Second, the SSO tracks existing normative consensus by analyzing the standard-setting history of a major SSO to determine appropriate standards. Third, the SSO establishes a default minimum ethics disclosure standard, which

6 "Ethic and Governance of Artificial Intelligence for Health", World Health Organization, 2021, 23, accessed September 15, 2024, https://iris.who.int/bitstream/handle/10665/341996/9789240029200-eng.pdf?sequence=1.

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) (OJ L202, 12 July 2024), 1–142.

8 Marco Almada and Anca Radu, "The Brussels Side-Effect: How the AI Act Can Reduce the Global Reach of EU Policy," *German Law Journal* 25, no. 4 (2024): 646–63, https://doi.org/10.1017/glj.2023.108.

defines basic technical, documentation, and public reporting requirements. This shifts ethical decision-making to local stakeholders and limits the discretion of providers in addressing difficult normative questions during the development of AI products and services. These three approaches give rise to new challenges concerning democratic legitimacy and inclusiveness in the development of AI.[9]

Based on the findings of the two aforementioned studies, a significant gap has been identified in the existing literature, namely the absence of discussion regarding the legal recognition of AI entities within the AI Act and the broader policy implications of regulatory instrument for AI governance in third countries and other regional organizations. Accordingly, this study aims to further explore the direction and perspective of the AI Act's regulatory framework, with a particular focus on the recognition of AI entities as a foundational element of its governance structure. It also seeks to analyze the influence of the AI Act on AI regulation in third countries and regional bodies, which may contribute to the formation of new international customary norms within the global AI development ecosystem. This research adopts a doctrinal legal method, supported by a statutory approach and a comparative legal approach. The statutory approach involves an examination of the EU AI Act and other relevant legal instruments, while the comparative legal approach is applied by comparing the EU regulatory model with those of third countries such as China and the United States, as well as regional organizations such as ASEAN.

2. Regulatory Characteristics and Structure of the EU AI Act

Global concerns over the rapid development of AI have triggered competition in drafting legal instruments to regulate its growth.[10] The unpredictable nature of AI, its lack of controllability, and the multiple risks already identified underscore the urgency of establishing specific regulations that

9 Johann Laux, Sandra Wachter, and Brent Mittelstadt, "Three Pathways for Standardisation and Ethical Disclosure by Default under the European Union Artificial Intelligence Act," *Computer Law & Security Review* 53 (2024): 1–13, https://doi.org/10.1016/j.clsr.2024.105957.

10 Esmat Zaidan and Imad Antoine Ibrahim, "AI Governance in a Complex and Rapidly Changing Regulatory Landscape: A Global Perspective," *Humanities and Social Sciences Communications* 11, no. 1 (2024): 2, https://doi.org/10.1057/s41599-024-03560-x.

can balance innovation with safety.[11] Policies in various countries generally focus on three intersecting and often conflicting aspects: the growth of the domestic AI industry, ethical considerations, and AI governance.[12]

The transformative potential of AI, with cross-sectoral impacts, has encouraged the emergence of various approaches ranging from ethics-based self-regulation to binding legal frameworks.[13] This shift aims to prevent misuse while creating a sustainable ethical ecosystem.[14] One of the binding legal instruments is the EU AI Act, a regulation that applies automatically and uniformly across EU Member States without the need for adoption or legal transplantation into national law. The general approach of the EU AI Act includes specific chapters governing collaborative governance structures involving both EU institutions and national bodies, thereby fostering the participation of stakeholders. This approach reflects the concept of collaborative governance, characterized by continuous knowledge exchange between public institutions and diverse stakeholders including citizens, businesses, NGOs, and academia in the policymaking process.[15] Such collaborative governance enables the integration of multiple perspectives, resulting in more comprehensive and evidence-based policies.

The formulation of the EU AI Act was grounded in the *White Paper on AI – A European Approach to Excellence and Trust* published by the European Commission, which outlined policy options to achieve dual objectives: promoting AI adoption while addressing risks arising from certain technologies, and building a trust-based ecosystem through a proposed

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11 Miriam C. Buiten, "Towards Intelligent Regulation of Artificial Intelligence," *European Journal of Risk Regulation* 10, no. 1 (2019): 48, https://doi.org/10.1017/err.2019.8.

12 Jacob Turner, *Robot Rules: Regulating Artificial Intelligence* (Cham: Palgrave Macmillan, 2019), 225, https://doi.org/10.1007/978-3-319-96235-1.

13 Celso Cancela-Outeda, "The EU's AI Act: A Framework for Collaborative Governance," *Internet of Things* 27, no. 3 (2024): 101291, https://doi.org/10.1016/j.iot.2024.101291; Michael Veale, Kira Matus, and Robert Gorwa, "AI and Global Governance: Modalities, Rationales, Tensions," *Annual Review of Law and Social Science* 19 (2023): 255–75, https://doi.org/10.1146/annurev-lawsocsci-020223-040749.

14 Tate Ryan-Mosley, "Vuelta al mundo por las regulaciones de la IA en 2024," MIT Technology Review, February 23, 2024, accessed January 27, 2025, https://technologyreview.es/article/vuelta-al-mundo-por-las-regulaciones-de-la-ia-en-2024/.

15 Carmine Bianchi, Greta Nasi, and William C. Rivenbark, "Implementing Collaborative Governance: Models, Experiences, and Challenges," *Public Management Review* 23, no. 11 (2021): 1586, https://doi.org/10.1080/14719037.2021.1878777.

legal framework for trustworthy AI. Based on the *Proposal for a Regulation of the European Parliament and of the Council Laying Down Harmonised Rules on Artificial Intelligence*, the primary objective of the EU AI Act is to ensure that AI placed on the EU market or affecting EU society remains human-centric. In this way, citizens can trust that AI technologies are used safely and lawfully while respecting fundamental rights.[16] This is reinforced in Recital 1 of the EU AI Act, which states that the main purpose of the regulation is to improve the functioning of the internal market by establishing a legal framework for the development, marketing, provision, and use of AI systems in the EU. The Act ensures consistency with EU values, safeguards health, safety, fundamental rights, democracy, the rule of law, and the environment, while simultaneously fostering innovation. Moreover, it guarantees the free circulation of AI-based goods and services across Member States without additional restrictions.

The EU AI Act accommodates both the flexibility required by AI's evolution and the need for legal certainty through the establishment of generally agreed conceptual definitions. Recital 4 defines AI as "a fast evolving family of technologies that contributes to a wide array of economic, environmental and societal benefits across the entire spectrum of industries and social activities".[17] Meanwhile, Article 3 defines an AI system as

> a machine-based system that is designed to operate with varying levels of autonomy and that may exhibit adaptiveness after deployment, and that, for explicit or implicit objectives, infers, from the input it receives, how to generate outputs such as predictions, content, recommendations, or decisions that can influence physical or virtual environments.[18]

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16 Proposal for a Regulation of the European Parliament and of the Council Laying Down Harmonised Rules on Artificial Intelligence (Artificial Intelligence Act) and Amending Certain Union Legislative Acts, April 21, 2021, COM/2021/206 final, https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:52021PC0206.

17 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) (OJ L202, 12 July 2024), 1–142, Article 4.

18 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

The determination of definitions plays a pivotal role in shaping regulatory approaches, including the legal treatment of AI as either products or services.[19] AI may be considered a service when integrated into existing products to enhance functionality (e.g., chatbots, spam filters, facial recognition, AI-enabled cameras). Conversely, AI may also be considered a product when it requires the development of standalone applications, such as large language models (e.g., ChatGPT), autonomous vehicles, and virtual assistants.[20]

Several key terms are introduced in the EU AI Act, including foundation models, general-purpose AI models (GPAIMs), and generative AI.[21] A foundation model is a versatile AI model trained on large-scale datasets, capable of performing various tasks and serving as a foundational layer.[22] A GPAIM is an AI system based on a foundation model, designed to serve multiple purposes either directly or through integration with other systems.[23] Generative AI, on the other hand, refers to AI models specifically designed to generate new content such as text, images, audio, or code resembling or imitating human-created content.[24]

(EU) 2019/2144 and Directives 2014/90/EU, (EU) 2016/797 and (EU) 2020/1828 (Artificial Intelligence Act) (OJ L202, 12 July 2024), 1–142, Article 3.

19 Kostina Prifti, "Is Artificial Intelligence a Product or a Service?," RAILS: Robotics & AI Law Society, May 7, 2023, accessed January 24, 2025, https://blog.ai-laws.org/is-artificial-intelligence-a-product-or-a-service/.

20 Ishan Wadhwani, "Defining AI: Feature vs. Product," Medium, June 26, 2024, accessed January 27, 2025, https://medium.com/@ishanwadhwani/defining-ai-feature-vs-product-852d62dd9f27.

21 David Fernández-Llorca et al., "An Interdisciplinary Account of the Terminological Choices by EU Policymakers Ahead of the Final Agreement on the AI Act: AI System, General Purpose AI System, Foundation Model, and Generative AI," *Artificial Intelligence and Law*, published ahead of print, August 9, 2024, 2, https://doi.org/10.1007/s10506-024-09412-y.

22 Philipp Hacker, Andreas Engel, and Marco Mauer, "Regulating ChatGPT and other Large Generative AI Models." In *Proceedings of the 2023 ACM Conference on Fairness, Accountability, and Transparency (FAccT '23)* (New York: Association for Computing Machinery, 2023), 1113–5, https://doi.org/10.1145/3593013.3594067.

23 Fernández-Llorca et al., "An Interdisciplinary Account of the Terminological Choices by EU Policymakers Ahead of the Final Agreement on the AI Act," 7.

24 Philipp Hacker, "The European AI Liability Directives – Critique of a Half-Hearted Approach and Lessons for the Future," *Computer Law & Security Review* 51 (2023): 10, https://doi.org/10.1016/j.clsr.2023.105871.

The adoption of such terminology in the EU AI Act carries global consequences through the so-called Brussels Effect. Given the size of the EU market, developers worldwide are incentivized to align their products with EU standards.[25] The regulation adopts a comprehensive horizontal approach by regulating high-risk applications, establishing obligations for providers and users, requiring conformity assessments prior to market placement, introducing post-market monitoring, and creating governance structures at both EU and national levels.[26] In addition, the EU AI Act applies a risk-based approach, combining the probability and severity of harm, and classifies AI systems into four risk levels:

(1) Minimal or no risk – AI systems with the lowest risk, such as email spam filters, are not subject to specific obligations under the EU AI Act. Their development and use are governed only by general provisions, as set out in Article 95 (*Codes of conduct for the voluntary application of specific requirements*) and Article 96 (*Guidelines from the Commission on the implementation of this Regulation*).
(2) Limited risk – limited-risk systems, such as AI chatbots, must ensure that users are aware they are interacting with a machine, thereby allowing them to make informed decisions. In addition to general provisions, limited-risk AI systems are also subject to Article 50, which requires minimum transparency obligations for both providers and users.
(3) High-risk AI system – such systems have significant impacts on users' life opportunities or may pose serious threats to safety and fundamental rights.[27] Annex III of the EU AI Act identifies eight categories

[25] Anu Bradford, *The Brussels Effect: How the European Union Rules the World*, 1st ed. (New York: Oxford University Press, 2020), 9, https://doi.org/10.1093/oso/9780190088583.001.0001.

[26] Yoshija Walter, "Managing the Race to the Moon: Global Policy and Governance in Artificial Intelligence Regulation – A Contemporary Overview and an Analysis of Socioeconomic Consequences," *Discover Artificial Intelligence* 4, no. 1 (2024): 1–24, https://doi.org/10.1007/s44163-024-00109-4; Natalia Díaz-Rodríguez et al., "Connecting the Dots in Trustworthy Artificial Intelligence: From AI Principles, Ethics, and Key Requirements to Responsible AI Systems and Regulation," *Information Fusion* 99 (2023): 101896, https://doi.org/10.1016/j.inffus.2023.101896.

[27] The European Commission, "Artificial Intelligence – Q&As," Ec.Europa.Eu, August 1, 2024, accessed January 27, 2025, https://ec.europa.eu/commission/presscorner/detail/en/qanda_21_1683.

of high-risk systems: biometrics, critical infrastructure, education, employment, access to essential private and public services, law enforcement, migration management, and administration of justice and democratic processes.

(4) Unacceptable risk – AI systems deemed to pose unacceptable risks are strictly prohibited from being placed on the market, provided, or used within the EU, as they are considered to endanger safety, livelihoods, and fundamental rights. Prohibited systems include subliminal or manipulative techniques, exploitative systems, remote real-time biometric identification, and social scoring.[28]

The obligations imposed by the EU AI Act vary depending on the level of risk and the roles of actors involved, including providers, deployers, importers, distributors, operators, and authorized representatives.[29] A summary of these obligations includes:

(1) Providers – they are natural or legal persons who develop, market, or use AI systems under their own name or trademark, for commercial profit or free of charge. General providers must register their AI systems in the EU database and ensure information transparency. They are also required to conduct model evaluations, risk mitigation, continuous monitoring, reporting to the AI Office, and ensuring cybersecurity. High-risk AI providers are subject to additional obligations such as risk management, data governance, technical documentation, record-keeping, human oversight, conformity declaration, CE marking, post-market monitoring, and incident reporting.

(2) Deployers – they are natural or legal persons using AI systems under their authority, except for personal, non-professional use. Their general obligations include ensuring transparency, particularly in emotion recognition, biometric categorization, and synthetic content. For high-risk

28 Fabian Heymann et al., "Operating AI Systems in the Electricity Sector under European's AI Act – Insights on Compliance Costs, Profitability Frontiers and Extraterritorial Effects," *Energy Reports* 10 (2023): 4540, https://doi.org/10.1016/j.egyr.2023.11.020.

29 Asress Adimi Gikay, "Risks, Innovation, and Adaptability in the UK's Incrementalism versus the European Union's Comprehensive Artificial Intelligence Regulation," *International Journal of Law and Information Technology* 32, no. 1 (2024): 6, https://doi.org/10.1093/ijlit/eaae013.

AI systems, deployers are further required to provide operational guidance, ensure human oversight, use relevant input data, manage information responsibly, conduct human rights impact assessments, report incidents, and provide explanations for AI-generated decisions.

(3) Importers – they are natural or legal persons established in the EU who place AI systems on the market under the name or trademark of a non-EU entity. They are responsible for ensuring full compliance of marketed systems, including safe storage and transport, proper documentation, and cooperation with authorities for risk mitigation.

(4) Distributors – they are natural or legal persons in the supply chain, other than providers or importers, who make AI systems available on the EU market. Their obligations include ensuring compliance with regulations, guaranteeing secure storage and distribution, and taking corrective actions in cases of non-compliance.

The EU's commitment to AI regulation is further demonstrated by the imposition of proportional sanctions on parties failing to comply with the EU AI Act.[30] To support compliance in AI development, deployment, and risk management, the EU has established the European AI Office within the European Commission as the central hub for AI expertise and governance in Europe. Additionally, the EU AI Act establishes the European Artificial Intelligence Board, composed of representatives from Member States, to assist the AI Office in ensuring consistent and effective implementation of the regulation across the Union.

3. The Brussels Effect and the EU AI Act's Global Influence

The rapid advancement of AI has raised profound concerns regarding its misuse for disinformation, propaganda, and censorship, all of which carry serious implications for human rights and individual freedoms.[31] This situation has triggered a global competition to develop AI regulations, not only

[30] Qiang Ren and Jing Du, "Harmonizing Innovation and Regulation: The EU Artificial Intelligence Act in the International Trade Context," *Computer Law & Security Review* 54 (2024): 1, https://doi.org/10.1016/j.clsr.2024.106028.

[31] Bilge Azgin and Sevki Kiralp, "Surveillance, Disinformation, and Legislative Measures in the 21st Century: AI, Social Media, and the Future of Democracies," *Social Sciences* 13, no. 10 (2024): 1, https://doi.org/10.3390/socsci13100510.

to safeguard national security and economic interests but also to secure strategic positions in the global market. Designing an appropriate regulatory framework for AI governance is particularly significant for regulators, as first movers in regulation often gain a competitive advantage. However, the exploration of AI markets entails the risk that a "race to the top" in regulatory standards may paradoxically devolve into a "race to the bottom," driven by regulatory competition that compromises adequate protection against AI-related risks. Regulatory intervention by one state or organization frequently prompts others to adapt their legal frameworks, generating dynamic interactions between governments and technology companies, each striving to protect their respective interests in a rapidly evolving regulatory landscape.[32]

The notion of AI sovereignty, or the need for control over digital infrastructures across physical, code, and information layers, has been a central ambition of the EU AI Act. The Act's strategy emphasizes protecting citizens while maximizing the social benefits of AI. However, this inward-looking approach raises questions about Europe's responsibility toward societies outside its borders, particularly in low-income countries disproportionately affected by the Act's extraterritorial implications. The formulation of the AI Act explicitly reflects Europe's awareness of its external impact. By framing its regulatory leadership as ethically superior, the EU implicitly portrays itself as advancing AI for the benefit of all, while simultaneously attracting global technology talent through legal migration channels often at the expense of developing countries' expertise. Consequently, the EU plays a decisive role in shaping the trajectory of the global digital transformation.[33]

The EU's role in global AI governance exemplifies the Brussels Effect, a market-based mechanism through which the EU exports its regulatory standards via soft enforcement, leveraging the strength of its internal market. This phenomenon manifests de facto when companies comply with EU

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32 Nathalie A. Smuha, "From a 'Race to AI' to a 'Race to AI Regulation': Regulatory Competition for Artificial Intelligence," *Law, Innovation and Technology* 13, no. 1 (2021): 57–84, https://doi.org/10.1080/17579961.2021.1898300.

33 Daniel Mügge, "EU AI Sovereignty: For Whom, to What End, and to Whose Benefit?," *Journal of European Public Policy* 31, no. 8 (2024): 2200–25, https://doi.org/10.1080/13501763.2024.2318475.

standards for economic reasons, thereby aligning their practices globally. It also occurs *de jure* when third countries transplant EU regulatory approaches into their domestic frameworks, often due to political pressure to keep pace with technological progress or corporate lobbying that distorts democratic processes.[34] The extraterritorial scope of the AI Act applies to all stakeholders providers, users, importers, and distributors effectively restricting third-country actors from placing AI systems on the EU market unless they comply. The EU's vast market power incentivizes participation in the single market, even though providers outside Europe have limited flexibility to avoid the Act's reach. As a result, third-country adoption of the AI Act facilitates global regulatory harmonization in AI governance. Nonetheless, the Brussels Effect may also dilute the normative values embedded in the Act, particularly those relating to human rights, democracy, and the rule of law, if only partial recognition of its provisions occurs. Such dilution poses new risks for the global development of AI.[35]

One illustration of the Brussels Effect can be seen in the Digital Services Act (DSA). Regulatory convergence under the DSA demonstrates how the EU deploys soft power to shape global standards unilaterally.[36] The transplantation of European law into other jurisdictions is primarily driven by advocacy of norms, values, and principles, rather than traditional sources of power such as military or economic dominance.[37] Through diplomacy, international agreements, and the influence of non-state actors, the EU actively promotes its normative agenda beyond its borders. However, cultural sensitivities and diversity often lead to varying interpretations and responses.[38] In the Global South, particularly in former European colonies such as

34 Bradford, *The Brussels Effect*, 251.

35 Charlotte Siegmann and Markus Anderljung, "The Brussels Effect and Artificial Intelligence: How EU Regulation Will Impact the Global AI Market," version 1, preprint, arXiv, 2022, 35, https://doi.org/10.48550/ARXIV.2208.12645.

36 Thales Martini Bueno and Renan Gadoni Canaan, "The Brussels Effect in Brazil: Analysing the Impact of the EU Digital Services Act on the Discussion Surrounding the Fake News Bill," *Telecommunications Policy* 48, no. 5 (2024): 2, https://doi.org/10.1016/j.telpol.2024.102757.

37 Ian Manners, "Normative Power Europe: A Contradiction in Terms?," *JCMS: Journal of Common Market Studies* 40, no. 2 (2002): 235–58, https://doi.org/10.1111/1468-5965.00353.

38 Daniel Bertram, "Accounting for Culture in Policy Transfer: A Blueprint for Research and Practice," *Political Studies Review* 20, no. 1 (2022): 88, https://doi.org/10.1177/1478929920965352.

Indonesia, the EU is still perceived as the pinnacle of progress, which often prompts legislators to adopt or transplant EU legal frameworks when faced with regulatory dilemmas.

Another prominent case of the Brussels Effect arises from the General Data Protection Regulation (GDPR). De facto, the GDPR has become a global standard, driven by the importance of the European market and the inelastic nature of personal data. [39] Multinational corporations such as Apple and Meta have proactively implemented integrated privacy policies across jurisdictions, reflecting voluntary compliance with EU rules.[40] *De jure*, the GDPR establishes binding extraterritorial obligations, most notably in Article 44, which requires third countries and international organizations to adhere to EU rules in any transfer or processing of personal data. A similar model is evident in the AI Act, particularly Article 2(1), which extends the Act's applicability to providers, distributors, importers, and users both inside and outside EU territory. Therefore, the potential Brussels Effect of the EU AI Act, both *de facto* and *de jure*, not only fosters the harmonization of global regulations but also shapes the development of new international customary norms in AI governance. Such new customary norms emerge through the widespread and repeated compliance with the provisions of the EU AI Act by various states, thereby generating *opinio juris* that the standards enshrined in the EU AI Act constitute binding legal obligations in the global development and use of AI, particularly with regard to the protection of human rights, democracy, and the rule of law.

3.1. Third Countries

3.1.1. United States of America

One of the third countries that has developed its own AI regulatory framework is the United States of America (USA), which adopts a sectoral, decentralized, and vertical approach. AI regulation in the USA is largely

[39] Renan Gadoni Canaan, "The Effects on Local Innovation Arising from Replicating the GDPR into the Brazilian General Data Protection Law," *Internet Policy Review* 12, no. 1 (2023): 4, https://doi.org/10.14763/2023.1.1686.

[40] Kieron O'Hara, "The Second Internet: The Brussels Bourgeois Internet," in *Four Internets*, 1st ed., eds. Kieron O'Hara, Wendy Hall, and Vinton Cerf (New York: Oxford University Press, 2021), 77–91, https://doi.org/10.1093/oso/9780197523681.003.0007.

formulated at the state level, resulting in variations across sectors, industries, and applications within each state.[41] Pursuant to Section 101 of the *National Artificial Intelligence Initiative Act of 2020*, the USA implements AI governance through the *National Artificial Intelligence Initiative (NAII)* to ensure American leadership in global AI development and research.[42]

The development of AI is not specifically regulated under a single national law in the USA. However, the country has issued non-binding documents, most notably the *Blueprint for an AI Bill of Rights (BOR)*, which aligns with the principles of the EU AI Act. The BOR adapts the EU's normative values by outlining five principles: Safe and effective systems; Algorithmic discrimination protections; Data privacy; Notice and explanation; and Human alternatives, consideration, and fallback.[43] These principles are designed to support the formulation of policies and practices that safeguard civil rights in the governance of AI systems. In addition, the USA has developed the *NIST AI 100–1: AI Risk Management Framework (RMF)*, a voluntary framework that provides guidance for managing risks throughout the lifecycle of AI applications across organizations. The framework operates along four dimensions: Govern, Map, Measure and Manage.[44]

The sectoral approach to AI regulation in the USA has resulted in regulatory diversity across different institutions. This is reflected in the adoption of various sector-specific statutes, such as the Colorado AI Act (CAIA), the National Defense Authorization Act (NDAA), and the Artificial Intelligence Video Interview Act (AIVIA). First, the CAIA emphasizes consumer protection in interactions with AI systems, adopting a risk-based approach similar to that of the EU AI Act, by imposing specific obligations

41 Fabian Heymann et al., "Regulating Artificial Intelligence in the EU, United States and China – Implications for Energy Systems," in *2023 IEEE PES Innovative Smart Grid Technologies Europe (ISGT EUROPE)* (Grenoble: IEEE, 2023), 1–6, https://doi.org/10.1109/ISGTEUROPE56780.2023.10407482.

42 United States Congress, H.R. 6216 – National Artificial Intelligence Initiative Act of 2020, 116th Congress (2019–2020), introduced March 12, 2020, Section 101.

43 Blueprint for an AI Bill of Rights, Office of Science and Technology Policy, The White House, October 2022 (archived), "Making Automated Systems Work for the American People."

44 National Institute of Standards and Technology, *Artificial Intelligence Risk Management Framework* (AI RMF 1.0), NIST AI 100–1 (National Institute of Standards and Technology (U.S.), 2023), NIST AI 100–1, https://doi.org/10.6028/NIST.AI.100-1.

on developers, users, and other stakeholders involved in high-risk AI systems.[45] Second, the NDAA incorporates AI-related provisions that direct defense agencies to adopt AI technologies for strategic and operational purposes in national defense and security.[46] Third, the AIVIA regulates the use of AI in-job interviews by prohibiting certain practices, such as evaluating job applicants through AI-driven analysis without their prior consent.[47]

3.1.2. China

China adopts a hybrid approach to AI governance that combines horizontal and sectoral elements, emphasizing both AI innovation and strong state control. Compared to the EU AI Act, China applies more flexible standards by employing separate laws to regulate specific AI issues.[48] The horizontal approach is reflected in the *New Generation Artificial Intelligence Development Plan*, which introduces four fundamental principles: technology-led, systems layout, market-dominant, and open-source. This framework positions AI as a national strategic sector through the launch of the *National New Generation AI Innovation and Development Pilot Zone* and the integration of AI as a priority area in the Fourteenth Five-Year Plan.[49]

In addition, China has issued the *Interim Measures for the Management of Generative Artificial Intelligence Services* (Interim Measures) and drafted the *Cybersecurity Regulation in TC260: Basic Requirements for the Security of Generative Artificial Intelligence Services of Cybersecurity Technology* (TC260). The Interim Measures regulate the governance of generative AI services to safeguard national security and the public interest while

45 Colorado General Assembly, Senate Bill 24–205: Concerning Consumer Protections in Interactions with Artificial Intelligence Systems, enacted May 17, 2024.

46 United States Senate, S. 2296 – National Defense Authorization Act for Fiscal Year 2026, 119th Congress (2025–2026), passed by the Senate on 10 October 2025 (not yet enacted).

47 State of Illinois, HB2557 – Artificial Intelligence Video Interview Act, 101st General Assembly (2019–2020), enacted as Public Act 101–0260, effective January 1, 2020.

48 Walter, "Managing the Race to the Moon," 8.

49 State Council of the People's Republic of China, Notice on Issuing the New Generation Artificial Intelligence Development Plan (State Council Document No. 35 [2017]), issued on 8 July 2017 and published on 20 July 2017.

protecting citizens' rights.[50] Meanwhile, TC260, although not yet enacted, sets out the basic security requirements for generative AI services.[51]

3.1.3. Comparative Analysis

China's advancements in AI standardization have significantly impacted its geopolitical dynamics with the United States. Algorithms are not neutral; they reflect the socio-political visions of their creators and tend to reproduce and reinforce existing power structures. Given AI's strategic value in economic, military, and political domains, this dynamic has far-reaching consequences.[52]

At the global level, both China and the EU exert considerable influence over AI governance. China emphasizes technological innovation and rapid development, whereas the EU shapes business practices through the so-called Brussels Effect. The EU AI Act and the General Data Protection Regulation (GDPR) compel companies including those in the United States and China to comply with European standards to secure access to the EU market. A notable example is the regulatory scrutiny directed at TikTok over cross-border data flows.[53] In response, China has introduced domestic regulations aimed at counterbalancing the EU's normative influence on Chinese firms. Conversely, this competitive environment places the United States in a strategic yet dilemma-laden position: it must adapt to EU standards to preserve market access while simultaneously confronting the challenges posed by China's more authoritarian regulatory model.

These divergent regulatory models mirror each actor's position in the global AI market. The EU, as a dominant consumer, adopts a risk-based approach that prioritizes consumer protection. China, as a leading producer, advances innovation coupled with strong state control and the projection of

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50 Provisional Measures for the Administration of Generative AI Services (Order No. 15, jointly promulgated by the Cyberspace Administration of China and other ministries), adopted May 23, 2023, effective August 15, 2023.

51 Cybersecurity Technology – Basic Security Requirements for Generative Artificial Intelligence Services (GB/T 45654–2025), national standard, adopted 25 April 2025, to enter into force 1 November 2025.

52 Marta Cantero Gamito, "The Influence of China in AI Governance through Standardisation," *Telecommunications Policy* 47, no. 10 (2023): 1, https://doi.org/10.1016/j.telpol.2023.102673.

53 Wenlong Li and Jiahong Chen, "From Brussels Effect to Gravity Assists: Understanding the Evolution of the GDPR-Inspired Personal Information Protection Law in China," *Computer Law & Security Review* 54 (2024): 5, https://doi.org/10.1016/j.clsr.2024.105994.

domestic political visions. The United States, by contrast, pursues a decentralized path characterized by sectoral regulation fragmented across states and federal agencies, resulting in legal uncertainty despite the dominance of its major technology corporations. Ultimately, the differences among the EU, China, and the United States reveal that their rivalry extends beyond technological competition to a broader struggle over setting global norms for AI governance.

3.2. Regional Organizations – The Association of Southeast Asian Nations (ASEAN)

The EU AI Act not only influences third countries but also exerts a significant impact on regional organizations such as ASEAN. This influence is reflected in the *Joint Statement by the ASEAN Defence Ministers on Cooperation in the Field of Artificial Intelligence in the Defence Sector (JS AI Defence)*, adopted during the ASEAN Defence Ministers' Meeting.[54] The JS AI Defence underscores the importance of regional cooperation in addressing non-traditional security threats, including potential risks arising from the development and use of AI. In addition, ASEAN has introduced the *ASEAN Guide on AI Governance and Ethics (ASEAN Guide AI)* and the *ASEAN Responsible AI Roadmap 2025–2030 (ASEAN AI Roadmap)* to strengthen AI governance across the region.

The ASEAN Guide AI establishes seven key principles: Transparency and Explainability, Fairness and Equity, Security and Safety, Robustness and Reliability, Human-Centricity, Privacy and Data Governance, and Accountability and Integrity derived and modified from the values embedded in the EU AI Act.[55] These principles emphasize the orientation of AI governance toward the protection of human rights, aligning with the reality that most ASEAN member states primarily serve as consumers of AI technologies. Consequently, the Guide adopts key elements from the EU AI Act

54 ASEAN Secretariat, "Joint Statement by the ASEAN Defence Ministers on Cooperation in the Field of Artificial Intelligence in the Defence Sector," ASEAN Main Portal, February 26, 2025, accessed April 27, 2025, https://asean.org/joint-statement-by-the-asean-defence-ministerial-on-cooperation-in-the-field-of-artificial-intelligence-in-the-defence-sector/.

55 ASEAN Guide on AI Governance and Ethics, ASEAN Secretariat, Jakarta, 2024.

as well as the *EU Ethics Guidelines for Trustworthy AI*, while adapting them to the regional context.[56]

The influence of the EU AI Act on ASEAN is further reinforced by the ASEAN AI Roadmap, which integrates the EU's risk-based approach and data protection standards. The implementation framework is structured in three phases: short-term, medium-term, and long-term, corresponding to the regulatory readiness and capacity of individual ASEAN member states.[57]

4. Conclusion

The EU AI Act represents the most comprehensive regulatory framework for artificial intelligence governance, adopting a risk-based and human-centered approach. This regulation seeks to balance the need for innovation with the protection of fundamental rights, democracy, and the rule of law. Through clear definitions, regulation of high-risk applications, and differentiated obligations for providers, deployers, importers, and distributors, the EU AI Act offers legal certainty while maintaining sufficient flexibility to accommodate technological developments. This underscores the European Union's role as a normative regulator that prioritizes ethical governance amidst global dynamics.

The influence of the EU AI Act extends through the Brussels Effect, both de facto via adoption by multinational corporations and de jure through transposition into the legal frameworks of third countries and regional organizations. This effect accelerates regulatory convergence and contributes to the formation of global norms, as illustrated by ASEAN's adoption of its principles in the AI Governance and Ethics Guide and the Responsible AI Roadmap. Nevertheless, selective adoption may give rise to normative challenges concerning human rights and democratic accountability. Accordingly, the EU AI Act functions not only as a domestic regulatory standard but also as a global benchmark that drives the emergence of new customary international norms in AI governance.

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56 "Ethics Guidelines for Trustworthy Artificial Intelligence, High-Level Expert Group on AI, European Commission," European Commission, April 8, 2019, accessed January 27, 2025, https://digital-strategy.ec.europa.eu/en/library/ethics-guidelines-trustworthy-ai.

57 "ASEAN Responsible AI Roadmap (2025–2030)," ASEAN Secretariat, adopted March 5, 2025, accessed January 27, 2025, https://asean.org/book/asean-responsible-ai-roadmap-2025-2030/.

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