

# The Global Ripples of Emerging Regulation

Unpacking current EU regulatory trends and their impact in emerging markets

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# Simmons & Simmons Team



**Emily Jones**  
Partner, Head of US office,  
San Francisco

E [emily.jones@simmons-simmons.com](mailto:emily.jones@simmons-simmons.com)



**Raza Rizvi**  
Partner, Head of Middle East TMT

E [raza.rizvi@simmons-simmons.com](mailto:raza.rizvi@simmons-simmons.com)



**Sophie Sheldon**  
Partner, UK

E [sophie.sheldon@simmons-simmons.com](mailto:sophie.sheldon@simmons-simmons.com)



**David Kidman**  
Partner, UK

E [david.kidman@simmons-simmons.com](mailto:david.kidman@simmons-simmons.com)

# Scene setting...

## The Global Ripples of Emerging Regulation

### Topics of discussion

- Privacy
- Online Harms and Platform Liability
- Cyber Security and Digital Operational Resilience
- AI Regulation
- Anti-Trust Considerations
- Suggested approach to market expansion exposure management
- Q&A



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We'll be talking about the "Brussels Effect". Which of the following EU laws do you think will have the most profound global effect?

① Start presenting to display the poll results on this slide.



## Key points from EU/UK

- Regulatory trends
- Data export challenges post Schrems II
- New UK law

## Emerging market perspectives

- The nature of emerging privacy law across Middle East and Africa
- GDPR as the “gold” standard?
- “Adequacy” obsession

## Disputes landscape?

- Data increasingly valuable relative to tangibles. Drives disputes
- CAT in UK used for opt-out class action. Abuse of dominant market position
- CJEU confirmed competitors can pursue civil claim re breach of GDPR

# Online Harms and Platform Liability



## Key points from EU/UK

- Evolving definitions of online harms
- Liability of platforms for user-generated content

## Emerging market perspectives

- No equivalent legislation – but plenty of emerging law
- Changes are not purely driven by user safety concerns

## Disputes landscape?

- New Product Liability Directive (PLD) / some EU jurisdictions receptive to anxiety damage
- Civil/criminal combined actions blur lines. VW damages for moral outrage. Anxiety damage podcast
- EU & UK growing imposition of liability for online platforms

# Cyber Security and Digital Operational Resilience



## Key points from EU/UK

- Regulatory focus on digital operational resilience and cyber security
  - DORA
  - NIS2
  - CRA
- Sector specific but with broader impact

## Emerging market perspectives

- Binding legislation vs voluntary codes of practice
- Tighter material outsourcing rules

## Disputes landscape?

- Increased regulation = more expectation = more enforcement = more civil action, particularly where privacy issues
- Representative Actions Directive fuelling EU class actions. Ireland cautious not to discourage tech companies.

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**What is the projected size of the contribution to the global economy of AI by 2030?**

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# AI Regulation



## Key points from EU/UK

- The EU's approach to AI regulation
- A changing approach to regulation in the UK

## Emerging market perspectives

- Hybrid regulators
- AI Nationalism
- Binding legislation vs voluntary codes of practice

## Disputes landscape?

- Key focus of new PLD and PLD/AI Act entwinement
- Liability complex – when is AI 'defective' / will regulatory non-compliance = civil liability?

# Anti-Trust Considerations



## Key points from EU/UK

- The importance of maintaining market competition
- UK CMA focus on AI Foundation Models

## Emerging market perspectives

- Laws generally inspired by EU core elements
- Increasingly active competition authorities (but not inspired by EU)

## Disputes landscape?

- UK CAT massive growth. Litigation funder/plaintiff firms capitalising. *Le Patourel v BT* – judgment expected this year in UK – first opt-out class action
- EU enhanced regulation to reduce scope for anti-competitive behaviour. Bold authorities and civil damages regimes

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## Will Emerging Market AI regulations draw most inspiration from:

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## Suggested approach

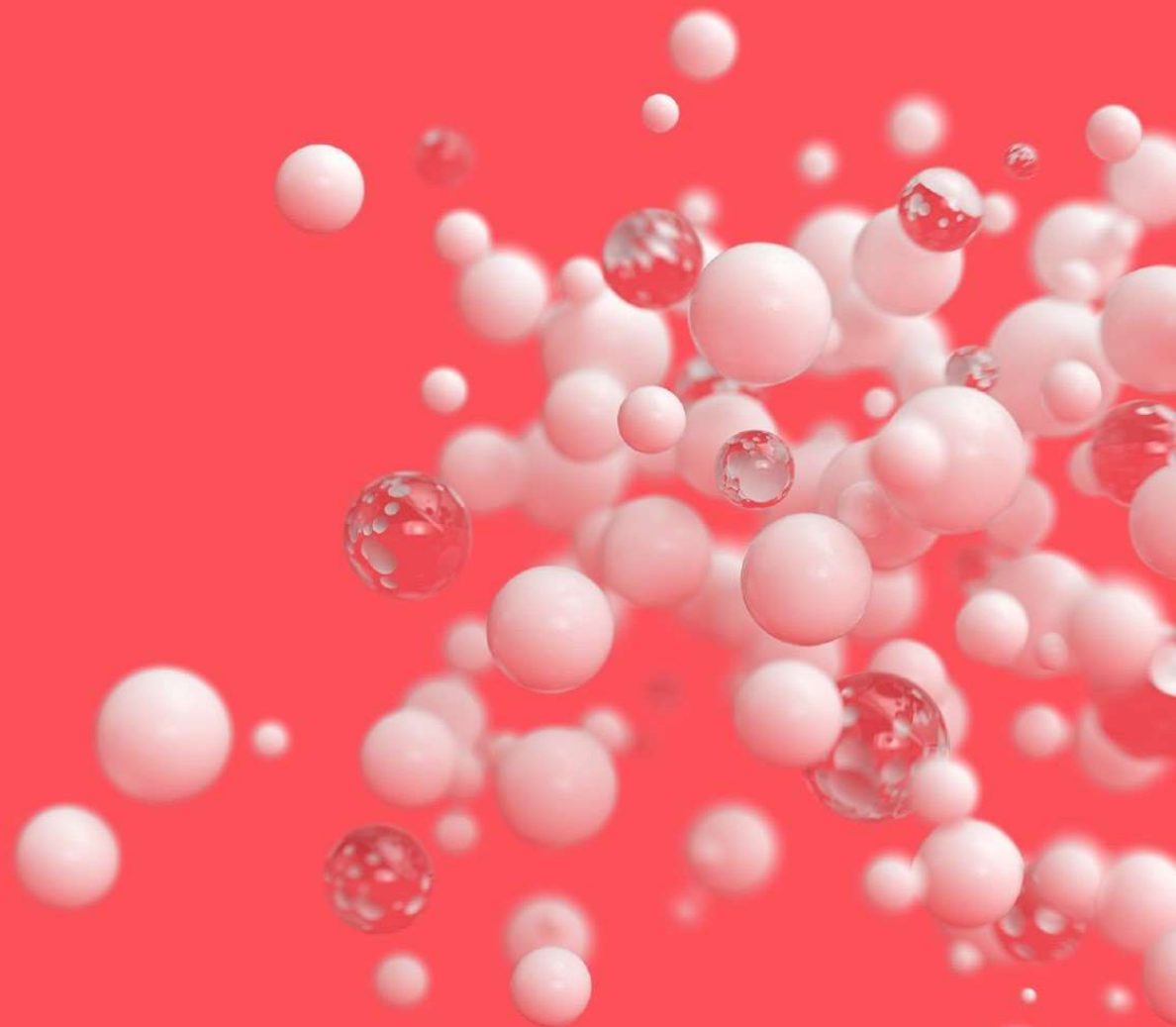
### Market expansion exposure management

Baseline assessment  
of applicable EU  
regulations to specific  
business prior to  
expansion

Recalibration of legal  
and regulatory checklists  
for market expansion

Strategies for  
managing risk and  
ensuring compliance  
in unfamiliar markets  
– make no  
assumptions!

# Questions



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