



# The Brussels Effect in Brazil: Analysing the impact of the EU digital services act on the discussion surrounding the fake news bill



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## ABSTRACT

The May 2023 version of Brazil's *Fake News Bill* (FNB), a proposed new statutory framework for social media regulation, heavily referenced the EU's *Digital Services Act* (DSA). The literature on regulatory convergence points to the *Brussels Effect*, praising the EU for wielding unilateral soft power in shaping global regulations. Therefore, based on interviews with Brazilian experts who played a significant role in the regulatory discussion, this study applies Thematic Analysis to assess the DSA's impact on the FNB draft. The article finds limited Brussels Effect due to criticism of its incapacity to address local platform liability concerns and the absence of economic and legal drivers for convergence with EU regulation. Despite this, the study highlights the DSA's positive influence on the local debate in promoting democratic and human rights principles, leveraging the European legislative process to enrich local discussions. Finally, local political factors contributed to a narrative that differed from the DSA, framing the FNB not only as a tool against disinformation, but also as a means to protect democracy. This paper offers an unprecedented case study of the Brussels Effect reach on the global-south, presenting limitations of the EU benchmark when transposed to other regulatory and political contexts.

## 1. Introduction

"Internet firms face a global Techlash" ([The Economist, 2017](#)).

The title of *The Economist* article heralds a cycle of public scrutiny that emerged to update regulations and duties concerning the major American internet companies.<sup>1</sup> Since then, jurisdictions such as the EU, UK and India have implemented statutory rules to address policy challenges to tackle digital dominance ([Moore & Tambini, 2021](#)). In South America, Brazil has been discussing a new statutory framework for social media since 2020. The public debate centres around draft proposal 2630/2020 - *Lei Brasileira de Liberdade, Responsabilidade, e Transparéncia na Internet* (Brazilian law on Freedom, Responsibility and Transparency on the internet), nick-named *Fake News Bill* (FNB). The Senate approved the text in 2020 and the Chamber of Deputies has yet to vote on it as of this article's publication.

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<sup>1</sup> Organised under the acronym GAFAM: Google, Apple, Facebook, Amazon, and Microsoft, created before the rebranding of Facebook to Meta.

In its May 2023 version, the FNB draft contained twenty-five citations<sup>2</sup> to the Digital Services Act (DSA), a statutory regime to regulate online services promulgated by the European Parliament in 2022. Exploring the literature on digital regulatory convergence points to the theory of the *Brussels Effect* (Bradford, 2020), which argues that the EU exercises a unilateral soft power by promoting an *europeanization* of key aspects of global commerce (Bendiek & Stuerzer, 2023).

Given the ongoing policy discussions on platform regulation in Brazil and the potential for European regulations to set global legal precedents, this research delves deeper than simply counting mentions to the DSA. We investigate the extent to which this European Regulation shapes the Brazilian Fake News Bill (FNB). Although the European Commission introduced in 2018 the *Code of Practice on Disinformation* (EC, 2018), which represents the first European voluntary framework specifically designed to address online disinformation, its lack of mention in the FNB draft spurred the focus of the research on the DSA.

Building on this research objective, we conducted semi-structured qualitative interviews with experts from different interest groups who played a significant role in the regulatory discussion of the FNB, applying Thematic Analysis method (Herzog et al., 2019) for data analysis.

The article argues that two key political factors influenced the analysed version of the FNB's draft. First, the Brazilian government shifted orientation towards the left and increased relations with EU-Diplomacy. Second, an attempted government overthrow on January 8, 2023 contributed to a narrative favouring strict social media regulations, framing them not only as a legal instrument to tackle online disinformation, but also as a means to protect democracy.

Furthermore, the paper argues that the DSA serves as a symbolic reference in the local debate, reinforcing EU Normative Power (Manners, 2002). However, the Brussels Effect on the FNB is deemed limited because of critiques from pro-regulation agents of the DSA's incapacity to address local issues concerning platform liability and transparency measures for messaging apps such as WhatsApp and Telegram. Moreover, we identified the absence of economic and legal drivers imposing convergence with the EU's regulation as another factor that weakens the international reach of the European benchmark.

Finally, the research perceived benefits of the DSA's influence on the local debate. Firstly, its significant value as a regulation aligned with democratic and human rights principles. Secondly, the depth and credibility of the European legislative process allows anticipation and enrichment of local discussions.

This paper offers an unprecedented case study of the Brussels Effect from a global-south perspective, presenting limitations of the EU benchmark when transposed to other regulatory and political contexts. As the primary economy in Latin America and the fifth-largest global market for social network users (Statista, 2022), Brazil holds the potential to expand its regulatory framework to neighbouring countries, positioning itself as a regional influencer. Therefore, developing a nuanced understanding of the Brussels Effect in Brazil becomes crucial to anticipate and comprehend its subsequent impact on content moderation regulations in developing nations.

Besides this introduction, the research is organised in other four sections. Section two debates theoretical frameworks that reflect on the transfer of European policies to other regions, and particularly presents the Brussels Effect theory illustrated by the General Data Protection Regulation (GDPR) case study. In turn, it contextualises the regulatory discussions of platform governance regarding freedom of speech and platform liability, particularly in the context of the EU and Brazil. Section three describes its methodological approach. Section four presents the data analysis and its findings according to the five themes identified by the methodology. Section five concludes the paper.

## 2. Transfer of European policies

An extensive scholarship has debated features of policy transfer and this article follows the definition "a process in which knowledge about policies, administrative arrangements, institutions etc. in one time and/or place is used in the development of policies, administrative arrangements, and institutions in another time and/or place" (Dolowitz & Marsh, 1996, p. 344).

Particularly concerning the transfer of European policies to other independent jurisdictions, Ian Manners (2002) asserts that the European Union's influence in international rules and local regulations hinges on the advocacy of norms, values, and principles, rather than traditional manifestations of power like military or economic dominance. This framework, titled *Normative Power Europe*, posits that the EU's capacity to shape perceptions of normalcy in the international arena is a pivotal element of its global impact. For this, the EU actively champions its norms and values through diplomatic channels, international agreements, and non-state actors (Stone, 2004), endeavouring to influence the conduct and policies outside EU boundaries.

Furthermore, according to Daniel Bertram, culture significantly contributes to the symbolic significance associated with foreign policies and influences the willingness of another society to adopt them (Bertram, 2022). Various cultures may interpret the symbolism of foreign policies differently, leading to diverse reactions and responses. Specifically within the Global South, post-colonialist scholars argue that Europe normalised a constructed cultural hierarchy, where Europeans were placed at the apex (Quijano, 2000). The European worldview became deeply entrenched in the consciousness of former colonies like Brazil, following an extended period of political and economic domination during colonisation (Gathii, 2011). Consequently, the Third World often views European culture as exemplary, prompting legislators to draw inspiration from European legal frameworks when confronted with legal dilemmas.

<sup>2</sup> These 25 references are presented in the "Justification" section from the draft version: PRLP n1.

## 2.1. The Brussels Effect

Specifically concerning the transfer of European digital policies, such as the DSA, to other global regions, Anu Bradford (2020) introduces the concept of the Brussels effect, delineated into two effects: de facto and de jure.

The de facto effect arises from market dynamics, with transnational companies voluntarily adhering to EU-created rules in the European market, streamlining global operations with European regulations. The de jure effect materialises when independent governments adopt statutory rules resembling those of the EU. Although the theory lacks evidence on the mechanics of this process, factors like the extraterritorial aspects of EU regulations or companies advocating for EU-style rules to enhance legal certainty come into play (Bendiek & Stuerzer, 2023).

Anna Cavazzini, member of the EU parliament, acknowledges the potential influence of the EU in shaping global standards,<sup>3</sup> exercising soft power globally, and maintaining the Europe Union block as a regulatory power. However, critics argue that the Brussels Effect, as a policy strategy, undermines regulatory sovereignty by imposing stringent rules for accessing the EU domestic market (Bradford, 2020).

Five drivers potentially trigger the influence of EU-developed standards (Bradford, 2020).

- (1) **Market size:** Companies adhere to strict EU rules due to the significance of each market. Conversely, companies may abandon markets or phase out products due to compliance costs.
- (2) **Regulatory capacity:** The EU can create and enforce rules based on factors such as bureaucratic specialisation and adherence to the rule of law.
- (3) **Stringent standards:** The author classifies the European commitment to a social market economy, enhancing the state's scope in crafting public regulations rather than relying on private litigation.
- (4) **Inelastic targets:** Rather than the company headquarters' location, the consumer's location determines the regulation. As seen in GDPR, companies processing or accessing personal data from EU citizens must comply with EU regulations.
- (5) **Non-divisibility:** Companies voluntarily extend the strictest regulatory standard to global operations due to economic, technical, or legal reasons. This occurs when the benefits of uniform standards, driven by economies of scale, outweigh the costs of relaxed standards for less regulated markets.

## 2.2. The Brussels Effect example: The European GDPR

The GDPR (European Parliament, 2016) came into effect two decades after Directive 95/46/EC (European Parliament, 1995), with both regulations recognizing user agency and privacy as fundamental rights (ECHR, art.8°, 1981). Additionally, the GDPR establishes independent regulatory bodies to oversee and enforce the law at the member states' levels. This regulation enhances data protection standards, particularly in low-regulated member states, aligning with the EU tendency of harmonising regulations in accordance with existing member-states' regulations already applying or developing stringent rules (Bradford, 2020).

When examining the de facto effect, GDPR has evolved into a globally acknowledged standard due to the strategic importance of the European market for companies, coupled with the inelastic nature of personal data (Canaan, 2023). As evidence, Apple has voluntarily implemented a unified international privacy policy, exemplifying a company's proactive adoption of "EU style" policies across multiple jurisdictions as a de facto effect (O'Hara, 2021).

From the de jure Brussels Effect, the GDPR has emerged as the foremost law on data privacy, with its extraterritorial feature contributing significantly to this effect. As outlined in GDPR's Chapter V, the cross-border transfers of EU individuals' data necessitates an adequacy process for companies or bilateral agreements to certify adherence to GDPR's principles of personal data (Gal et al., D. L, 2019). This mechanism has prompted countries to revise their regulations to align with GDPR (Greenleaf, 2018), providing evidence of de jure effects.

## 2.3. Governance of social media platforms

Social-media platforms<sup>4</sup> have solidified as "a powerful infrastructure for knowledge, participation and public expression" (Gillespie, 2018, p. 204). Following their maturation, civil society, policy actors, the press, and academia criticised the accountability of intermediate platforms, particularly focusing on the policy challenge of content moderation (Moore & Tambini, 2021).

The rise of these challenges on the global policy agenda is, in part, clarified by the concept of *public shocks* (Ananny & Gillespie, 2017, p. 3). Public shocks denote moments when the role of these platforms as content mediators becomes evident, leading to a cycle of public outrage and regulatory pushback. These shocks also contribute to the rise of the *techlash era* in 2017, characterising a shift in how news media outlets covered tech issues and intensifying public scrutiny of major internet companies (Weiss-Blatt, 2022).

These factors precipitated a paradigm shift marked by a diminishing credibility in self-regulated private rules of these platforms (Suzor, 2019) and the emergence of policy discussions concerning co-regulatory and statutory instruments (Puppis, 2010) to review how platforms manage risks and formulate/enforce their policies. Consequently, two pivotal discussions arising from this paradigm

<sup>3</sup> "Businesses will profit from European standards that will become a global yardstick." (Cavazzini, 2022).

<sup>4</sup> By social media platforms, the research applies Gillespie's definition of online sites and services that: Host, organise, and circulate users shared content or social interactions for them; Without having produced or commissioned (the bulk of) that content (2018, p. 18).

shift are crucial for debate: the concept of freedom of expression and the regime of intermediate liability.

#### 2.4. Freedom of expression

The 1st Amendment to the [United States Constitution \(2024\)](#) and its negative approach ([Kenyon, 2014](#)) on freedom of speech shaped the fundamental rule guiding user-generated-content<sup>5</sup> (UGC) online services on the emerging Web 2.0<sup>6</sup>. The negative approach, exemplified as *freedom from*, protects individuals from both private and public interference in speech rights. In contrast, the [European Convention on Human Rights \(ECHR\)](#) adopts a positive approach to freedom of expression, framed as *freedom to*, balancing this right with "duties, responsibilities and limits presented by law and democratic society" ([ECHR, 1950](#), art.10°).

Advocates of the European position argue for a "freedom to" approach, balancing freedom of expression with fundamental and consumer rights. In platform governance, this framework emphasises the reduction of social media platforms' discretionality, proposing a human rights-based system for executing content moderation in UGC platforms ([Celeste, 2022](#); [Suzor, 2019](#)).

#### 2.5. Intermediate liability applied to social media platforms

Another influential law shaping the prominent legal paradigm for UGC services was Section 230 of the [US' Communications Decency Act \(United States Congress, 1996\)](#), p. 47). Section 230 grants immunity to online intermediaries regarding UGC liability, ensuring a *safe-harbour* provision ([Keller, 2018](#); [Kosseff, 2019](#)).

However, current policy debates reevaluate Section 230 and platform immunity, questioning whether intermediaries should be held accountable under specific circumstances for the content disseminated through their services ([Citron & Wittes, 2018](#)). On one hand, pro-Section 230 defendants argue that stringent content liability might jeopardise freedom of expression ([Suzor, 2019](#)). On the other hand, the expanding role of platforms as mediators in the online political arena demands increased accountability and transparency concerning their policies and decisions, potentially necessitating the application of policy mechanisms at either the national or transnational level ([Gillespie, 2018](#)).

From a statutory perspective, Europe has positioned itself as a regulatory lab for the argued paradigm shift towards a Rights-Driven internet<sup>7</sup> ([Bradford, 2023](#)). In 2017, Germany approved The [Network Enforcement Act \(NetzDG\)](#), curtailing the safe-harbour liability of social media platforms by specifying illegal content in a law ([Hemmert-Halswick, 2021](#)). Conversely, NetzDG has faced local and external criticism for restricting freedom of expression and inducing policy fragmentation ([Gorwa, 2021](#)).

The 2022 European Digital Services Act (DSA) and the 2023 UK Online Safety Act (OSA) exemplify recent statutory policy propositions aiming to curb the spread of illegal and harmful content in online spaces. Besides differences, both regimes outline legal obligations for regulated services, adopting a *risk-based* approach for platform regulation. The financial concept of *systemic risk* ([Acharya et al., 2017](#)) is presented in the DSA ([Efroni, 2021](#)) as the obligation of very large online platforms and search engines (VLOPS) to access, measure and mitigate risks from the design, engines and use cases of their services (EU, 2022; art. 9). Meanwhile, the concept of *duty of care* ([Woods, 2019](#)) is featured in the UK legislation, imposing new duties to the regulated online services based on preceding legislations and codes of practice ([Ofcom, 2023](#)). These duties include actions such as identifying and removing illegal content online, and promoting measures to reduce the exposure of children to harmful content, such as parental control and identification verification features.

The scholarship of platform governance observes how various statutory policy experiments attempt to address the hangover of Web 2.0 ([Gillespie, 2018](#)). Through an western-centric lens, a fragmented policy movement emerges, marked by attempts to reduce the prominence of Section 230 safe harbour model.

#### 2.6. Platform governance in Europe

As part of the Digital Services Package, greenlit in 2022 by the European Commission (EC), the DSA aims at "increase and harmonise the responsibilities of online platforms and reinforce the oversight over platforms content policies in the EU" (EC, 2020, p.10). It aligns with the concept of *digital sovereignty* ([Christakis, 2020](#)) and "Europe's ability to define its own rules and values in the digital age, focusing on the needs of the European social model" (EC, 2020, p.10).

The DSA follows two decades of the E-commerce Directive, the EU's inaugural statutory regime establishing a liability framework for online services ([Julià-Barceló & Koelman, 2000](#)). The E-commerce Directive, specially in its art. 14 and 15, reflected the prevailing approach of Section 230.

The DSA is under the Democracy Action Plan (EC, 2020) and was introduced as a mixed statutory and co-regulatory framework after EC launched a series of voluntary codes of conduct to contain harms such as hate speech, online terrorism and online

<sup>5</sup> UGC is "the sum of all ways in which people make use of Social Media. The term, which achieved broad popularity in 2005, is usually applied to describe the various forms of media content that are publicly available and created by end-users" ([Kaplan & Haenlein, 2010](#), p. 61).

<sup>6</sup> Web 2.0 concept is used in the article as the movement of "network as a platform" characterised by the rise of consumer-end applications that provide the ability for people to produce, share and upload content online in ways that were not accessible on Web 1.0 ([O'Halley, 2005](#)).

<sup>7</sup> In Digital Empires, Anu Bradford ([2023](#)) proposes a framework classifying the EU regulatory model as *rights-driven* by prioritising a balance of individual and collective rights, focusing on enhancing democratic values. The European model for the regulation of digital economy matters is positioned in the middle ground between an United States *market-driven* model and the Chinese one, *state-driven*.

disinformation. As an example of this initial self-regulatory approach, primarily social media services adopted the *EU Code of Practice on Disinformation* launched in 2018, revised in 2022 ([EC, 2022](#)), aiming on protecting European values and democratic systems ([EC, 2018](#)).

On one hand, the EC celebrated the progress made by the Code, prompting signatories to enhance their efforts in transparency reporting and fact-checking partnerships. Conversely, concerns have been raised regarding the absence of robust enforcement mechanisms, data access protocols, and standardised reporting frameworks ([Pamment, 2020](#)). Moreover, by investing in these soft law initiatives, Europe had delegated the responsibilities in implementation to be taken on by firms, limiting the EC role to more of an informal oversight ([Gorwa, 2019a](#)).

In terms of scope, the DSA presents proportional and asymmetric obligations on various actors in the online ecosystem, spanning from hosting services and online platforms to very large online platforms (VLOPS) and search engines (VLOSEs). Regarding enforcement and external governance, the EC centralises the oversight of VLOPS and coordinates the work of the independent Digital Services Coordinators in each member state tasked with implementing the law at the national level. Both institutional actors can apply administrative sanctions, including fines.

The DSA provided statutory refrains from imposing structural changes on the liability regime of intermediates. However, it introduces new concrete proportional obligations to uphold the safe-harbour mechanism, including mandatory transparency reports, users' right to know and data access for researchers. Additionally, articles 34 and 35 integrate a fundamental rights approach combined with risk assessment and mitigation mandatory measures.

The EC started the rollout of the Digital Services Act (DSA) in August 2023 focusing on overseeing the initial catalogue of designated VLOPs and VLOSEs.<sup>8</sup> Subsequently, in February 2024, the responsibilities of national Digital Services Coordinators came into effect, expanding oversight to encompass online services beyond the designated VLOPs and VLOSEs threshold.

## 2.7. Contemporary debate on platform regulation in Brazil

The Brazilian *Marco Civil da Internet* (MCI) stands as the first legislation specifically addressing intermediate liability and its safe harbour in Brazil ([Marrey et al., 2020](#)). Following seven years of discussion in a multi-stakeholder process ([Lemos et al., 2015](#)), the MCI was approved in 2014 in the context of Brazil hosting the internet governance forum NETMundial 2014; ([Tomasevicius Filho, 2016](#)) and revelations by Edward Snowden regarding NSA surveillance practices in Brazil by 2013([Snowden, 2013](#))[\(Canabarro & Borne, 2015\)](#).

Founded on the principle of freedom of expression and access to information ([Santos, 2020](#)), Brazil, as described on MCI's art 19°, adopted a liability framework where intermediates can be held accountable for third-party harmful content only if they fail to act following notification through a detailed judicial decision orienting them to do so ([Iglesias Keller, 2021](#)). The MCI's model has positioned Brazil as an international reference in protecting freedom of expression online guided by human rights ([Santos, 2020](#)).

In 2018, the discussion on regulating internet intermediates regained prominence, spurred by public shocks stemming from the massive use of WhatsApp in the electoral process for spreading political content, including disinformation ([Mello, 2020](#)). Amidst over 20 projects related to the topic presented in the period ([Rodrigues et al., 2020](#)) and triggered in 2020 by the disinformation diffusion associated with the COVID-19 pandemic, Senator Alessandro Vieira introduced draft proposition 2630([Projeto de Lei, 2020](#)) named the *Brazilian Law of Transparency, responsibility and Liberty on the Internet*. Initially aiming at curtailing and tracking disinformation authors on Brazil's most-used UGC apps such as WhatsApp, YouTube, Instagram and Facebook<sup>9</sup> ([Flow, 2023](#)), the project became widely famous as the *Fake News Bill*.

Even surrounded by critics from civil society groups such as the weakness of public consultations to hear voices from different sectors of society ([Farias et al., 2023](#)) and subjective definitions of desinformation ([Coalizão, 2020](#)), the text was approved by the Senate in July 2020. In a back-and-forth cycle since it was moved to the chamber of deputies, the latest public draft was disclosed in May 2023 and awaits parliamentary voting. This draft encompassed initial contributions from the left-wing government of Lula da Silva (2023) and introduces statutory and co-regulatory answers addressing the alleged state coup in Brazil on January 8, 2023.

The draft outlines transparency and accountability obligations for private messaging apps and social media services. Regarding intermediate liability, the proposition reassesses the safe harbour provision delineated within the MCI's art.19 ([Baptista Luz, 2023](#)). This review incorporates the concepts of joint responsibility for content advertised through these services, subjective responsibility for illegal content ([Iglesias Keller et al., 2023](#)) and includes the idea of duty of care ([Woods, 2019](#)).

Unlike the DSA's scope, the draft encompassed sections that prescribe financial compensation of digital rights and payment for journalist content circulated on the platforms ([Tomaz, 2023](#)). Moreover, it includes controversial mechanics for politicians immunity from moderation policies ([Machado & Vicente, 2022](#)).

In February 2024, in the absence of legislative progress on the FNB, the Brazilian Superior Electoral Court (TSE) approved a set of resolutions for the upcoming elections. These resolutions introduce new mechanisms for identifying the use of AI in electoral propaganda and reducing the safe-harbour from the MCI. Under the electoral period, social media platforms will be required to be proactive in removing anti-democratic advertised content and will be held jointly liable for the circulation of such paid content on their platforms ([RESOLUÇÃO No 23.732, 2024](#)). Even though it is a recent temporary regulation, raising concerns([Veloso, 2024](#))[\(Coalizao,](#)

<sup>8</sup> By February of 2024, the list was composed by: Alibaba, App Store, Amazon, Booking.com, Google Search, Google Play, Google Maps, Google Shopping, Youtube, LinkedIn, Facebook, Instagram, Pinterest, Pornhub, Snap, Stripchat, Tiktok, X, Xvideos, Wikipedia and Zalando ([EC, 2024](#)).

<sup>9</sup> The [Digital News Report \(2023\)](#) from Reuters Institute evidences these applications as Brazil's most used online UGC platforms.

2024) such as judiciary misfeasance over an issue that is still under discussion in the legislative branch.

### 3. Data collection and analysis method

Interviewing experts is an appropriate method for collecting policy perspectives not always publicised or easily accessible (Van Audenhove & Donders, 2019). Moreover, it is suitable for decoding information from those with exclusive knowledge about a specific matter, such as the FNB-focused policy process in Brazil.

There are distinct types of knowledge to access when conducting expert interviews: Technical, process, explanatory and contextual. By investigating the DSA's Brussels Effect's impact on policy discussions in Brazil, the following definition of contextual knowledge guides this work: "Listening to people who know context, power and interest structure interferes with the discussion" (Kaiser, 2014, p. 87).

#### 3.1. Questionnaire design

The interview questionnaire follows a "systematic interview", comprising straightforward questions in a comparable order (Van Audenhove & Donders, 2019).

The questionnaire in Appendix A follows this order: The first stage focuses on ice-breaking questions as recommended by Berger (1998). The second inquires about the historical perspective of Brazil's most prominent digital regulations: The Marco Civil da Internet and the General Law of Data Protection (LGPD) (Brasil, 2018), and the perceived influence of international references at the time. The third explores nuances of the de jure and de facto Brussels Effect in the FNB. Lastly, the questionnaire delves into the idea of regulatory convergence in platform governance, collecting the risks and benefits of benchmarking regulations from the EU. In terms of structure, following Harvey's flag (2010) that experts dislike being confined to a set of answers, the researchers employ a semi-structured approach.

#### 3.2. Sampling

The study followed a theoretical sampling strategy (Gubrium & Holstein, 2001), identifying actors and organisations capable of describing the study's object from their contextual knowledge. Initially, the researchers build a map of stakeholders directly involved in the FNB policy discussion, drawing on their prior knowledge and including experts from various organisations.

After drafting a target sample list, the researchers relied on their network in the field for validation. The first expert feedback led to a shortlist and determined the optimal contact approach for each. Two experts, representing academia and the private sector, experimented with the questionnaire.

The pilots' outcomes prompted a *snowball* sampling process (Bulck et al., 2019). The initial pilot's interviewee, who met the theoretical criteria, recommended additional interviews and facilitated connections through their networks. Due to the sample's nature, trust connectors, acting as *lenders* of their network and reputation, recommended the target interviewees to participate in the research. The second insight from the pilots led to restructuring the questionnaire, abandoning binary yes or no questions and adopting an open-end format. It is noteworthy that, by opting not to use random selection and instead relying on referrals, participants selected through snowball sampling share similar characteristics and/or acquaintances. Consequently, not every member of the targeted group has a fair chance of being included in the sample, leading to sampling bias.

Following the theoretical sampling, pilots, and snowballing cycle, the final sample is detailed in Table 1, identified by stakeholder group. Thirteen experts were interviewed in forty days - two for the pilot and eleven for the official study. The majority of interviews occurred through online calls with video recording software, with only three interviews conducted in person due to geographical restrictions. All interviews were conducted in Portuguese, and the researchers translated all the quotes included in this paper into English.

#### 3.3. Thematic Analysis

The researchers applied Thematic Analysis (TA) to extract meaning from the interviews and answer the research question. It was selected for its flexibility in extracting meaning from qualitative subjects without adhering to a fixed thematic structure (Bulck et al., 2019). The software NVIVO was used for data management and further analysis.

The TA execution followed Braun and Clarke's (2006) framework: Initial stage consisted of reading all the raw interview material. Coding followed, with the author establishing fourteen different codes to identify potentially relevant data aligning with the research question. Subsequent steps three and four involved searching for prominent themes and reviewing them. Part of the thematic coding followed a deductive approach (Braun & Clarke, 2014), applying the theoretical drivers of the Brussels Effect. Another part was conducted inductively, exploring issues that add new perspectives to the theoretical framework. Five themes were identified:

**Theme one** reflects on the historical context of prominent Brazilian statutory regulations, MCI and the LGPD, exploring the policy context and the presence of international benchmarks in these debates. Considering almost three years of the political process, **the second theme** provides a historical review of the FNB until its May 2023 version, aiming to identify actors and public shocks influencing text changes.

**Themes three and four** apply Anu's theoretical framework to examine the Brussels Effect. **Theme three** investigates a possible de facto effect and its drivers, primarily investigating private sector willingness to voluntarily adopt the DSA and a global standard.

**Table 1**  
Map of the stakeholders of the final sample used in the study.

Stakeholder	Pilot	Official	Total
Academia	1	1	2
Civil Society Org	–	2	2
Private Sector	1	1	2
Trade-Association	–	2	2
EU-Diplomacy	–	1	1
Government	–	1	1
Parliament	–	1	1
Press	–	1	1
Regulatory agency	–	1	1
<b>Total</b>	<b>2</b>	<b>11</b>	<b>13</b>

**Theme four** analyses the materiality of the de jure effect, divided into four sub-topics: i) Identify actors behind including the DSA as a reference in Brazil; ii) Discuss the symbolic dimension of the DSA in the policy process; iii) Explore normative references in the FNB extracted directly from the DSA, and iv) Outweigh differences between the texts and explore reasons for them.

**Theme five** aims to identify the perceived benefits and risks by adopting the DSA as the FNB's first and foremost regulatory benchmark.<sup>10</sup>

#### 4. Findings and discussions

##### **Theme 1.** The influence of international references on past digital regulations in Brazil

The analysis demonstrates a distinctive scenario: No international legal framework served as a foundational guide for the Marco Civil da internet (MCI); instead, the MCI evolved into a benchmark of a statutory regulation that bolstered freedom of expression and human rights:

“Other countries discussed regulatory issues in the digital environment. But what we were proposing in Brazil, I think, was very new at the time.” (Civil Society)

Conversely, as highlighted by one interviewee, the intermediate liability model formulated bore closer resemblance to the US Section 230. The content of the MCI aligns with the prevailing paradigm at the time - a negative approach to freedom of expression and a broader safe harbour for internet intermediates:

“I would say that the Marco Civil project is quite specific in the global landscape. We had a paradigm, Section 230 of the CDA. Nevertheless, the Marco Civil raises the bar in discussions about internet regulation. Our process was focused on the Brazilian context, which was the abuse of extrajudicial notices for content removal and cases such as offences to honour that existed on the internet at the time.” (Civil Society)

Regarding the Brazilian discussion of personal data protection law (LGPD), the structural influence of the GDPR is evident in the excerpt below. In this instance, companies were already complying with the EU law, and akin to the MCI scenario, there was a broader political alliance uniting internet companies and civil society to endorse the project:

“We incorporated a little more of other perspectives beyond the GDPR, but the GDPR strongly influenced the entire structure of the Brazilian LGPD. Perhaps because it was already in a more consolidated condition, the big techs were very collaborative in the perspective of incorporating European parameters.” (Parliament)

In this context, regarding LGPD, robust impetus emanated from a Brussels Effect, establishing the GDPR as the flagship model that steered discussions on data protection in Brazil. Literature evidence substantiates the extensive replication of the GDPR in the LGPD (Canaan, 2023; Carrillo & Jackson, 2022)

##### **Theme 2.** Public shocks and policy goals behind the *Fake News Bill*

The FNB originated amid the COVID-19 pandemic, primarily aiming to counter disinformation. A significant concern driving this initiative was the widespread use of WhatsApp, installed on 99% of Brazilian smartphones (Bianchi, 2022). Concurrently, due to its early deliberate stages, the EU's DSA was not referenced in Brazil's first round of policy discussions regarding the FNB:

“I received a phone call on April 1, 2020, saying: We are going to present a project because we are in the middle of the pandemic and there is much fake news.” (Trade Association)

The analysis identified two political factors influencing structural changes in the scope of the FNB's draft. Firstly, the change in government on January 1, 2023, introduced a left-wing political orientation, fostering increased diplomatic ties with the EU. Secondly,

<sup>10</sup> As the primary evidence, the quotes pasted on each theme's analysis section were selected for representing a common perspective, supporting the research objective, and/or adding a nuanced perspective to the analysis.

the attempt to overthrow the government on January 8, 2023, constituted a public shock episode following Ananny & Gillespie's definition (2017), amplifying the narrative favouring strict regulations for social media. Consequently, beyond addressing disinformation, the narrative around the FNB now includes the safeguarding of democracy. Notably, unlike the initial draft discussed under Bolsonaro's Government (2018–2022), the Executive now endorses it:

"In 2018, there was a huge weight on messaging services, particularly WhatsApp, which was already practically hegemonic in the Brazilian market. So, this is a factor that drives the debate to guarantee the legitimate use of these tools. Moreover, this was potentiated with the advent of the pandemic, where we suffered greatly from misinformation about vaccines and isolation. When January 8 comes, it turns. It is no longer just misinformation and an attack on democracy." (Parliament)

When investigating similarities and differences behind each policy process, one can argue that both the FNB and DSA align with a global trend of policy responses to the techlash, representing a paradigm shift on platform regulation (Jia & Chen, 2022). Thus, stating new statutory and co-regulatory mechanisms on how platforms govern and are governed (Gorwa, 2019). However, the last version of the FNB was instigated and structured by local concerns about online content moderation (Tomaz, 2023) and the spread of disinformation through prevalent platforms. While the EU contended with rules for content moderation, its policy goals also focused on digital sovereignty and competitiveness (Moore & Tambini, 2021).

"I think the FNB is a process that emerged for different reasons than the DSA. We had it very clear at the beginning of the process that the parliamentarians wanted to offer an answer to this major global problem of misinformation but without much clarity about what the answers would be." (Parliament)

### **Theme 3. : De Facto Brussels Effect**

The analysis reveals no evidence of the DSA exerting a de facto effect on the FNB. At a first glance, as a first and foremost effect driven by market forces alone (Bradford, 2020, p. 14), companies are not voluntarily adopting the EU regime as a compliance standard for other markets:

"Today, I do not see this movement of companies wanting to bring the DSA. Perhaps the DSA is too tough for them, and they do not want it here. (Trade Association)

Private sector interviewees contested two key drivers of the Brussels Effect: harmonisation-up, where companies improve products to comply with the strictest regulations, and non-divisibility, where firms globally streamline products for technical or economic reasons. These findings align with the analysis from Husovec and Urban, 2024, who suggest that the ability of global companies to localise specific design features solely for the EU might outweigh the economic advantages of globally deploying DSA's provisions.

"A company like ours can adapt to more restrictive regulations, but we can also choose not to open a market if the regulatory cost is too high. From the point of view of companies, we do not want to copy and paste the DSA. The DSA has things that have not yet been tested, so companies do not know if it is good or bad or if they can operate it. It is not a regulation we have as a model for the world." (Private Sector)

Moreover, the recency of the EU regime and the ongoing compliance with the EU standard add to companies' caution in supporting a pro-DSA movement. As the Brussels Effect theory posits, it is fundamentally a regulatory impact instigated by private actors on global commerce (Lindseth, 2022). Thus, the empirical evidence shows a weakness in the Brazilian case, as the private sector contests the DSA's as a global model.

Nonetheless, the same group of interviewees acknowledge certain DSA aspects that companies use as a reference for local discussions. In doing so, they use the EU standard to hinder undesired statutory purposes that could potentially have a counterproductive effect by influencing other countries in a *Brazil Effect*:

"On the one hand, companies do not want to adopt everything done in Europe because that could increase costs and operations. On the other hand, they also do not want you to innovate and create a new format that has the potential to reverberate in other countries; that is the case of Brazil". (Government)

### **Theme 4. : De jure Brussels Effect**

#### I) Sources of references from the DSA in the Brazilian discussion

The Brazilian government stands out as the primary contributor of references from the DSA to the FNB's draft in March 2023. According to one interviewee representing the government, members of the executive branch presented its contributions to rapporteur Orlando Silva and embraced certain predictions found within the DSA:

"To some extent, I think the most substantive reference to the DSA comes from the contributions of the Brazilian government delivered on March 30, 2023, to rapporteur Orlando Silva. It is where, to some extent, the government, within a broad set of suggestions, adopts some predictions that are in the DSA." (Government)

"The DSA text was introduced by the government in 2023 when the text died in the previous legislature and returned in this legislature with the agenda of January 8." (Trade Association)

Subsequently, Federal Deputy Orlando Silva, the rapporteur of the bill in Congress and also the rapporteur of the LGPD, incorporated these inputs into the proposal.

"Orlando was also the rapporteur for the LGPD, so he looked at the GDPR a lot in the process of the LGPD. It was natural that as soon as Europe took a position and approved a text, he would also look at this text." (Civil Society)

The role of EU diplomacy in influencing the DSA's impact on FNB becomes apparent when considering insights from the experts. EU diplomacy, known for successfully disseminating European standards globally for data protection regulations (Schwartz, 2019, p. 94), collaborated with the Brazilian government and the Parliament. In the role of an ally, the EU engaged in facilitating diplomatic meetings aimed at sharing European expertise concerning the construction of the DSA. It played a pivotal role in enabling the exchange of regulatory insights among various public authorities:

"We have recurring contacts with European parliamentarians who have influenced the debate on these two laws on the service of digital markets. Margrethe Vestager<sup>11</sup> has been with us more than once. So, in addition to the political interest of collecting the best international experience, there is a diplomatic dialogue with authorities of the European Union." (Parliament)

"We were pretty much the laboratory for this type of regulation, and of course, we were approached to show our arguments and our process by the government primarily and by the legislators. Any companies did not approach us." (EU diplomacy)

## II) The symbolic effect of the DSA

The research underscores the symbolic impact of the DSA on the discussion surrounding the FNB. For both state and non-state actors working towards the approval of the FNB, the existence of an European legal framework strengthens pro-regulation arguments. Concurring with this symbolic influence, proponents of FNB in Brazil leverage the DSA to legitimise the significance of the topic. This perception arguably reinforces the characteristics of the EU as a normative power in Brazil, particularly when analysing the attractiveness of the EU as reference, being a international 'normalcy' in global matters (Manners, 2002):

"The DSA represents a symbolic reference that is extremely present in the national debate. Look, Europe is following this path. So, in a way, it frees up a review of the Marco Civil da Internet by national legislators, something already consolidated within a logic of a national consensus that this was the way we should go." (Academia)

"Having a regulation approved in Europe validates the narrative and arguments of those in power today. Thus, they do whatever they want with the project. And since no one is going to read the DSA, they say it is the same thing, that it is already there". (Private Sector)

"It tends to be a model framework that, at a minimum, will face fewer barriers to its approval, and with that, you point out that the regulatory text that is being proposed here is modelled, thought out, and structured in a way that is close to Europe, has an authority weight". (Academia)

Nonetheless, the symbolic factor revolves around the political narrative and the strategic use of the DSA's existence to support local discussions. It is crucial to recognize that this discourse dimension, on initial scrutiny, does not encompass an in-depth analysis of the DSA's content and structure:

"I think in the case of the DSA, it is much more an effort of argumentation and persuasion of the macro debate. I think this happens in some articles, but I think most of it is still very different." (Civil Society)

Adding to that noted behaviour of pro-regulation actors using EU policies as an instrument to legitimise policy discussions, it suggests a critical view why the EU benchmark is taken for granted as a reference. The paper re-engages with the debate surrounding the cultural hierarchy identified by Quijano (2002), opening a room for discussion on how the pervasiveness of the European worldview represents a form of postcolonial legacy influencing policy construction in the Global South. However, capturing this cultural influence proves challenging through the interview responses. Indeed, culture may often evade immediate recognition, a notion succinctly captured by cultural studies pioneer Edward T. Hall: "Culture hides more than it reveals, and strangely enough, what it hides, it hides most effectively from its own participants" (1973).

## III) Normative references to the DSA

When analysing the normative references of the DSA in the FNB draft proposal, the research argues that there is a de jure Brussels Effect, although limited. As described by the interviewees, transparency measures and themes such as the systemic risk assessment and external auditing present in the latest version of the draft from May 2023 are directly referenced from the text of the DSA:

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<sup>11</sup> Margrethe Vestager is the Executive Vice President of the European Commission (2019–2024) and oversees the policy priority "Fit priority do the Digital Age". The DSA is a piece of this policy stream.

"I would say that the most core part of DSA [in the FNB's draft] is the dimension of systemic risk assessment, risk mitigation, and external auditing." (Government)

Moreover, the existence of the DSA empowered regulators to include requirements and obligations in the FNB's draft that, at the first moment, were judged unacceptable by platforms' representatives.

"In the debate with big techs, they argue the technical impossibility of meeting a certain demand because that was not within reach due to technical limitations. A year later, when DSA was approved, I realised that several transparency obligations they said were impossible were possible on the DSA. Today I say the following: I only want transparency rules in Brazil equivalent to the rules of the European Union." (Parliament)

#### IV) Examining the limited de jure Brussels Effect

The analysis elucidates factors that partly explain the limited de jure effect of DSA on FNB.

Firstly, disparities in public shocks and interests between Brazil and the EU contribute to the limited effect. While the DSA establishes a comprehensive statutory regime encompassing the entire spectrum of digital services, the FNB focuses on online services functioning as user-to-user tools, such as social media applications and private messaging apps that exceeded the threshold of 10 million active users in Brazil:

"The focus is not on general platform regulation but on regulation in communication. In the DSA, for example, the European Union decided not to regulate messaging services. However, this is an essential issue in the Brazilian case, especially in elections and vaccine misinformation." (Parliament).

Moreover, a government member recognizes the necessity of refraining from a direct replication of the DSA within the FNB's draft, acknowledging the importance of tailoring the EU's framework to suit the specific context of Brazil:

"I do not claim a literal reference because Brazil does not have a European state. So, when we invoke the DSA, it is more like a standard that serves as a reference and needs to be adapted to Brazil." (Government)

Secondly, interviewees working for FNB approval argue that the EU model inadequately addresses local concerns regarding intermediate liability. They emphasise, in line with the argument from Iglesias Keller et al. (2023), the need to reevaluate the liability safeguards outlined in art.19 of MCI. They observe that the notice and action model presented on the DSA falls short in addressing necessary changes on the liability framework over intermediate services:

"I realise that it has to do with some terms we deal with, that European legislation does not advance much. The issue of liability, for example, is something essential for us because the Brazilian internet law, the Marco Civil, is very liberal and very influenced by the logic of the United States, so to speak, of the defence of freedom of expression and we believe that in ten years a lot has changed. It is necessary that we review the liability regime of these platforms." (Parliament)

On one hand, as indicated in the draft, Brazil seems to be aligning with the EU's fundamental rights approach, aiming to curtail platforms discretion in content decisions ([Suzor, 2019](#)). Conversely, a member of the Government points out that the DSA is not the sole reference, evident in the incorporation of the duty of care concept ([Woods, 2019](#)) from UK's OSA:

"The notice and action system present in the DSA generates an incentive to maintain the business model, with all the problems it brings, because it is based on engagement at all costs. So we are interested in references that generate incentives for adjustments and due diligence [...] models such as the European Union's liability model, which in the end make the company lean back and open a window for authorities with police powers, I do not think should be a reference." (Member of the Government)

Lastly, a factor potentially diminishing the de jure effect impact, unaddressed by interviewees, is that unlike the GDPR, which established extraterritorial mechanisms for international data transfers of EU citizens ([Ryngaert & Taylor, 2020](#)), the DSA lacks a legal provision imposing commercial barriers on countries not aligned with the EU rules. Thus, no commercial incentives have prompted policymakers or the private sector to converge with the DSA yet.

#### Theme 5. : Assessing the benefits and risks of the EU influence on the FNB

The research delineates three perspectives on the benefits stemming from the influence of the DSA on the FNB. Initially, DSA serves as an exemplar of regulations aligned with democratic and human rights principles, symbolising a prominent model to guide the local regulatory processes:

"From the point of view of democratic principles and the defence of values such as human rights, I believe that Europe has a lot to inspire us in our regulatory processes. (Civil society)

Secondly, the European legislative process's depth positions work as an agenda-setter internationally. The EU's credibility in shaping internal decisions, characterised by a democratic consensus among 27 countries to formulate regulations, contributes to elevates its status as a regulatory benchmark beyond its legal borders ([Bendiek & Stuerzer, 2023](#)). Thus, preceding discussions in Europe allow for anticipation and enrichment of local debates based on the EU political process:

If you can show that the DSA is the benchmark and you want to change that benchmark, it requires more research and more argumentation." (Academia)

Lastly, experts identify a modular factor enhancing the Brazilian legislative process, illustrated by the inclusion of the concept of risk management and systemic risk analysis:

I believe that the influence of the DSA is positive in the Brazilian context, precisely so that we can force more on issues such as systemic risk and even a recognition that, in fact, there is a systemic risk from the existence of these platforms for democracy and human rights." (Civil society)

An analysis of these three perspectives provides evidence consistent with a symbolic reach of the EU's normative power (Manners, 2002). In this regard, the discourse analysis contends the interviewees perceive European values, such as human rights and the rule of law, as a positive model for inspiring policy discussions in Brazil.

Concerning the risks associated with the DSA's influence on the FNB, experts highlight two points contributing to a critical perspective on the Brussels Effect. The first, raised by private sector experts - and presented on Bradford's theory - revolves around the risk of Brazil, as an emerging economy, adopting stringent regulatory models that may stifle innovation, increase costs, and reduce competitiveness. This group of stakeholders converges on the opinion that Europe should not be viewed as an example of innovation benchmark in the digital economy<sup>12</sup>:

"I see the risk of both development and prioritisation of Brazil in the company because we are seeing a de-prioritisation of Europe for the launch of new products" (Private Sector)

"Europe has academia, science, and transit of people. It is Europe, and it is the centre. I think national parameters are missing because we do not have education, we are not a first-world country, we do not have a strong GDP, and we do not have institutional capacity. We seem to copy the restrictions and do not create our impulses." (Trade Association)

A second cited risk hinges on Brazil's limited regulatory capacity to enforce stringent rules. The robust framework of the DSA presupposes well-equipped authorities capable of oversight and enforcement. Conversely, the FNB draft proposal presents an *elephant in the room* by omitting the specification of a regulatory body (Bioni & Zanatta, 2023). As highlighted in the Vero Institute and Data Privacy policy brief (Mendonça et al., 2023), a lively debate surrounds the designation and operation of such an authority. Notably, civil society, academia, and government experts raised concerns regarding the absence of enforcement mechanisms within the draft. This raises apprehensions about Brazil adopting legislation mirroring the EU and UK models, but with deficient institutional capacity to oversee and enforce the bill's provisions:

"We do not have a consolidated enforcement structure like European countries have. Moreover, that is what I am saying; sometimes it is not even for us to make more flexible legislation; on the contrary, I think we have to make more specific legislation because we do not know who will oversee its implementation." (Civil Society)

"The DSA has its structure, which is aimed at the European Union, for the institutional mode of the European Union. [...] Some institutions depend on robustness that does not necessarily appear in Brazil. (Academia)

"For example, the history of systemic risk assessment. From my point of view, it depends on a regulatory body with enforcement capacity and autonomy from the Executive Branch. If this is done in another model, it also does not work. Moreover, we know no guarantee of which model will be approved." (Government)

As observed in the interviews, despite its symbolic effect, the DSA entails a regulatory and governance structure challenging for other nations to readily adopt. Moreover, it sheds light on the practical limitations of the Brussels effects and the effective reach of the EU Normative Power. Implementing the bill necessitates investments in technical expertise and institutional robustness, posing challenges for emerging countries such as Brazil. Experts share this perception, encapsulated poetically in the quote below:

"There is a book by Robert Schwartz called "Out of Place Ideas" that talks about right, incredible ideas. When brought to a reality that did not find a comparison with the reality of its origin, they were out-of-place ideas. They were good ideas but inadequate for that reality." (Parliament)

## 5. Conclusion

The research identifies a policy trend in western liberal democracies, indicating a paradigm shift. Self-regulatory governance arrangements supported by the US 1st Amendment and Section 230, are considered outdated. New statutory regulations emerge as responses to public shocks and *techlash*. Thus, the EU's Digital Services Act (DSA) takes the spotlight globally due to factors like the single market's economic power, EU regulatory capacity, and its rights-driven approach.

In the Brazilian context, the paper suggests no signs of a DSA's de facto Brussels Effect. The analysis shows that at a first glance companies are not voluntarily adopting the EU standard globally, particularly by rejecting convergence drivers of harmonising-up and

<sup>12</sup> Only two of the seventeen companies presented on the VLOPS list published by the EU in March of 2023 were created in Europe: Booking – Netherlands and Zalando – Germany.

non-divisibility. Moreover, the DSA's recency discourages private actors from engaging in a pro-DSA agenda.

Also, from its legislative point of view, the paper asserts a limited de jure Brussels Effect in Brazil's Fake News Bill (FNB). On one hand, agents defending the FNB's last draft embrace the DSA's symbolic impact as an agenda setter. Furthermore, the FNB replicates normative items from the EU, like transparency obligations, due-diligence instruments and risk assessments. On the other hand, local public shocks and policy goals limit the DSA's effect on Brazilian regulation: for instance, some decision-makers argue the DSA liability model is not strict enough to deal with social media risks. Thus, the paper argues that the Brazilian regulatory discourse is shaped not by an alignment with the EU, but by responses to the local context and political priorities.

Finally, the paper briefly complements the theoretical background by examining the normative power of the European Union presented in the policy transfer scholarship. Based on the empirical data it argues that, in addition to the drivers of the Brussels Effect, symbolic aspects impact the willingness to adapt EU regulatory frameworks in Brazil.

It merits attention that expanding the pool of interviewees would contribute to a fairer assessment of the five themes explored in this research, specially by including members from the judiciary. Furthermore, at the time of the interviews, the DSA was not fully enforced, and the legislative process under the FNB has been paralysed. Thus, there is no assumption if and when the draft Bill will be approved and the research findings should be read under its time frame. Nonetheless, for further research, one could explore the DSA's Brussels Effect through a political economy lens, investigating cultural and socio-institutional misfits from a global-south perspective. When scrutinising sovereign nations with unique regulatory capacities, economic imperatives, and cultural contexts, transposing the EU fundamental rights view about platform governance should not be taken for granted.

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## Conflict of interest disclosure

The authors have no conflicts of interest to declare.

## Ethics approval statement

A LSE Research Ethics reviewer has approved the research and its data collection, and the consent sheets were previously sent to all participants. Before all recordings, all participants were asked to confirm if the research objective was clear and if they agreed with the recording. All participants consented to the recording, which was collected verbally as the first question of the recorded interview. Regarding privacy, all participants were informed that no personal identification would be reported in the final study. Thus, each participant is only identified by the stakeholder group, such as Government, Civil Society and Private Sector. The consent form that was shared with all interviewees is in Appendix B.

## Submission declaration

This manuscript has not been published previously, it is not under consideration for publication elsewhere, its publication is approved by all authors and, if accepted, it will not be published elsewhere in the same form.

## CRediT authorship contribution statement

**Thales Martini Bueno:** Writing – review & editing, Writing – original draft, Visualization, Validation, Supervision, Project administration, Methodology, Investigation, Formal analysis, Data curation, Conceptualization. **Renan Gadoni Canaan:** Writing – review & editing, Writing – original draft, Visualization, Validation, Supervision, Project administration, Methodology, Investigation, Formal analysis, Data curation, Conceptualization.

## Declaration of generative AI and AI-assisted technologies in the writing process

During the preparation of this work, the authors used tools such as ChatGPT and Gemini in order to review language and readability, with caution. After using this tool/service, the authors reviewed and edited the content as needed, taking full responsibility for the content of the publication.

## Data availability

Data will be made available on request.

## Appendix A. Interview Questions

Ice breaking.

1. Can you tell us a little about who you are in terms of occupation and background?
2. Music, cultural tips, book

Research.

1. Have you been involved in the discussion around the construction of a new legal regulation of social networks in Brazil? How?
2. At the time of the MCI discussion, were you already working in the sector ([Theme 1](#))?
3. Was any international reference present in the debate ([Theme 1](#))?
4. At the time of the LGPD, the GDPR was also approved. Did you already work covering the sector? Was the newly approved European regime present in the discussion? If so, how did that happen ([Theme 1](#))?
5. [Context] In the theory described as the "Brussels Effect", it is argued that due to its market size and institutional capacity, Europe exerts a "soft" influence from the regulatory point of view. This happens through companies adopting European standards in other markets or countries taking inspiration from the legal regimes created in Europe. Today, thinking about the discussion around the Fake News Bill, do you perceive the regulatory influence of the EU in the debate? How does this happen? Europe has been doing diplomatic work in that field. Is it reactive or proactive ([Theme 2 and 4](#))?
6. [Context] Around PL 2630, there has been a debate for about three years. We have a 2020 project by Alessandro Vieira that is modified in the chamber, especially in the last report, May 2023, where there are 25 mentions of the DSA in the justification; Do you see that this European influence has always been in the debate or does it intensify after the approval of the DSA at the end of 2022 ([Theme 2](#))?
7. This possible reference of the "European Law" in the Brazilian debate, in the case of 2630, is pulled mainly by where? Government; Private initiative, Civil Society, Press ([Theme 2 and 4](#))?
- 8 [Context] In terms of building a political majority to approve the text, there are international references and also the local socio-political context. In Brazil, do you understand that the use of international references influences the positioning decision of each parliamentarian? How does this happen? Politicians or the government has been searching for EU help on that matter? What are their main questions? ([Theme 4](#))
- 9 [Context] In theory, there is the search for regulatory convergence to the more restricted regime as a path sought by companies, even as a possible market reserve. Is regulatory convergence towards a social media law present in the current debate? And you see Europe trying to push this agenda via Diplomacy? ([Themes 3 & 4](#))
10. Are there benefits from adopting regulatory models developed by the European Union? If yes, which ones? ([Theme 5](#))
11. What risks and limitations do you see in adapting the regulatory models developed in Europe by countries in the Global South, such as Brazil? ([Theme 5](#))

## Appendix B. Consent form

### CONSENT FORM

Digital Services Act: A new case of the Brussels Effect?

\*Researcher name.

PARTICIPATION IN THIS RESEARCH STUDY IS VOLUNTARY.

I have read and understood the study information dated June of 2023, or it has been read to me. I have been able to ask questions about the study, and my questions have been answered to my satisfaction.

I consent voluntarily to be a participant in this study and understand that I can refuse to answer questions and that I can withdraw from the study at any time up until the 20th of July (2023) without having to give a reason.

I agree to the interview being audio recorded.

I understand that the information I provide will be used for the dissertation and that the information will be anonymised, identifying only the stakeholder group that of the interviewed: Federal Government, Private Sector, Civil Society, and Parliament.

I agree that my anonymised information, following the terms of the previous item, can be quoted in research outputs.

I understand that any personal information identifying me, such as my name and email, will be confidential.

I permit the (anonymised) information I provide to be deposited in a data archive to be used for future research.

Please retain a copy of this consent form.

Participant name:

Signature: \_\_\_\_\_ Date \_\_\_\_\_

Interviewer name:

Signature: \_\_\_\_\_ Date \_\_\_\_\_

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