The European Union as a Global Producer of Transnational Law of Risk Regulation:  
A Case Study on Chemicals Regulation

Marco de Morpurgo*

Abstract

This paper addresses a case study on chemicals regulation in order to draw preliminary conclusions on the role of the European Union (EU) in the global production of transnational law of risk regulation.

The EU has adopted extensive regulation to address health, safety, and environmental risks. In many instances, third countries worldwide have adopted regulation that is largely inspired in the EU models when regulating their own industries and markets. This pattern of circulation has arguably put the EU in a position of global leadership in the production of transnational models for risk regulation.

This paper aims at verifying this hypothesis using a case study on the global circulation of the EU “REACH” Regulation, including to China, South Korea, and the United States. The paper preliminarily concludes that the EU has been actively advocating the global diffusion of REACH, and has been able to attribute to REACH international prestige, turning it into a leading model for global chemical risk regulation. Together with specific ideological, economic, and political reasons, this has allowed REACH to turn into a transnational model for risk regulation, suggesting that the EU acts as a global risk regulator within the dynamics that characterize normative production in today’s globalized world.

* Ph.D. candidate (Milan); LL.M. (Harvard); M.Sc. (IUC Turin); LL.M./LL.B. (Trieste). Email: marco.demorpurgo@unimi.it.