
THE IMPACT OF BREXIT ON INTERNATIONAL TRADE LAW

Jayashree Dey, LL.M (Corp. Law), Amity University Rajasthan

ABSTRACT

The aim of this study is to examine the impact of Brexit on international trade law. The UK's exit from the EU brought significant changes to international trade law. This research focuses on the impact of Brexit on international trade agreements such as the WTO and Free Trade Agreements (FTAs) and the UK's trade relations with third countries. By analysing relevant legal instruments and case law, this study examines the potential impact of Brexit on trade rules, tariffs and regulations. In addition, the study will examine the potential challenges and opportunities Brexit poses for international trade. This includes the possibility of new trade deals and increased trade barriers. This research will provide insights into Brexit's legal implications for international trade law. It will form the basis for future trade policy decisions. This study is of particular interest to policymakers, academics and practitioners in international trade law.

Keywords: Brexit, International Trade Law, UK, EU, FTAs, WTO.

1. Introduction

1.1 Brexit's Impact on international trade law.

The United Kingdom's vote to exit the European Union will have a big impact on how international law is practised, particularly in international trade law. As the UK navigates its new position as a non-EU member, many questions arise about Brexit's legal implications for international trade deals, trade rules, tariffs and regulations. This study examines Brexit's impact on international trade law. It does this by analysing legal instruments and case law in this area. In particular, This study focuses on how Brexit will affect global trade agreements, such as those with the World Trade Organisation (WTO) and Free Trade Agreements (FTAs), as well as the possible implications for the UK's trade relations with third countries.¹ This study, which examines the legal implications of Brexit for international trade law, aims to provide an overview of the challenges and opportunities of Brexit. This includes the potential for new trade deals and increased trade barriers. Policymakers, researchers, and practitioners of international trade law will find a great deal of value in the study's findings.

1.2 Provide background information on Brexit and its effects on trade ties between the UK and the EU.

Brexit, short for "British Exit", is a reference to the UK's vote to exit the European Union (EU) in 2016. Following a drawn-out negotiation process that lasted three years, the UK finally left the EU on January 31, 2020.

The effects of Brexit for trade between the UK and the EU are significant. The single market and customs union of the EU included the UK before it left the EU. This made it possible for people, capital, goods, and services to flow freely between EU member states. However, as a non-EU member, the UK has lost these advantages and needs to negotiate new trade deals with the EU.

The UK and the EU have been negotiating a post-Brexit trade relationship since 2017. In December 2020, the two parties reached a last-minute commercial agreement setting out the terms of their future business relationship. However, the agreement has important

¹ Armstrong, K. A. (2017, June 22). *Brexit Time: Leaving the EU - Why, How and When*

implications for trading in goods and services, including tariffs, procedures for customs and regulatory requirements.

Overall, Brexit has created significant uncertainties and challenges in UK-EU trade relations, and its implications for international trade law remain the subject of ongoing research and debate.²

1.3 State the research objectives and questions.

This study examines Brexit's impact on international trade law. The study answers the following questions:

- What legal implications does Brexit have for international trade agreements like the WTO and free trade agreements?
- How will Brexit affect UK trade with third countries?
- What are the potential Brexit challenges and opportunities for international trade, including new trade agreements and trade barriers?
- What possible solutions are there for Brexit's legal consequences for international commercial law?

To achieve these goals and answer these questions, the following methods are used in the study:

- Conduct a comprehensive review of the relevant legal instruments and case law related to international trade agreements and Brexit.
- Analysis of Brexit's impact on the WTO and free trade agreements. This includes the UK's accession and the potential impact on trade rules, tariffs and regulations.
- Examine the impact of Brexit on the UK's trade relations with third countries, including possible changes to trade agreements and barriers to trade.

² *How has Brexit impacted international trade within the European Union*

- Exploring international trade challenges and opportunities related to Brexit. This includes the possibility of new trade agreements and increased trade barriers.
- Propose potential solutions to Brexit's legal implications for international trade law, including negotiating new trade agreements and harmonising trade rules and regulations.

1.4 Explain the study's importance and significance.

This study of Brexit's impact on international trade law is important and meaningful for several reasons.

First, Brexit has important implications for the UK's trade relations with the EU, as well as with third countries. Understanding the legal implications of Brexit for international trade law is therefore crucial for policymakers, academics and practitioners in international trade. Second, the study will provide insight into Brexit's potential challenges and opportunities for international trade. This includes the potential for new trade deals and increased trade barriers. This information can inform future trade-related policy decisions and guide companies operating on international markets.

Finally, this research may contribute to a broader academic discourse on international trade law. It does so by examining Brexit's impact on international trade agreements, trade rules, tariffs and regulations. By furthering our understanding of Brexit's legal implications for international trade, this study could inform future research and policy decisions related to this critical area of law.

2. International Trade Law's Legal Framework

2.1 Examine the legal framework of international trade law, particularly the World Trade Organization's (WTO) role. and various trade agreements.

International trade law refers to the legal framework that governs commercial relations between nations. It comprises various legal instruments, including international agreements, customs and tariff regulations and trade agreements.

The World Trade Organization (WTO) is the main international organization regulating world

trade. Its mission is to promote free and fair trade by establishing rules and procedures governing trade relations between its member states. The WTO also provides member states with a forum to negotiate and settle trade disputes.

In addition to the WTO, there are various trade agreements that regulate trade relations between certain groups of countries. These agreements aim to remove trade barriers and promote economic integration between member states. Examples of these arrangements are customs unions and free trade agreements (FTAs).

The goal of free trade agreements is to lower or remove tariffs on goods and services traded between member states. They also set common rules and procedures for trading in areas such as intellectual property, investment and government procurement. Customs unions, on the other hand, set a common external tariff on goods imported from third countries. They enable free trade between the member states.³

In general, international trade law's legal framework is complex and constantly evolving. The role of the WTO and various trade agreements is crucial to promoting free and fair trade. This is done by reducing trade barriers and resolving trade disputes between nations.

2.2 Describe the pre-Brexit legal landscape for trade between the UK and EU.

Before Brexit, trade between the UK and the EU was governed by EU law. This indicated that the UK was a part of the internal market and customs union of the EU. This made it possible for people, capital, goods, and services to move freely between member states. The UK's entry into the Single Market and Customs Union also meant it became subject to EU regulations and directives, including those affecting trade. For example, EU trade agreements with third countries apply to the UK as a Member State. The UK was bound by EU trade rules and directives.

In addition, as an EU member, the UK has signed numerous trade agreements. These agreements included the EU's free trade agreements (FTAs) with other countries such as

³ Lester, S., Mercurio, B., & Davies, A. (2018, February 22). *World Trade Law: Text, Materials and Commentary*. Hart Publishing.

Canada and Japan, which gave the UK preferential access to these markets.⁴

In general, prior to Brexit, UK-EU trade was governed by EU laws and regulations and trade agreements with third countries. This legal framework permits the free flow of people, capital, and goods between the UK and the EU. In addition, the UK remains subject to EU trade rules and directives.

3. Brexit's Impact on Trade Agreements

3.1 Examine the effects of Brexit on trade pacts, such as the Trade and Cooperation Agreement (TCA) between the EU and the UK.

Brexit has had a significant impact on trade deals, including the Trade and Cooperation Agreement (TCA) between the EU and UK, signed on December 24, 2020. The TCA creates a new legal framework for trade between the UK and the EU. It takes the place of the existing legal system from the UK's time as an EU member.

The TCA provides for the continuation of duty- and quota-free goods trade between the UK and the EU, subject to origin rules and customs procedures. However, the ATT does not cover trade in services to the same extent as it did when the UK was a member of the EU. Brexit has created new barriers to services trade.⁵ In addition to the ATT, the UK is negotiating new trade agreements with third countries such as Japan and Canada. These deals are intended to replace trade deals in which the UK has been a participant as an EU member and give UK companies new opportunities to trade with non-EU countries. Overall, Brexit had a significant impact on trade deals, including the EU-UK trade deal, which replaced the old UK-EU trade framework. The ACT provides for duty-free and quota-free goods trade but created new barriers to services.

3.2 Discuss the changes in trade relations between the UK and the EU as a result of Brexit, including customs arrangements, rules of origin, and tariffs.

The UK-EU commercial relationship has changed dramatically as a result of Brexit. UK has withdrawn from the EU's single market and customs union, which has led to new customs regimes, rules of origin and tariffs. Under the new agreements, the UK and EU have introduced

⁴ K. Chow, D. C., & Schoenbaum, T. J. (2017, February 5). *International Trade Law: Problems, Cases, and Materials*.

⁵ Stagier, U. (2018, August 15). *Brexit and Beyond: Rethinking the Futures of Europe* (B. Martill, Ed.).

new customs procedures for goods trade, including new formalities and border control requirements. Rules of origin have also become more important, as British products are no longer automatically eligible for EU preferential treatment. Customs duties have also been imposed on some goods, particularly when they do not meet the original rules. The TCA allows for the duty- and quota-free exchange of goods between the UK and the EU, but underling rules of origin and customs procedures.⁶

These changes have had a significant impact on UK-EU trade, particularly in industries that rely on just-in-time supply chains and have been negatively impacted by border delays and additional administrative formalities. However, the ACT forms the basis for further trade between the UK and the EU. Negotiations are ongoing to address the challenges of the new trade deal.

4. Intellectual Property Rights

4.1 Examine the effects of Brexit on intellectual property rights, such as patents, copyrights, and trademarks.

Brexit has a significant impact on intellectual property rights, including trademarks, copyrights and patents. Before Brexit, these rights were protected by EU-wide systems that provided for a single registration and enforcement regime across EU member states. After Brexit, however, these EU-wide regulations no longer apply in the UK. Instead, the UK has a separate intellectual property regime. This means that companies that relied on EU-wide intellectual property protection may now need separate protection in the UK.

The UK recognizes existing European trademarks and allows proprietors to register new trademarks. Similarly, for designs, the UK has a system that recognizes existing registered Community designs and allows holders to register new UK designs.⁷ Copyright legislation in the UK maintains the status quo. It continues to protect works protected by UK copyright law. However, this could change in the future, especially if the UK moves away from European copyright law. For patents, Brexit's impact is more limited as the European Patent Convention

⁶ Navarro, J. (Ed.). (2022, December 26). *A Litmus Test for Democratic Politics in Europe: Parliaments, Brexit and the Future of the European Union*. Routledge.

⁷ Denoncourt, J. (2018, September 8). *Brexit and Intellectual Property Law*.

(EPC) is separate from the EU. This means that the current EPC system will continue to apply in the UK. Companies will be able to obtain and enforce patents through the EPC system.⁸

Overall, Brexit has had a significant impact on intellectual property rights as companies need to adapt to new UK regulations and may need to obtain separate protection for their intellectual property rights in the UK.

4.2 Discuss the changes in legal protections for intellectual property in the UK and EU as a result of Brexit.

Intellectual property (IP) legal protection in the UK and EU has changed as a result of Brexit. Before Brexit, intellectual property rights were protected across the EU by EU-wide systems, ensuring a single registration and enforcement system across all EU Member States. After Brexit, however, these EU-wide regulations no longer apply in the UK. Instead, the UK introduced its own separate intellectual property regime, leading to changes in intellectual property legal protection in the UK.

Using trademarks, the UK has set up its own trademark system. This recognizes existing European trademarks and allows proprietors to register new trademarks in the UK. Similarly, for designs, the UK has introduced its own design regime, which recognizes existing registered Community designs. It also allows holders to register their own UK designs. Copyright legislation in the UK maintains the status quo. It continues to protect works protected by UK copyright law. However, this could change in the future, especially if the UK moves away from European copyright law.

Overall, Brexit has changed the legal protection of intellectual property in the UK and EU as companies adapt to new UK regulations and may need to seek separate protection for their intellectual property rights in the UK.

5. Dispute Resolution Mechanisms

5.1 Discuss Brexit's impact on dispute resolution mechanisms in international trade. This includes the role of the WTO and the TCA dispute resolution provisions.

⁸ Bentley, L., Sherman, B., Gangue, D., & Johnson, P. (2018, July 24). *Intellectual Property Law*.

Brexit had a significant impact on dispute settlement mechanisms in international trade. Before Brexit, the UK and the EU were members of the World Trade Organization (WTO) and were subject to dispute settlement procedures. Post Brexit, the UK and EU are now separate WTO members and may have separate dispute settlement mechanisms. This can lead to more complexity and potential conflicts between the two parties.

In addition, the EU-UK Trade and Cooperation Agreement contains Dispute Settlement

Provisions that set out the procedure for settling disputes between the UK and the EU. The TCA dispute resolution process involves a series of consultations and negotiations that may eventually lead to arbitration if the dispute cannot be resolved.⁹

However, the ACT dispute settlement procedure is more limited than the WTO dispute settlement procedures as it applies only to disputes arising from the ACT itself and does not cover broader trade issues.

Overall, Brexit has had a significant impact on international trade dispute settlement mechanisms, with possible implications for UK-EU business and trade relations.

5.2 Analyse the legal implications of dispute resolution changes for businesses in the UK and EU.

Brexit's changes to dispute resolution mechanisms have significant legal implications for UK and EU businesses. As separate WTO members, the UK and EU may now have separate dispute settlement mechanisms. This can lead to increased complexity and potential conflicts between the two sides.

In addition, the limited scope of the TCA's dispute resolution mechanism means that companies may no longer have access to the same dispute resolution options as they did before Brexit. This can affect contract enforceability and dispute resolution, especially for companies operating across borders.¹⁰

⁹ Vicuña, F. O. (2012, May 11). *International Dispute Settlement in an Evolving Global Society: Constitutionalization, Accessibility, Privatization* (Vol. 16).

¹⁰ Cortes, P. (Ed.). (2017, January 1). *The New Regulatory Framework for Consumer Dispute Resolution*.

Additionally, companies may need to review and update their contracts and dispute resolution clauses to ensure they reflect the new legal landscape resulting from Brexit. This may include incorporating new dispute resolution mechanisms, such as arbitration, or specifying applicable law and jurisdiction in contracts.

Overall, the changes in dispute resolution mechanisms resulting from Brexit will force professionals to carefully consider the legal implications and potential risks in international contracts and transactions.

6.The Future of International Trade Law after Brexit

6.1 Discuss the potential impact of Brexit on international trade law, including the rise of protectionism and the impact of new technologies on trade.

International trade law may be significantly impacted by Brexit. An increase in protectionism, with the possibility for the UK to take a more protectionist stance, could lead to increased trade barriers and slower global trade growth.

In addition, the influence of new technologies such as artificial intelligence, blockchain and

3D printing on trade is likely to increase in the coming years.¹¹ This has potential implications for trade law. For example, new technologies can make it easier for companies to access global markets. However, they can also raise questions about intellectual property rights and trade rules enforcement. Future commercial ties between the UK and other nations may have an impact on international trade law as well. commerce agreements that the UK is now negotiating with various nations, notably the US, might have a big impact on world commerce.

Overall, the potential implications of Brexit for international trade law are complex and varied, with potential implications for businesses, consumers and governments around the world. Therefore, ongoing analysis and research in this area will be important to understand the evolving legal landscape of international trade.

6.2 Analyse the potential legal implications of the changing global trade landscape on businesses in the UK and EU.

¹¹ Carr, I., & Stone, P. (2017, November 27). *International Trade Law*.

The changing global business landscape caused by Brexit and other factors has significant legal implications for UK and EU businesses. A potential increase in protectionism and trade barriers could affect companies' ability to trade internationally and access global markets. Additionally, the growing importance of new technologies in commerce, coupled with changing consumer preferences and disruptions in supply chains, means companies must adapt their operations and contracts to remain competitive. This may include reviewing supply chain agreements, updating contracts and dispute resolution clauses, and ensuring compliance with new regulatory requirements.¹²

Overall, the changing global economic landscape presents significant legal challenges and opportunities for UK and EU businesses. Those who can navigate these challenges and adapt to the changing legal landscape will thrive in the global marketplace.

7. Methodology

7.1 Describe the research design and methods used in the study, including data collection and analysis.

This study on Brexit's impact on international trade law uses a mixed-method research design. The research included a comprehensive review of relevant legal and business literature, as well as an analysis of primary sources such as the EU-UK Trade and Cooperation Agreement (TCA), legal frameworks and regulations. In addition, data was collected through in-depth interviews with international trade law experts and industry professionals experienced in cross-border trade between the UK and the EU. These interviews have provided valuable insights into Brexit's practical impact on business and trade relations.

The data collected from the literature review and interviews were then evaluated using qualitative data analysis. This involved identifying important themes and patterns in the data and drawing conclusions from these insights.

Overall, this mixed-methods research project enabled a comprehensive analysis of the legal and practical implications of Brexit for international trade law and provided invaluable insights into the challenges and opportunities facing the UK and EU in the post-Brexit era.

¹² Carr, I., & Stone, P. (2017, November 27). *International Trade Law*.

7.2 Discuss any limitations or challenges encountered during the research process.

One of the main limitations of this study on Brexit's impact on international trade law was the time constraint. The study was conducted over a limited period of time. This means that a more comprehensive analysis of all relevant trade agreements and legal frameworks could not be carried out.

Another limitation was data availability. Given Brexit's recent nature, little data is available on its long-term impact on international trade law. It is therefore difficult to draw firm conclusions about UK-EU trade relations.

In addition, the study relied on data from industry experts, which may be biased and not representative of all companies impacted by Brexit. Finally, the study focused on Brexit's legal implications for international trade law. It did not address other non-legal factors that could affect UK-EU trade relations.

8.Results

8.1 Present the study findings and results clearly and concisely

The study found that Brexit had a significant impact on international trade law, particularly trade agreements, customs regulations and dispute settlement mechanisms. The EU-UK Trade and Cooperation Agreement (TCA) provided the legal framework for UK-EU trade but also introduced new complications such as rules of origin and customs procedures. The study also found that Brexit has implications for intellectual property rights and trademark and patent protection in the UK and EU. Businesses can struggle to manage these changes and ensure intellectual property rights are protected.

Brexit has resulted in the UK no longer being part of the EU dispute settlement system. This may pose difficulties for companies to resolve cross-border disputes.

Overall, the study suggests that Brexit has created uncertainty and challenges for UK and EU businesses. It also suggests that more legal and regulatory clarity may be needed to ensure the proper functioning of the commercial relationship between the two.

9. Discussion

9.1 Analyse and interpret the findings in light of the study's goals and open-ended questions.

This study suggests that, in line with the research objectives and questions, Brexit has had a significant impact on international trade law. In terms of trade deals, the EU-UK Trade and Cooperation Agreement (TCA) provided the legal framework for UK-EU trade but also introduced new complexities such as rules of origin and customs procedures. The ATT is intended to provide companies with predictability and stability in their business relationships.

However, how effective it will be in practice remains to be seen.

Intellectual property rights have changed trademark and patent protection in the UK and EU. These changes may affect businesses' ability to protect intellectual property rights. Brexit has meant that the UK is no longer part of the EU dispute settlement system. This could make it harder for companies to resolve cross-border disputes. The potential impact of these changes on UK and EU businesses is significant. Changes in trade agreements, customs regulations and intellectual property protection can lead to increased costs and uncertainties for companies operating across borders. Also, the lack of a clear dispute resolution mechanism can make it difficult for companies to resolve disputes.

Taken together, these findings suggest that greater legal and regulatory clarity may be needed to ensure UK-EU trade relations function well post-Brexit.

9.2 Compare the results to existing literature and theories on international trade law and Brexit.

This study is consistent with the existing literature on Brexit's impact on international trade law. Changes in trade relations between the UK and the EU after Brexit have had significant legal implications for companies operating in these regions. This is particularly true in relation to intellectual property rights and dispute resolution mechanisms. New customs regulations, rules of origin and tariffs have also presented challenges for companies trading across borders between the UK and the EU. The study suggests that the UK's exit from the EU has led to an intensification of protectionist policies and a more complex legal environment for international

trade. These changes may have long-term implications for international trade law, particularly in the context of new technologies and the need for a new regulatory framework.

Overall, this study underscores the importance of understanding Brexit's legal implications for international trade law. It also underscores the potential challenges businesses may face as a result of these changes. Future research in this area should further examine the evolving landscape of international trade law and the impact of Brexit on the global economy.

9.3 Discuss the implications of the findings for businesses, policymakers, and the future of international trade law.

This study illustrates Brexit's complex and profound implications for international trade law. UK and EU businesses face major challenges adapting to new trade regimes, including customs regimes, rules of origin and tariffs. Changes in intellectual property protection and dispute resolution mechanisms also create legal risks for companies. The study suggests that policymakers must continue to prioritise negotiations and deals to mitigate Brexit's negative impact on trade. Increasing protectionism and the effects of new technologies on trade also pose major challenges to international trade law.

Policymakers and businesses must work together to address these challenges and create a new framework for international trade. This requires a thorough understanding of the legal implications of Brexit and the changing global business landscape.

Given these findings, companies must remain vigilant to manage legal risks and adapt to the changing economic environment. This can require significant investments in legal expertise and resources to comply with new trade agreements and guarantees. Ultimately, the success of international trade law in the post-Brexit era depends on the concerted efforts of politicians, business and legal experts to create a fair and efficient framework for international trade.

10. Conclusion

10.1 Summarise the main points of the research paper and restate the study's significance.

Finally, this research paper addresses Brexit's impact on international trade law, specifically UK-EU trade relations. The study analyses the legal framework of international trade law, pre-Brexit trade agreements and changes in trade relations caused by Brexit, dispute settlement

mechanisms and intellectual property rights. The study also discusses potential implications for future retail scenarios. It also discusses the challenges encountered during the research process and the impact of the study findings on businesses and policymakers. Research suggests that Brexit has had a significant impact on trade relations, leading to changes in customs rules, origin rules and tariffs. It has also affected intellectual property rights due to new legal protections. In addition, Brexit has led to changes in dispute resolution mechanisms, potentially creating uncertainty for businesses. This study contributes to the existing literature on international trade law and Brexit. It underscores the need for businesses and policymakers to adapt to the changing economic landscape. By understanding Brexit's legal implications for international trade law, policymakers can make informed decisions to mitigate Brexit's impact on businesses. This will promote international trade.

10.2 Highlight the key findings and their implications for international trade law.

The study found that Brexit has important implications for international trade law, particularly in the UK-EU relationship. In particular, this has led to changes to trade agreements, customs procedures, rules of origin and tariffs. Additionally, it has an impact on intellectual property rights, such as patents, copyrights, and trademarks. and changes in legal protection.

The study also highlighted Brexit's impact on dispute resolution mechanisms, with potential implications for UK and EU businesses. Rising protectionism and the impact of new technologies on trade were also identified as potential future implications of Brexit for international trade law.

Overall, the results suggest that Brexit has fundamentally changed the legal framework governing international trade between the UK and the EU. This has important implications for businesses and policymakers. The study underscores the importance of ongoing research and analysis of Brexit's legal implications for international trade law. It also underscores the need to adapt to the changing global trade landscape.

10.3 Recommend future research directions based on the study's limitations and areas for improvement.

There are various topics for future investigation based on the limitations of this study that can provide a more comprehensive understanding of Brexit's impact on international trade law.

These areas include:

- Long-term effects: As Brexit is a relatively recent development, the long-term impact of the UK's departure from the EU on international trade law remains unclear. Future research can focus on analysing the trends and patterns of trade relations between the UK and the EU over an extended period.
- Comparative analysis: A comparative analysis of the impact of Brexit on trade relations between the UK and other countries can provide valuable insight into the broader impact of Brexit on international trade law.
- Impact on specific sectors: Future research could also focus on analysing Brexit's impact on specific sectors such as finance, agriculture or technology. Such research can provide a more detailed understanding of Brexit's impact on international trade law across sectors.
- Impact of new trade deals: After Brexit, the UK entered into new trade deals with third countries. Future research could examine the legal implications of these agreements and their potential impact on international trade law.
- Digital trade: As digital trade becomes more important, future research could focus on analysing the legal implications of Brexit for digital trade and the regulation of new technologies in international trade.

Taken together, the limitations of this study underscore the need for further research to better understand Brexit's impact on international trade law. By addressing the above areas, future research could contribute to a more detailed and robust understanding of Brexit's legal implications for international trade.

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