

Combating (Customs) Fraud in a Global Environment Marked by Tariff Tensions

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Abstract

The current tariff policy adopted by the US, with a protectionist approach, generates tensions among trading partners who are forced to react through the specific means recommended by the WTO to reduce the negative effects of unfair competition. To escalate trade conflicts, China, Canada, the EU, and other affected states responded immediately by taking decisions that are to be implemented, imposing similar tariffs on products originating in the US, generating economic uncertainty and a possible impact on supply chains. This ongoing global tariff conflict risks an escalation of smuggling and customs fraud, which tend to become more sophisticated. The central hypothesis of the research focuses on the impact of the measures that the EU is forced to adopt and to what extent they will support public authorities in combating the criminal phenomenon. The research method is based on a mixed methodology, combining quantitative analysis of global economic data and qualitative analysis of international trade policies. The analysis confirmed the formulated hypothesis, demonstrating that the aggressive tariff policy of the US can generate chain reactions that will lead to an erosion of the current framework of multilateral cooperation. This global economic recession requires the European Union to reconceptualize the entire package of normative acts regarding the common commercial policy and combating customs fraud through trade defense measures.

Keywords: tariff policy, common commercial policy, customs policy, restrictions, fraud.

JEL Classification: F440, K220, K420

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1. Introduction

The economic protectionism promoted in recent times by the most important global actors, against the backdrop of increasing international trade flows, trade liberalization and the emergence of new forms of regional trade cooperation, cannot be characterized as lacking the use of fraudulent government policies that protect domestic producers from any foreign competition by imposing trade defense instruments that essentially contradict the principles of free trade based on WTO rules².

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² Rodrik, D., „Straight Talk on Trade: Ideas for a Sane World Economy”. Princeton University Press, *Canadian Journal of Development Studies/Revue canadienne d'études du développement* 39(4):1-2, 2018,

The protectionist policy of increasing tariffs and imposing trade restrictions, promoted by the USA³ starting in April 2025, aims to promote the American economy. This policy has had a significant impact on international economic relations and international trade, as well as chain reactions through similar means of retaliation by the main systemic rival, China, and its trading partners, including Japan, Canada, and the European Union. The distortion of international trade and supply chains, the reaction of global economic institutions and the WTO, a body empowered to resolve international trade conflicts, the analysis of the associated risks of fraud and economic and financial crime, as well as the identification of mechanisms to combat fraud generated by the increase in tariffs at a global level are the general objectives proposed to be analyzed in this paper.

Through documentary analysis, as the main research method, relevant studies and specialized literature were examined and interpreted, relatively recent public reports of relevant international organizations (WTO, OECD), and through the comparative method, different periods and global trade agreements were analyzed for a better understanding of how the new protectionist measures have (negatively) influenced international economic relations.

One of the most important challenges of this research is the lack of recent studies for a dialogue with other authors, but also the analysis of trade conflicts caused by economic interests in the medium and long term against the background of the reconfiguration of new state and non-state actors at a global level, as well as a general framework of ongoing regional conflicts in Eastern Europe, the Middle East or some potential ones in Asia-Pacific.

2. The Impact of Protectionism on International Trade

In the context in which the trend of recent decades has been the liberalization of global trade⁴, multilateral agreements have been the legal instrument through which liberal trade policies have been promoted, with the WTO having a central role in creating a legal framework conducive to the development of international economic relations. Against the background of the economic crises triggered by the COVID 19 pandemic, economic protectionism has acquired a new economic and political dimension, the associated risk being that of protecting domestic industry, but affecting trade relations at a global level.

DOI:10.1080/02255189.2018.1542293, available online at: https://www.researchgate.net/publication/328767168_Straight_talk_on_trade_ideas_for_a_sane_world_economy_by_Dani_Rodrik, consulted on 9.5.2025; Bown, C. P. (2018). *The WTO and Antidumping in Developing Countries*. Cambridge University Press, 2018, p. 9, <http://dx.doi.org/10.2139/ssrn.920850>; Gervais, D. J., *International Trade and Economic Law and Policy*. Oxford University Press, 2017, pp 3-4, ISBN 978-0-19-968470-0, available online at: https://fdslive.oup.com/www.oup.com/academic/pdf/13/9780199684700_chapter1.pdf, accessed on 9.5.2025.

³ Robinson, S., „US international trade policy: Scenarios of protectionism and trade wars”, *Journal of Policy Modeling* Volume 46, Issue 4, 2024, pp. 723-739, <https://doi.org/10.1016/j.jpolmod.2024.02.010>.

⁴ Baldwin, R., *The Great Convergence: Information Technology and the New Globalization*. Harvard University Press, 2016, ISBN 978067423784, p. 17, <https://doi.org/10.2307/j.ctv24w655w>.

Excessive tariff increases, import restrictions, and disruptions to exports and supply chains have a significant impact on economies, even for countries with stable economies, such as those in the EU, creating an imbalance in the competitive market with knock-on effects that increase production costs and prices for consumers in the long term⁵.

A 2021 study by the OECD⁶ showed that *"disproportionate protectionist measures can affect global trade, including emerging economies that depend heavily on their exports."* Relatively recent studies, analyzing the protectionist policies initiated by the Trump administration in 2018, reveal that the increase in tariffs by the US has triggered a global trade conflict, primarily with its trading partners, which have generated retaliatory tariffs on American products⁷.

The interdependence between the trade policy measures adopted by the US and the reactions of global markets is evident by comparing the customs tariffs and stock market indicators for the period 2018-2025. Moreover, the decision to protect the American industry has attracted a series of sectoral collateral effects, with the metallurgical, automotive, and electronics industries being the most affected, according to public reports mentioned below. The dynamics of stock market indices reflect *"an increased sensitivity of financial markets to protectionist decisions, with the obvious risk of systemic imbalances and a fragile economic climate"*.

Annex 1: Comparative table of tariffs 2018 vs. 2025

Product / Sector	Tariff 2018 (%)*	Tariff 2025 (%)*	Difference (%)
Steel	25	35	+10
Aluminium	10	25	+15
Electronics (China)	15	30	+15
Automobiles	2.5	20	+17.5
PAuto sparts	2.5	15	+12.5
Solar panels	30	40	+10

Source: WTO (2018), USTR (2025)*

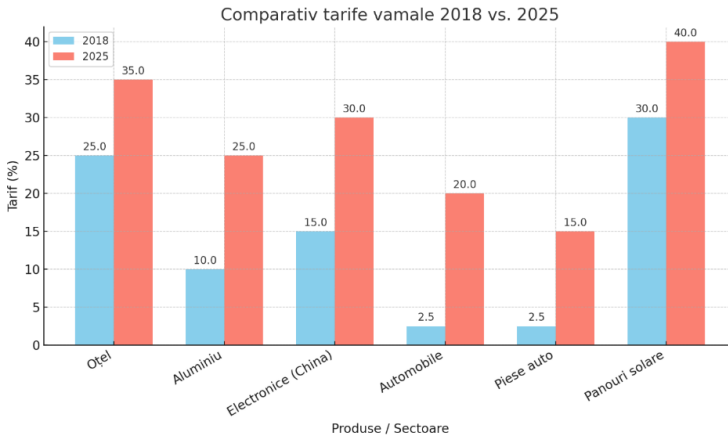
The table and accompanying graph (based on the interpretation of the data in the table) highlight a significant increase in US tariffs between 2018 and 2025, illustrating a strengthening of protectionist policies. *"The most notable increases are observed in the aluminum sector, where the tariff increased from 10% to 25%, and in the case of electronics from China, where the tariff almost doubled, from 15% to 30%. The automotive industry has also been hit hard, with an increase from a modest 2.5% tariff in 2018 to 20% in 2025 for automobiles and 15% for auto parts."*

⁵ Johnson, R. C. "Measuring Global Value Chains" *Annual Review of Economics*, Volume 10, 2018, pp. 207–236, <https://doi.org/10.1146/annurev-economics-080217-053600>.

⁶ OECD (2021). *Trade Policy Review Mechanism: United States*, <https://www.oecd.org/en.html>.

⁷ Zhang, D., "Trade Protectionism and Global Economic Uncertainty: Evidence from the US–China Trade War", *Journal of International Economics and Trade Policy*, 2020, vol. 12, no. 3, pp. 231–248.

Annex 2: Tariff Graph 2018 vs. 2025



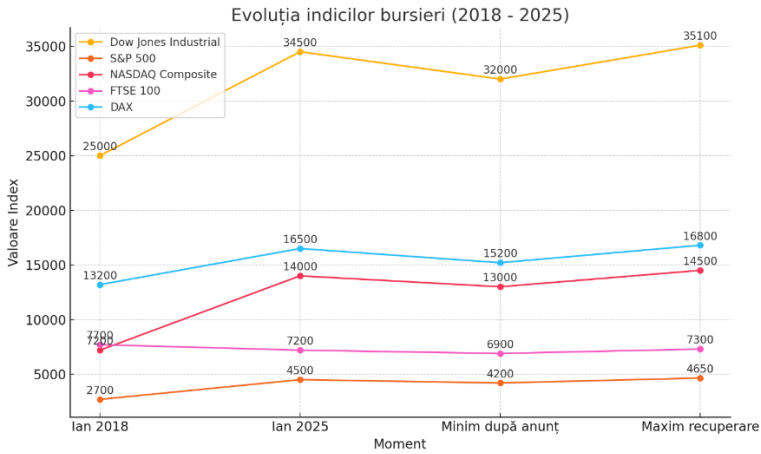
Annex 3: Stock market index evolution table⁸

Index	Jan 2018	Jan 2025	Minimum after announcement (2025)	Maximum recovery (2025)
Dow Jones Industrial	25,000	34,500	32,000	35,100
S&P 500	2,700	4,500	4,200	4,650
NASDAQ Composite	7,200	14,000	13,000	14,500
FTSE 100 (UK)	7,700	7,200	6,900	7,300
DAX (Germania)	13,200	16,500	15,200	16,800

The table and graph interpreted based on the data in the table, “highlight the dynamics of major stock market indices between 2018 and 2025 as financial markets reacted to changes in US tariff policy. In the first stage, in January 2025, the Dow Jones, S&P 500, and NASDAQ indices reached historical highs, reflecting a robust economy and a climate of confidence. However, after the announcement of the new tariffs, rapid declines were observed, especially for the Dow Jones and NASDAQ, signalling investor concern about the potential negative effects on global trade and the profitability of multinational companies”.

⁸ Sources collected: "Evolution of stock market indices": Bloomberg (www.bloomberg.com), Reuters (www.reuters.com), Yahoo Finance (finance.yahoo.com), World Bank (www.worldbank.org), S&P Global (www.spglobal.com) accessed on 9.5.2025.

Annex 4: Stock market index evolution graph



3. The Challenges of Transatlantic Cooperation: Between WTO Rules, Tariff Policy and Economic Security

EU-US trade relations over the past two decades can be analysed from the perspective of a multilateral consensus resulting from the Transatlantic Trade and Investment Partnership, which deepened the economic integration of the two interdependent economies⁹. The US tariff increases in 2018 and April 2025 reactivate a series of historical tensions, dominated by mutual distrust, that have influenced consumer markets in both regions. Protectionist policies have forced traders to permanently adjust prices or identify new alternative markets, generating new trade agreements for governments to limit global market imbalances.

“Germany (30%) and Italy (20%) are the most affected countries in the EU, due to the high share of exports to the US in the automotive, mechanical and technology sectors. German SMEs, which supply subassemblies and advanced technologies, have had to bear cost increases of up to 18%,” according to the Bundesverband der Deutschen Industrie report (2025)¹⁰.

According to analytical estimates based on the aforementioned sources, *“Poland and Spain, each with approximately 15%, are feeling the indirect effects of US tariff measures on exports of industrial components and steel products, given their role in supply chains for markets outside the EU”*¹¹. At the same time, *“in France (10%), companies in the agri-food industry and the technology sector are starting to report*

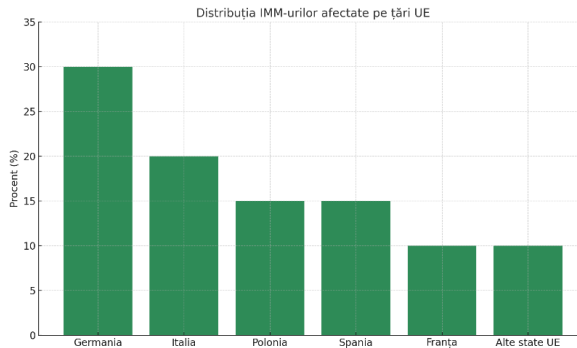
⁹ For details, see the publication "Transatlantic Trade and Investment Partnership", available online at: https://publications.europa.eu/resource/cellar/40fcf893-6d06-11e5-9317-01aa75ed71a1.0015.01/DOC_1, accessed on 5.9.2025.

¹⁰ See the report available online at: <https://english.bdi.eu/publication/news/industry-report-april-2025>, accessed on 5.9.2025.

¹¹ European Commission, EU Trade Policy Review 2024, Directorate-General for Trade, 2024, available online at: <https://policy.trade.ec.europa.eu>.

substantial trade losses, especially following the reduction of orders from the US and the relocation of some production operations”¹². Other EU member states, such as Romania, Bulgaria, Slovakia and the Netherlands “the impact is fragmented but growing, especially in industries based on outsourcing to global markets, dependent on the stability of international trade regulations”¹³

Annex 5: Graph on the distribution of SMEs affected by EU countries¹⁴



According to the sources mentioned, the interpretation of the data “highlights a vulnerability in some essential sectors of the EU Single Market, with the automotive industry being the most exposed due to the integrated value chains of the two markets. The IT sector, electronic equipment, steel and metallurgical industries, textile, and processed food sectors all have a dependence on the American market”.

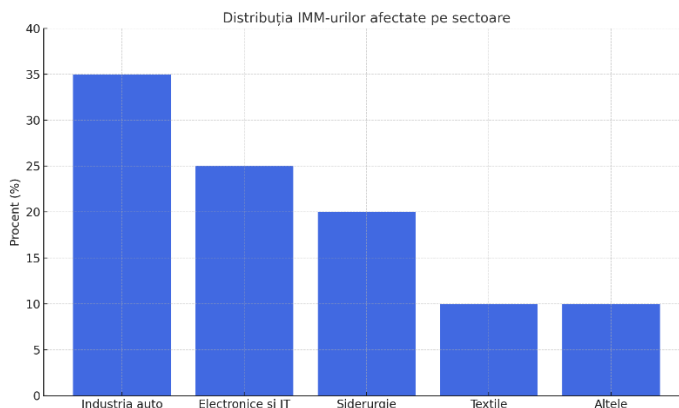
Data provided by the European Commission reveals that “European SMEs face heightened structural challenges in the context of international protectionism, including difficulties in absorbing external shocks and significant limitations in their ability to adapt to new trading conditions. Among the sectors most affected by the new US tariffs are the automotive industry in Germany and Italy, electronic equipment manufacturers in Central and Eastern Europe, and steel companies in Spain and France.”¹⁵

¹² OECD, The Impact of Trade Tensions on Global Value Chains, OECD Trade Policy Paper No. 239, 2024, available at https://www.oecd.org/en/publications/oecd-trade-policy-papers_18166873.html, accessed on 9.5.2025.

¹³ CEPS (Centre for European Policy Studies), Europe's Trade Dependence on the US: Risks and Responses, Policy Insight No. 2024/08, 2024, available online at: <https://www.ceps.eu/ceps-publications/>, accessed on 9.5.2025.

¹⁴ Sources: Eurostat, Structural Business Statistics (SBS), 2024 edition, accessed on 10 May 2025, available online at: <https://ec.europa.eu/eurostat>; European Central Bank, Economic Bulletin, no.2/2025, available online at <https://www.ecb.europa.eu/press/economic-bulletin/html/eb202502.en.html>, Frankfurt, 2025; Bundesverband der Deutschen Industrie (BDI), Stellungnahme zur US-Handelspolitik, Berlin, April 2025, available online at: <https://bdi.eu/artikel/news/bdi-zu-us-zoellen-entschlossen-und-geschlossen-reagieren-verhandlungsbereit-bleiben>, accessed on 9.5.2025.

¹⁵ European Commission. Annual Report on European SMEs 2023/2024 – International Trade and Resilience. Brussels: DG GROW, 2024. Available at: https://single-market-economy.ec.europa.eu/smes/sme-strategy-and-sme-friendly-business-conditions/sme-performance-review_en, accessed on 9.5.2025;

Annex 6: Chart on the Distribution of SMEs Affected by Sector¹⁶

According to data provided by the *Bundesverband der Deutschen Industrie* “exports of automotive components and machine tools to the US were directly affected by the new tariffs, with estimated reductions of between 10% and 20% in the first half of 2025”¹⁷. Similarly, “the electronics sector in Poland and the Czech Republic has seen a significant drop in foreign orders, especially from US partners, following the doubling of tariffs on high-tech products”¹⁸.

According to data modelled by the European Commission, in the steel sector, “it indicates a sharp pressure on medium-sized producers in southern Europe, which, in the absence of global distribution networks, are forced to reduce production or redirect their exports to less profitable third markets”¹⁹.

Other relevant, official sources on the effects of US tariffs on EU Member States: European Commission – Directorate-General for Trade: Annual reports on EU external trade, with dedicated sections EU–US relations - URL: <https://policy.trade.ec.europa.eu/>; OECD Trade Policy Papers: Provides comparative analyses of the impact of tariff barriers on European supply chains, Ex: “The impact of trade tensions on global value chains” (DOI: 10.1787/8c3f7b4c-en); World Bank – World Integrated Trade Solution (WITS) Database: allows the extraction of trade data at country and sector level: <https://wits.worldbank.org/>; Eurostat – International trade in goods by country and sector: Recent statistics on trade with the US, by TARIC codes <https://ec.europa.eu/eurostat>, accessed on 9.5.2025;

¹⁶ Sources: European Commission, SME Performance Review 2024, accessed on 9 May 2025, available online at: https://single-market-economy.ec.europa.eu/publications/sme-performance-review_en, European Association of Automotive Suppliers (CLEPA), 2025 Outlook Report, Brussels, 2025, available at: <https://www.clepa.eu/insights-updates/news/new-4/>; OECD, Trade Policy Implications for SMEs, Paris, 2024, available at: <https://www.oecd.org/industry/smes/>, accessed on 9.5.2025.

¹⁷ Bundesverband der Deutschen Industrie (BDI). The Voice of German Industry. Berlin, 2025. available online at: <https://english.bdi.eu/>, accessed on 9.5.2025.

¹⁸ Polish Economic Institute. American tariffs on imports from the EU may slightly reduce Poland's GDP by 0.11% to 0.43%. Warsaw, 2025, available online at: <https://pie.net.pl/en/american-tariffs-on-imports-from-the-eu-may-slightly-reduce-polands-gdp-by-0-11-to-0-43-percent/>, accessed on 9.5.2025.

¹⁹ European Commission. The Commission strengthens protection for the EU steel industry. Brussels, 2025, available online at: <https://policy.trade.ec.europa.eu/news/commission-strengthens-protection-eu-steel->

The Commission's conclusions reveal that small and medium-sized enterprises (SMES) are at a disadvantage compared to large companies, as they are vulnerable and dependent on the US market. The Commission "*underlines the need for more proactive policies, including tariff compensation schemes, facilitating access to alternative markets through strategic trade agreements and advisory tools for technological adaptation*".²⁰

4. Legal Implications of Tariff Increase in Administrative, Public and Private International Law

The tariff policies adopted by the US, characterised by a pronounced protectionist nature, fail to respect the norms of public and private international law resulting from WTO commitments, creating a framework for legal controversies with serious consequences and potentially opening the way to possible judicial conflicts.

The tariff increases can be considered a flagrant violation of the principles of international trade law, which are regulated and protected by the WTO, especially regarding the deeply discriminatory treatment of the US, as it fails to comply with the clauses relating to "*national treatment*" and "*most-favoured-nation treatment*". Equal treatment for all WTO member states is "*essential for maintaining fair and non-discriminatory global trade*."²¹ Pauwelyn²² believes that taking an emergency decision on trade policy measures can only be taken by way of exception, "*according to Article XXI of the General Agreement on Tariffs and Trade (GATT), which allows for the adoption of well-justified and proportionate measures about the object pursued,*" otherwise the decision is likely to be challenged according to the WTO regulations.

The unprecedented measures taken by the US may generate conflicts of law, as most of the affected companies are multinational corporations with common shareholders. Identifying the applicable law regarding conflicts of law is essential to determine the rules on trade matters in one state or territory that conflict with those in another state²³. The World Trade Organisation (WTO) is competent to resolve disputes through mediation.

Difficulties in applying international law are foreseeable. The enforcement of

industry-2025-03-25_en, accessed on 9.5.2025.

²⁰ European Commission. Strategic Outlook: SME Resilience and Trade Diversification. Brussels: DG TRADE, 2024, available online at: https://commission.europa.eu/system/files/2020-10/trade_sp_2020_2024_en.pdf, accessed on 9.5.2025.

²¹ Jackson, J. H., *The World Trading System: Law and Policy of International Economic Relations*. MIT Press, 1997, second edition, ISBN: 9780262600279, p. 125.

²² Pauwelyn, J., *Conflict of Norms in Public International Law: How WTO Law Relates to Other Rules of International Law*. Cambridge University Press, 2003, ISBN 13 - 978-0-521-82488-0, p.440-478, available online at: <https://mgnyunt.wordpress.com/wp-content/uploads/2014/12/cambridge-studies-in-international-and-comparative-law-joost-pauwelyn-conflict-of-norms-in-public-international-law.pdf>, accessed on 9.5.2025.

²³ Cavers, D., „International Business Transactions: The Conflict of Laws”, *Harvard Law Review*, 1963, available online at: <https://scispace.com/journals/harvard-law-review-22v3ybb8/1963>, consulted on 9.5.2025

international commercial judgments, especially in large states such as the USA²⁴, “can be obtained in the courts of a state that is affected by the US tariff measures, and their enforcement in other states can be a challenge”²⁵. Therefore, international conventions that aim to recognize court decisions are essential for the implementation of a global commercial judgment.

In conclusion, the protectionist tariff measures adopted by the United States in April 2025, through executive decrees with immediate implementation, may affect the international legal order, economic relations, and free trade between states.

5. Financial Crime and Customs Fraud

To anticipate the unpredictable consequences of possible fraudulent activities, it is necessary to assess and identify patterns of illegal behaviour due to the increased tariffs by the USA against China²⁶, its systemic rival. The effects were not only economic²⁷; protectionist measures led to an increased risk climate regarding sectoral customs regulations, which affected global financial security. The increase in trade tariffs gave rise to illegal methods of smuggling and innovative customs fraud with the obvious aim of reducing taxes on the import of goods. Traders identified roundabout routes, falsified commercial and transport documents, and falsely declared the origin and value of goods to customs by undervaluing them.

Smuggling of electronic products exploded, with products being transshipped and re-exported through third countries such as Hong Kong and Mexico, with the declared aim of circumventing customs duties on imports into the US of products originating in China. A report in August 2020 by the U.S. Customs and Border Protection made public several criminal networks that used Mexico as an alternative route²⁸. In 2021, US border authorities identified an extensive network of counterfeiters who used false documents regarding the origin of goods and declared customs values

²⁴ Van den Bossche, P., Zdouc, W., *The Law and Policy of the World Trade Organization*, Cambridge University Press, 2021, pp.169-235, ISBN: 9781108478205, <https://doi.org/10.1017/9781108784542>. See also the decisions favorable to the EU that remained without full implementation due to the blockage of the WTO Appellate Body by the US. For details, see, European Commission, Interim Appeal Arbitration Arrangement (MPIA), 27 March 2020. <https://trade.ec.europa.eu/doclib/press/index.cfm?id=2124>.

²⁵ Matsushita, Mitsuo, and others, *The World Trade Organization: Law, Practice, and Policy*, 3rd edn., Oxford International Law Library (2015; online edn, Oxford Law Pro), pp. 215–250, <https://doi.org/10.1093/law/9780199571857.001.0001>.

²⁶ Meng, Y., et al, *A Research on the Impact of Trade Protectionism on Export Enterprises: Inferences from the China-U.S. Trade War*, *Finance Research Letters*, 2025, <https://doi.org/10.1016/j.frl.2025.107493>; Xu, J., „The Impact of Trade Wars and Protectionism on the Global Economy: A Sino-US Perspective”, *Highlights in Business, Economics and Management*, Volume 46 (2024), pp 204-205, DOI: <https://doi.org/10.54097/8e69jk79>.

²⁷ Ma, H. & Ning, J., „The return of protectionism: Prospects for Sino-US trade relations in the wake of the trade war”, *China Economic Quarterly International*, Volume 4, Issue 3, September 2024, pp. 182-211, <https://doi.org/10.1016/j.ceqi.2024.09.003>.

²⁸ U.S. Customs and Border Protection. (2020). Annual Report on the State of the Border and Customs Enforcement, available online at: <https://www.cbp.gov/documents-library/annual-report>, accessed on 9.5. 2025.

for goods originating in China²⁹.

The increase has also hit countries dependent on exports to the US due to customs tariffs. In 2020, India witnessed a significant rise in illegal trade in electronic products originating from China and presented as products of Indian origin through false documents. The Economic Times of India published the conclusions of the authorities on the dismantling of smuggling networks. However, it concluded that the proliferation of illicit trade is mainly due to the US's abusive protectionist policies.³⁰

Finally, protectionism can facilitate money laundering and the financing of acts of terrorism through the widespread phenomenon of undervaluation of customs value and falsification of commercial documents that form the basis for calculating import duties under the Agreement on the Implementation of Article VII of the GATT. In 2019, the European Commission reported fictitious financial transactions by offshore companies that introduced electronic products into the EU using false documents and with a value significantly undervalued compared to the market price. These products were then imported into the EU and subsequently sold on the US market³¹.

6. Conclusions

This type of practice illustrates how the uncontrolled increase in customs tariffs, without respecting the rigours resulting from WTO recommendations, fosters illegal behaviours that affect international economic relations, competitiveness on external markets, illicit trade, and serious damage to financial interests. Beyond the need for normality in global trade relations and compliance with regulations that allow for the conduct of licit commercial transactions, multilateral cooperation must be a priority.

Reforming the dispute settlement system within the WTO would limit the exaggerated reactions of some states to adopt protectionist measures. To prevent blockages, it must respond promptly to trade violations and apply severe but appropriate sanctions. The implementation of sanctions granted to large states that challenge the authority of the WTO remains an unresolved issue.

The EU is compelled to adopt a series of regulations to counter the aggressive trade policies of third countries that hinder free trade and to implement effective retaliatory measures to deter the protectionist behaviour of some commercial competitors.

Customs authorities are obligated to adapt their risk analysis by adopting advanced technological solutions, such as artificial intelligence and blockchain, that can help track trade and financial flows in real-time. International cooperation of customs

²⁹ U.S. Customs and Border Protection. (2021). *Fraudulent Certification of Goods: Implications for Trade and Law Enforcement*, available online at: <https://www.cbp.gov/documents-library/annual-report>, accessed on 9.5.2025.

³⁰ The Economic Times. (2021). *India's Role in the US-China Trade War: Smuggling and Trade Diversion*, available online at: <https://economictimes.indiatimes.com/topic/2021>, accessed on 9.5.2025.

³¹ European Commission. (2019). *Comprehensive Overview of Cross-Border Trade and Money Laundering Risks*, available online at: <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52019DC0370>, accessed on 9.5.2025.

and tax authorities is becoming crucial for preventing and combating customs fraud and smuggling, as well as the fight against money laundering and terrorism.

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