

ABSTRACT

The World Trade Organization (“WTO”) and its dispute resolution system is unique in the international economic law, reasons are following: (i) enforcement, (ii) two-level proceeding, (iii) exclusive jurisdiction of the Dispute Settlement Body („DSU“). DSU continues to follow the case law based on GATT 1947 however develops more complex rule of law. How successful DSB is in this task is subject of examination of the thesis.

Thesis is divided into two parts: theoretical and practical. First chapter explains aim of the DSU, comparison of procedural rules with GATT 1947. Following, the second chapter explains the hard law and procedural rules, function and aim of WTO, followed by ideas for improvement of the dispute settlement. Last chapter of this parts is dedicated to methods of interpretation.

The second part, practical, analyses the case law of DSU from its establishment in 1995 until now. It analyses possible conflicts between agreements of WTO or conflicts that arise during acting based on the agreements. Among the first cases belong the discrepancies between main 3 agreements - GATT 1994, GATS and TRIPS and cases such as *Canada – Periodicals* or *Argentina- Textiles and Apparel*, *Indonesia – Auto*; another group of cases represents issue of conflict between WTO agreement and other agreement of public international law - *EC- Bananas III*, *EC- Poultry*, *Argentina – Footwear*, *EC- Sardines*, *EC- Hormones* and *Canada- Aircraft*. Following chapter will address issue of two parallel proceedings, one at WTO, another by other international tribunal on the same matter or subject. Cases to be analyzed are *Chile- Swordfis* or *US- Hot Rolled Steel*. Main concern to be analyzed in this chapter is how far can the DSU address the environmental issues that do not represent its „core interest“. Finally, the last chapter deals with the possibility to address new areas of concerns, namely protection of environment and human rights at DSU.