

Summary of the thesis:

*The thesis deals with the fair and equitable standard of treatment under international investment law. The author notably analyzes scholarly literature and case law of arbitral tribunals concerning the theoretical concept (approach) considering the connection to the minimum standard of treatment under customary international law, but also other approaches depending on the standard's formulation and the possibility of the standard's concept unification.*

*The author firstly puts the fair and equitable standard of treatment into the context of the international investment law and public international law and defines the most important basic terms of the international investment law. Subsequently, the author presents the history of the standard, its basic characteristics and attempts at defining the standard. The author also shortly deals with the content, i. e. individual elements or aspects of the standard derived from the case law of arbitral tribunals.*

*The author then deals in more detail with the standard's concept according to which the standard is equal to the minimum international standard of treatment under customary international law. In this part, the author also focuses on the distinction between minimum standard of treatment in traditional view and dynamic view, next the author deals with the evolution of the arbitral tribunal's case law deciding disputes under Art. 1105 NAFTA and case law of other arbitral tribunals that found the fair and equitable standard of treatment to be equal with the minimum standard of treatment.*

*Consequently, the author concentrates on the second basic concept according to which the fair and equitable standard of treatment is an autonomous conventional standard of protection and on arbitral tribunal's case law. Next part of the thesis deals with other formulations of the standard that influence its concept and interpretation.*

*Finally, the author deals with means through which the unification of the fair and equitable standard of treatment could occur. Then author finds that the unification cannot occur by means of using the most favored nation clause, nor through case law of arbitral tribunals, the unification will neither occur during the recent trend of negotiating agreement on protection of investment by the most economically strongest States.*