

## **Abstract**

This thesis, entitled *WTO Dispute Settlement Mechanism* focuses on the issue of direct effect of WTO law with respect to the possibility of private persons to claim damages in case they are affected by the retaliatory measures adopted by the injured WTO-member in response to the violation of WTO rules perpetrated by their government. In connection with the aforesaid, the thesis compares the approach of the United States of America with the one of the European Union. Given the fact that the jurisprudence of the European Court of Justice regarding the issue of direct effect of WTO law has undergone substantial development, the thesis also analyses the jurisprudence and its outcomes.

This thesis is divided into two parts. The first one introduces the dispute settlement procedure before the Dispute settlement body under the Understanding on Rules and Procedures Governing the Settlement of Disputes. The thesis focuses on particular stages of the procedure before the DSB and introduces the particular actors of the dispute settlement mechanism. The first part consists of three chapters, first of which deals with particular actors, second defining particular stages of the procedure and third focusing on the stage of implementation of DSB decisions. The second part that is also divided into three chapters analyses effects of WTO law in US and EU law, which have been chosen as the most important participant to the DSB proceedings. The first chapter introduces the US approach to the direct effect of WTO law and possible liability of the government. The second chapter introduces the European approach to the same and compares it with the American one. Finally, the third chapter suggests a possible solution as to the reasons cited by the European Court of Justice to justify the denial of the direct effect of the WTO law in the EU law. Such solution lies, as this thesis argues, in the concept of no-fault liability of the EU for the failure to comply with its obligations resulting from its membership in the World Trade Organization.