

To:
To the Chairman of the Scientific Jury
Prof. Dr. Silvi Chernev
in accordance with the order №
RD141/30.05.2024 of the Rector of
Burgas Free University

OPINION

by Dr. Peter Bonchovsky, Associate Professor of Civil Procedure Law at the Institute of State and Law, Bulgarian Academy of Sciences.

Subject: *competition for an academic position of Associate Professor at Burgas Free University in the professional field 3.6. Law (Private International Law) with only one candidate Emine Hasan Ilyaz, PhD.*

Dear Mr. President,

Dear members of the Scientific Jury,

On the basis of the Rector's order, I was provided in electronic format with the monograph on "Energy Investment Disputes in the Context of International Arbitration", the author's reference under Art. 26, para 1 of Academic Staff Development Act in the Republic of Bulgaria and summaries of scientific publications in the relevant scientific fields and other documents related to the assessment of the teaching qualities and scientific qualifications of Emine Ilyaz, PhD.

The competition was announced in State Gazette No. 29/02.04.2024.

After reading and analyzing the monograph, as well as after assessing the other documents of the procedure, including the regulatory framework, and in accordance with the requirements of the BFU Academic Staff Development Regulations, I give the following opinion:

1. Overall assessment of the candidate

I have no personal impressions of the candidate Emine Hasan Ilyaz, PhD .

According to the submitted biographical data, she graduated from Burgas Free University, majoring in Law with a Master's degree in Law (2006). As of 2019, she holds a PhD in Private International Law with a defended dissertation from Istanbul University in the Republic of Turkey. She has worked as a junior expert in a regional administration in Burgas, as a legal advisor in a commercial company, and is currently a lawyer. Dr. Ilyaz's teaching employment certificate for the academic year 2023-2024 has been submitted.

The presented publications, the monograph as well as the topic of the PhD show a consistent interest in private international law and an accumulation of specialization in this field. Her doctorate has been published in Bulgarian and Turkish (in the Republic of Turkey). I do not know whether her practice as a lawyer is in this field, which would be a significant advantage.

It can be assumed that Emine Ilyaz, PhD has the necessary general qualifications as well as minimum teaching and pedagogical experience to hold the academic position for which he is applying.

2. Evaluation of the presented monograph

The work has the required minimum length (the book is 311 pages according to the reference), it is published and is accompanied by two scientific reviews. It has a very rich scientific apparatus in Bulgarian and foreign languages. The citations are correct, in the context of the research and the particular problem or problems addressed.

The work has an interdisciplinary character, which I personally welcome. The applicant has managed to address the sub-topics in the context of the

theoretical centre she has chosen, without going into analyses of, for example, the specific problems of arbitration proceedings as a means of resolving private law disputes, which would not serve to clarify the specific issues of the study.

The legal and historical aspects of the regulation of foreign investment law and dispute resolution are presented in detail, although in my view they do not provide information that is strictly necessary in the context of the topic. However, there is no obstacle to their inclusion in the analysis.

I accept the author's contributions as substantiated in the submitted reference. These issues have not been addressed in national studies, nor has the information generally provided in the study. It will therefore be of interest to scholars and legal practitioners. No *de lege ferenda* proposals have been formulated.

Citations of the candidate's works by two authors were noted.

It can be concluded that Emine Ilyaz, PhD has sufficient scientific qualifications and a set of scientific results distinguishable in her works to occupy the academic position at Burgas Free University for which she applied.

3. Critical assessments, comments and recommendations

There is a consistent line in the monograph for the author not to concentrate on the substance of the provisions by clearly expressing his analysis and position, but to fill in with commentary on decisions and quotations from other authors. This is quite normal for a doctoral thesis, especially from the point of view that we have no accumulated national practice to fix the study on the specificity of the regulation in a national context. It should be avoided in monographs that serve for academic positions. Otherwise it would be easy to ascertain a purely commentary and compilative character. I also recommend striving for a more synthesized text.

4. Conclusion

On the basis of the findings I can conclude that the scientific and teaching qualities of the candidate Emine Hasan Ilyaz PhD, fully allow her to take the academic position of Associate Professor, in the professional field 3.6. Law (Private International Law) at Burgas Free University and I propose the Scientific Jury to take a positive decision accordingly.

28.07.2024

Sincerely,

/Assoc. Prof. Petar Bonchovski, PhD/