

OPINION

From: **Prof. Dr. Sc. Jivko Ivanov Draganov, Department of International Law and EU Law, Law Faculty of the University of National and World Economy**

Subject: competition for associate professor in professional field 3.6. Law (Private International Law) at the Burgas Free University (BFU)

1. Information about the competition

The competition was announced for the needs of the Center for Legal Sciences of the Burgas Free University. I participate in the composition of the scientific jury of the competition according to Order RD-141 30.05.2024 of the Rector of the BFU.

2. Information about the candidates in the competition

The only candidate in the announced competition is Dr. Emine Hasan Ilyaz. Emine Ilyaz graduated from the "Law" specialty at the Burgas Free University in 2006. In 2019, she obtained a PhD in Private International Law from Istanbul University, Republic of Turkey. She worked as an expert and legal consultant, and from 2013 until now she has been practicing as a lawyer. Emine Ilyaz speaks English language.

3. Fulfillment of the requirements for holding the academic position

The candidate in the competition fulfills the requirements for holding the academic position of "Associate Professor". The compliance of the materials submitted in the competition with the minimum national requirements determined by the Act on Development of the Academic Staff in the Republic of Bulgaria and with the additional requirements of the of the Faculty of Legal Studies of the Burgas Free University is established as follows.

3.1. Compliance with minimum national requirements

Under letter "A" - dissertation for the award of a doctoral degree - 50 points. Under letter "B" - habilitation work "Energy investment disputes in the context of international arbitration" - 100 points. Under letter "G" - published book based on defended dissertation for the award of a doctoral degree: "Guardianship and custody of the child in international

family law" - 75 points; articles and reports published in scientific volumes, referenced and indexed in world-renowned databases of scientific information – 60 points; articles and reports published in non-refereed journals with scientific review or published in edited collective volumes - 40 points, or a total for group "G" - 175 points. Under the letter "D" - quotes - 100 points. The sum of the applicant's points exceeds the established minimum requirements.

3.2. Fulfillment of the additional requirements of the Center for Legal Sciences of the Burgas Free University

The candidate fulfills the additional requirements of BFU, which include publishing a separate monographic study; at least four articles or studies on problems outside the subject of the monograph, after the award with the doctoral degree and at least three participations in scientific forums with the presentation of a report on a topic outside the topic of the presented monographic work, after the award with the doctoral degree.

4. Evaluation of the teaching activity

From the presented document, signed by the Rector of the Burgas Free University, it is established that for the academic year 2023/2024 Dr. Emine Hasan Ilyaz has 65 hours of lecturing.

5. General characteristics and contributions of the presented scientific papers

For her participation in the competition, Dr. Emine Ilyaz submitted a habilitation thesis, four articles and three reports. The research of the candidate is concentrated in the field of private international law. It covers various problems of Bulgarian and Turkish private international law in relation to the determination of the applicable law in various legal relationships in the presence of a foreign aspect, in matters related to contracts for the international sale of goods, as well as in relation to problems of the international commercial arbitration.

5.1. General characteristics and contributions of the candidate's monographic work

For her participation in the competition, the candidate has submitted a habilitation work entitled "Energy investment disputes in the context of international arbitration". The monograph has a volume of 306 pages. 1424 footnotes have been made. The scientific literature used includes nearly 30 scientific publications in Bulgarian. The main part of the bibliography is in English. The work consists of an Introduction, five chapters and a

Conclusion. The subject of research are the issues regarding the resolution of disputes in connection with international energy investments.

The author has made an attempt to conduct a complete and comprehensive analysis of the international legal system of arbitration settlement of investment disputes. The first chapter includes an overview of national and international sources, their types and their features. The main multilateral investment protection agreements are reviewed. In the second chapter, the candidate in the competition defines and subjects to a thorough analysis the concepts of "energy investment" and "investment dispute" in the context of the issue under consideration. The third chapter comprises of an analysis of the mechanisms for resolving energy investment disputes, focusing on arbitration. Chapter four covers the problems related to the determination of the applicable law for the resolution of energy investment disputes, and the last one, Chapter fifth, contains an analysis of the trends in the development of international investment arbitration and, in particular, the consequences arising from the extension of the scope of the conferred competence of the EU.

The habilitation work is an original research that contributes for the development of the legal science. The author has set herself the difficult task, through an analysis of the international and the domestic law, to study the regulation of energy investments and, on this basis, to bring out the problems related to the resolution of investment disputes through arbitration. The study is a novelty for the Bulgarian legal literature and contributes to the development of research in the field of private international law and international public law. The comprehensive and in-depth analysis of the concepts of "investment", "energy investment", "investor" and "investment dispute", in relation to the resolution of disputes arising from energy investments, is a contribution. The detailed study of arbitration procedures that are applied to resolve investment disputes should be considered as a contribution of scientific and applied importance. A contribution to the development of research in the field of private international law is the clarification of the issue of determining the applicable law in energy investment disputes. Last but not least, the extensive analysis of arbitration and court practice in the field of energy investments should be mentioned as a significant contribution to the development of the practice.

5.2. General characteristics and contributions of the candidate's other publications

The articles and reports presented by the candidate in the competition are aimed at researching current problems of private international law. Among them, the article "Applicable law to environmental pollution on the high seas under private international law" (2024) should be highlighted, which contains an analysis of the existing systems for determining the applicable law in disputes arising from pollution on the high seas, when conventions for the protection of the marine environment do not apply. Another publication of the candidate that contributes to the development of the practice is the report "Applicable law to construction contracts from the perspective of FIDIC and arbitration in Turkish private international law". A contribution of scientific and applied importance is the comparative analysis of existing practices of expedited arbitration proceedings in the article "Scientific and educational review of expedited arbitration in the context of modern practices" (2024).

6. Critical remarks and recommendations

Some critical remarks and recommendations can be addressed to the presented research works of the candidate

It is noteworthy that the author mainly used foreign sources. Although in the Bulgarian scientific literature the problems discussed are poorly researched, works in the field of international commercial law and private international law have been published in our country, which are related to the research problems and which have remained out of the author's scope of analysis. Thus the habilitation work cannot cover entirely the doctrinal opinions, which is important when the Bulgarian private international law is studied.

In the analysis of the trends in the development of international investment arbitration and the influence of EU law, available scientific literature in Bulgarian has not been used. Clarification of the competence of the EU and the application of EU law is important for answering of the questions posed by the author.

There is some imbalance between individual chapters. Two of them (Chapter one and Chapter five) are in a volume of 25 and 20 pages, respectively, which is too small for their separation. The title of Chapter One "Expanded Analysis of Investment Law" is not accurate and does not correspond to the exposition in this part. The chapter in question contains an overview of the types of sources in the field of investment promotion and protection and their characteristics.

The remarks and recommendations made do not change my positive assessment of the candidate's research.

7. Conclusion

The documents and materials submitted by the candidate for participation in the competition meet the requirements of the Act for the Development of the Academic Staff in the Republic of Bulgaria (ZRASRB), the Regulations for implementation of ZRASRB and the additional requirements of the Center for Legal Sciences of the Burgas Free University. The scientific work and teaching activities of the candidate should receive a positive assessment.

Based on my overall assessment, I believe that Dr. Emine Hasan Ilyaz has the necessary qualities to hold the academic position of "Associate Professor" of Private International Law at the Center for Legal Sciences at BFU and I propose to the members of the scientific jury to support her candidacy.

23.07.2024

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(Prof. Dr.Sc. Jivko Draganov)