

OPINION

by Assoc. Prof. Dr. Ana Dzhumalieva, member of the scientific jury in a competition for the academic position of **Associate Professor** in Law 3.6 (Private International Law)

Procedure: Competition announced in the State Gazette No.29/ 02.04.2024 by Burgas Free University.

The only participant in the competition is Emine Hasan Ilyaz, PhD.

I. Overall assessment of the candidate

Emine Hasan Ilyaz graduated from Burgas Free University, majoring in Law in 2006 with a Master's degree in Law. Since 2019 she is a Doctor of Private International Law with a defended dissertation in Istanbul University in the Republic of Turkey, diploma №5089 issued on 18.06.2020 by Istanbul University / Republic of Turkey, professional field of Law, scientific specialty: Private International Law, /Certificate №08-00-36/11.09.2023 issued by NACID/.

On the basis of the defended dissertation, the candidate in this competition has published the following books - Child Guardianship and Custody in International Family Law, BOU, ISBN 978-619-253-033-4, 2024 and Guardianship and Custody of the Child in International Family Law, ed. Burgas Free University, ISBN 978-619-253-035-8, 2024 on. It is evident from the CV provided to me that in the period May-December 2007 he was a junior expert in the regional administration in the city of Burgas. In the period from 2008-2011 he was a legal advisor at Stroikonsult Burgas Ltd. Since April 2013 until now he has been a member of the Bar Association Burgas.

The overall assessment of the applicant is positive.

II. Evaluation of the teaching and research activities and contributions to the scientific production submitted for the competition

II.1. The research profile of Emine Hasan Ilyaz, PhD includes research on issues in the field of private international law.

II.2. Scientific production submitted for the competition:

- Monograph on Energy Investment Disputes in the Context of International Arbitration, ed. Burgas Free University, ISBN 978-619-253-036-5, 2024.
- - Published book based on a defended dissertation for the award of PhD Ilyaz, E., Child Guardianship and Custody in International Family Law, BFU, ISBN 978-619-253-033-4, 2024 and Ilyaz, E., Child Guardianship and Custody in International Family Law, ed. Burgas Free University, ISBN 978-619-253-035-8, 2024, reviewed by Prof. Dr. Fluria Yusufova Bilgin. Translation: Associate Prof. Menet Shukrieva and Emine Ilyaz, PhD.

- Articles and reports published in scientific journals, refereed and indexed in world-renowned databases of scientific information:
 - 1- Ilyaz, E., Scientific and educational review of fast-track arbitration in the context of modern practices, *Journal of Education and Science Policy Strategies*, Issue 4s/2024, ISSN 1310-0270.
 - 2- Ilyaz, E., Scientific and educational analysis of the present regime of access to the labor market of third country citizens – *Journal of Education and Science Policy Strategies*, Issue 4s/2024, ISSN 1310-0270.
- Articles and papers published in non-refereed peer-reviewed journals or published in edited collective volumes:
 - 1- Ilyaz, E., Applicable law to environmental pollution occurring on the high seas under private international law, *Legal Proceedings of Burgas Free University for 2024*, dedicated to the 100th anniversary of the birth of Prof. Dr. Alexander Yankov, Volume XXXI, ISSN 1311-3771.
 - 2- Ilyaz, E., The ethical rules applicable to lawyers of parties in international commercial arbitration, *Legal Proceedings of Burgas Free University for 2024*, dedicated to the 100th anniversary of the birth of Prof. Dr. Alexander Yankov, Volume XXXI, ISSN 1311-3771.
 - 3- Ilyaz, E., International conventions on maintenance obligations in Turkish international private law, *Legal Proceedings of Burgas Free University for 2024*, dedicated to the 100th anniversary of the birth of Prof. Dr. Alexander Yankov, Volume XXXI, ISSN 1311-3771.
 - 4- Ilyaz, E., Legal analysis of Art. 7 of the Vienna Convention on international sale of goods (CISG), *Legal Proceedings of Burgas Free University for 2024*, dedicated to the 100th anniversary of the birth of Prof. Dr. Alexander Yankov, Volume XXXI, ISSN 1311-3771.
 - 5- Ilyaz, E., The law applicable to construction contracts from the point of view of FIDIC and arbitration in international turkish private law, *Legal Proceedings of Burgas Free University for 2024*, dedicated to the 100th anniversary of the birth of Prof. Dr. Alexander Yankov, Volume XXXI, ISSN 1311-3771.

The candidate's scientific output has been cited by 2 authors.

Conclusion on section II.2 of the opinion: the research work and scientific production of Dr. Emine Hasan Ilyaz meet the requirements of the competition.

II.3. Teaching activities

Dr. Emine Hasan Ilyaz's Teaching and Learning Employment Note for the academic year 2023-2024 has been submitted.

II.4. Scientific results and contributions:

The contributions formulated in the submitted reference reflect the scientific specialization of Emine Hassan Ilyaz, PhD and are related to the profile of the competition.

The most significant achievements in the presented scientific production, in my opinion, are:

The monograph "Energy Investment Disputes in the Context of International Arbitration" is the first comprehensive study of energy investment in the context of international arbitration. In Bulgarian legal doctrine, there are numerous scholarly studies devoted to arbitration, but not in the context of energy investment disputes. The monograph is structured in an introduction, five chapters, a conclusion and a bibliography, a list of cited literature, and a summary and table of contents. The printed volume is 311 pages.

The topicality of the monograph is related to the growth of a large number of energy investment disputes, as well as the withdrawal of the European Union and Euratom from the Energy Charter Treaty (ECT) after the European Parliament approved this in its last plenary session in April 2024.

In Chapter One, "Advanced Analysis of Investment Law" is devoted to issues related to investment laws and international agreements; procedural rights granted to investors under bilateral investment agreements.

In Chapter Two, "The Concept of Energy Investment and Investment Dispute", the definition of the terms "investment", "energy investment", "investor", "investment dispute" is given, and the sources of investment dispute are examined in detail. The first paragraph of this chapter, consisting of two paragraphs, analyses the concept of energy investment, the conditions for the basis of investment and the participants in these investment processes, thereby aiming to define the concepts used in determining the jurisdiction of dispute settlement bodies with regard to the subject matter and the person in the settlement of disputes arising from energy investment. In the second paragraph of the chapter, the concept of 'investment dispute' is analysed in order to determine the subject matter jurisdiction of dispute settlement bodies. The author's attempt to define the term "energy investment" and the detailed discussion of the term "energy investment" in the ECT could be identified as a contribution.

Chapter Three "Energy Investment Dispute Resolution Mechanisms" deals with the dispute settlement mechanisms that apply to investment disputes and in this connection defines the jurisdiction of the dispute settlement bodies. It analyses the jurisdiction of national courts under the conditions of referral to the courts of the host State and of a third State. The paragraph "Arbitration" analyses the operation of the arbitration procedure and the requirements for the jurisdiction of arbitral tribunals. Since the jurisdiction of arbitrators is contested in almost all disputes referred to arbitration this chapter deals extensively with the conditions for the jurisdiction of arbitrators and the types of jurisdiction. A major contribution is the examination of the dispute resolution mechanism in the ECT and the USMCA, the assessment of the provisions of the ICSID Convention and the ECT on personal jurisdiction, and the identification of the problems arising from the fragmented structure of international law with respect to energy investment disputes.

In Chapter Four, "Determining the Applicable Law", the author concludes that the problem related to the applicable law is the allocation of roles between the law of the host State and international law in dispute settlement. In the ECT, the applicable law in dispute settlement is determined in accordance with the provisions of the ECT and the provisions of international law (Article 26(6) ECT), thus avoiding a debate on the applicability of international law to disputes. However, most investment agreements do not contain a provision on the applicable law.

Chapter Five, "New Trends in International Investment Arbitration and the Impact of EU Law on Energy Investment Disputes", examines new trends and attempts to address shortcomings in international investment arbitration and the impact of EU law on energy investment disputes. The topics discussed in Chapter Five contribute with applied relevance.

Conclusion on section II.4 of the opinion: the scientific results and contributions meet the requirements of the competition and are within its profile.

The results and contributions involved in the competition are in the nature of developing existing knowledge about existing relationships and dependencies in the research area.

III. Critical comments and recommendations

A more precise formulation of the contributions of a practical-applied nature could be considered. Some of them do not highlight the outcome of the research in the best way.

IV. Conclusion

The monograph, scientific publications and results submitted by Emine Hasan Ilyaz, PhD meet the requirements of the competition for "Associate Professor" and are in the profile of the competition.

I propose that Dr. Emine Hasan Ilyaz be elected to the academic position of Associate Professor in the professional field of Law 3.6 (Private International Law).

Sofia, 05th August 2024

Signature:
/Assoc. Prof. Dr. Ana Dzhumalieva/