

**UNIVERSITY OF NATIONAL AND WORLD ECONOMY**  
**FACULTY OF LAW**

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**OPINION**

*By: Assoc. Prof. Diana Marinova Marinova; UNWE, Faculty of Law*

Subject: competition for the academic position of **Associate Professor** in the scientific specialty "Private International Law", professional field 3.6. Law

**1. Information about the competition**

I participate in the composition of the scientific jury according to the Order № RD - 141/30.05.2924 of the Rector of Burgas Free University (BFU) in the competition for the academic position "Associate Professor" in BSU, professional field 3.6. Law (Private International Law), promulgated in the State Gazette, issue 29/02.04 2024.

**2. Brief information about the candidate**

The candidate for the academic position of Associate Professor is Eminent Hasan Ilyaz. She graduated from the BFU in 2006, after which she received her PhD in International Private Law from Istanbul University - Republic of Turkey in 2019.

The candidate is a lawyer, member of the Bar Association - Burgas since April 2013 until now. She has been a legal consultant at Emalia Legal Advisors Ltd, an external expert - public procurement at the Municipality of Burgas, and a legal advisor at Stroykonsult Burgas Ltd. She has worked in the Regional Administration - Burgas, Bulgaria. She has worked in the Burgas Regional Administration as a junior expert.

Fluent in English.

**3. Fulfillment of the requirements for the academic position of Associate Professor at BSU.**

The candidate has fulfilled the requirements for the academic position of Associate Professor at BFU.

For Section I - National Minimum Requirements under the Academic Staff Development Act in the Republic of Bulgaria and its Implementing Rules, all requirements have been exceeded, with 450 points out of the total required 400 points for groups A, B, C, D, E and F. For Section II - Additional Requirements for BFU under Academic Staff Development Act in the Republic of Bulgaria and its Implementing Rules, all requirements have also been met.

**4. Characteristics and evaluation of scientific works and publications. Scientific and applied contributions.**

Emine Ilyaz's main research area is private international law. She has presented a habilitation thesis on "**Energy Investment Disputes in the Context of International Arbitration**", scientific articles in indexed and refereed global databases and in non-refereed journals, as well as reports from scientific forums.

**4.1. Scientific contributions in the habilitation thesis**

The habilitation thesis is the first comprehensive systematic monographic study in the

Bulgarian legal literature on energy investments in international arbitration.

The structure is logically constructed and meets the objectives of the study. It includes an introduction, five chapters, a conclusion and a bibliography. The printed edition has a total length of 306 pages. The literature used contains 203 sources, including 26 in Bulgarian and 177 in English. Footnotes are 1424.

The monograph is relevant given the increase in energy investment disputes.

The scholarly contribution in Chapter One is the extended legal analysis of investment law, arbitration proceedings, investment agreements, as well as the European Charter Treaty (ECT) and NAFTA. It explores the main features of international investment law, its sources (pp. 25-29) and investment arbitration (pp. 32 ff.).

The second chapter defines the terms 'investment', 'energy investment', 'energy investment in ECT', 'investor', and 'investment dispute' (pp. 53 ff.), and examines in detail and in depth the sources of the investment dispute (pp. 103 ff.). This is the contribution point. This establishes a proper theoretical basis for the determination of the jurisdiction of the energy investment dispute resolution bodies.

An undoubted scientific contribution achieved in the third chapter is the analysis of the competence of dispute settlement bodies (pp. 138 ff.). A related scholarly and applied contribution is the examination of the dispute settlement mechanism in the ECT and NAFTA, as well as the systematic review of the shortcomings of the ICSID Convention and ECT arrangements in the area under study (pp. 201 ff.).

Among the most important contributions of the work from the perspective of private international law are those in Chapter Four, devoted to the determination of the law applicable to energy investment disputes (pp. 205 ff.). Of interest is the distinction between disputes under treaties and under agreements, and the conclusion on the problems in determining the law applicable to investment agreements (pp. 206-207).

The scientific and applied contribution of Chapter Five is the exploration of new trends and attempts to address shortcomings in international investment arbitration and the impact of European Union law on energy investment disputes.

The numerous doctrinal and normative sources are also an indication of the contribution of the habilitation thesis. It can be useful not only for researchers of legal doctrine, but also for legal practitioners and representatives of other professions related to international investment.

#### **4.2. Scientific contributions in monographs, articles and reports.**

- The published monograph on the basis of the defended dissertation for the award of the Educational Scientific Degree "Doctor" entitled "Guardianship and Custody of the Child in International Family Law" is the first Bulgarian and Turkish monographic study devoted to guardianship and custody of the child in private international law;
- Two articles in *Educational and Scientific Policy Strategies*, no. 4s/2024, presenting a scientific and educational review - of expedited arbitration and of the legal regime of access to the labour market for third-country nationals (with a contribution to the comparative legal analysis of advantages and disadvantages);
- An article in English on "Applicable Law to Environmental Pollution on the High Seas under Private International Law" (contributing an analysis of international conventions and a maritime incident in relation to the determination of applicable law and jurisdiction);
- An article on "Ethical Rules Applicable to Lawyers for Parties in International Commercial Arbitration" (contribution is the analysis of difficulties in practice, deficiencies in the legal framework and problems with the imposition of sanctions);
- Several papers were also presented at the Scientific Conference with International Participation "100th Anniversary of the Birth of Cor. Prof. Dr. Alexander Yankov", organized

by the Center of Legal Sciences at BSU - 20 and 21 June 2024 - on the International Conventions on Maintenance Obligations in Turkish Private International Law (with a contribution to the comparison between Article 19 of the Turkish Code of Private International Law and Council Regulation (EC) No. 4/2009 of 18 December 2008. ); on the regulation of interpretation and the filling of gaps under Article 7 of the Vienna Convention on the International Sale of Goods (CISG); on the law applicable to construction contracts from the perspective of FIDIC and arbitration in Turkish private international law" (with a contribution in the comparison of Turkish national law and FIDIC rules, as well as dispute resolution mechanisms arising from the operation of construction contracts).

The above gives me grounds to conclude that the publications have the necessary scientific contributions for the academic position of Associate Professor.

## **5. Critical comments and recommendations**

### **5.1. Critical notes**

Habilitation thesis notes:

- The introduction should have stated the subject of the study more concisely; the aims of the study and the methods used to achieve them are not sufficiently clear;
- At times, the descriptive nature of the presentation prevails at the expense of the analytical;
- Along with the classical method of research - analysis, it would be good to use other methods;
- The interdisciplinary approach is an appropriate choice for the author, but it is good that issues of private international law are predominantly explored given the subject of the study;
- It would have been better if the procedural issues of private international law had been better ordered and analysed, as in the case of applicable law;
- In the conclusion it is advisable to clearly formulate the summary conclusions of the author's presentation;
- There are a significant number of stylistic and editorial inaccuracies;

Notes on other publications:

- Some of the articles and reports are without acknowledgement of the journals and proceedings in which they were published.

These notes do not change my positive opinion in principle.

### **5.2. Recommendations**

My first recommendation to the candidate is to continue researching the problem discussed in the habilitation thesis because of its theoretical and practical significance.

Secondly, given the novelty of the study of this legal problem not only in the Bulgarian but also in the foreign legal literature, it is appropriate that the habilitation thesis be translated into English and published abroad, taking into account the critical remarks made beforehand.

## **6. Conclusion**

In conclusion, I clearly express my opinion for the election of the candidate Emine Ilyaz to the academic position of "Associate Professor" at the Faculty of Law of BFU and I propose the scientific jury to vote positively for the academic position of "Associate Professor".

23.07.2024  
Sofia

Signature.....  
/Assoc. Prof. Diana Marinova/