



ESCL Master Thesis Prize 2021

Jury Report

The ESCL consists of 18 national construction law societies. One of its tasks is to promote knowledge of international construction law. Once a year, in that context, a conference is organized by one of the member societies. Because of the importance of education and research to the aims of the European Society, an annual Master Thesis Prize was introduced in 2012. The competition is open to graduates of European universities who have produced a postgraduate thesis in the general area of construction law. This is the tenth year this prize has been awarded.

The Prizes are awarded after evaluation of the entries by a Jury. The ESCL President chairs the Jury and appoints two or more other Jury members. The current President of the ESCL is *Dr Adriana Spassova (Chair of the Bulgarian Society of Construction Law)*. She appointed *Professor Dr Benoît Kohl (Professor, University of Liège and University of Paris II - Counsel, Stibbe Brussels)*, *Professor Dr Anthony P. Lavers (Counsel, White & Case LLP, London - Visiting Professor of Law, King's College London)*, *Professor Dr Hubert Stöckli (Professor, Institute for Swiss and International Construction Law, University of Fribourg)* and *Professor Dr Hugues Périnet-Marquet (Professor, University of Paris II)* as jury members.

In assessing the academic quality of the thesis, the Jury evaluates the following aspects of the thesis: originality of the topic, quality of analysis, quality of presentation, interest to the construction law and construction professions and connection with either European law or with the law of more than one European country.

The First Prize awarded is EUR 2.500,- and the Second Prize awarded is EUR 1.000,-. If a second prize is awarded jointly, both second prize winners will receive EUR 500,-.

The winners are invited to submit a (modified) version of the thesis for publication to the editorial board of the International Construction Law Review to be considered for publication.

The Jury has come to a decision on the First and Second Prizes, based on a written assessment of the theses and a conference call discussion.



First Prize

Cristian Rubanovici

Title: *“Particularities of International Construction Contracts in the Offshore Wind Industry”*

University: University of Copenhagen

Study program: Master of Laws

IN GENERAL

The thesis takes a useful international approach on a subject of great importance throughout Europe, namely off-shore wind farms, which are quickly developing. The use of English and Norwegian sources, results in further international relevance. The importance of the subject is confirmed and underlined through FIDIC plans. Furthermore, a convincing analysis is provided.

ASSESSMENT BY CRITERION

Originality of the topic

The thesis gives an interesting point of view on an up-to-date ecological concept with a real and legal comparative focus. The importance of the topic is confirmed by the fact that FIDIC plans to publish an Offshore wind contract in 2022. Finally, the topic is important for future developments in line with the Green Deal.

Quality of analysis approach

The thesis contains a high level of legal analysis, discussion and conclusions. Construction contracts in the area of off-shore wind farms contain some individual complexities, which are nonetheless thoroughly analysed. It also successfully provides ideas for an amendment of the FIDIC conditions, which are of great value.

Quality of presentation approach

The thesis is well-written and clearly explained. The graphics were helpful and well-executed. The reader is assisted by the clear structure of the thesis.

Interest to construction law and construction professions

The offshore wind industry is developing quickly in Europe and construction contracts in this area contain specific characteristics which are successfully taken into consideration. By giving recommendations to amend the FIDIC conditions, the thesis is of high value for this sector and internationally.



Connection with either European law or with the law of more than one European country

The subject of the thesis has EU-wide relevance because of its comparative approach. Furthermore, the English and Norwegian sources give the thesis an outlook from multiple domestic contexts.

Two Second Prizes

Rob Ooms

Title: *“Collaboration through gain-and-pain-share mechanism. A roadmap to incentivize collaboration by gain-and-pain-sharing concepts”*

University: Delft University of Technology, Faculty of Civil Engineering

Study program: MSc in Construction Management and Engineering

IN GENERAL

The thesis contains research on an important aspect of collaborative contracting, namely the gain-and-pain-share mechanism. The subject of collaboration in construction is relatively modern, which makes the additions in this thesis valuable. It has relevance not only to the Netherlands but also internationally. The analysis is clearly explained with useful conclusions.

ASSESSMENT BY CRITERION

Originality of the topic

The research on this important aspect of collaborative contracting is a relatively timely phenomenon. Combined with the mechanism of pain-share/gain-share the subject matter makes for a valid starting point for research.

Quality of analysis approach

The analysis is convincing and clearly explained. Even though it is more economic than legal, it contains useful conclusions, also for the field of law. The author succeeds in the challenging task of bringing together both economic and legal aspects of the analysis.

Quality of presentation approach

The graphics were clear and generally helpful. Overall, the structure and presentation of the thesis was done accurately. The conclusions are well set out.

Interest to construction law and construction professions

Through a clearly explained analysis useful conclusions are given. This makes it of high interest to construction law and construction professions, as the subject is relatively new and of great relevance.



Connection with either European law or with the law of more than one European country

Even though the study focuses on Dutch situations, the principles are applicable in other countries as well.

Saurabh Varanasi

Title: *"Analyzing the collaboration tools used in the Dutch Bouwteam contract form and comparing it with similar international integrated contract forms of Finland and UK. An explorative study into the collaboration tools used in integrated contract forms for infrastructure projects"*

University: Delft University of Technology

Study program: MSc in Construction Management and Engineering

IN GENERAL

Collaborative contracting is currently of significant relevance to the construction industry. The multi-national comparison adds to the value of this content. Through a good structure and clear presentation, the thesis adds to the knowledge of the subject, which is strongly linked with the construction law and construction professions.

ASSESSMENT BY CRITERION

Originality of the topic

The topic of collaboration is still relatively modern, which is given some valuable additional viewpoints; the comparison between the Netherlands, Finland and the UK ensures a high degree of originality.

Quality of analysis approach

The analysis is well-structured.

Quality of presentation approach

The thesis is of high quality, well referenced and the topic is clearly explained.

Interest to construction law and construction professions

The subject has a strong link to construction contracts, which gives it a significant interest to the construction law and construction professions. The candidate succeeds in further strengthening this by adding to the knowledge across different jurisdictions.

Connection with either European law or with the law of more than one European country

The connection with more than one European country is strong. The candidate uses Dutch, Finnish and English material, by which insight into key differences is given.



Adriana Spassova (Chair)

Anthony Lavers

Benoît Kohl

Hubert Stöckli

Hugues Périnet-Marquet

Date: 22 September 2021