



## ESCL MASTER THESIS PRIZE 2015

### JURY REPORT

The ESCL consists of 17 national construction law societies. One of the tasks of the ESCL is to promote knowledge of international construction law. Once a year, in that context, a conference is organized by one of the associated societies. Because of the great appreciation for education and research an annual Master Thesis Prize is created. This is the fourth year this prize has been awarded. Nine (edited) theses were submitted.

The jury is chaired by the President of the ESCL who appoints two other members of the jury. The President of the ESCL is Richard Bailey (*Partner at Goodman Derrick LLP*). He appointed Professor Dr. Benoît Kohl (*Professor, University of Liège and University of Paris II - Counsel, Stibbe Brussels*) and Professor Dr. Anthony P. Lavers (*Counsel, White & Case LLP, London - Visiting Professor of Law, Oxford Brookes University*) and Professor Dr. Hugues Perinet-Marquet as jury members.

In assessing the scientific quality of the thesis, the jury evaluates the following aspects of the thesis: originality of the topic, approach/quality of analysis, approach/quality of presentation, interest to construction law and construction professions.

The First prize awarded will be € 2.500,- and the Second prize awarded will be with € 1.000,-.

The winner may be 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

### LONNEKE CHEUNG

*Title: "Research into the influence of mutual trust between the Client and the Contractor on the efficiency and the effectiveness of the change management process for complex D&B infrastructure projects using the UAC-IC 2005: Lessons learned from a comparison between the UAC-IC 2005 and the NEC3 ECC and the FIDIC Yellow Book"*

University: Delft University of Technology (TUDelft, The Netherlands)

Study program: Master Construction Management & Engineering

### IN GENERAL

The originality of thought and the approach in this thesis which makes it of potential value not only to domestic contract users but to those who work with FIDIC were the main reasons for the jury to award it with the first prize. The selection of change management is shrewd and the conjunction with the concept of mutual trust interesting.

### ASSESSMENT BY CRITERION

#### *Originality of the topic*

The research addresses the application to one of the most used international forms and change management. The idea of comparing a domestic contract with a domestic contract used internationally and a genuinely global contract is well-conceived by the Jury. Choosing mutual trust is an interesting perspective, especially in the context of change management.

#### *Approach/quality of analysis*

The research is solid. It contains a high level of discussion, including the explanation of research design and methodology. The discussion of trust is well done and convincing. The conclusion is well supported by the case studies and discussion.

#### *Approach/quality of presentation*

The level of presentation is very good. The tables are an efficient way of conveying information systematically. The thesis is clearly structured, well written and well-presented.

#### *Interest to construction law and construction professions*

This research is clearly of value to construction professionals and the Jury sees this paper being cited in the future.



The comparative nature of the work and the choice of widely used international contracts, as well as domestic forms, ensures that this work is of value. Change management is of general importance and 'mutual trust' is an area of controversy.

## SECOND PRIZE

**ADRIANA SPASSOVA**

*Title: "Is the Bulgarian Building Control regime more bureaucratic than the regimes in the leading European countries?"*

*(A comparison with the English, German, French and Italian regimes, focusing on the minimum scope of design approval for building permit)"*

University: King's College London (United Kingdom)

Study Program: MSc Construction Law & Dispute Resolution

### IN GENERAL

This thesis contains a cross-jurisdictional research in Europe that is of great interest in the field of construction law. This research topic is under-represented in publications and is of genuine importance in the construction process.

### ASSESSMENT BY CRITERION

#### *Originality of the topic*

The topic is new and original, in that little comparative published work has been done on building control systems. The Jury found the comparative approach well executed.

#### *Approach/quality of analysis*

The approach and the outcome of the analysis is very interesting. The thesis contains a systematic approach to methodology. The candidate seeks to meet difficult challenges of comparison with a tight and reasonably well-conceived research program, which is economically explained.

#### *Approach/quality of presentation*

The thesis is well structured and has good foot notes and diagrams to support the research questions. It has an original approach, through tables and a macro and a cultural approach. It has a very good selection of cases (The Netherlands, Sri Lanka and Scotland), with 3 different model contracts which make the comparison attractive.



## *Interest to construction law and construction professions*

The strongest part of this research is its utility to construction lawyers wishing to make comparisons of major European building control systems. It is also of interest in other parts of Eastern Europe with similar regimes as well as an interesting exposition on building control in the major jurisdiction in Europe.

Richard Bailey (Chairman)

Anthony Lavers

Benoît Kohl

Hugues Perinet-Marquet

Date: 29<sup>th</sup> September 2015