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Report of the member of Thesis Council on the thesis  
*'The Legal Status of Oil and Gas Upstream Energy Companies'*  
submitted for the degree of Doctor of Philosophy in Legal Sciences,  
Major – 12.00.07 Corporate law; competition law; energy law

By Vladislav Germanovich Tubdenov  
at Saint-Petersburg State University

Viva Report for PhD Submission  
Vladislav Germanovich Tubdenov:  
*'The Legal Status of Oil and Gas Upstream Energy Companies'*

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## 1. Outline

The dissertation is on an exciting topic in energy law at the moment across the world. It has the title '*The Legal Status of Oil and Gas Upstream Energy Companies*' and this is a very important issue not just in Russia but beyond Russia also. Therein lies some of the strength of the thesis that while there are many key academic contributions in terms of Russian energy law, there is also an energy law contribution internationally as some of the key leanings would be applicable to other countries.

The thesis provides a comprehensive examination of the legal status of Oil and Gas upstream energy countries within Russia and draws lessons from international experiences (highlighting for example, the UK and Norway). This comparative energy law perspective is an additional feature of the thesis and something that should be stated with more strength in both the introduction and conclusion. Overall the structure, objectives and contributions are clearly expressed and clearly identified.

*Note:* I refer to Vladislav Germanovich Tubdenov as the 'author' throughout this report.

## 2. Assessment

### Relevance of the topic of the dissertation research

I think the author makes a very strong claim in the Introduction as to why this topic is of relevance for dissertation research. Indeed, it is an important topic in energy law in general, and I believe the results of this thesis would be relevant for other countries also. It is a complex area for energy law and I think the author makes clear why specifically the literature in this area needs to be updated in terms of Russia. I think there is a clear contribution to the academic literature in this area in terms of Russian energy law literature, but also practical contributions in terms of the author identifying some gaps in the law where there is the potential for amendments and/or new provisions. To me for the majority of legal scholarship I think that



while there is immense value in contributing to academic research in the specific area of law in focus, there should also so be some practical value. The author of this thesis identifies both and I think that they have done this clearly demonstrates the relevance of the topic for dissertation research.

### **Degree of validity of scientific provisions, conclusions and recommendations formulated in the dissertation**

The approach in the thesis in this regard is clearly outlined in the Introduction and then this is evident as one reads Chapter 1 and continues. The author clearly identifies the key authors both in terms of Russian Energy Law literature and also some of the international scholars. In addition, the author also includes a variety of legal sources, and some interdisciplinary energy scholars' work.

I have given the author a few tips later on in this report of how they could make the theoretical analysis even stronger. I think they address this for Russian scholars but may benefit from some of the more recent energy law theoretical papers that have been published very recently in terms of international scholars. The validity of the arguments is well evidenced and adding some depth to the introduction and conclusion (as is suggested later) will only further assist in increasing the validity of the author's scholarship.

### **Structure and content of the dissertation**

I was pleased with the structure of the thesis overall. I have highlighted some improvements in the next section of this report, but structurally I believe there is balance to the PhD. I do think as I suggest later that more should be added to the Introduction and the Conclusion so that there is more depth to the valuable points that are made there. Minor adjustments are needed for internet references too. The one other suggestion I would recommend but this seems to be a stylistic issue, would be to name the Introduction as Chapter 1 and the Conclusion as chapter 5 – but I leave this at the author's discretion as it maybe a university requirement.



The dissertation is focused and clear in terms of the contributions of the thesis and the gaps in the literature and I believe it could be more so in the current Chapter 1 to 3 – at times they are not written with the same approach to making clear more the contributions of the thesis. Perhaps some additional paragraphs in different place might be added which summarize the argument made and identify this is where the conclusion is.

### **3. Specific Areas of Discussion**

#### **Introduction**

I think the Introduction is very good and clear. The author does need to remember that a reader will first look at the introduction and therefore it needs to be very strong. I would encourage the author to add more text to the Rationale and also more to the Extent of Prior Research into the Subject as both these sections are important for the author to demonstrate why this research is timely and why it was needed for the discipline of energy law.

In the section Extent of Prior Research into the Subject, I would identify some of the key authors who you believe you are building upon and this is where also you could state more specifically where there are gaps in the literature.

#### **Main Body**

Overall the main text is quite good and utilizes a wide range of sources. The thesis is well structured as I stated earlier so it is quite interesting and logical to follow and for this the author should be commended.



I have two major suggestions which I think can further strengthen the content within the three main chapters. First the author needs to review these chapters again and make stronger in places the arguments that link with the Introduction and Conclusion. It is very clear what the author is aiming for in the Introduction and what they have delivered in the conclusion, however, throughout Chapter 1 to 3 they need to highlight more these contributions to knowledge.

Secondly, I think the focus on Russian literature and some international literature in the three chapters is very good. I think the author will find further support in some of the more recent literature on energy law itself. I highlight three examples below, the first paper analyses energy law from a historical perspective, which the author does to some degree in the thesis – and this paper also notes safety as a key driver for energy law (similar to what the author is thesis identifies for the Arctic).

Link 1: <https://www.sciencedirect.com/science/article/pii/S2214629616301001>

The second paper is by a group of different energy law academics from across the world and is focused on thinking about energy law and its theory (hence the name of the paper A Treatise for Energy Law, and again the author is doing this from a Russian perspective).

Link 2: <https://academic.oup.com/jwelb/article/11/1/34/4792991?searchresult=1>

Thirdly, there is a recent range of paper of a special issue on Energy Law from a leading interdisciplinary journal – a scroll down through the papers published (there are 25 published) may also help the author place their work in context (and positively so). You can see in each article in the Introduction some of the key energy law theory articles they refer to in general and for their specific topic.

Link 3: <https://www.sciencedirect.com/journal/energy-policy/special-issue/10J7XHDCD55>

**Note:** Link 2 is available as a free download – if the author needs any access to the others, do let me know.



## **Conclusion**

The conclusion is written very well and is very clear. Nevertheless I think the author should add several more pages to it, which highlight in more depth the contribution, the value and gaps the author has identified. At the moment I believe the author is under-selling their work and I think they should add more depth to the different points they have raised in this conclusion.

In addition, it is always worth highlighting in the Conclusion, some of the limitations of the thesis. For example, these can range from general to more specific. A more general one, is that academic researchers may not get access to all the information they would need, for example some contracts maybe commercially sensitive etc.

## **References/Footnotes**

The reference list is extensive however, I believe the author could add to the foreign literature and ensure that all foreign scholars that are noted in the Introduction are also referred to in the references.

The reference list could also include Internet sources.

I think the footnotes could be improved and I believe this in particular in the context of entries from the internet. See the OSCOLA (Oxford University) approach where the Organization and title of the article etc. is included alongside the date of last access (that will protect the author should that article be deleted later etc.)



#### 4. Overall Preliminary View

Overall, the dissertation completed by Vladislav Germanovich Tubdenov on ‘The Legal Status of Oil and Gas Upstream Energy Companies’ is a valuable study in the continued development of Russian Oil and Gas Law. The research carried out by Vladislav Germanovich Tubdenov has identified several gaps in the academic literature. Energy law (which contains oil and gas law) needs to be revised from time to time for a variety of reasons, for example as a result of new technology or new market forces and this thesis captures the drivers of change for energy law. The thesis contains novel understanding and advances new developments for energy law theory and practice.

Hence, this PhD thesis research completed by Vladislav Germanovich Tubdenov on ‘The Legal Status of Oil and Gas Upstream Energy Companies’ and presented for the degree of Doctor of Philosophy in Legal Sciences meets the requirements for candidates with a speciality in the following area: Major – 12.00.07 Corporate law; competition law; energy law.

12 March 2019

Raphael J Heffron

A handwritten signature in black ink that reads "Raphael J Heffron".

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