To: Prof. Ph.D. Rayna Nikolova,

Chairman of the Scientific Jury

R E V I E W

by Assoc. Prof. Dr. Petar Georgiev Bonchovski

professional direction 3.6. Law (Civil Procedural Law), Institute for the State and Law at the Bulgarian Academy of Sciences and lecturer in Civil Procedural Law at Chernorizets Hrabar University,

member of the Scientific Jury, appointed by Order 3-PK-86/23.01.2024 of the Rector of the NBU, according to a competition for the academic position of professor in professional direction 3.6. Law (Civil Procedural Law), Master's Faculty, Department of Law, announced in SG No. 94/10.11.2023

regarding : evaluation of a monograph on "Procedural substitution in the civil process", presented by Assoc. Ph.D. Todor Panayotov Kolarov , candidate for the academic position " Professor " according to the announced competition

DEAR PROF. R. NIKOLOVA,

DEAR MEMBERS OF THE SCIENTIFIC JURY,

Based on the rector's order, I was provided the monograph proposed by the candidate Assoc. Prof. T. Kolarov, etc. in electronic format. articles, as well as other references, etc. documents in connection with the assessment of his teaching qualities and scientific qualification.

After reading and analyzing the monograph and scientific publications, as well as after evaluating the other documents in the procedure, incl. and the normative base, as well as according to the requirements of the Ordinance on the Development of the Academic Staff of the New Bulgarian University, I give the following review:

1. The procedure

1.1. There are no violations of the requirements of the legislation: the relevant provisions of the RASRB, the Regulations for the implementation of the RASRB and the Ordinance for the development of the academic staff of the New Bulgarian University.

1.2. The monograph has been printed. The volume is 240 pages. Given the format of the book, the standard typewritten pages will obviously be more.

1.3. The candidate meets the minimum national requirements and the requirements of the NBU, and in particular the requirements of the provisions of Art. 58, 59 and 60 of the Ordinance on the development of the academic staff of the New Bulgarian University.

1.4. They are not known to me and I find no evidence of plagiarism. The applicant has submitted a declaration of originality.

2. About the candidate

2.1. I know the candidate and have personal impressions. They are excellent both as a colleague and as a teacher, which I can confirm from my participation in an international training project for judges, bailiffs and lawyers, where he was also a teacher.

2.2. Prof. Kolarov has a sufficiently long experience in university teaching. He has worked his way up the ladder from assistant to associate professor. He is a Doctor of Sciences. It can be noted that the candidate has a varied professional path in the field of law, which is an advantage in the current trends for interdisciplinarity.

2.3. Regardless of the fact that he did not focus narrowly on the civil process, from the presented text it can be concluded that the candidate works at a sufficiently high level with the legislation in the field of civil process and has the opportunity to present and provide acceptable solutions to problems under various practical hypotheses .

2.4. The style is concise and clear, to some extent with a tendency to flow from topic to topic without any meaningful preparation, which is not necessarily a disadvantage from the point of view of the research, but can be reconsidered in possible future editions in view of the specialized topic and the need from visibility and the ability to perceive the information.

3. Conceptual apparatus. Quotes

3.1. Adequate legal linguistic apparatus is used in the monograph. Terminology is generally used, consistent with generally accepted requirements. The candidate tries to express the various aspects and peculiarities of legal institutes and their inner nuances.

3.2. Quotations are relevant and not done as an end in themselves. Sufficient scientific apparatus was used by national and foreign authors. It can be assumed that, in general, the national scientific sources are exhausted.

4. Analysis of the qualities of the monograph.

4.1. For the purposes of the procedure, it can be noted that the study is the first of a similar nature, including a historical study . That in itself is a value. The choice of topic presupposes a classic monographic meaning with the presence of a clearly expressed semantic and theoretical center. The wording of the topic is appropriate. The work presented is in a volume that is far above the legislative requirement for a monograph. The necessary scientific apparatus was also used.

4.2. At the same time, there is a lack of targeted research, as well as a clear case law. Therefore, the research would be beneficial both to legal science and from the point of view of understanding and solving the specific problems and legislative texts in practice.

4.3. With the work, the candidate has set himself the goal of a comprehensive analysis of the problems of procedural substitution in its two classical varieties. In view of this, it does not go beyond the fundamental theoretical conclusions established in the scientific literature regarding the necessity and nature of procedural advocacy and procedural subrogation, as the two forms of procedural substitution.

4.4. The work is conveniently divided into six parts: an introduction, four chapters and a conclusion. The introduction provides an in-depth legal historical research, combined with a comparative legal analysis, and summarizes the general characteristics of the institute with a view to setting the initial theses of the study in terms of the characteristics and interest behind procedural substitution. The second chapter provides a distinction from related legal institutes. In the third chapter, the core of the institute is analyzed in detail - the personal and public interests that are the basis of the rules. The fourth chapter examines the specific prerequisites of the substitution, and the fifth its judicial consequences . In the conclusion, the achieved results are summarized.

4.5. The research approach as summarized in the previous paragraph is acceptable. It is also in line with the imposed approach to writing monographs, which traditionally includes a historical and a comparative-legal part. There is no obstacle in topics of civil procedural law to have parts devoted to substantive legal issues, as observed in a book, as long as they are not an end in themselves, but are

in connection with the resolution of procedural problems. Such analyzes are even desirable given the sought-after organic connection between the legal form of the protection and the material rights exercised.

4.6. In no small part, the research is focused on careful and conscientious research of the existing opinions on practical problems (marked correctly under the line), finding their common points and contradictions. The author shows an understanding of the issues already raised and of the arguments of the scientists analyzing them.

4.7. In addition, it independently analyzes the results of the practical application of the substitution and the related legal framework in detail, further developing the opinions expressed in this way. After the detailed and correct presentation of other people's opinions and arguments and application of an independent analysis, the candidate justifies the choice by providing a reasoned own opinion. This is a perfectly legitimate and appropriate approach that should be welcomed.

4. 8. I may note that I support the final conclusions drawn on the legal capacity of the receiver and corresponding specific findings on the various capacities of the receiver in bankruptcy proceedings, regarding the perception of the state not as a mechanical collection of bodies, but as a whole, like and for the legal personality of the Bulgarian Orthodox Church, as well as specific developments regarding the public interest, etc.

4.9. In the end, in its essence, the work systematically analyzes the specifics of procedural substitution in civil proceedings, judicial administration, security proceedings and the executive process, possible problems and solutions, while an

adequate attempt has been made to consider the substantive legal hypotheses that condition and presuppose the need and the consequences of procedural substitution.

4.10. In light of this, it can be assumed that a large number of possible hypotheses have been exhausted in general, and the arguments in support of the candidate's views and conclusions have been presented in sufficient depth and detail. In the analysis and argumentation, the balance of interests of all subjects affected by the presence of substitution was sought. This starting point is applied successfully. There are no gross unfounded contradictions with what is established in legal science.

5. Notes

5.1. On page 41, it quite boldly cites judicial precedent (concerning decisions of national courts) as a source of law. There is a fundamental difference between the Anglo-Saxon doctrine of judicial precedent, the consistent and consistent practice of the courts and the operation of interpretative decisions. One can think whether within the framework of the PES we do not actually apply the doctrine of precedent, as well as some of the decisions in the course of the reform of the cassation proceedings, but definitely the author did not have these hypotheses in mind

5.2. The conclusions regarding the agent of incolvency remain unclear to the end. Since he has an independent quality and directly protects a special interest, it is not entirely clear whether he does not also have independent or other material rights in some hypotheses. In German doctrine, this is an established position.

5.3. The same about the state, incl. on the issue of managed properties. Since foreign substantive law is not protected, it is not clear whether the figure of procedural substitution is necessary. The analogy with the conclusions about the BOC is quite appropriate.

5.4. A similar question arises in class actions. Claimants under them first of all protect their rights.

5.5. In this regard, inferences are often drawn from the point of view of necessary companionship only, but it is omitted that because of the fact that someone else's material rights are being protected, the subject whose rights are being protected is also a mandatory party to the litigation, except where the law provides otherwise. In light of this, the absence of an analysis of the interpretative decision on claims for property in the SIO, as well as on claims for nullity brought by creditors, is a shortcoming.

5. 6. The above follows from the main shortcoming of the work - a number of specific and new substantive legal hypotheses have been considered, but no analysis has been made of the typical hypotheses that are the basis of the regulation, which leads to procedural substitution. Without such an analysis, the regulation remains misunderstood and unclear due to its scarcity. An example is the provisions of Art. 226 of the Civil Code, where the goal of the legislator is to prevent opportunities for abuse by transferring the disputed rights according to the specifics of the substantive legal picture, and not the possibility of filing a claim regarding other people's rights to protect one's own individual interest.

6. Conclusion

As I have indicated, the study is first in volume and in the value of a monograph. This in itself is a scientific contribution. At the same time, the candidate has not limited himself to a text that has mainly commentary value. I find the de lege ferenda proposals generally appropriate. Taking into account the above, I consider that the work meets the requirements of the Law on the Development of the Academic Staff in the Republic of Bulgaria, testifies to the candidate's in-depth theoretical knowledge in the relevant scientific specialty, sufficient ability for independent scientific research and their fixation in text, and accordingly meets the requirements for occupying the academic position "professor" at the New Bulgarian University.

The findings are grounds for proposing to the members of the Scientific Jury , in their capacity as a reviewer, to declare the monograph "Procedural Substitution in the Civil Process" presented by Assoc. PhD Todor Panayotov Kolarov, in the professional field, 3.6. "Law", scientific specialty "Civil procedural law" as I can conclude that the scientific and teaching qualities on the candidate Assoc. Ph.D. Todor Panayotov Kolarov fully allow the same yes borrow academic position " professor ", by professional direction 3.6. Law (Civil Procedural Law) at the New Bulgarian University and I propose to the Scientific Jury to make the corresponding positive decision.

Sofia, 22.03.2024 …….

/ Assoc. Dr. P. Bonchovski/