

OPINION

From Assoc. Prof. Dr. Ana Vladimirova Dzhumalieva, Professional field: 3.6. Law (Private International Law),
Law and History Faculty, South-West University "Neofit Rilski" - Blagoevgrad

On the competition for the academic appointment to the position of "Professor" at NBU, Professional field: 3.6. Law (Civil Procedure Law), Order № 3-PK-86/ 23.01.2024 г. with regard to the competition announced in SC 94/10.11.2023 г. with a contender Assoc. Prof. Todor Panaiotov Kolarov, Dr. Habil.

Scientific, research and teaching activities of Assoc. Prof. Todor Panaiotov Kolarov, Dr. Habil.

I. General information on the candidate in the competition

Todor Panaiotov Kolarov holds a Master Degree in Law from the Law School of Sofia University "Kliment Ohridski" (1998). LL.M. from Georgetown University (USA) with a full scholarship from "Fulbright" Commission (2001). In 2006 he is awarded "Chevening" scholarship to pursue studies at Essex University in a Doctoral Program in EU Law, but for professional reasons does not pursue that, completing a Ph.D. in Public International Law at Plovdiv University "Paisii Hilendarski" instead. Dr. Habil. in the professional field 9.1. National Security from NBU (2018).

Todor Panaiotov Kolarov is an Associate Professor in Civil Procedure Law at NBU and an Adjunct Associate Professor in Public International Law and Combating Organized Crime and Corruption at the American University in Bulgaria, Head of National and International Security Department at NBU. Attorney-at-law.

In 2021 Todor Panaiotov Kolarov is selected as an international consultant for the Council of Europe in a pool of 10 experts in thematic categories: anti-corruption, money laundering and confiscation.

In 2020 he is selected as an expert for CEPOL in the thematic categories: higher education and research, anticorruption and countering money laundering.

In 2018-2019 Todor Kolarov is a Chairperson of the Regional Anticorruption Initiative, an international intergovernmental network of 9 countries in South-East Europe.

For an extended period Todor Kolarov is a consultant in confiscation of criminal assets and countering money laundering for the UN Office on Drugs and Crime and the European

Commission: Ukraine - 2019, Kyrgyzstan - 2018, Afghanistan and Pakistan – 2017, Nigeria - 2016; Iran, Kazakhstan, Kyrgyzstan, Uzbekistan and Turkmenistan – 2015 and Croatia – 2012.

Todor Kolarov also has extensive experience as a lecturer in international fora for the UN Office on Drugs and Crime (Dushanbe - 2017; Abuja and Lagos – 2016; Almaty – 2015), the Dutch and Italian Presidencies of the Council of the EU (Brussels – 2016 and Siracusa – 2014) and the European Economic and Social Committee (Brussels - 2022).

Over the course of Todor Kolarov's professional career, he worked for the World Bank in Washington D.C. (2001-2003) and the U.S. Department of Justice in Sofia (2004-2011).

In 2010, as Legal Advisor for the U.S. Department of Justice he receives a personal award from the U.S. Prosecutor General Eric Holder.

Todor Kolarov has international experience at the Antitrust Group of “White and Case” LLP in Washington D.C. (2001), World Trade Organization in Geneva (2002) and European Commission in Brussels (2003).

In 2011-2012 he is a Chairperson of the Commission for Establishment of Property Acquired through Criminal Activities (CEPACA).

Todor Panaiotov Kolarov is a candidate for the academic opening of “Professor” in professional field 3.6. Law (Civil Procedure Law). He complies with the requirement of the Development of the Academic Staff Act of the Republic of Bulgaria (DASARB).

At the current moment, I am not aware there to exist an established, according to the law, plagiarism in the academic production presented for this competition.

II. Assessment of the results of the presented habilitation work and other scientific productions

In line with the requirements of DASARB a monography entitled “**Procedural Substitution in Civil Procedure**”. Sofia: Ciela (2023) is presented for the competition. The monograph is 246 pages long and has an ISBN 978-954-28-4420-4.

The monograph has five chapters: I. General Characteristics of the Procedural Substitution; II. Delineation of the Procedural Substitution from Other Legal Institutes. Controversial Hypotheses; III. Procedural Substitution Typologies; IV. Grounds for Admissibility of Procedural Substitution; V. Legal Consequences of Procedural Substitution and Conclusion. The bibliography contains 66 titles in Bulgarian and 27 in other languages.

In the first chapter of the monograph, a brief historical overview is made on the origin and introduction of the procedural substitution as well as on the definition of the notion thanks to the German and Italian doctrine. An attempt is made to put together an overall characteristic of the procedural substitution. In my view, this part, in its entirety, has contributive character.

Chapter two of the presentation delineates procedural substitution from other legal institutes. The author attempts to give legal characteristics and systematizes the differences between legal institutes of procedural substitution and procedural representation so that they could be clearly distinguished.

In the following points a comparative analysis of key characteristics of procedural substitution and succession in trial (point two); impleaded parties (point three) and other additional parties (point four) is presented, by placing an emphasis on the intersection points between procedural substitution and the enumerated legal institutes.

In this chapter, in points five to seven, attention is attributed to three contentious hypotheses. With contributive character is the discussion in point five, on the actions of the prosecutor, who can participate in the civil procedure with the rights of a party in the envisaged by the law instances. The leading opinion in the contemporary doctrine, according to which the prosecutor can be a procedural substitute in instances in which she files a claim for protection of rights of an individual or a legal entity, is challenged.

With scientific contribution is point six of this chapter that presents arguments in favor of the viewpoint that CEPACA is not procedural substitute in the criminal asset confiscation procedure. This part challenges the deliberations to Interpretative Decision 4/2016 of the General Assembly of Civil Chamber of the Supreme Court of Cassation.

In the final, seventh, point of this chapter, an opinion is presented on the contentious issue whether the bankruptcy receiver is a procedural substitute.

Chapter three presents the types of procedural substitution pursuant to four classification criteria depending on: whether the chief party in the proceedings is the real party in interest (point one); the court proceedings (point two); whether the procedural substitution is for the active or passive party in the proceedings (point four) and whether an individual or collective interest is protected (point three).

In chapter four the specificities in the effectuation of the defense in instances of procedural substitution are reviewed. Attention is devoted to the specificities in the review to the admissibility of the action (point one) and on its merits (point two).

Chapter five is devoted to the legal consequences of procedural substitution. The subjective boundaries of *res judicata* in procedural substitution are reviewed. The issue of responsibility of the procedural substitute is discussed in this chapter of the monograph.

The monograph of Assoc. Prof. Todor Panaiotov Kolarov, Dr. Habil has not only scientific, but also marked practical value.

The articles presented to the competition also deserve positive assessment.

Based on the presented information, it is evident that Assoc. Prof. Todor Panaiotov Kolarov, Dr. Habil. complies with the national requirements of DASARB.

III. Critical notes and recommendations

Recommendations to the monograph can be made. The most significant is related to the part devoted to the procedural legitimation of the procedural substitute. More elaborate presentation on point one of chapter two would have contributed to the quality of the monograph.

IV. Conclusion

Based on the information provided to me on the teaching, academic and research activities of Assoc. Prof. Todor Panaiotov Kolarov, Dr. Habil. I express my **positive opinion** on his selection for the academic position of “Professor”.

Because of this, I propose to the scientific jury and subsequently to the Academic Council of NBU to appoint Assoc. Prof. Todor Panaiotov Kolarov, Dr. Habil. to the academic position of “Professor” in the professional field 3.6. Law (Civil Procedure Law).

February 18, 2024

Assoc. Prof. Dr. Ana Dzhumalieva