

## ОПИНИОН

from Assoc. Prof. Dr. Nikolay Todorov Kolev, Department of Law, New Bulgarian University, habilitated in professional field 3.6. Law (Civil and Family Law)

for participation in a procedure for the academic position of "Professor" in professional field 3.6 Law (Civil Procedure Law), announced in State Gazette No 94/10.11.2023.

with candidate Assoc. Prof. Todor Panayotov Kolarov, DSc

### **I. Assessment of the compliance with the minimum national requirements and the requirements of New Bulgarian University**

The candidate in this competition, Assoc. Prof. Todor Panayotov Kolarov, DSc, meets the minimum national requirements for occupying the academic position of "Professor" in professional field 3.6 Law (Civil Procedure Law), determined in the Regulations for the Application of the Law on the Development of the Academic Staff in the Republic of Bulgaria, as well as the requirements of New Bulgarian University, determined in the Ordinance on the Development of the Academic Staff of the NBU. The individual results of Assoc. Prof. Kolarov **significantly exceed** the minimum national requirements and the requirements of the NBU.

### **II. Research activity and results**

Assoc. Prof. Kolarov participates in the procedure with his own monography – **KOLAROV, Todor. Procedural substitution in the civil procedure. Sofia: Ciela. 2023. ISBN 9789542844204.**

The presented work has a volume of 246 pages, including a title page, a table of contents, an introduction, five chapters devoted to the problems of the topic, a conclusion and a bibliography. A total of 257 footnotes were made in the work, using a wide scientific apparatus, including works in Bulgarian and six foreign languages (Russian, English, Spanish, Italian, German, Romanian).

After the introduction to the topic through the historical and comparative legal review of the emergence and development of the institute and its regulation in Bulgarian law, Assoc. Prof. Kolarov deduces the definition of the procedural substitution and its individual elements (pp. 33 – 35), arguing that procedural substitution cannot be introduced by a secondary legislation or by a broad interpretation of a legal norm (pp. 39 – 46). The author's understanding, that the procedural substitution protects someone else's private individual or collective interest (pp. 51 – 57), shall be adhered to. As a scientific contribution shall be assessed the analysis of the procedural legitimation (pp. 176-187) and the legal interest of the procedural substituent as prerequisites for admissibility of the claim brought by him, including the outlining of the various forms and varieties in which this interest may be in place (pp. 59-69, pp. 187-189). Valuable and useful for theory and legal practice are the distinctions of the procedural substitution from the procedural representation, succession to the process, the intervention of supporting party and the joint procedural legitimation. The author's arguments that the



prosecutor (pp. 85 – 88)<sup>1</sup> and the Commission for anti-corruption and confiscation of illegally acquired property (pp. 89 – 94) do not act as a procedural substituent in the hypotheses when the law empowers them to bring a claim, as well as the detailed analysis of the legal position of the insolvency trustee from the perspective of the procedural substitution (pp. 94 – 112) shall be evaluated again as a scientific contributions. The author's analysis includes clarification of the different types of procedural substitution, as well as the specifics of the admissibility and examination of the claim in relation to the procedural substitution. The work is completed with the study of the subjective and objective limits of the *res judicata* of the decision on the claim of the procedural substituent (pp. 215-228).

The presented work develops an institute of civil procedure with practical application – the procedural substitution. With this, the author significantly enriches the existing insufficient researches of this institute. The author demonstrates in-depth knowledge of this problem and with the presented work he proves once again his abilities for independent and in-depth scientific analysis. The results of the wide and skillful use of historical and comparative legal methods of research, which must be assessed as an advantage of the work, have also contributed to the breadth of the analysis.

Next, the candidate develops the questions in detail and consistently, demonstrating his abilities for critical analysis. Assoc. Prof. Kolarov advocates his own understanding of the controversial questions and does not hesitate to justify his critical position on the current legal framework and on the opinions argued in the theory or practice when he finds them incorrect or inappropriate. The opinions of the author are well thought out, take into account the various aspects of the issue being analyzed, as well as the practical manifestations of the conclusions drawn.

In his research, the author has analyzed all older as well as contemporary Bulgarian legal literature on the issues raised, as well as the leading works in the foreign literature. Assoc. Prof. Kolarov examines the opinions of each author, clarifying the contradictions in them and in many cases supplementing them with his own arguments, and where he does not accept certain of their views, argues with them, as the dispute is distinguished by correctness to the advocated theses, scientific ethics and justified criticism.

A detailed analysis of the relevant case-law must also be pointed out as an advantage of the work. The topic of the work provides conditions for such an analysis and the author has not ignored the opinions advocated by the courts, but, on the contrary, has paid due attention to them. This proves the practical benefit of the work, as well as the ability of the author to include in his analysis arguments derived from specific practical cases that have become subject of court decisions.

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<sup>1</sup> The thesis of Assoc. Prof. Kolarov is justified; it is also supported by the hypotheses in which the prosecutor is empowered to bring a constitutive claim for dissolution of a legal entity – for example art. 5, art. 40, para. 2, art. 51e of the Cooperatives Act, art. 13, para. 2 and § 5, para. 2 of the TFP of the Non-profit Legal Entities Act, art. 70, para. 2, art. 155, point 2 and point 3, art. 252, para. 1, point 4 and point 5, art. 260u, para. 2, art. 260z, para. 2, point 2 and point 3, art. 280b, para. 1 and art. 283 of the Commercial Act; a claim for a declaration of inadmissibility or nullity of the entry or non-existence of an entered circumstance (Art. 604 of the Civil Procedure Code, Art. 29 of the Act on the Commercial Register and Register of Non-profit Legal Entities), as well as the claims under Art. 25, para. 6 of the Non-profit Legal Entities Act, art. 336, para. 1 of the Civil Procedure Code, art. 537, para. 3 of the Civil Procedure Code and art. 552, para. 1 of the Civil Procedure Code. In all these hypotheses the prosecutor acts in the public interest.



Particularly valuable are the *de lege ferenda* proposals, which are justified and are based on the serious scientific analysis that the author presents to us in his work.

For participation in the procedure are presented also three articles published in scientific journals, indexed and referenced in world-famous databases of scientific information, and one article published in a redacted collective volume. The presented articles again convince about the candidate's in-depth scientific approach to the research of the problems and the breadth of his legal knowledge. It should be especially emphasized that all submitted articles are published abroad, which is an eloquent testimonial of their quality. In addition, it should be noted that the scientific work of Assoc. Prof. Kolarov also includes several other valuable publications in the country and abroad, which he, probably due to scientific modesty, has not presented in the procedure.

The publication activity and the participation of Assoc. Prof. Kolarov in scientific forums with his reports and works has impressed the scientific community and as a result a number of scientists have referred to his works and have given a positive assessment of the conclusions made in his publications. It is noteworthy that there are citations both from Bulgarian authors and in publications of foreign authors, which is another proof of the quality of the candidate's scientific production.

Prof. Kolarov has participated in total in five international scientific projects.

### **III. Teaching and teaching activities**

Assoc. Prof. Todor Kolarov, PhD, teaches at New Bulgarian University the mandatory academic discipline "Civil Procedure Law", as well as acts as scientific consultant to PhD students in the discipline "Civil Procedure". Under his supervision, a manual on civil procedure was published, which established itself among the students as a useful source for their preparation for the exam in the discipline due to the systematic and clear presentation of the issues – **KOLAROV, Todor. LEKOVA, Tsvetelina and DAHLYANOVA, Ivelina. Handbook on Civil Procedure Law. Sophia: Ciela. 2022, ISBN: 9789542839392.**

Only for the academic year 2022/2023 he has participated in 4 state examination commissions, two in the Department of National and International Security and two in the Department of Law (in each of the mentioned departments once as a member and once as chairman of the examination commission).

The average score from the student surveys for the last ten semesters is 4.53/5.00

He has participated in the successful launch of the Political Science programme (in English), with two courses offered POLS317 EU Development Policies and POLS436 Security in Europe: Dangers, Risks, Countermeasures, as well as in the improvement of the Master's programmes in the Department of National and International Security, with the reflected changes in the 2023/2024 catalogue, including the rationalization and development of the courses lectured by the candidate.

He initiated the international scientific conference "Rights and Security" (27-28.04.2023). He has held an online lecture on "Money Laundering Techniques (in English)" on 14.05.2022, as



well as lectures in the period 8.05-12.05.2023 on "Money Laundering Techniques and Lawyers (in English)" in the mobility format of Erasmus+ teaching at the invitation of the hosting institution Neapolis University Pafos, Cyprus.

#### **IV. Administrative and public activities**

Assoc. Prof. Todor Kolarov, DSc, is a member of the Faculty Council of the SCHOOL OF DISTANCE, ONLINE AND CONTINUING EDUCATION and the Academic Council of the NBU, as well as Head of the Department of National and International Security, and in the period 12.10.2015-1.03.2017 – Program Consultant at the Department of National and International Security.

Assoc. Prof. Todor Kolarov, PhD, acted as Chairman of the Regional Anti-Corruption Initiative (2018 – 2019) (<https://rai-see.org/>).

He was nominated for "Lawyer of the Year" - 2022 in the category "Justice Abroad".

Member of the Bulgarian Association of International Law.

#### **V. Personal impressions of the candidate (if any)**

I know Assoc. Prof. Todor Kolarov, DSc, since 2017 as a thorough and widely erudite lawyer, scientist and university lecturer, with academic experience not only in the country but also abroad. In our joint work at the Department of Law Assoc. Prof. Kolarov demonstrates the highest sense of mutual collegial respect, academic ethics, and scientific tolerance.

#### **VI. Opinions, recommendations and notes on the activity and achievements of the candidate**

I expressed my assessment of the achievements of the candidate in this procedure in research and other activities in the previous sections of the opinion. I have no significant comments/recommendations on the materials submitted for participation in the procedure.

**Conclusion:** Assoc. Prof. Todor Panayotov Kolarov, DSc, meets (and significantly exceeds) the minimum national requirements and the requirements of the NBU for holding the academic position of "Professor" in professional field 3.6 Law (Civil Procedure Law). Based on this, as well as on the significant results achieved by him in research and teaching, I strongly recommend Assoc. Prof. Todor Panayotov Kolarov, DSc, to be admitted to election by the Academic Council and elected as Professor of Civil Procedure Law at NBU.

09 March 2024

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