

OPINION from prof. Ekaterina Mateeva, Dr. Habil. about the competition for the academic position opening of “professor” in the higher education field 3. Social, Economic and Legal Science 3.6 Law (Civil Procedure Law), Master’s Faculty, Law Department, published in State Gazette (SG) 94/10.11.2023 with a single candidate Assoc. Prof. Todor Panaiotov Kolarov, Dr. Habil.

OPINION

from prof. Ekaterina Mateeva, Dr. Habil.
Professor in Civil Law
Professional field 3.6 Law
Scientific track Civil and Family Law
Sofia University (SU) “St. Kliment Ohridski” Law Faculty and
New Bulgarian University (NBU) Law Department

To

about the competition for the academic position opening of
“**professor**” in the higher education field 3. Social, Economic and
Legal Sciences 3.6 Law (**Civil Procedure Law**), Master’s Faculty,
Law Department, published in SG 94/10.11.2023 with a single
candidate **Assoc. Prof. Todor Panaiotov Kolarov, Dr. Habil.**

I present this opinion in the capacity of a member of the scientific jury, appointed by Order 3-PK-86/23.01.2024 г. of the Rector of the NBU to the competition for the academic position opening of “professor” in the higher education field 3.6 Law (Civil Procedure Law), Master’s Faculty, Law Department, published in SG 94/10.11.2023.

By decision of the scientific jury from its first session, I was assigned to draft an opinion that I present within the set due date.

I. Assessment for compliance with the minimal national requirements and the requirements of New Bulgarian University

The competition for the academic opening of “Professor” in professional field 3.6. Law (Civil Procedure Law), Master’s Faculty, Law Department, published in SG 94/10.11.2023 is announced in compliance with the set requirements for the needs of the Law Department, Master’s Faculty of New Bulgarian University.

Assoc. Prof. Todor Panaiotov Kolarov, Dr. Habil. is the only candidate in the competition.

It is notable from the written evidence presented to the current procedure (self-assessment report with annexes, references, etc.) that Assoc. Prof. Todor Panaiotov Kolarov complies with the minimal national requirements to the scientific and teaching activities as per art. 2b of the Development of the Academic Staff Act of the Republic of Bulgaria (DASARB) and the Regulation for the Application of DASARB (RADASARB) as well as with the additional

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requirements of New Bulgarian University as per the Development of the Academic Staff Ordinance and the Table of indicators for the opening of a procedure for the competition for the academic position of “Professor” in the academic field 3.6. Law. Furthermore, a number of indicators in C, D, E, F, G, E, markedly exceed the minimal science-metric requirements as per the legislation in force. The candidate is a law graduate from the Law Faculty of SU “St. Kliment Ohridski” (1988), was awarded an educational and scientific degree “Ph.D.” in Public International Law from Plovdiv University (PU) “Paisii Hilendarski” (03.02.2012) and scientific degree „Dr. Habil.“ in professional field 9.1. „National Security“ by NBU (2018). The candidate has a perennial, rich experience in academic teaching of legal subjects being an incumbent in the following academic positions: Lead Assistant Professor in EU Law at PU “Paisii Hilendarski” (2012-2017 г.) and guest lecturer and then Assoc. Prof. in Civil Procedure Law at Varna Free University (2011-2014); Assoc. Prof. in Civil Procedure Law at NBU and Adjunct Assoc. Prof. in Public International Law and Countering Organized Crime and Corruption at the American University in Bulgaria. Assoc. Prof. Kolarov has experience in the sphere of academic process management in his capacity of Head of the “Nation and International Security” Department (NISD) at NBU. He has extensive experience as an attorney, legal advisor and consultant in numerous international organizations and projects, managed by the latter.

II. Research activities and results

1. Assessment of the monograph and the scientific and applied-research contributions of the author.

For the competition Assoc. Prof. Todor Kolarov presented a published monograph entitled „PROCEDURAL SUBSTITUTION IN CIVIL PROCEDURE“, Sofia: Ciela, 2023 which consist of 246 pages with an enclosed bibliography list and 257 footnotes. The work is not redundant in any of its parts neither thematically, nor substantially to works presented by the candidate for the educational and science degree “Ph.D.” or science degree “Dr. Habil.” and the academic position of “Associate Professor”. The research subject of the current opinion is structured in five chapters and conclusion, which in succession discuss the historic roots and the general legal characteristics of procedural substitution, similarities with and differences from certain legal institutes, types of procedural substitution, requirements for admissibility of procedural substitution, legal defense at the disposal of the

procedural substitute and legal consequences resulting from the procedural substitution in view of the subjective and objective limits of *res iudicata* and the liability which the procedural substitute can incur.

Assoc. Prof. Kolarov’s work is the first complete and systematic theoretical research in our procedural doctrine of procedural substitution, which is the exception, according to which the procedural right to sue, also known in the Bulgarian legal theory as the procedural legitimation, belongs to a nominal party, different from the real party in interest. The structure of the research is well-organized and logical and conducive to the aims and scientific objectives, i.e. to track and analyze the nascence, introduction and development of the procedural substitution institute in the Bulgarian legal order, to reveal specific legal features and forms of manifestation of procedural substitution as well as to follow the mechanisms of its application and its legal consequences. One of the positive characteristics of the research is that the structural parts of each of the five chapters have substantive and descriptive titles, which is conducive to the reader’s orientation in the system and content of the presentation and somewhat compensates the lack of objective index at the end of the book. In developing the subject matter of the habilitation work, in an adequate manner, a broad spectrum of general and special methods of scientific research are utilized. The author manages scientific polemics adequately, in constructive spirit, providing supporting arguments and with collegial respect to the views of those with who disagreement is expressed. Research style is clear and exact as far as terminology is concerned. Rich scientific apparatus serves as a base of the work, comprising of relevant Bulgarian literature as well as international theoretical sources (monographs, commentaries, papers and articles) in six foreign languages. In addition, inclusion and discussion in the course of the theoretical analysis of numerous relevant to the research issues judicial decisions has high value and significance for the development of legal the practice and theory.

Considering the scientific and applied-research results, the habilitation work of Assoc. Prof. Kolarov deserves high overall assessment, as far as it casts general, in-depth and contemporary view over procedural substitution as an institute of Civil Procedure Law. There is no doubt that it being the first complete and systematic monograph on procedural substitution from its genesis and its introduction in Bulgaria to its current legal framework, it has a contributive character, applying the historical-legal and comparative-legal methods of scientific research. Contributive significance is present in the systematization of the

pivotal elements of procedural substitution drawn through deliberation in point 2 of chapter one that has not been presented to date in such systematic fashion in our legal theory. The original approach of the author to the issue and significance of legal interest in procedural substitution and the follow-up on the point throughout the research merits attention. This problem is discussed in various parts of the research – not only in depicting the legal characteristics of procedural substitution, but also in the discussing the admissibility criteria of procedural substitution in chapter four of the work, as well as in other systematic parts of the research. Some of the comparisons between procedural substitution and certain more or less nominally similar legal institutes is done for the first time in such a systematic manner in our procedural theory (e.g. point 6 of chapter two), which deserves to be mentioned as a contribution of the research. Theoretically and practically useful are author’s argument that application of procedural substitution beyond its explicit scope and its application by *analogia* is inadmissible, considering that it is an exception to the rule of art. 26, para 1 of Bulgarian Civil Procedure Code (CPC). Hence, it is admissible only in the explicitly envisaged instances. The original arguments on whether the bankruptcy receiver is a procedural substitute are of interest. Certain parts of chapter three of the presentation devoted to the types of procedural substitution – in light of the additional classification criteria introduced by the author, the clarification on the defense in instances of procedural substitution in chapter four, point 2, 3, the research on procedural substitutes liability in the final chapter, etc. have contributive character. My overall assessment is that Assoc. Prof. Kolarov tabled an original, thorough and interesting research on the procedural substitution institute, which, to the best of my knowledge, has not been executed nationally to date.

2. *Assessment of the contributions in the rest of the publications following the appointment to the academic position of “Associate Professor”. It also includes assessment of requirements for referencing of the publications.*

Assoc. Prof. Kolarov takes part in the current competition with several scientific publications (articles and scientific reports) published in scientific periodicals, indexed and referenced in internationally renowned databases with scientific information. They are: (1) „Historic analogs of civil confiscation of unexplained wealth – the case of Bulgaria“, published in Journal of Financial Crime. Vol. 27 No. 2, 2020. pp. 561-571. ISSN 1359-0790. This Scopus indexed journal is in the second quartile in “Law”; (2) „Challenges in settling non-conviction based civil confiscation of unexplained wealth“, публ. в Journal of

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Money Laundering Control. Vol. 24 No. 3. 2021. pp. 483-490. ISSN 1368-5201. This Scopus indexed journal is in the second quartile in “Law” and listed in the Web of Science; (3) „International commercial arbitrator addressing money laundering sua sponte“, similarly, published in the Scopus indexed Journal of Money Laundering Control. Vol. 25 No. 3. 2022. pp. 637-644. ISSN 1368-5201, which is in the second quartile in “Law” and in the Web of Science database. All three publications are devoted to topical and practically significant legal issues with a nexus to countering corruption and confiscation of ill-gotten gains as well as anti-money laundering measures in international commercial arbitration. All three publications reflect author’s rich national and international practical experience and theoretical knowledge in the above-mentioned bailiwicks, equipped with scientific apparatus, contain theoretical conclusions with solid arguments and strive to improve the legal framework and application of the legal instruments. Assoc. Prof. Kolarov also tables the article published in an edited collective volume, namely „Legal professionals’ effectiveness as anti-money laundering “gatekeepers”, published in: PERACEK, Tomas. & MOREIRA, Fátima Castro (Eds.) *Doctrina et Usu in Business Law*. pp.163-174. 2023. ISBN 9786069535165 (E-Book). In view of the formal requirements of the current procedure, it is noteworthy that the scientific production presented by Assoc. Prof. Kolarov for the competition is published following his “Ph.D.” and “Dr. Habil.” scientific degrees and following the conclusion of the competition for the appointment to the academic position of “Associate Professor”, i.e. the candidate has not participated with any of these works in previous procedures for academic degree or academic positions under DASARB and the secondary legislation for its application.

3. Citation by other authors.

The list of citations presented by Assoc. Prof. Kolarov indicates that two of his publications are cited in articles by international authors published in scientific publications indexed and referenced in internationally renowned databases, monographs and collective volumes with scientific information. Another of his articles is cited in two different monographs by different international authors of monographs and collective volumes with scientific review published abroad. According to the self-assessment report, nine of Assoc. Prof. Kolarov’s publications (some of them twice and three times) are cited in monographs and collective volumes with scientific referencing published nationally. Six of Assoc. Prof. Kolarov’s

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scientific publications are cited in non-referenced scientific publications with scientific review published abroad and nationally. It could be stated that Assoc. Prof. Kolarov’s scientific production resonates widely among the experts domestically and abroad, which is an excellent testimony of its quality and topicality.

4. Assessment of results from participation in research and creative projects and application of achieved results into practice.

According to the self-assessment report attached to the file of this competition, Assoc. Prof. Kolarov took part, as a consultant, in numerous research and creative international projects that are topical and on subject matters with public significance such as migration, security, civil confiscation, incl. mutual recognition of judicial decisions, combating money laundering, other forms of economic crimes, etc. the results of which are meant for the improvement of the legislative framework and practice in the respective field.

III. Educational and teaching activities

1. Auditory and non-auditory courses, work in the electronic educational module “MOODLE – NBU”, securing student practices and internships, work with students and Ph.D. candidates.

As mentioned above in section I of this opinion, Assoc. Prof. T. Kolarov has a perennial, rich experience in academic teaching of legal courses, assuming in succession academic positions in academic institutions as: Lead Assistant Professor on EU Law at PU “Paisii Hilendarski” (2012-2017) and guest lecturer, then Assoc. Prof. in Civil Procedure Law at Varna Free University (2011-2014); Assoc. Prof. in Civil Procedure Law and NBU and Adjunct Assoc. Prof. in Public International Law and Countering Organized Crime and Corruption at the American University in Bulgaria.

Assoc. Prof. Kolarov is an active participant in the development of a new program that commenced successfully – participating in the Political Science (in English) Program with two courses POLS317 EU Development Policies and POLS436 Security in Europe: Dangers, Risks, Countermeasures. He took part in the upgrading of master programs of NISD, which are reflected in the 2023/2024 catalogue. Creator and organizer of the International Academic Conference “Rights and Security” (April 27-28, 2023).

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As a co-author with Ph.D. candidates Cv. Lekova and I. Dahlianova, Assoc. Prof. T. Kolarov developed and published the useful „Civil Procedure Law Handbook“, Sofia: Ciela. 2022, totaling 366 pages based on rich bibliography and abundant judicial practice, which is a valuable source for law students in their preparation for the Civil Procedure Law mandatory academic course, but also convenient quick-reference source for practitioner. This publication corroborates Assoc. Prof. Kolarov’s skill to work with Ph.D. candidates and colleagues pursuing specialization. Assoc. Prof. Kolarov also developed author materials in electronic format in Moodle.

On a regular basis, Assoc. Prof. Kolarov takes part in the state exam commissions. In the 2022/2023 academic year alone, he took part in four state exam commissions – two in each Department of National and International Security and Department of Law. He served as chair of a state exam commission.

2. *Work with Erasmus-students.*

Assoc. Prof. Kolarov delivered online lecture on “Money Laundering Techniques (in English) on May 14, 2022 and held lectures on “Money Laundering Techniques and Legal Professionals (in English)” in the period May 8-12, 2023 r. in Erasmus mobility for teaching format under Erasmus+ on invitation of Neapolis University Pafos, Cyprus. The candidate took active part in the creation and successful initiation of a new program Political Science (in English) to which he contributed two courses POLS317 EU Development Policies and POLS436 Security in Europe: Dangers, Risks, Countermeasures.

3. *Students’ opinions*

It is clear from the self-assessment report, annexed to the materials to this competition, that Assoc. Prof. Kolarov is highly valued by his students. The average grade based on students’ opinions in the course of the last ten semesters is 4.53/5.00. This high-value grade he receives from his students is an indicator for student satisfaction with Assoc. Prof. Kolarov’s level of knowledge and teaching skills.

IV. Administrative and public activities

1. *Participation in the collective managing bodies of NBU.*

Assoc. Prof. Kolarov has experience in the management of the educational process in his capacity of National and International Security Department Chair at NBU. He is a member of the Academic Council of NBU.

2. *Public activities.*

Assoc. Prof. Kolarov boasts rich and highly active public activities associated with consultancies for the Council of Europe, expert appointments for CEPOL in thematic categories higher education and research; anticorruption and countering money laundering, for UNODC, World Bank HQ and U.S. DoJ in Sofia, as well as many others. The candidate took part in the governing bodies of international organizations, to be more precise he was elected chairperson of the Regional Anti-Corruption Initiative (2018 – 2019). Assoc. Prof. Kolarov is a lawyer with recognized professional skills. This is corroborated by his nomination for “Lawyer of the Year” - 2022 in the “Justice Abroad” category. Member of the Bulgarian Association for International Law. He has ample practical experience as an attorney, legal advisor and consultant with international organizations and projects, administered by the latter.

3. *Student enrollment to the program.*

Assoc. Prof. Kolarov popularized the programs in which he teaches as he delivered public lectures at the invitation of academic institutions and prestigious national and international organizations in his capacity of an NBU academic staff member. The lecture “Money Laundering Techniques (in English) on May 14, 2022 as well as the lecture series on “Money Laundering Techniques and Legal Professionals (in English)” in the period May 8-12, 2023 г. in Erasmus mobility for teaching format under Erasmus+ at the invitation of Neapolis University Pafos, Cyprus are of this type.

V. Personal opinion of the candidate (if any)

I know Assoc. Prof. Kolarov in my capacity of member of the academic staff of the Law Department of Master’s Faculty of NBU as a colleague who is respected by co-workers,

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students and experts in his field, judicious, serious, composed and staid individual, ethical colleague, industrious and devoted to his work.

VI. Opinion, recommendations and notes on the activities and achievements of the candidate

I would like to recommend that, in future editions of “Procedural Substitution in Civil Procedure”, Assoc. Prof. Kolarov departs from the descriptive style of the conclusion of the monograph and presents a substantial, subject-matter resume of key conclusions based on the theoretical analysis in the research in lieu of the current general recital of the overall route of the research. I would recommend a fundamental revision of the conclusion that would incorporate summary of the conclusions with scientific and practical significance and systematizes main *de lege ferenda* recommendations (*i.e.* those on page 237, etc.). I am convinced that this will enhance the theoretical and practical implication of the research. I would like to underscore that this and other recommendations do not have the potential to undermine my conviction that Assoc. Prof. Kolarov’s application for the academic position of “Professor” in professional field 3.6. Law (Civil Procedure Law), Master’s Faculty, Law Department merits support.

CONCLUSIONS *with a clearly stated positive or negative assessment of the academic activity of the applicant and recommendation for his/her admissibility or inadmissibility to selection by the Academic Council.*

Based on above considerations my conviction that the candidate Assoc. Prof. Todor Panaiotov Kolarov, Dr. Habil. I find with compliant with the substantive law requirements set in art. 29 DASARB, RADASARB and the By-Law for the development of the academic staff of NBU for appointment to the academic position of “Professor” in the higher education field 3. Social, Economic and Legal Sciences, professional field 3.6. Law (Civil Procedure Law) in Master’s Faculty, Law Department. In light of the above, I propose to the respected scientific jury to endorse my positive assessment of the academic activities of the candidate Assoc. Prof. Todor Panaiotov Kolarov, Dr. Habil. and to recommend to the Academic Council of New Bulgarian University for his admissibility to selection for appointment to the academic position of “Professor” in the higher education field 3. Social, Economic and Legal Sciences, professional field 3.6. Law (Civil Procedure Law) in Master’s Faculty, Law Department.

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February 26, 2024

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(Prof. Ekaterina Mateeva, Dr. Habil.)