TO THE MEMBERS OF THE SCIENTIFIC JURY

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PHD THESIS EVALTUATION REPORT

by Anton Kirilov Grozdanov,

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Title of thesis: Preparation and filing of a distribution under the Civil Procedure Code.

Author: Maria Georgieva Glushkova

DISTINGUISHED MEMBERS OF THE SCIENTIFIC JURY,

Maria Glushkova has submitted for defense a dissertation on "Preparation and filing of distribution under the procedure of the Civil Procedure Code"

Maria Glushkova was born on 10.12.1970. She has extensive professional experience. She has held the following positions: she has worked as a secretary in the notary office "Notis-Express" in Sliven; as a history teacher; as an operator of computer systems for typing and layout of Cyrillic and Latin text; as a technical secretary in the notary office "Notis-Express" in Gorna Oryahovitsa; as a secretary-recorder in criminal and civil cases at the District Court - Gorna Oryahovitsa; as a state and private bailiff; as a substitute for a registry judge; as a director of the first licensed Center for professional training in the country called "Judicial Servant" at "De Jure" Ltd.,Veliko Tarnovo.

Introduction

The thesis has a total length of 214 pages. The content includes: an introduction, six chapters, a concluding part, a bibliographical reference, a reference to the legal acts used, interpretative decisions, other acts and a list of abbreviations used.

The author has published 2 (two) scientific publications related to the topic of the reviewed study. "On Some Challenges in the Preparation of the Distribution under the Civil Procedure Code, the Civil Code, the Tax Procedure Code and the Commercial Code." In: NBU Yearbook, 2022 - electronic edition, vol. 1; "Complication in the Enforcement of a European Payment Order and a European Bank Account Preservation Order." In: Law Journal, NBU, no. 2/ 2023.

On the topic of the dissertation research.

The chosen topic is topical and in this sense reveals wide opportunities for scientific research on a rich palette of legal problems that are looking for a solution. This observation corresponds with the latest interpretative practice of the SCC - for example, the interpretative decision on interpretative case No. 2/23 of the SCC (04.07.2024).

Definition of the research problem, scope and goals

1. The author has applied a peculiar approach in outlining the topicality, the aim, the task, the research methods and the expected results, which are correctly stated and explained, but instead of being united in the introductory part, which "opens the door" for the reader to the work - they are stated in the introduction and in chapter one, entitled "Aim, tasks, research method. In my opinion, it is appropriate that the issues related to the relevance, the aim, the research task, the outline of the scientific thesis, the general and special scientific methods used are fully stated in the introduction, rather than being "scattered" in two structural parts.
2. Chapter Two traces the historical development of some institutions that are directly relevant to the topic - for example, privilege and nonsequestration. The study in this part is cognitive in nature. The author goes back in history - from the laws of Hammurabi to the Bulgarian Civil Procedure Act of 1930 (Official Gazette, No. 246).

The main body of the work begins with the research in Chapter Three. The author shows a thorough knowledge of the legal framework, the jurisprudence and especially the interpretative practice of the SCC and the SAC. In formulating the relevant theses and conclusions, foreign legislation - German, Italian, French, Polish, etc. - is also used. The analysis is thorough and well-founded. The relevant legal acts and writings of various authors are correctly cited. The study in this part has a marked scientific and applied character. Both individual normative texts and interpretative decisions are subjected to well-founded criticism. In this sense, I share most of the critical remarks and the legal conclusions formulated on this basis. Individual paragraphs of Chapter Three constitute a scholarly contribution in their own right. For example, Paragraph 3.2 raises a number of questions of important theoretical and practical significance - for example, I quote "What difference does it make whether or not a creditor under a special pledge who has proceeded to enforcement pursuant to Article 32 of the Bankruptcy Act has asserted his claim in the bankruptcy proceedings?". In this regard, the author correctly concludes that a creditor who has proceeded to enforcement under the LPA and at the same time has asserted the claim in the framework of the universal enforcement will be able to participate in the distribution of the proceeds from the sale of the property from the bankruptcy estate if he has not received full satisfaction in the sale under Article 32 of the LPA (p. 48).

Page 46 indicates that the receiver's actions in connection with the distribution are controlled by the creditors' committee. I believe that the author should take into account

the fact that such a facultative body of the insolvency is very rare in practice. In that sense, such a generalisation is questionable. As to the concept of "private usury" discussed in par. 3.3 - the SCC gave an answer in the first half of the current year and in this sense I will not discuss the study in this part.

I find that the title of chapter four does not hold up. It would have been more appropriate to leave only the second part of it: 'Drafting, structure and content of the allocation'. This is a recommendation with which the author will comply if he so decides with a view to future printing of the work. The analysis is thorough and sound. It is based on the existing domestic legislation and on Community law. In this respect, the individual legal acts are correctly cited. The same observation can be made about the citations of other authors. In this part, too, the study has a markedly applied character. The author's theses are clearly distinguished from those of other authors. The extramural polemic conducted is conscientious and fair. My colleague Glushkova strictly adheres to making legal arguments without expressing unjustified bias towards one or other of the authors' theses. In my opinion, the majority of the author's theses and conclusions should be supported and can be accepted as scientific contributions.Thus, on p. 96 it is reasonably argued that VAT should not be charged and collected in favour of the state budget when bailiffs conduct public sales, as public sales are an exercise of state power and end with a unilateral act of state power. The objectives of a public sale are different from those of a civil or commercial transaction. Another example in this direction is the conclusion formulated at p.92. The author rightly points out that interest awarded by the panel of the court is privileged; interest which expired after the commencement of execution; interest before the commencement of execution. It is rightly submitted that where such interest has not been awarded and the bailiff has no claim to it - the bailiff should refuse to recover it.

Also relevant is the analysis at pp. 83-84 - regarding the inadmissibility of preparing and filing the distribution under stay of execution. The analysis in par. 4.3 on the registration of the debtor, dsi/xi under the ITA, is of important practical significance. Emphasis is rightly laid on the lack of unity between the taxable person and the taxpayer and the problems involved in practice (pp. 97 ff.). The analysis in Chapter Five is highly applied. The author relies on numerous doctrinal opinions formulated by eminent jurists (Prof. Silyanovski, Prof. Stalev, Prof. Mutafchiev, Prof. Kornezov, etc.), as well as on a wealth of judicial and interpretative practice, judicial and executive practice - examples from the practice of specific CSIs are given (p.120). The acts of the Community law. The study is centred around the so-called 'comradeship in the enforcement process'. The extramural discussion with other authors is correct. As I pointed out above, my colleague Glushkova makes strictly legal arguments without expressing an unjustified bias towards one doctrinal opinion or another. Here again there is a clear highlighting of her own theses and conclusions, which once again proves the ability for independent scientific research.

I accept the author's theses and conclusions as correct and justified. Thus, my colleague Glushkova relevantly maintains that where the assignment agreements are free from defects and it is proved that the debtor was regularly notified under the LPA and the CCP of the assignment of the claim by the original and the second creditor - the refusal of the bailiff is subject to appeal. A decisive argument is put forward by the circumstance that the third party has the quality of a creditor/claimant party, and enjoys all the rights, disqualifications and privileges belonging to the original creditor (p.117).

Particularly noteworthy is the study in par. 5.4. on certain complications in the preparation of the distribution arising from the European order for payment and the European order for the attachment of bank accounts. Solutions to various problems of application of the law are proposed. Thus, on pp. 155-156, the author reasonably maintains that the bailiff must check ex officio whether a peremptory challenge has occurred in the case - before paying the amount collected on the basis of an EAPO enforcement order. The main argument in this regard is that in such a case the proceedings are terminated by operation of law. Relevantly, it is submitted that even if the enforcement proceedings have been terminated by operation of law, if there is no limitation period and the amount has been collected prior to the occurrence of the peremptory challenge - the bailiff must distribute and pay the amount to the EPO claimant as the substantive right continues to exist.

Emphasis is appropriately placed on the practical difficulties in making the distribution relating to the service of notices and papers - in cases where the debtor lives in a Member State other than the Member State of origin and bank accounts in a third Member State are attached. I do not, however, share the view that it is improper for bailiffs to notify of an impending distribution to creditors who have imposed/registered attachments, garnishees, applications after the bailiff who made the distribution. In this regard, the argument for publicity of records is unpersuasive. After all, the bailiff "executes" primarily in the interest of claimants/creditors (p. 160).

The final chapter, chapter six, is devoted to distributions in lieu of payment. Here, too, I find a markedly applied character of the study. The analysis again draws on relevant case law and interpretation. I accept the author's theses and conclusions as correct and well-founded. Thus, the author relevantly maintains that the mortgagee and lien creditor could have intervened in the foreclosure proceedings as a creditor without the need for a specific application for joinder or for a writ of execution to have been issued at the time of the intervention. I accept the argument that, as a party to these proceedings, he has all the rights of a claimant, including the right to participate in the sale on an equal footing with the other claimants (p. 170).

On p. 172-173, it is rightly held that the necessary comity is not present in the hypotheses where there is no enforceable cause of action and the debtor alleges a claim against the TPL, which it denies. It is true that in such a case, and on the basis of the bailiff's decree awarding the claim for recovery, the claimant may also apply to the court under Article 410 of the Civil Procedure Code in these proceedings. Another example

in this respect is the understanding expressed in connection with the analysis of Articles 417 and 418 of the CCP (as amended with effect from 1 July 2025). It is relevant to point out that it is not necessary for the court to constitute the debtor itself as a creditor, since the third party has already received the attachment notice addressed to him. In this respect, it is correctly stated that such a constitution would be necessary where there is no enforceable cause and the debtor claims that he has a claim against the third party and the third party denies this claim (p. 188).

The conclusion reiterates the importance of the preparation and filing of the distribution under the CPC. I find it appropriate in this part of the work to systematize in a clear manner the suggestions de lege ferenda that form the shape of any dissertation research. The relatively small number of bibliographical units used is noteworthy. This is understandable in view of the specific subject matter and the paucity of literature on the issues addressed. In my opinion, the above-mentioned normative acts should be removed from the bibliographical reference and only individual scientific works should remain in it. . I also find that the list of abbreviations used is appropriately situated at the beginning rather than at the end of the dissertation. The submitted abstract, totalling 54 pages, is in line with the dissertation and correctly reflects its main points.

Conclusion:

I take into account the complexity of the problems, subject of the dissertation research, as well as the different, sometimes completely exclusive opinions in the researched field of legal knowledge. The researched problem is significant in scientific and applied terms. The aims and objectives of the dissertation are formulated precisely. The author knows the research problem in depth. A theoretical model of the research is developed, which is fully justified. The research methodology is consistent with the stated aim and objectives of the dissertation. In this sense, my overall assessment of the dissertation is positive. The research is complete. Its aim and objective have been fully achieved. The theses supported by the author are justified. Individual parts of the work have a marked scientific and applied character. Others have a strong theoretical character with signs of original theoretical generalizations. The author shows a very good knowledge of the case law on the subject. The content of the thesis reveals scientifically applied results which constitute an original contribution to science. Ms Glushkova demonstrates that she possesses in-depth theoretical knowledge of the relevant specialty and the ability to conduct independent scientific research. The peer-reviewed dissertation 'Preparation and submission of a distribution under the CCP' complies with the requirements of the law. In this sense, I confidently recommend that Maria Georgieva Glushkova be awarded the degree of Doctor of Laws.

REFEREE