

## STATEMENT

***From***

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Lecturer at the South-West University "Neofit Rilski", Blagoevgrad,  
Professional field 3.6 Law

***Subject:***

Doctor of Philosophy and Science degree  
Professional field 3.6 Law

***Thesis author:***

Maria Georgieva Glushkova

***Thesis topic:***

Preparation and filing of distribution under the procedure of the Civil Procedure Code

***Reason for submitting the opinion:***

Participation in the composition of the scientific jury, appointed by the Order № 3-RK-283 of 02.07.2024 of the Rector of the New Bulgarian University, Sofia. No. of the President of the Board of the Bulgarian National University of Sofia.



### 1. Significance of the research problem in scientific and applied terms

The relevance of the topic is determined by the functions of the enforcement proceedings and the dynamics of the proceedings, including the preparation and submission of a distribution under the Civil Procedure Code, as an act drawn up by a bailiff. Insofar as the topic is dissertable, perhaps its significance is expressed in its extremely high practical relevance, in relation to the actions of the bailiff, the rights of creditors, debtors and third parties - participants in this process. Undoubtedly, the diverse case law, which is descriptively presented in the dissertation, has led to a critical analysis of the practice of the DSI, the CSI and the Court. The significance of the study is determined by the comprehensiveness of the matter under investigation

### 2. Justification of the aims and objectives of the dissertation

The dissertation of Maria Glushkova presented for review is characterized by well-structured objectives and tasks. The main objective of the dissertation is to contribute to the optimization of the process of lawful preparation (with the necessary requisites), scheduling and filing of a distribution under the procedure of the Civil Procedure Code. Against this objective, the research tasks are clearly formulated and achieved. The theoretical propositions related to the means, forms, requirements and methods of preparing the distribution are well balanced in order to achieve the final result. Concepts attempting to analyse case law, interpretative decisions handed down by the SCC, as well as National and European legislation, are brought out from the outset of the thesis. A distinctive feature of the work is the clearly defined scientific limitations that delineate the boundaries of the study, as it does not include the appeal of the distribution before two instances and its entry into force, as well as the appeal of the distribution by invoking unseverability in its application and its challenge by a creditor. The method of inquiry and the means are described and well argued.

The content of the work is contained in a volume of 214 p., including an introduction, six chapters, a conclusion, a bibliography of the literature used, Internet sources, interpretative decisions, laws, regulations and rules and a list of abbreviations used in the dissertation.

3. Conformity between the chosen methodology and research methodology and the set aim and objectives of the dissertation.



The dissertation presents a range of theoretical, methodological, broadly practical and applied issues. Theoretical and methodological constructs related to the characterization of the problematic are elaborated in detail. In this situation of dynamic changes of the external environment, the author argues that bailiffs are confronted with purely technical contradictions, stemming from the contradictions in 'internal beliefs' among magistrates and the extremely insufficient attempts to fill the gaps in the law by rendering interpretative decisions. The need for adequate and timely legislative intervention and change in this area of the law and the effective drafting and filing of distributions under the Civil Procedure Code has been highlighted.

The positive aspects of the study are the comparative legal analysis with regard to the distribution made by the author with the CCP in Germany, Russia and Poland. He analyses the divergent case law, draws conclusions and gives suggestions de lege ferenda to unify the practice, but does not cite foreign authors. Weaknesses are that the author probably correctly points out the different opinions of other authors, only that he does not indicate the source from which he draws this information. /page 88/

It is controversial the opinion expressed by the author on p. 96 that the public sale is a manifestation of state power and ends with a unilateral state act - a decree of award of immovable property, which the owner enters in the property register /In the view of the DSI and CSI/. This sale has no resemblance to the legal transactions carried out and no VAT should be charged. I agree with the author's thesis, it is just that the arguments are not sufficiently substantiated.

#### 4. Evaluation of publications and abstracts

The leading thesis in the dissertation is supported by two scientific publications, and two participations in public lectures at NBU, organized by Maria Glushkova. All of them are in the direction of the posed scientific problem, verify the results of the research. The abstract to the dissertation meets the requirements of the Academic Staff Development Act and the Regulations for its application, faithfully and accurately reflecting its content in a volume of 46 pages.

#### 5. Citations from other authors, reviews in the scientific press, etc.

At this time, the author provides no evidence of citations by other authors. However, he is an active participant in the preparation of Opinions on issues in the eligibility of foreclosure, sequestrability, peremptory challenges, statute of limitations, avoidability, privilege and chirography. There are 15



opinions drafted to serve to change the law for a more equitable process in the preparation and filing of distributions under the CCP.

## 6. Opinions, recommendations and comments

A study of a complex and significant issue, such as the preparation and filing of a distribution under the CCP, undoubtedly arouses interest and raises questions and critical recommendations that are difficult to note in a limited opinion. My criticism is mainly directed at the structure of the thesis. It is unacceptable that the aims, objectives and methods of the research are contained in Ch. 1 and to cover the whole of Chapter 1 of the dissertation, with a total length of 6 pages /7-12/ . For the sake of clarity, the aims and objectives are rather objectified in the introduction of the dissertation. Chapter Two presents the historical overview of the institute in a total of 14 pp. /13-26/ - this is also unsatisfactory and creates a prerequisite for an unbalanced presentation. The remaining 4 chapters are better structured and systematized. Each addresses significant issues in drafting, structure and distribution as part of the actions performed by the bailiff.

Second, the thesis contains redundant propositions from the point of view of their notoriety for the science, citing whole judicial decisions 178-179, 181, etc., which, apart from the fact that they could be reduced in view of the volume of the thesis, should be used only if an author's thesis builds on them.

In chap. 3, the author concludes that under Art. 447 CCP the debtor's waiver of the protection of Art. 446a is not included, Claims that it is a significant omission of the legal framework, but does not make a proposal de lege ferenda for a change in the law, but only that it should be quickly remedied.

Third, with regard to the conclusions of the individual chapters, more could be desired, both in their formulation and in their systematization, some of which could be reworded for greater precision. I recommend Maria Glushkova to continue her research work on the topic.

Last but not least, the bibliography used is extremely insufficient - only 23 authors and two internet sources are mentioned. Not a single foreign author is mentioned.

## 7. Conclusion

Like any work, this one can be subjected to further refinement. Appreciating the merits of what has been achieved, the demonstrated inclination to research and use the achievements of the jurisprudence, give



Образец за структура на становище на научен труд за придобиване на образователната и научна степен „доктор“ и научната степен „доктор на науките“ в НБУ

Приложение 5 към Наредба за развитието на академичния състав на НБУ

me grounds to give a positive assessment of the candidate's qualities and to recommend the Scientific Jury to award Maria Georgieva Glushkova the degree of Doctor of Science in the professional field 3.6. In the field of Law.

Date 27.09.2024

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