

# **ANNOTATIONS OF THE MATERIALS CONCERNING THE PARTICIPATION OF THE COMPETITION**

## **I. Annotations of the materials connected with the subject of the habilitation work**

### **1.**

Convention between Greece and Bulgaria Respecting Reciprocal Emigration signed in 1919 governs the right of emigration of the nationals of both states and their property rights as well as the property rights of churches, monasteries, schools, etc. united under the term "communities". This article focuses on the Advisory Opinion concerning the Greco-Bulgarian "Communities" of July 31, 1930 of the Permanent Court of International Justice. An overview of the advisory role of the Permanent Court of International Justice and of the main provisions of the Greco-Bulgarian Convention governing the liquidation of abandoned property in the territory of both countries is made. The attention is directed to the statements of Bulgarian and Greek Governments and the Court's answers to the questions raised regarding the liquidation of the properties of churches, monasteries, schools and others.

### **2. The Advisory Opinion of March 8<sup>th</sup>, 1932 of the Permanent Court of International Justice on the Interpretation of Caphandaris-Molloff Agreement**

The present article discusses the Advisory Opinion of March 8<sup>th</sup>, 1932 of the Permanent Court of International Justice on the interpretation of Caphandaris-Molloff Agreement signed by Bulgaria and Greece in 1927. A review is made of the advisory role of the Permanent Court of International Justice and of the circumstances, which led to the conclusion of this Agreement. The attention is directed to the reasoning of the Advisory Opinion and the Court's answers to the questions raised by the Council of the League of Nations on whether there is a dispute between Bulgaria and Greece within the meaning of Art. 8 of the Agreement and if there is what is the nature of the pecuniary obligation.

### **3. The Jurisdiction of the Permanent Court of International Justice in the Case concerning the Electricity Company of Sofia and Bulgaria (1939)**

The article discusses the Judgment of the case concerning the Electricity Company of Sofia and Bulgaria (Belgium v. Bulgaria) of the Permanent Court of International Justice 1939. The jurisdiction of the court in the case is based on two acts: the Reconciliation and Arbitration Agreement between Belgium and Bulgaria of 23 June 1931 and the Declaration of Belgium (10 March 1926) and the Declaration of Bulgaria (12 August 1921) to recognize the mandatory jurisdiction of the court. The article analyzes the reasoning of the court when the decision is made and answers the question: When several grounds are presented for the jurisdiction of the court, which one is being considered and applied? The emphasis is placed on Bulgaria's preliminary objections and the reasoning of the court in the decision-making process related to the determination of its jurisdiction in the presence of several sources.

### **4. The Judgment of the Case concerning the Electricity Company of Sofia and Bulgaria (Belgium v. Bulgaria) in the Practice of the International Court of Justice**

The Judgment of the case concerning the Electricity Company of Sofia and Bulgaria (Belgium v. Bulgaria) of the Permanent Court of International Justice is applicable in the practice of the International Court of Justice in two cases. These cases are the case concerning the Right of Passage over Indian Territory (Portugal v. India) and the case concerning the Certain Property (Liechtenstein v. Germany). This article examines three cases and makes comparison of the grounds for jurisdiction, the preliminary objections in view of the reservation *ratione temporis* and the judgments.

### **5. Separate Opinions to the Judgment of the case concerning Aerial Incident of 27 July 1955 (Israel v. Bulgaria)**

This article is dedicated to the Separate opinions of judges presented to the Judgment of the case concerning Aerial Incident of 27 July 1955 (Israel v. Bulgaria). The beginning of the article contains thematic notes on the two kinds of Individual opinions used in the practice of the International Court of Justice: Dissenting and Separate opinions. A review is made of the First Preliminary Objections of BULGARIA and the motive of the Judgment. The attention is focused on the two Separate opinions presented to the Judgment: the Separate opinion of Judge Badawi and the Separate opinion of Judge Armand-Ugon.

## **6. The Legal Practice of the International Court of Justice in Regards to Bulgaria**

On July 27<sup>th</sup>, 1955, the civil aircraft belonging to the Israel Company El Al making a scheduled flight between Vienna, Austria and Lod, Israel, having without previous authorization, penetrated over Bulgarian territory, was shot down by aircraft of the Bulgarian anti-aircraft defense forces. The Israel aircraft crashed near the town of Petrich, Bulgaria, and all the crew, consisting of seven members, and also the fifty-one passengers of various nationalities were killed. This research offers a brief systematic review of the Case concerning Aerial Incident of July 27<sup>th</sup>, 1955 (Israel v. Bulgaria), (USA v. Bulgaria) and (United Kingdom v. Bulgaria). This study focuses on the Application by the Government of Israel, the Preliminary Objections of Bulgaria, the motives of the Judgment of May 26<sup>th</sup>, 1959. Attention is also drawn to the Court's Orders in the case USA v. Bulgaria and the United Kingdom v. Bulgaria.

## **II. Annotations of the materials not connected with the subject of the habilitation work**

### **1. National Registration of a Mark on the Territory of BULGARIA**

According to the Beekeeping Act, the owners of apiaries can be physical and legal persons and according to Decree No 3 of 29.01.1999 on the Establishment and Maintenance of a Register of Farmers, legal persons, sole traders and individuals are subject to registration as farmers 18 years of age. These texts allow each bee owner resp. farmer to register a mark. This is because the Trade Marks and Geographical Indications Law explicitly states that a trademark may be registered by any physical or legal person.

In this paper, the national registration of a mark is considered, giving answers to the following questions: What does a mark mean?, Who can register a mark on the territory of Bulgaria?, What is the procedure for registration of a mark at the Patent Office? What is the validity of the trade mark registration certificate? and What rights does the trademark holder acquire?

### **2. Soft Law in Practice of the Inter-American Court of Human Rights**

This article is dedicated the application of the soft law in the practice of the Inter-American Court of Human Rights. In the beginning of the article is contained thematic notes on the concept of soft law and a description of the functions of the major organs in the Inter-American system for the protection of human rights.

The attention is paid to the legally non-binding acts in the case of *Claude-Reyes et. al. v. Chile* (2006). In this case, the Inter-American Commission on Human Rights and the Inter-American Court of Human Rights rely on numerous soft law acts in clarifying the right of access to public information according to Art. 13 (freedom of thought and expression) of the American Convention on Human Rights. The article also mentioned other cases of the practice of the Inter-American Court of Human Rights, which used soft law acts.

### **3. General Assembly of the United Nations and the International Trade**

The article examines the role of the General Assembly of the United Nations (UN) and his subsidiary bodies for the promotion of international trade. The beginning of the article contains brief remarks about the UN and its main organs. The attention is focused on the subsidiary organs of the General Assembly of the organization working in the trade field. Emphasis on the functions of the Economic and Financial Committee as well as the structure and main directions in the work of the United Nations Conference on Trade and Development and the United Nations Commission on International Trade Law are set out. Other UN organs involved in the promotion and development of international trade are also presented. The link between the bodies concerned is indicated in the exercise of their functions.

### **4. The Mechanism for Cooperation and Verification of the European Union for Bulgaria – Legal and Sociological Dimensions**

This research offers a brief systematic review of the main effects of the EU's Cooperation and Verification Mechanism (CVM) on Bulgaria through the prism of the law and sociology.

From the legal point of view, the role of the „soft law” in the International Public Law and European Union Law is analysed, as well as the advantages and disadvantages of the mechanism as a „soft law” instrument. In the sociological perspective, it reviews the impact of the CVM on the Bulgarian public and institutional environment focusing on factual grounds for the existence of this mechanism, as well as on the readiness of Bulgaria to effectively implement EU law.

This study focuses on the effects of the mechanism from its inception to the present, in order to outline main challenges facing Bulgaria over the years, as well as the positive and negative aspects of the mechanism, influencing its practical effectiveness.

