

To
Members of the Scientific Juri,
established by Order No. P33-3695 of
July 10, 2019 of the Rector of the Plovdiv
University “Paisiy Hilendarski”
concerning the competition for occupying
an academic position “Associate
Professor” of the Plovdiv University
“Paisiy Hilendarski” in area of higher
education 3. “Social, Economic and Legal
Sciences”, professional field 3.6. “Law”,
scientific speciality “International Law
and International Relations”

OPINION

of Prof. DSc. Georgi Penchev – Faculty of Law at the Plovdiv University
“Paisiy Hilendarski”

concerning: the materials, presenting for attendance in competition for
occupying an academic position “associate professor” of the Plovdiv University
“Paisiy Hilendarski” in area of higher education 3. “Social, Economic and Legal
Sciences”, professional field 3.6. “Law”, scientific speciality “International Law
and International Relations”

Dear Members of the Scientific Juri,

By Order No. P33-3695 of July 10, 2019 of the Rector of the Plovdiv
University “Paisiy Hilendarski” (PU) I have been appointed as a member of a
scientific juri for assessment of candidates on a competition for occupying an
academic position “Associate Professor” of the PU in area of higher education 3.
“Social, Economic and Legal Sciences”, professional field 3.6. “Law”, scientific
speciality “International Law and International Relations”, announced for the
needs of Department “Public Law Sciences” of the Faculty of Law (FL) of PU. I
present to you my opinion, prepared on the ground of Art. 26, par. 3 of the
Development of the Academic Staff of the Republic of Bulgaria Act (DASRBA
– State Gazette (SG), No. 38 of 2010, as amended), Art. 57, par. 2 and 3 and
Art. 57a, par. 1 of the Regulation for Implementation of the DASRBA, adopted
by Decree of the Council of Ministers No. 202 of September 10, 2010
(RIDASRBA – SG, No. 75 of 2010, as amended) and Art. 68, par. 2 and 3 of the
Regulation for Development of the Academic Staff of the Plovdiv University
(RDASPU – In: Пловдивски университет „Паисий Хилендарски” [online]
[viewed 21.07.2019]. Available from: <http://procedures.uni-plovdiv.bg/docs/praspu2018.pdf>).

1. General presentation of the procedure and candidate

1.1. General presentation of the procedure

The competition on the occupying an academic position “associate professor” of the PU in area of higher education 3. “Social, Economic and Legal Sciences”, professional field 3.6. “Law”, scientific speciality “International Law and International Relations” for the needs of Department “Public Law Sciences” of the FL at the PU has been announced in SG, No. 31 of April 12, 2019 and in the Internet page of the PU. For attendance in the competition there are presented documents on time two candidates – Assistant Professor (Ass. Prof.) PhD Stoyan Panteleev Memtzov and Main Assistant Professor (M. Ass. Prof.) PhD Gergana Kostadinova Gozanska from Department “Public Law Sciences” of FL at the PU. With a decision of the Commission for admissibility of the candidates to the FL-PU of November 11, 2021 both candidates are allowed to participation in competition and in this direction is taken into account also Decision of the Supreme Administrative Court № 11149 of November 4, 2021 on adm. case № 6080/2021. Both candidates presented a complete of materials and document in paper and electronic form in conformity with Art. 66 of RDASPU. It has been followed a procedure under Art. 67 of the RDASPU.

M. Ass. Prof. PhD G. Gozanska has submitted for the competition 11 scientific publications, from which 1 monograph entitled “Bulgaria and Jurisprudence of the Permanent Court for International Justice and the International Court of Justice of the UN”, Plovdiv, University Publishing House “Paisiy Hilendarski”, 2019, 198 pp. and 10 scientific articles after obtaining an educational and scientific degree (ESD) “Doctor” in 2014.

Ass. Prof. PhD S. Memtzov has submitted for the competition 13 scientific publications, from which 1 monograph entitled “Armed Humanitarian Intervention: International Aspects”, Plovdiv, Makros, 2019, 236 pp. and another monograph, based on a defended dissertation thesis entitled “Kosovo: the Problem of International Law Status”, Plovdiv, Makros, 2019, 413 pp. and 11 scientific articles after obtaining an ESD “Doctor” in 2017.

All presented scientific publications of both candidates for attendance in the competition are in the field of the international public law.

1.2. Brief biographical data of the candidates

1.2.1. M. Ass. Prof. PhD G. Gozanska

The M. Ass. Prof. PhD G. Gozanska obtained a law degree in Legal-Historical Faculty at the South-West University – Blagoevgrad. In the same faculty, in 2014 she successfully defended a thesis for obtaining an ESD “doctor” (i.e. PhD) in area of higher education 3. “Social, Economic and Legal Sciences”, professional field 3.6. “Law”, post graduate programme “International Law and International Relations” in thesis title “International Law Status of the child. Specific problems related to the legal status of the child”. Her active participation in teaching activity in FL at the PU started in April 2008, when she was appointed as a part-time lecturer in international public law, then

appointed as assistant professor in 2014, and in 2016 as Main Assistant Professor in International Law and International Relations. At the same time, for the period after 2008, M. Ass. Prof. PhD G. Gozanska participated actively in organizing and conducting of scientific conferences of the FL at the PU as well as in research projects.

1.2.2. Ass. Prof. PhD S. Memtzov

The Ass. Prof. PhD S. Memtzov obtained a law degree in 2010. In the same faculty, in 2017 he successfully defended a thesis for obtaining an ESD “doctor” (i.e. PhD) in area of higher education 3. “Social, Economic and Legal Sciences”, professional field 3.6. “Law”, post graduate programme “International Law and International Relations” in thesis title “Current Problems of the International Law Status of Kosovo”. During the period 2010-2011 he attended in a specialization course on the Law of the European Union in Leiden, the Netherlands. During the period of 2016-2018 he was appointed as assistant professor in the FL-PU.

1.3. Personal impressions from the candidates

My personal impressions of M. Ass. Prof. PhD G. Gozanska and Ass. Prof. PhD S. Memtzov are very good. To their colleagues they seek to be polite, and careful.

1.4. Fulfillment of the requirements for holding of academic position

1.4.1. M. Ass. Prof. G. Gozanska

In connection with the fulfillment of the minimum national requirements under Art. 2b, par. 2 and 3 of the DASRBA and Art. 1a, par. 1 of RIDASRBA, my assessment of the number of points achieved by M. Ass. Prof. G. Gozanska in the competition, as defined in the appendix to Art. 1a, par. 1 of the RIDASRBA in higher education area 3. "Social, Economic and Legal Sciences", professional field 3.6. "Law" is as follows: by set of indicators A - at minimum 50, execution 50; by set of indicators B - no mandatory minimum, no performance, but not mandatory; by set of indicators B - at minimum 100, execution 100; by set of indicators D - at least 100, execution 100; by set of indicators E - at minimum 50, execution 50; by group of indicators E - there is no mandatory minimum, no performance, but it is not mandatory.

1.4.2. Ass. Prof. S. Memtzov

In connection with the fulfillment of the minimum national requirements under Art. 2b, par. 2 and 3 of the DASRBA and Art. 1a, par. 1 of RIDASRBA, my assessment of the number of points achieved by Ass. Prof. S. Memtzov in the competition, as defined in the appendix to Art. 1a, par. 1 of the RIDASRBA in higher education area 3. "Social, Economic and Legal Sciences", professional field 3.6. "Law" is as follows: by set of indicators A - at minimum 50, execution 50; by set of indicators B - no mandatory minimum, no performance, but not mandatory; by set of indicators C - at minimum 100, execution 100; by set of indicators D - at least 100, execution 185; by set of indicators E - at minimum

50, execution 80; by group of indicators E - there is no mandatory minimum, no performance, but it is not mandatory.

1.4.3. Statement on candidates concerning fulfillment of the requirements for holding of academic position

From the above it can be stated that M. Ass. Prof. PhD G. Gozanska and Ass. Prof. S. Memtzov meet the minimum national requirements for assessment of them from scientific jury.

2. General characteristics of the activity of the candidates

2.1. Assessment of the educational-pedagogical activity

2.1.1. M. Ass. Prof. PhD G. Gozanska

M. Ass. Prof. PhD G. Gozanska participates actively in the educational and pedagogical activities of the PU. She has taught educational disciplines “International Public Law”, “International Contract Law”, “International Public and Consular Law”, “International Relations”, “Law of the European Union”, “Family and Inheritance Law” and “Intellectual Property Law”. At the same time she performs her duties in good faith as a lecturer in the above-mentioned disciplines.

2.1.2. Ass. Prof. S. Memtzov

Ass. Prof. S. Memtzov has taught educational disciplines “International Private Law” and “International Contract Law”. He performs her duties in good faith as a lecturer in the above-mentioned disciplines.

2.2. Assessment of the scientific and scientific-applied activity

2.2.1. M. Ass. Prof. G. Gozanska

In the light of the scientific activity of M. Ass. Prof. PhD G. Gozanska it should be mentioned the fact that she presented the monograph "Bulgaria and jurisprudence of the Permanent Court for International Justice and the International Court of Justice of the UN" as a habilitation work. This monographic study of a candidate is a first comprehensive scientific study in our country concerning Bulgaria's participation in cases brought before the Permanent Court of International Justice (PCIJ) at the League of Nations (LN) and the United Nations International Court of Justice (UNICJ). It is definitely possible to find that it is filling a gap in our legal literature, and on a legal issue which has not been explored in more comprehensive scientific studies. At the same time, in the presented 10 articles, the author analyzed a variety of legal issues related to the jurisprudence of PCIJ and UNICJ. Moreover, the fact that she has published a monograph and ten scientific articles from 2014 until now is, in my opinion, a very good indicator of both her intense creative activity and her hard work.

In relation to the scientific-applied activity of the candidate in the competition, it is necessary to emphasize the fact that the participation of M. Ass. Prof. PhD G. Gozanska in research projects (e.g. research project "Soft Law and Its Importance for Bulgarian Law" № НН15-ЮФ-014/24.04.2015, financed by the Scientific Research Fund to the Minister of Education and

Science for the period 2015-2016) and in scientific conferences of FL-PU (e.g. International Scientific Conference “Law and Cultural Values”, organized by FL-PU and ISL-BAS on November 16, 2018 in Plovdiv) has both scientific and practical meaning in view of the development of the research and teaching activity of the Faculty and the enhancement of its authority among the circle of law faculties in the country.

2.2.2. Ass. Prof. S. Memtzov

In the light of the scientific activity of Ass. Prof. PhD S. Memtzov it should be mentioned the fact that he presented the monograph "Armed Humanitarian Intervention: International Law Aspects" as a habilitation work and 11 scientific articles, where are considered various aspects of the use of force under international law. He also presented another monograph - "Kosovo: the Problem of International Law Status". Because of the fact that it is based on a defended dissertation thesis for obtaining of the ESD "Doctor", on the ground of Art. 24, par. 1, point 3 of DASRBA and Art. 53, par. 1, point 3 of RIDASRBA, I reject it as a subject of analysis and assessment.

The monograph "Armed Humanitarian Intervention: International Law Aspects" is the first in our country complex scientific research on this problem. It is filling a gap in our legal literature. The fact that for the period 2017-2019 the candidate has published 2 monographs and 11 articles is indicator for intensive creative activity and hard work.

2.3. Assessment of scientific and practical results and contributions of the presented for participation in competition scientific production of the candidates

2.3.1. M. Ass. Prof. PhD G. Gozanska

The scientific results of M. Ass. Prof. PhD G. Gozanska in the field of the international public law, I assess as an emphatically significant and significant. Among the scientific publications submitted by her for participation in the competition, in view of their contributions, the most important is to evaluate her habilitation work "Bulgaria and jurisprudence of the Permanent Court for International Justice and the International Court of Justice of the UN". In structural terms, it is subdivided into an introduction (pp. 7-14), four chapters, respectively, Chapter I (pp. 15-52), Chapter II (pp. 53-92), Chapter III (pp. 93-132), and Chapter IV (pp. 133-170), conclusion (pp. 171-180) and literature used (pp. 181-197), which includes generally of 47 titles in Cyrillic, including 30 monographs and 17 articles, generally of 71 Latin titles, including 53 monographs and 18 articles, as well as 13 court cases and 6 advisory opinions of the PCIJ at the LN, and 14 court cases and 5 advisory opinions of the UNICJ. The scientific contributions in this monograph and in the 10 articles presented in the field of international public law are expressed in the enrichment of existing knowledge through the proposed novelty in the research of a number of legal problems.

The specific scientific and practical results and contributions of the candidate in his habilitation work "Bulgaria and jurisprudence of the Permanent Court for International Justice and the International Court of Justice of the UN" can be outlined as follows:

1. A successful author's analysis of the creation and functioning of the LN (p. 16-18), as well as of the PCIJ in the LN (p. 26-28);
2. Original author's opinion on the importance of the Advisory Opinion of the PCIJ of 31.07.1930 on the Greek-Bulgarian "municipalities" related to the interpretation of the 1919 Convention on Voluntary Population Exchange between Bulgaria and Greece (pp. 42-43);
3. Very useful theoretical conclusions on the Advisory Opinion of the PCIJ of 08.03.1932 on the interpretation of the Mollov-Kafandaris Agreement of 1927 (p. 52);
4. A very well done author's analysis of the Decision of 04.04.1939 of the PCIJ in the case of the Electricity Company of Sofia and Bulgaria, Case Belgium v. Bulgaria (pp. 61-75);
5. A very good level of analysis of the establishment and functioning of UNICJ (pp. 93, 98-99);
6. A successful analysis of the similarities and differences in the jurisdiction of the PCIJ at the LN and UNICJ (pp. 99-109);
7. In the conclusion (pp. 171-180) there are carried out some valuable, from theoretical point of view, more general conclusions from the analysed judicial practice of the PCIJ at the LN and UNICJ in the light of its importance for our country. The author's final conclusion on the "successful, legally substantiated and substantiated" defense of Bulgaria in cases brought before the PCIJ at the LN and UNICJ deserves support (p. 180).

Scientific and applied contributions can also be noted in the articles submitted by the candidate in the competition. Conditionally, they can be divided into two main groups: a) articles related to the topic of habilitation work (6 issues), and b) articles on other topics not related to the topic of habilitation work, but in the field of international public law (4 issues). At the same time, in the first group of articles, two of them are devoted to the analysis of one case brought before the PCIJ and the other two of them to another case brought before the UNICJ, and these original pairs of articles will be indicated initially and sequentially.

In the circle of the first group of articles related to the topic of habilitation work it is necessary to be indicated: "Jurisdiction of the Permanent Court of International Justice in the Case of the Electric Company for Sofia and Bulgaria", published in journal (j.) "Legal Thought", Sofia, 2019, No. 1, pp. 57-69; "The Decision on the Case of the Electricity Company of Sofia and Bulgaria (Belgium v. Bulgaria) in the practice of the United Nations International Court of Justice", published in j. "De Jure", Veliko Tarnovo, 2019, No.1, p.102-108; "Judicial practice of the UN International Court of Justice concerning Bulgaria",

published in Collection "UN: Historical Traditions and Modern Law", Blagoevgrad, University Publishing House "Neofit Rilski", 2015, pp. 480-487; "Special Opinions in the Case of the Air Accident of July 27, 1955 (Israel v. Bulgaria)", published in Collection "The Role and Importance of International and Supranational Law in the Modern World" – a Collection of a conference dedicated to the 90th anniversary of Prof. PhD Ivan Vladimirov, held on October 27, 2017, Sofia, UNWE Publishing Complex, 2018, pp. 521-530; "Advisory Opinion of the Permanent Court of International Justice of 8 March 1932 on the Interpretation of the Mollov-Kafandaris Agreement", published in j. "Law, Politics, Administration" [online], Blagoevgrad, 2019, No 2, pp. 7-16, [viewed 24.07.2019], available from: <http://www.lpajournal.com/wp-content/uploads/2019/06/G-Gozanska-Pezjome-BG.pdf>; and "Advisory Opinion of 31 July 1930 on the Greek-Bulgarian "Municipalities" of the Permanent Court of International Justice", published in j. "Studia Iuris" [online], Plovdiv, 2019, No.1, pp. 62-69, [viewed 24.07.2019], available from: <http://web.uni-plovdiv.bg/paunov/Stidia Iuris/broi 1 - 2019/Studia Iuris-1-2019-book-all.pdf>.

In the circle of the second group of articles, which are not related to habilitation work and are on another topic, but in the field of international public law should be listed in chronological order: "The mechanism for cooperation and check of the European Union for Bulgaria - legal and sociological dimensions", published in Collection "Law and Rights: A Collection in Memory of Prof. PhD Rosen Tashev, Sofia, University Publishing House "St. Kliment Ohridski ", 2016, pp. 588-607; "United Nations General Assembly and International Trade", published in j. "Scientific Papers" - Annual of the European Higher School of Economics and Management, Plovdiv, 2017, vol. 17, pp. 81-90; "Soft Law in the Practice of the Inter-American Court of Human Rights", published in Collection "Soft Law and Modern Law". Sofia, Sibi, 2017, pp. 294-305; and "National registration of a mark on the territory of the Republic of Bulgaria", published in Collection "Legal regime of beekeeping and related activities, Plovdiv, Paisii Hilendarski University Publishing House, 2019, pp. 41-56.

In the article "Jurisdiction of the Permanent Court of International Justice in the Case of the Electric Company for Sofia and Bulgaria", as a contribution with scientific-applied meaning can be shown the author's successful analysis of the facts in the case on the Electric Company of Sofia and Bulgaria (p. 59-68).

In the article "The Decision on the Case of the Electricity Company of Sofia and Bulgaria (Belgium v. Bulgaria) in the practice of the United Nations International Court of Justice" with scientific contriburional meaning is the author's analysis of the *ratione temporis* reservation (p. 103), as well as the author's conclusions in the conclusion on the binding jurisdiction of the PCIJ at the LN (p. 108).

In the article "Judicial practice of the UN International Court of Justice concerning Bulgaria" a scientific-applied contribution is the author's analysis of

the facts in case, related to the aircraft incident from 1955 in the territory of the Republic of Bulgaria, caused by from the unlawful disturbance of its airspace by Israeli civilian aircraft, as well as the arguments of the parties in the case - Israel and Bulgaria, respectively (pp. 480-486).

In the article "Special Opinions in the Case of the Air Accident of July 27, 1955 (Israel v. Bulgaria)" with major scientific-applied meaning is the author's analysis of the special opinions of judges Badavi and Arman-Ugon on abovementioned case, related to the aircraft incident in our country of 1955 (pp. 525-530).

In the article "Advisory Opinion of the Permanent Court of International Justice of 8 March 1932 on the Interpretation of the Mollov-Kafandaris Agreement" as a scientific contribution can be shown a well done author's analysis of the Mollov-Kafandaris Agreement of 1927 (pp. 8-10), as well as Advisory opinion of the PCIJ at the LN concerning its interpretation (pp. 11-15).

In the article "Advisory Opinion of 31 July 1930 on the Greek-Bulgarian "Municipalities" of the Permanent Court of International Justice" as a scientific contributions can be mentioned, from one hand, a successful analysis of the 1919 Convention on Voluntary Population Exchange between Greece and Bulgaria (pp. 64-65) and, on the other hand, the original author's conclusions on the importance of the above-mentioned Advisory Opinion for the progressive development of international law in two directions - on the primacy of international law before national law and the definition of minority (p. 69).

The article "The mechanism for cooperation and check of the European Union for Bulgaria - legal and sociological dimensions" as a whole can be qualified as a significant scientific contribution, mainly because of the presence of: a) a successful author's analysis of a number of theoretical problems, either of the international public law (e.g. on sources of international law - pp. 589-592 and the differences between "Hard Law" and "Soft Law", i.e. between "Hard" and "Flexible", i.e. "Soft" Law - pp. 592-593), or European Union (EU) law (e.g. opinions in the theory of EU law on Soft Law - p. 593-594); b) original author's opinion on the nature of "Flexible Law" in the light of international law (pp. 592-593); c) a detailed analysis of the EU Mechanism for Cooperation and Check (MCC) for Bulgaria, established by Commission Decision 2006/926/EC of 13.12.2006 (OJ L 354, 14.12.2006) (p. 594-603); d) author's conclusions, worthy of support, regarding the importance of the EU MCC for Bulgaria and its current low efficiency in the context of the development of democratic processes in our country (pp. 604-605); e) the possibility of developing a scientific discussion on some of the author's scientific views (e.g. on the qualification of EU MCC in Bulgaria as Soft Law - pp. 588, 595, 603 - an interesting scientific concept that could be accepted, in my view, after further argumentation based on an analysis of the legal nature of decisions as a kind of EU legal act, as well as the answer to the question: does Decision 2006/926/EC contain binding rules for the Republic of Bulgaria and, respectively non-compliance of the legal

obligation itself for Bulgaria to submit reports on the implementation of the recommendations of the EU Commission will it have any sanctioning consequences for our country?).

In the article “United Nations General Assembly and International Trade” a contributive scientific meaning has the conclusion of the author in the conclusion concerning the close link between the main and subsidiary bodies of the United Nations in the field of international trade (p. 88).

In the article "Soft Law in the Practice of the Inter-American Court of Human Rights" as a scientific contribution can be shown an author's concept about the big importance of the acts, which are Soft Law on practice of the Inter-American Court of Human Rights, based on a successful analysis of this practice (pp. 304-305).

In the article "National registration of a mark on the territory of the Republic of Bulgaria" as a practical and applied contribution can be shown the author's conclusion on the legal possibility for farmers – owners of bee hives - to register a mark based on a very good analysis of the relevant provisions of the Trademarks and Geographical Indications Act (SG, No. 81 of 1999, as amended amended) (p. 55).

2.3.2. Ass. Prof. PhD S. Memtzov

The scientific results of Ass. Prof. PhD S. Memtzov in the field of the international public law, I assess as a very good. Among the scientific publications submitted by him for participation in the competition, in view of their contributions, the most important is to evaluate his habilitation work “Armed Humanitarian Intervention: International Law Aspects”. In structural terms it is subdivided into an introduction (pp. 10-13), 2 parts with 2 chapters each (in total 4 chapters: Chapter I, pp. 16-52; Chapter II, pp. 53-117; Chapter III, pp. 123-144; Chapter IV, pp. 145-214), conclusion (pp. 215-220) and bibliography (pp. 221-236), which includes a total of 51 titles in Cyrillic and of 72 Latin titles, among them 70 in English and 2 in French languages. The scientific contributions in this monograph and in the 11 articles presented in the field of international public law are expressed in the enrichment of existing knowledge through the proposed novelty in the research of a number of legal problems.

The specific scientific and practical results and contributions of the candidate in his habilitation work "Armed Humanitarian Intervention: International law Aspects" can be outlined as follows:

1. Successful author's analysis of the prohibition on the use of force under Art. 2, § 4 of the UN Charter (pp. 53-67), the right of individual and collective self-defence under Art. 51 of the UN Charter (pp. 67-85), combined with examples from the case law of the UN International Court of Justice;

2. A very good analysis of the powers of the UN Security Council under Chapter VII of the UN Charter (pp. 86-95);

3. Original opinion on- and analysis of the jus cogens norm in international law (pp. 125-127);

4. Successful analysis of the prohibition on the use of force as a norm jus cogens in international law (pp. 127-141);

5. Critical analysis of the armed humanitarian intervention as a norm of international custom (pp. 159-202);

6. Original opinion on- and analysis of the criteria for admissibility of of the armed humanitarian intervention in international law (pp. 203-205);

7. In the conclusion (pp. 215-220) more theoretically valuable conclusions are made from the considered international legal framework and case law.

Scientific and applied contributions can also be noted in the articles submitted by the candidate in the competition.

In the article “The principle of *Utī possidetis* and its place in modern international justice”, *Stidia Iuris*, Plovdiv, 2017, № 2, as a contribution with a scientific and applied meaning can be pointed out the successful author’s analysis of the application of this principle to the creation of new states in the light of the international customary law.

In the article “The European Union’s commitment to peace in the Western Balkans”, *Scientific papers of the Institute of State and Law-BAS*, Sofia, 2017, Vol. XVI, pp. 307-325, as a scientific contribution can be shown the analysis of the efforts of the European Union to ensure peace in former Yugoslavia, in particular in Kosovo.

In the article “Traditional criteria for statehood”, *Legal thought*, Sofia, 2018, № 1, pp. 41-58, with scientific contributive meaning is the author’s analysis of the criteria for statehood according to the Convention on the Rights and Duties of States (Montevideo, 1933) and according to the international law doctrine.

In the article “EULEX at the age of 10 and its struggle to establish the Rule of Law in Kosovo”, In: International scientific conference “Towards a better future: the rule of law, democracy and polycentric development”, Bitola, 11-12 May, 2018. Vol. 1, Bitola, “St. Kliment Ohridski” University, 2018, pp. 326-336, with scientific and practical meaning is the analysis of the activity of the European Union’s mission for the rule of law in Kosovo during the period 2008-2018.

In the article “Bulgaria and operation “Allied Force”: international law aspects of the assistanc, provided by Bulgaria to NATO forces”, In: *Law – Traditions and Perspectives. Collection. Jubilee scientific conference on the occasion of the 25th anniversary of the establishment of the Faculty of Law at the Plovdiv University “Paisiy Hilendarski”*. Sofia, Ciela, 2018, pp. 889-905, as a scientific contribution can be noted the author’s opinion on the incompatibility of NATO’s operation “Allied Force” in former Yugoslavia with international law, although morally justified (p. 905).

In the article “The right of self-defence according to Art, 51 of the UN Charter: the problem of interpretation of the term armed attack”, In: Proceedings of the Annual University Scientific Conference, June 14-15, 2018, Vol. 8, Veliko Tarnovo, PC of NMU “Vasil Levski”, 2018, pp. 58-68, with scientific contributive meaning is the analysis of the term “armed attack” in the context of Art. 51 of the UN Charter.

In the article “The right of self-defence according to Art, 51 of the UN Charter and international terrorism, In: Proceedings of the Annual University Scientific Conference, June 14-15, 2018, Vol. 8, Veliko Tarnovo, PC of NMU “Vasil Levski”, 2018, pp. 69-79, as a scientific contribution can be shown the analysis of the possibility of the use of force in cases of terroristic actions for the purpose of exercising the right to self-defence according to Art, 51 of the UN Charter.

In the article “Kosovo: sui generis case or “dangerous precedent?”, International Policy, Blagoevgrad, 2018, № 1-2, pp. 91-107, with scientific contributive meaning is the author’s view that the secession of Kosovo from Serbia is neither sui generis case nor a precedent (p. 105).

In the article “The prohibition of the use of force in relations between states as a rule ius cogens”: revision of an international law dogma, In: Proceedings of the Annual University Scientific Conference, June 27-28, 2019, Vol. 5, Veliko Tarnovo, PC of NMU “Vasil Levski”, 2019, pp. 175-186, as a scientific contribution can be mentioned the author’s view that the prohibition of the use of force in international relations may not be classified as a norm ius cogens or as a new exception to the prohibition under the norm of international custom (p. 183).

In the article “The right of self-defence according to Art, 51 of the UN Charter: the criteria necessity and proportionality”, In: Proceedings of the Annual University Scientific Conference, June 27-28, 2019, Vol. 5, Veliko Tarnovo, PC of NMU “Vasil Levski”, 2019, pp. 187-197, it is a scientific contribution the analysis of the criteria necessity and proportionality for assessment of the right of self-defence under to Art, 51 of the UN Charter.

In the article “Armed intervention by third countries in civil wars and other internal conflicts. International law aspects”, In: Proceedings of the Annual University Scientific Conference, June 27-28, 2019, Vol. 8, Veliko Tarnovo, PC of NMU “Vasil Levski”, 2019, pp. 88-99, as a scientific contribution can be pointed out the analysis of the legal possibilities for third countries to intervene in cases of civil wars and other internal conflicts.

2.4. Assessment of the personal contribution of the candidates

2.4.1. M. Ass. Prof. PhD G. Gozanska

The above mentioned contributions in the scientific production and the results obtained are the personal merit of M. Ass. Prof. G. Gozanska. They are conditioned by the many years of conscientious and systematic exercised teaching and scientific activity in the FL at the PU.

2.4.2. Ass. Prof. PhD S. Memtzov

The above mentioned contributions in the scientific production and the results obtained are the personal merit of Ass. Prof. S. Memtzov. They are conditioned by intensive creative activity in the FL-PU for the period 2016-2018.

2.4.3. Generally for M. Ass. Prof. PhD G. Gozanska and Ass. Prof. PhD S. Memtzov

Both candidates in the competition correctly quoted in line the literature used, related to the opinions of individual authors – a circumstance that excludes the presence of plagiarism.

3. Critical remarks and recommendations

3.1. M. Ass. Prof. PhD G. Gozanska

Some critical remarks and recommendations, mainly of editorial nature, can be made to the presented habilitation work as the monograph "Bulgaria and the Jurisprudence of the Permanent Court of International Justice and the International Court of Justice of the UN".

3.1.1. Critical remarks

1. The citation of literary sources is not uniformed. For example, on page 7, footnote 1, the place of publishing and the title of publishing house of the H. Bone's book is in brackets, while in the cited similar monographs cited on pages 10, 17, 21 and 26, the brackets do not have been placed before this bibliographic data;

2. In my opinion, unnecessarily, in the introduction, at the end on page 14, the author's name and surname are written - it can be seen from the title page of the book;

3. On p. 31, footnote 47, the place of publication of F. Panayotov's book is not indicated, the same editorial weakness is admitted on p. 133, footnote 258 concerning the book of D. Gadzhev and N. Baruch. Probably is Sofia, but still, it needs to be mentioned.

3.1.2. Recommendations

1. It is appropriate, from a bibliographic point of view, in citation of Internet-sources in footnotes to be shown not only page of access (Internet-address), but also the date of access – e.g. in p. 16, footnote 11 and in pp. 22-23, footnote 30.

2. It seems to me that, in preface on pp. 11-13, it was not necessary to be described, in summary, the contents of the monograph. The author could only be satisfied only with pointing out some basic scientific and scientific-applied problems that would be analyzed in the monograph, without specifying in which chapter.

3.2. Ass. Prof. PhD S. Memtzov

Some critical remarks and recommendations, mainly of editorial nature, can be made to the presented habilitation work as the monograph "Armed Humanitarian Intervention: International Law Aspects".

3.2.1. Critical remarks

1. The introduction had to be clearly pointed out the object and subject of the scientific research and methods used for such research.

2. The date of the Resolution 3314 (XXIX) of the UN General Assembly had to be indicated on p. 155.

3.2.2. Recommendations

1. The footnote citation could be done individually on the corresponding page instead of the total at the end of each chapter.

2. On p. 140, line 16 instead of the words “there is nothing scary in” the words “the thesis is theoretically conceivable” could be used.

3.3. Assessment of the impact of the critical remarks and recommendations on the scientific meaning of the habilitation work of the candidates

The mentioned remarks and recommendations do not at all minimize the importance and usefulness for science and practice of presentive by the candidates habilitation works which in this capacity are suitable for obtaining of the academic position “Associate Professor”.

4. Additional objectives for assessment of the candidates

4.1. Objectives related to the teaching activity

4.1.1. In-class and out-of-class classes, innovations in teaching methods, providing activities in a practical environment outside the university or scientific organization (Art. 27, par. 4, point 1, letter “a” of DASRBA, Art. 57a, par. 2, point 1, letter “a” of RIDASRBA and Art. 69, par. 2, point 1, letter “a” and point 2, letter “a” of RDASPU)

A) M. Ass. Prof. PhD G. Gozanska

From the presented reports for M. Ass. Prof. G. Gozanska it is evident that she led classes on educational disciplines “International Public Law”, “International Contract Law”, “International Public and Consular Law”, “International Relations”, “Law of the European Union”, “Family and Inheritance Law” and “Intellectual Property Law”. At the same time for the period 2014-2017 she led classes on educational discipline “International Public Law”. In addition for the period 2018-2019 she led classes on educational discipline “Implementation of the Law of the European Union from the Bulgarian Administration” in master’s programme “Public Administration” of the FL-PU. In total for the period 2008-2019 she has 11 years teaching experience.

B) Ass. Prof. PhD S. Memtzov

From the presented report for Ass. Prof. S. Memtzov it is evident that for the period 2016-2018 he led classes on educational disciplines “International Private Law” and “International Contract Law” and therefore he has 2 years teaching experience.

4.1.2. Work with students and doctoral students, including joint work with students and doctoral students in research and artistic projects (Art.

27, par. 4, point 1, letter “c” of DASRBA, Art. 57a, par. 2, point 1, letter “b” of RIDASRBA and Art. 69, par. 2, point 1, letter “c” of RDASPU)

A) M. Ass. Prof. PhD G. Gozanska

From the presented official note of PU for M. Ass. Prof. PhD G. Gozanska it is evident that for the period 2015-2019 she participated in 4 scientific research projects, and in one of them she was a leader.

B) Ass. Prof. PhD S. Memtzov

I have no presented data on the participation of Ass. Prof. PhD S. Memtzov in scientific research projects.

C) Generally for M. Ass. Prof. PhD G. Gozanska and Ass. Prof. PhD S. Memtzov

Both candidates in the competition were joint leaders of the circle of international law at the FL-PU for the period 2017-2018.

4.1.3. Opinion on the result of the implementation of the additional objectives related to the teaching activity

As can be seen from the above, I consider that the advantage in accordance with both additional objectives related to the teaching activity has M. Ass. Prof. PhD G. Gozanska.

4.2. Objectives related to the research activity

4.2.1. Membership in an creative and/or professional organization in the respective scientific field (Art. 27, par. 4, point 2, letter “a” of DASRBA, Art. 57a, par. 2, point 2, letter “a” of RIDASRBA and Art. 69, par. 2, point 2, letter “a” of RDASPU)

A) M. Ass. Prof. PhD G. Gozanska

M. Ass. Prof. PhD G. Gozanska is a member of the UN Society for Bulgaria and the Bulgarian Association for Comparative Law. In addition, she is arbitrator at the Arbitration Court to the Business Association – Plovdiv.

B) Ass. Prof. PhD S. Memtzov

I have no presented data on the participation of Ass. Prof. PhD S. Memtzov in an creative and/or professional organization in the respective scientific field.

4.2.2. Applied in practice results of research; inventions and other intellectual property products (Art. 27, par. 4, point 2, letter “c” of DASRBA and Art. 57a, par. 2, point 2, letter “b” of RIDASRBA); scientific publications (printed and electronic), including publications in international editions (Art. 69, par. 2, point 2, letter “d” of RDASPU)

A) M. Ass. Prof. PhD G. Gozanska

As a practical result from the research projects in which M. Ass. Prof. G. Gozanska participated can be mentioned the publication of collections of articles of three of these projects as in them she has published a total of 2 articles (“Destruction of Cultural Heritage: War Crimes under the Rome Statute (case Procecurator v. Ahmad Al Faqi Al Mahdi of the International Criminal Court)”, In: Collection “Law and Cultural Values”, Sofia, ISL-BAS, 2019, pp. 395-411;

"Soft Law in the Practice of the Inter-American Court of Human Rights", above mentioned). In addition, she has applied for participation in the competition generally a monograph as a habilitation work and 10 scientific articles, mentioned above.

B) Ass. Prof. PhD S. Memtzov

I have no presented data on the practical result from the research projects in which Ass. Prof. S. Memtzov participated. He has applied for participation in the competition generally a monograph as a habilitation work, another monograph, based on a defended thesis, which is not subject for analysis and assessment under Art. 24, par. 1, point 3 of DASRBA and Art. 53, par. 1, point 3 of RIDASRBA, and 11 scientific articles, mentioned above.

4.2.3. Opinion on the result of the implementation of the additional objectives related to the research activity

As can be seen from the above, I consider that the advantage in accordance with the first of the two objectives (membership in an creative and/or professional organization in the respective scientific field) has M. Ass. Prof. PhD G. Gozanska. The advantage in accordance with the second of these objectives (applied in practice results of research; inventions and other intellectual property products; scientific publications (printed and electronic), including publications in international editions) has respectively: a) M. Ass. Prof. PhD G. Gozanska - in terms of published 2 articles as a practical result of 2 research projects; b) Ass. Prof. PhD S. Memtzov - in terms of the total number of presented articles for participation in the competition – 1 more.

Generally in accordance with 2 objectives related to the research activity the advantage has M. Ass. Prof. PhD G. Gozanska.

CONCLUSION

In conclusion, after acquaintance with the materials and scientific works presented in the competition, an analysis of their importance and the scientific and scientific-applied contributions contained therein:

1. Both candidates in the competition meet the requirements of Art. 24, par. 1 of DASRBA, Art. 53, par. 1 of RIDASRBA, Articles 65 and 66 of RDASPU and point 4 of The Additional Criteria of the Faculty of Law at the Plovdiv University for the Acquisition of Scientific Degrees and Academic Positions, adopted on the basis of Art. 65, par. 3 of RDASPU. Therefore, for the appointment of one of them for election to the academic position of "Associate Professor" in area of higher education 3. "Social, Economic and Legal Sciences", professional field 3.6. "Law", scientific speciality "International Law and International Relations", the result of the implementation of the additional objectives for assessment of these candidates must be taken into account under Art. 27, par. 4 of DASRBA, Art. 57a, par. 2 of RIDASRBA and Art. 69, par. 2 of RDASPU. Based on my opinion expressed above on this result I determine the following sequence for ranking the candidates in the competition:

On first place – (1) - M. Ass. Prof. Gergana Kostadinova Gozanska;

On second place – (2) - Ass. Prof. Stoyan Panteleev Memtzov.

In this case, of particular importance is the fact that M. Ass. Prof. G. Gozanska has a longer teaching experience, as well as participation in 4 scientific research projects.

2. I give, on the ground of Art. 26, par. 3 and Art. 27, § 4 of DASRBA, Art. 57, par. 3 and Art. 57a, par. 1 and 2 of RIDASRBA and Art. 68, par. 3 and Art. 69, par. 1 and 2 of RDASPU, positive opinion to the teachers and scientific research activity of M. Ass. Prof. PhD Gergana Kostadinova Gozanska, which motivates me definitely towards positive conclusion for her to be elected on academic position “Associate Professor”.

3. I recommend to the Scientific Juri, on the ground of Art. 27a, par. 1 of DASRBA, Art. 58, par. 1 of RIDASRBA and Art. 70, par. 1 of RDASPU, to prepare a report with suggestion to the Council of Faculty of the Faculty of Law at the Plovdiv University “Paisiy Hilendarski” to elect Main Assistant Professor PhD Gergana Kostadinova Gozanska on academic position “Associate Professor” of the Plovdiv University “Paisiy Hilendarski” in area of higher education 3. “Social, Economic and Legal Sciences”, professional field 3.6. “Law”, scientific speciality “International Law and International Relations”, for the needs of the Department “Public Law Sciences” of FL at the PU.

Sofia, 04.01.2022.

Opinion prepared by: (s.)

(Prof. DSc. Georgi Penchev)