

**To: Associate Professor Dr.
Dimitar Dekov**

Chairman of the Scientific Jury

**Order No. RD-21-118/18.01.24 of
the Rector of PU "Paisiy
Hilendarski"**

R E V I E W

by Prof. Dr. Petar Georgiev Bonchovski

Institute for the State and Law at the Bulgarian Academy of Sciences and civil procedural law lecturer at Chernorizets Hrabar University of Applied Sciences, member of the Scientific Jury, appointed by Order No. RD-21-118/18.01.24 of the Rector of Paisiy Hilendarski University Prof. Dr. Rumén Mladenov

In connection with an open procedure for the defense of a dissertation work for the acquisition of the educational and scientific degree "doctor" of Rumén Nikolaev Georgiev, a doctoral student in full-time study at the PU "Paisiy Hilendarski", Faculty of Law, department of "Civil Sciences", in the doctoral program "Civil process", in the professional direction sh. 3. Social, economic and legal sciences, sh. 3.6. Right .

on the subject:

" Termination and Completion of The Execution Process "

Scientific supervisor: Prof. Dr. Silvi Chernev

DEAR PRESIDENT OF THE SCIENTIFIC JURY,

DEAR COLLEAGUES,

Based on the rector's order, I was provided with the proposed dissertation draft, etc. in electronic format. articles, as well as other references, etc. documents in connection with the evaluation of the Scientific Jury.

After reading and analyzing the monograph and scientific publications, as well as after evaluating the other documents in the procedure, incl. and the legal basis, as well as according to the requirements of the Regulations for the Development of the Academic Staff of Plovdiv University "Paisiy Hilendarski" and in particular Art. 32 ZRASPU, I give the following opinion:

1. The procedure

1.1. There are no violations of the requirements of the legislation: the relevant provisions of the RSARB, in particular Art. 26 ZRASRB, the Regulations for the implementation of ZRASRB and the Regulations for the development of the academic staff of Plovdiv University "Paisiy Hilendarski" and in particular art. 32 ZRASPU.

1.2. The dissertation project is submitted within the relevant deadline. The volume, according to the presented format, is 206 pages, which approach the criterion of "standard typewritten pages". The doctoral student has three to five publications on the topic of the dissertation in scientific publications. He presented an abstract in Bulgarian and English.

1.3. The doctoral student was dismissed with the right of defense and by decision of the Departmental Council of the Department of "Civil Law Sciences" of the Faculty of Law of the PU to disclose a procedure for the defense of a dissertation work.

1.4. They are not known to me and I do not find data of plagiarism. The doctoral student has also submitted a declaration of originality.

2. About the dissertation

2.1. I do not know the PhD student and have no personal impressions.

2.2. It can be noted on the basis of the dissertation that the doctoral student has established habits and ability to work with the law, judicial practice and scientific publications as means of interpreting and understanding the legislation.

2.3. From the presented text, it can also be immediately concluded that the doctoral student is sufficiently fluent with the legislation in the field of civil

enforcement process and has the opportunity to present various practical hypotheses.

2.4. These two points are definitely a necessary minimum and completely in favor of the thesis. The style is clear enough and understandable. The PhD student tends to go into unnecessary detail and long sentences when synthesizing existing scientific opinions, in contrast when presenting his own thoughts the style is much more organized. These notes are not an essential part of the job evaluation. When editing for print, one should go through the appropriate editing.

3. Conceptual apparatus. Quotes

3.1. Adequate legal linguistic apparatus is used in the dissertation, although in some places it is rather clumsy. Terminology is generally used, consistent with generally accepted requirements. The doctoral student tries to express the various nuances of legal phenomena.

3.2. Quotations are relevant and not done as an end in themselves. Sufficient scientific apparatus was used by national and foreign authors (52 titles in total). An index of used court decisions is also attached.

4. Analysis of the qualities of the dissertation.

4.1. For the purposes of the defense procedure, it can be noted that the research is first of a similar nature, with a very comprehensive selection of the practice. The choice of topic presupposes in this case a classic monographic meaning with the presence of a sufficiently clearly expressed unified meaning

center. The wording of the topic is appropriate. The presented work is 206 pages long, which satisfies the legislative requirement for a monograph. The necessary scientific apparatus was also used.

4.2. The dissertation has set itself the goal of a comprehensive study of the problems of termination and completion of enforcement proceedings with a certain natural focus on termination. The problems related to such a study are topical due to a controversial regulation, which is cited and analyzed in great detail in the text.

At the same time, there are serious practical problems that lead to damage to the interests of the parties. They are mainly related to texts that satisfy specific needs of private bailiffs, as well as to a practice that does not take into account the substantive legal problems that are created and is contrary to the requirements of justice.

4.3. Therefore, such research would be beneficial both to legal science and from the point of view of understanding and solving specific problems and legislative texts in practice. Interpretive decisions are also expected.

4.4. The work is fairly conveniently divided into five parts: an introduction, three chapters and a conclusion. I understand from the Departmental Council discussions that the chapters have been consolidated from the original 9. This is certainly evident in the current state of the work. For clarity and ease of perception, I would recommend having more thematic sections and paragraphs, as well as avoiding dense text throughout the page.

4.5. The research approach is acceptable. In no small part, the research is focused on careful and conscientious research of the existing opinions on practical problems, finding their common points and contradictions. The author shows an

understanding of the issues already raised and of the arguments of the scientists analyzing them.

In addition, however, he independently analyzes the results, further developing the opinions expressed in this way. After the detailed and correct presentation of other people's opinions and arguments and application of an independent analysis, the author justifies the choice by providing a reasoned opinion of his own. This is a legitimate approach for the defended scientific and educational degree.

4.6. In the analysis and argumentation, the balance of interests of all entities affected by the implementation was sought. This starting point is applied quite successfully. There are no gross unfounded contradictions with what is established in legal science. I may note that in general, with some nuances, I support the final conclusions and propositions made, as provided according to the trends in the existing legal opinions and practice of the courts. No serious theoretical results are observed, but they are not assumed according to the choice of topic. The problems are mainly legal-applicable. This is not an obstacle regarding dissertationability.

5. Notes and recommendations

5.1. An assessment must be made of the meaning and expediency of the rule that if voluntarily paid directly to the claimant after the initiation of enforcement proceedings, this would not constitute a regular payment. The present state of affairs has no reasonable basis in creditor-debtor relations.

5.2. I see no reason why an application for an immediate enforcement order should not suspend the statute of limitations, but the entry into force of the order,

or the granting of the claim, should result in an interruption and a new five-year statute of limitations. In this part, the proceedings are aimed precisely at clearing the civil and commercial turnover of disputes.

5.3. There are enough scenarios in which the statute of limitations can expire with an order for immediate execution and thanks to actions or inactions of the authorities . Especially when the request is made towards the end of the period. It is more appropriate to arrange a period in which the applicant is obliged to organize the notification of the debtor.

5.4. I have reservations as to whether the claim under Art. 440, para. 1 CPC should necessarily be formulated as a negative declaratory claim . Especially given the absurd notions of claims regarding property rights formulated in this way. And a declaratory action that the claimant is the owner will exclude the possibility that the debtor is the owner of the thing for the purposes of the enforcement proceedings.

5.5. I am under the impression that the construction of the statute of limitations is not well understood . The second article by Prof. Goleva and Prof. Chernev was not cited and was clearly not taken into account. From this point of view, for example, a value analysis can be obtained in relation to the admissibility of the claim.

5.6. The author examines the various options for interrupting the statute of limitations in enforcement proceedings. However, he does not ask himself whether the regulation, bloated to absurd details, ultimately serves the purposes of the proceedings, or only opens up opportunities for new, endless litigation. There is also a recent practice according to which illegal requests to impose, for example, protective measures, interrupt the statute of limitations.

6. Conclusion

As I have indicated, the study is first in volume and in the value of a monograph. This in itself is a scientific contribution. At the same time, the doctoral student did not limit himself to a text that has mainly a commentary value. At the same time, the existing regulations, with which a comparison was made, are poorly and fragmentarily formulated. This implies a wide creative scope for scientific research and proposals for changes in legislation.

Taking into account the above, I consider that the dissertation work, according to the requirements of the Law on the Development of the Academic Staff in the Republic of Bulgaria, testifies to the theoretical knowledge of the candidate in the relevant scientific specialty, sufficient ability for independent scientific research and their transformation into a text that meets the requirements for a dissertation to obtain the scientific and educational degree "doctor" according to modern standards and practices in the field of law.

I generally agree with the scientific contributions defined in the abstract, and I find the suggestions de lege ferenda generally relevant. Therefore, the dissertation project has the necessary qualities and scientific merits of a doctoral dissertation for the acquisition of the educational and scientific degree "doctor".

*The findings made are grounds **for proposing** to the members of the Scientific Jury to **declare successfully defended the dissertation** of Rumen Nikolaev Georgiev on the topic "**Termination and Completion of The Execution Process**" for the acquisition of the educational and scientific degree*

*" doctor " in the doctoral program "Civil Process", in professional direction sh.
3.6. "Law", scientific specialty "Civil Process".*

Sofia, 25.03.2024

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/ Assoc. Dr. P. Bonchovski/