

PEER REVIEW

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REGARDING: Dissertation on the topic of “**Termination and Conclusion of Enforcement Proceedings.**”

Author: Rumen Nikolaev Georgiev

Dissertation Advisor: Prof. Silvi Chernev, PhD

Rumen Georgiev has presented for defence before a dissertation committee a dissertation on the topic of “**Termination and Conclusion of Enforcement Proceedings**”.

1. The content of the dissertation consists of: Introduction, four chapters, conclusions, bibliography, and references to cited case law.

In structural terms, the research corresponds with the established academic tradition.

2. The dissertation explores a problem which is relevant and significant for both legal theory and practice, namely the termination and conclusion of enforcement proceedings.

2.1. In the introductory part, the author outlines the relevance, subject, and methodology of the research. The candidate effectively *opens the door* to clarifying the difference between the legal concepts of prescription and the so-called ‘peremption’.

2.2. Chapter One is dedicated to the termination of the enforcement proceedings due to extinguishment of the enforceable right or the occurrence of procedural inadmissibility. Analytically examined are the various grounds for termination of the enforcement proceedings as stipulated in procedural law, which are related to the application of prescription to the special claim for existence of the receivable under Art. 422 of the Civil Procedure Code (CPC), along with other

matters. I consider the analysis in this section thorough and accurate. The author's theses and conclusions are well-founded. Identified are scholarly and practically applicable contributions. As an example, pages 67—68 offer justified criticism toward court practice concerning the validity of the claim under Art. 439 of the CPC in respect of the prescription for debt recovery.

2.3. Chapter Two examines the issue of termination of the enforcement proceedings at the request of the creditor or at the initiative of the enforcement agent.

The study is well-structured and balanced in this part. In general, the author's claims are well-founded. For instance, the thesis formulated on page 93 stating that the termination of the proceedings at the creditor's request according to Art. 433(1)(2) of CPC does not retroactively negate the legal effect of the enforcement actions already taken in the case. It is accurately pointed out that the creditors joining the claim by means of a proof of claim have instituted enforcement proceedings (the phrase 'their own' is not a suitable choice, author's note, A.G.) for individual forcible collection against the same debtor. The author proposes the well-argued conclusion that the termination of one proceeding does not affect the pendency of the others instituted by the joining creditors.

Certain aspects of the analysis in chapter two are open to criticism. A case in point are the presented arguments and their corresponding conclusions presented in & 1.4. (p. 96—97). To me, the proposed resolution, namely that the creditor personally requesting termination of the proceedings be entitled to appeal the termination order, appears to be legally unjustified.

2.4. Chapter Three is the core of the dissertation. In this sense, this part of the research is, within itself, both a scholarly and practical contribution by the author. It provides a detailed and well-founded review of the differences between prescription and peremption – an issue that was signposted in the introduction. The author's theses are well-founded. The formulated conclusions do not give rise to doubts. Therefore, I fully support the majority of them. For instance, I completely endorse the critical analysis on pages 149—150. In substantial alignment with the thesis of the late Prof. Stalev concerning the prohibiting of any further executive actions following the conclusion of enforcement proceedings, the author convincingly highlights that this interpretation was discredited in the practice of the Supreme Court of Cassation. More specifically, this refers to the understanding of the supreme judges that regardless of the occurrence of prescription, actions taken thereafter

remain valid since the writ of execution is still in the possession of the enforcement agent, who is obligated to comply with it.

Notable is the contribution of & 2.4. of the study (p. 164 et seq.).

2.5. Chapter four is dedicated to the phenomenon termed “conclusion” of the enforcement proceedings. In my opinion, the volume of the analysis in this section does not suffice for a separate chapter. The author has likely chosen this approach striving for as clear a discrimination as possible (in accordance with the legislator) between the conclusion and termination of the proceedings. In this regard, I believe it would have been more appropriate to position the discussion on conclusion in a separate paragraph within Chapter 3.

Furthermore, I find that, in this part, the study would be enhanced if the author clearly expressed his stance regarding the term ‘conclusion’, which, in my opinion, is legally inept.

The concluding part of the thesis systematizes the fundamental legal conclusions, formulating *de lege ferenda* proposals, which shape the structure of any dissertation study.

3. The presented abstract consists of 32 pages, aligning with the dissertation and accurately representing its primary assertions.

4. The appended bibliography clearly indicates that the author has utilized the majority of the available specialized literature.

I acknowledge the complexity of the issues addressed in the dissertation, as well as the varying, at times entirely divergent, opinions in the studied field of legal knowledge.

My overall assessment of the dissertation is positive. The study is complete. The goals and objectives have been fully achieved. The author’s theses are well-founded. Separate parts of the dissertation have a pronounced academic and practical nature. Others are predominantly theoretical, with elements of original theoretical generalizations.

The author exhibits in-depth knowledge of the case law on the subject. Based on the content of the dissertation, we can recognize both academic and practical results that constitute original contributions to this academic field.

The doctoral student demonstrates extensive theoretical knowledge in the respective field and the capability to conduct independent scholarly research.

CONCLUSION

I believe that the dissertation fully complies with the regulatory requirements. In this sense, I confidently recommend that Rumen Nikolaev Georgiev be awarded the educational and academic degree of "Doctor" in Law.

Sincerely,

/Prof. Grozdanov/

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