THE SCIENTIFIC JURY
approved by Order № P33 / 4706 of 25.09.2020
of the Rector of Plovdiv University "Paisii Hilendarski"
in the competition for professor
announced in SG, issue 57 of 26.06.2020

REVIEW

by Dr. Tanya Nikolova Yosifova, Associate Professor of Civil and Family Law at the Faculty of Law of UNWE regarding the competition for a professor in the scientific specialty "Law", (Civil and Family Law) at Plovdiv University "Paisii Hilendarski" with the only candidate in the competition: Assoc. Prof. Dr. Lyuba Georgieva Panayotova - Chalakova

1. Information about the competition

The competition was announced in SG, issue 57 of 26.06.2020 for the needs of the Department of Civil Law of the Faculty of Law of the University of Plovdiv "Paisii Hilendarski" in the field of higher education 3. Social, economic and legal sciences, professional field 3.6. Law (Civil and Family Law).

I participate in the scientific jury of the competition according to Order № P33 / 4706 from 25.09.2020 of the Rector of the University of Plovdiv "Paisii Hilendarski" as a reserve member, replacing the regular member Prof. D.Sc. Ekaterina Ilieva Mateeva-Stoyanova, who is objectively unable to participate.

2. Brief information about the candidates in the competition

Assoc. Prof. Dr. Lyuba Georgieva Panayotova - Chalakova from the Department of Civil Law at the Faculty of Law of Plovdiv University "Paisii Hilendarski" participates in the competition as the only candidate. She was born on January 6,

1975. She graduated from the Law Faculty of the University of Plovdiv "Paisii Hilendarski", where she was successively assistant professor, associate professor, and from 2015 to the present she is the head of the Department of Civil Law. In the period 2015 - 2019 she was Deputy Chairman of the Control Board of Paisii Hilendarski University of Plovdiv, and since 2019. - until now he is a member of the Academic Council of Paisii Hilendarski University of Plovdiv She has participated in five scientific conferences with reports.

3. Fulfillment of the requirements for holding the academic position

According to the submitted report, it is evident that the candidate meets the minimum criteria in the competition for "professor", fulfilling the national minimum requirements according to the Law on the Protection of Legal Entities (Article 2b) and the Regulations for its application (Article 1a, paragraph 1). According to indicators from Group A there are 50 points, indicators from Group B - 100 points, indicators from group D - 230 points, indicators from group D - 145 points, indicators from group E - 155 points, total - 680 tons of the required national minimum of 450 tonnes.

4. Evaluation of the candidate's teaching activity

From 1998 until now Assoc. Prof. Lyuba Panaytova-Chalakova has given lectures and exercises as follows: lectures on Property Law (full-time and part-time education); exercises in Property Law (regular training); lectures on intellectual property law (full-time and part-time education); lectures on Notary activity, cadastre and property register (part-time education).

I believe that the teaching activity and the academic competence of Assoc. Prof. Lyuba Panayotova-Chalakova fully meet the requirements of the announced competition for "professor" in the professional field 3.6. Law (Civil and Family Law).

5. Brief description of the presented scientific publications

Assoc. Prof. Dr. Lyuba Georgieva Panayotova - Chalakova participated in the competition with a total of 16 scientific papers and publications. The works in connection with obtaining the educational and scientific degree "Doctor", for the academic position "Associate Professor" and "Doctor of Law" are not included in the scientific production submitted for the competition.

6. Synthesized assessment of the main scientific and scientific-applied contributions of the candidates

1. Monograph "Property - development and prospects, the impact of constitutional and European case law, Sofia: Ciela, 2019, 416 pp. ISBN 978-954-28-2783 - 2.

The monograph examines a number of issues related to the development of property rights. The main postulate from which the author proceeds is that today's European law follows Roman law in terms of the concept of property. One of the most significant phenomena observed in modern times is the so-called "socialization of property". Extended case law gives more and more personal importance to property. The European Court of Human Rights, acting autonomously from the national laws of the Member States, goes beyond the traditional framework of protection. The case law of the European Court of Human Rights seeks to impose the protection of a supranational property that is different from the protection of national property rights.

There are many cases under Art. 1 of the Protocol to the European Convention on Human Rights, which also protects non-property rights, which requires a rethinking of the division of property and personal rights. A right may be protected under the Convention only because it shows a property interest, without necessarily requiring the right to be a property interest.

Next, the author's substantiated processes in the development of property rights should be highlighted as a scientific contribution. On the one hand, the scope of Art. 1 of Protocol No. 1 to the Convention extends to the regime and content of protection. On the other hand, European practice influences the traditional understanding of property law and property.

The author's opinion on an autonomous European concept of property, which differs from the concept of property in the domestic law of the EU Member States, should be mentioned as a scientific contribution. Nowadays, many new objects that have an intangible nature are equated with things to get protection.

The practice of the Constitutional Court and the European Court of Human Rights, when ruling on restrictions or violations in any of the powers of the owners, is considered. The conclusion of the author for enriching the content of both the power

of disposal and the power of use should be mentioned as a scientific contribution. These powers receive a broader protection than the classic domestic law.
Violations of the right to property are subject to protection and control both in domestic civil law and by the Constitutional Court and the European Court of Human Rights. The last two jurisdictions increase their control by including proportionality as a criterion. The latter concept is generally understood as the search for a balance between two interests - the public interest and the interest of the individual owner.

It is argued that in modern times the right to property is enjoyed by various systems of protection - both domestically and internationally. The multilateral understanding of property rights also affects the quality of protection. The court strengthens its discretion when specifying the concepts and norms applicable to different situations. Except with Art. 1 of the Additional Protocol, property is already protected by other provisions of the Convention, which operate in parallel.

The modern protection of property provided by the European Court of Justice can be seen as pluralistic. It affects the objects of protection and the applicable regimes. On the other hand, the establishment of property as a fundamental right goes through the processes of distinguishing from traditional property and non-property elements, as well as through the processes of increasing European control.

Articles

1. The indemnity - guarantee against arbitrary actions with regard to the right of ownership, Property and right, no. 1/2019, ISSN 1312 - 9473.
The article analyzes the issues of the right to compensation of owners in view of the case law of the Constitutional Court of Bulgaria and the European Court of Human Rights in Strasbourg. A review of disparate practices has been made in order to contribute to a more complete picture of benefits in general. Compensation for damages for deprivation of property rights is a matter of different interpretations in the case law of the European Court of Human Rights. According to these principles, issues concerning the private property of foreigners and foreign legal entities are resolved unequivocally, namely any nationalization or expropriation is lawful only if it is in the public interest, does not discriminate and is accompanied by

compensation. It is also important to conclude that in the practice of the court the issues of compensation are raised both in connection with the expropriation of property and in cases of nationalization of property. The requirements of the European Court, compared to the domestic requirements, regarding the compensations are also presented.

2. Specifics of the co-hereditary relations in the application of the presumption under Art. 69 ZS, In: Collection of scientific researches in memory of Assoc. Prof. Dr. Christian Takov, University Publishing House "St. Kliment Ohridski ", Sofia, 2019, ISBN 978-954-07-4746-0.

Of contribution importance is the fact that the article outlines the specifics of the relations between the co-heirs in the application of the presumption under Art. 69 ZS. At the same time, a critical analysis of the case law is made, asking certain questions for interpretation. A scientific contribution is the conclusion that when it comes to the acquisition of co-inherited property by prescription, not so much the actual behavior nor the internal intention is taken into account, and the guiding principles here are different - protection and defense of the status quo and inheritance rights. The close kinship between the co-heirs and the knowledge that the common property was received by a common heir presuppose a moral behavior, namely not to conquer the ideal parts of the other co-heirs.

3. Cultural values of material and intangible nature. Comparison and connection with the objects of intellectual property. - Property and Law, 2019, vol. № 10, ISSN 1312 - 9473.

The author's attempt to consider the different types of cultural values is of contribution importance. They can be both tangible and intangible. The material objects are also objects of the real right, hence subordinated to the regime of ownership and limited real rights with the respective explicitly settled exceptions. Intangible objects are necessarily also objects of intellectual property and are born with the objects of copyright and related rights with the respective exceptions. The material objects themselves in the sense of the law are subdivided into movables and real estates. What unites them is that they all have the characteristics of cultural values and enjoy the special protection of the law. But the characteristic of the thing itself is reflected in the regime of ownership and disposal of real rights. In the case of movable cultural values in practice some problems have been noticed, in the case of real estate - others. The law provides for special rules for archeological sites and

collections, although they belong to the respective groups of immovable and movable cultural values. A question of research in the article is what requires a different treatment by the legislator of these objects.

4. The control of proportionality and the right to property (influence of the European and constitutional practice) - In: Proceedings "Scientific readings dedicated to 140 years since the adoption of the Constitution of Tarnovo", organized by the Law Faculty of Paisii Hilendarski University, Ciela, 2019 ., ISBN 978-954-28-3043-6.

The article addresses the issues of proportionality control in relation to property rights. These issues are new and interesting for our legal doctrine. The article emphasizes the search for a balance between the common interest and that of the individual owner. European and constitutional judges rely in their practice on objective elements, legal basis and qualities of normative acts. The study of the control over the award of fair benefits is also of contribution importance. If the above circumstances are missing, the court does not hesitate to accept that there is arbitrary interference with the right to property and its subsequent sanction. In summary, this forensic study is called proportionality control. It is interesting to note that in the legal assessment of whether there is a relationship between the affected property right and the public interest, the second interest is sought and given priority. However, when examining the specific purpose of a property interference, judges remain cautious in their decisions. The European Court of Justice in Strasbourg avoids interfering directly in the judgments of individual countries, because they express national sovereignty and set national goals. In these cases, it requires states to provide sufficient justifications that have led to property interference.

5. Features in the regime of ownership of cultural values in Bulgarian law - in: Ciela Norma, no. 9-10, 2019, ISSN 1314 - 5126, pp.5 - 33.

The article examines the types of cultural values according to their different classifications. First of all, attention is drawn to the fact that cultural values are not homogeneous as objects. The material objects are also objects of the real right, hence subordinated to the regime of ownership and limited real rights with the respective explicitly settled exceptions. Intangible objects are necessarily also objects of an intellectual property and are born with the objects of copyright and related rights, again with the respective exceptions. The material objects themselves in the sense of the law are subdivided into movables and real estates. The thesis that what unites them is that they all have the characteristics of cultural values and enjoy the

special protection of the law is of a contributing nature. But the characteristic of the thing itself is reflected in the regime of ownership and disposal of real rights. The interpretation of a decision of the constitutional court is also important. The persons who have established the actual power over movable archeological sites or movable archeological monuments of culture until the entry into force of the LCA, in the process of their identification and registration as movable archeological values - national treasure, cannot establish their right of ownership. refer to an expired acquisitive limitation period. According to the author, the provision of the law contradicts basic institutes for Bulgarian civil law, such as the one on inheritance and acquisition by prescription.

6. Non-traditional views on property in the case law of the European Court of Human Rights (Protocol № 1 of the European Convention on Human Rights), Norma magazine, issue 2/2018, ISSN 1314 - 5126.
The subject of the article is the different notion of property imposed by the European Court of Human Rights. According to the author, the classical postulates of the general theory of civil law, namely the division between property and non-property rights, have evolved. The non-property elements by nature fall as a tendency within the protection established in Art. 1 of Additional Protocol № 1 to the Convention. And this is necessary because the European Court also finds in them a property interest worthy of protection. Reasonable expectations, copyright, social rights, personal data and even the human body should be mentioned here for greater specificity.

7. Property and intellectual property. Property and law, no. 3/2018, p.75. ISSN 1312 - 9473.
The article attempts to trace the commonalities between property law and intellectual property in modern reality, which is also influenced by the current case law of the European Court of Human Rights. This is where its overall contributing nature can be seen. Traditionally, property law and intellectual property law have their own place and significance in civil law. The article concludes that in order to make a good analysis of this development, the attention of a brief historical and theoretical review of these concepts in Europe, including Bulgaria, should be stopped. Next, the article focuses on current trends in the case law of the European Court of Justice, which invariably affect individual Member States.

8. Some considerations in connection with the lease agreement in agriculture (in connection with item m 1/2018, OSGTK). Property and law, no. 6/2018, p. 53, ISSN 1312 - 9473.

The article states that the lease agreement in agriculture raises many questions for both law enforcement and case law. The statement draws attention to only one specific problem related to this contract, namely the issues raised in item № 1/2018, ref. № OSGTK. The author's comments that the interpretation of the norm of Art. 3, para. 4 ZAZ may lead to unification of the practice, but it should be understood in the context of the overall regulation of the entry and the functions of the entry judges in accordance with the Rules for the entries and Ordinance № 2/2005. From the analysis of Art. 3, para. 4 ZAZ comes to the conclusion that this is a rule that regulates competition between two or more landlords in the presence of co-ownership of land. An opinion is expressed that in the specific hypothesis of Art. 3, para. 4 ZAZ (in force from 07.02.2017), a preliminary inspection by the entry judge will not create an extraordinary burden on the work of judges, but will better guarantee the rights of co-owners - farmers. And this interpretation will be more in line with the new real entry system.

9. The application of the presumption under art. 69 of the Insurance Act to relations between co-heirs (comment in connection with TR № 1 of 06.08.2012, OSGK of the SCC). Property and law, no. 7/2018, pp. 44, ISSN 1312 - 9473.
Contributing to the article is the different view of the opinions expressed in TR № 1/2012. of the Supreme Administrative Court of the Supreme Court of Cassation in connection with the application of the presumption under Art. 69 ZS in relations between co-owners. The SCC addressed two important issues for the case law. As a contribution of contribution, the article emphasizes that the kinship between the co-heirs and the knowledge that the common property was received by a common heir, presupposes a moral behavior - not to conquer the ideal parts of the other co-heirs. So, when establishing co-ownership in another way, such specificity in the relationship is obviously missing. The reasoning of the court should be in this sense in the interpretative decision, and not in the sense of declaring a presumption rebutted only by the finding of the fact of co-inheritance.

10. Development in the classification of things in the civil turnover (res in comercio) and things outside the civil turnover (res extra commercium), Studia iuris, no. № 1/2018, http://studiaiuris.com/en/14;jsessionid=2655D7E5E16D9D837F68EE8614DFA748, ISSN 2367 - 5314.
The article examines the classification of things known in Roman private law as res in comercio and res extra comercium, but taking into account modern developments and trends. It is concluded that in Roman law this division had a different meaning because it covered quite different categories of things from today. Thus, according to the ancient Romans, the

category of res extra comercium included res omnium communes, res divinis juris, res publicae. The first category of the above items in modern law is generally accepted as intended for common use by all. The article comments on various multilateral international agreements in the field of environmental protection in connection with some special things such as air, sea water, running water. The other two categories of things (res divinis juris and res publicae) are also considered, which were taken out of the civil turnover because under Roman law they were subject to the rules of sacred and public law. The author's statement that nowadays it is assumed that there is no place for the division of the category res divini juris is important, because there is no longer such a sacred right that stands above the law established by the state. It also contributes to addressing issues of principle in relation to the ownership of different religions. Scientific contribution contains the analysis of public and private property of the state and municipalities, as well as the situation in the so-called. res zero. These are things that do not belong to any property and can be seized. This division is important in the study of special ways of acquiring property by conquest in the matter of possession.

11. The concept of things - In: collection "Law - traditions and perspectives", Jubilee scientific conference on the occasion of the 25th anniversary of the law firm of PU "Paisii Hilendarski", Ciela Norma, 2018, pp. 135 - 151. ISNN 978 - 954 - 28 - 2625.

The article traces the development and trends of the general concept of things. It is argued that this is a basic concept of civil law in a broad sense, as well as of private law in general. It is important to point out in the article that European law has a decisive influence in the matter of property. Some similarities and differences in the practice of courts in domestic and European law regarding property are pointed out. The development of the concept of property from Roman private law during the bourgeois age to the modern state of a united Europe is briefly traced. The influence of this development on the Bulgarian law, which is already part of a unified European legal system, is emphasized. All these issues are emphatically contributing.

12. European and constitutional aspects of the powers of the owners - Legal Thought Magazine, issue 1/2017, ISSN 1310-7348.

The article examines the concept of property rights in a broader context than traditionally perceived in our property law literature, namely only as property law. And in this sense is its contributing character as a whole. The author finds that the constitutional and European dimensions have so far remained in the background, and in the modern world property is

protected not only by civil law, but also appears as an issue in the constitutional and European practice of various courts. This global view can also bring about corresponding changes in the perception of this right and in the delineation of its content. The analysis in the article contributes to broadening the horizons in relation to property law, as well as getting out of the idea that it is subject to regulation mainly by domestic civil law.

13. Fees in case of attachment on receivables of the debtor on bank accounts - Norma magazine, issue 1/2017, co-authored with Ivaylo Vassilev, ISSN 1314 - 5126.

The article attempts to answer a controversial question in an interpretative case № 3/2015. according to the list of OSGTK of the Supreme Court of Cassation. This is the contribution of the authors in this problematic area. The arguments are that the question raised has a significant social dimension in regulating the relationship between creditors and debtors. The question posed is "whether the sending of an attachment notice to a bank constitutes an action for imposing a lien in the case where the bailiff has received on the grounds of Art. 508, para. 1 of the Civil Procedure Code, the answer that the debtor does not have an account in the respective bank? "The liability for costs in enforcement cases is often many times greater than the required obligation under a writ of execution. And this is due to the disproportionate undertaking of executive actions. Hence the conclusion that in the absence of an open bank account with a holder, the debtor in the enforcement case is not subject to enforcement and the debtor should not be liable for this fee. It should remain with the creditor.

14. Development in the classification of immovable and movable property. Influence of European law and case law. Property and law, no. 9/2017, ISSN 1312 - 9473.

The article concludes that even in the most classical qualification studied in property law, such as the division of property into movable and immovable, changes over time are observed. On the one hand, there are purely historical reasons due to the reception of the concept of property in our country by European civil codes. On the other hand, the reasons are socio-economic and political in nature. The application of the European Convention on Human Rights, its Additional Protocol № 1 and the case law of the courts of Strasbourg and Luxembourg are considered to be of great importance. Although the cited convention mainly protects violated civil and political rights, the economic rights of the individual, such as the right to property, are no longer excluded from its scope. One tendency is also noticed in the analysis - at all times the importance of the land, understood in its various funds, does not decrease. It remains a major symbol of real estate and this is evident from

the decisions of various jurisdictions. The article also contributes to the issues discussed in the decisions of the court in Strasbourg, which relate to special items such as works of art, energy natural resources, family memories and others.

15. Ownership - historical and legal aspects - Studia iuris, no. 2/2014 http://studiaiuris.com/en/14;jsessionid=2655D7E5E16D9D837F68EE8614DFA748, ISSN 2367 - 5314.
In the article, property is presented as a phenomenon that is considered by various sciences. It is assumed that in order to cover the problem of property as a whole, it is necessary to pay attention to at least three different areas in its study. Firstly - as a purely historical perspective of origin and development, secondly - as existing in the modern world legal property systems and thirdly - as a theoretical statement that shows what ideas are behind one or another legislative definition of property. It is this different view that has its contribution to property law. This is the nature of the author's development of property in the ancient world, Roman private law, feudalism and modern times. Finally, the existing property systems in the modern world - Anglo-Saxon, continental and the system of the former socialist countries - are pointed out for completeness.

16. Changes occurring in real estates in the course of started compulsory executions - Property and law, no. 6/2015, ISSN 1312 - 9473.
The article presents some of the problems that arise as a result of changes in real estate after enforcement of a property has begun, in accordance with the law. The analysis of the existing case law and theoretical solutions at the moment is of contribution importance. The change may affect the rights and interests of various legal entities - bailiffs, debtors, third parties, banks and others. The groups of problems considered are of a contributory nature. The first group of problems concerns a change in the purpose of a property that is under the claim of creditors and in enforcement proceedings. The second group of questions concerns changes that have occurred in a real estate after a mortgage has been established on it.

7. Conclusion
In conclusion, I express my categorical position that the works of Assoc. Prof. Dr. Lyuba Georgieva Panayotova - Chalakova, presented in the competition for professor, are developed at a high theoretical level and unconditionally meet the requirements of Art. 24, para. 1, items 1, 2, letters “a” and “b”, items 3 and para. 3 of the Law on the Development of the Academic Staff in the Republic of Bulgaria (ZRASRB). For this reason, I will support with a positive vote the candidacy of Assoc. Prof. Dr.

Lyuba Georgieva Panayotova - Chalakova for the academic position of "professor" in the professional field 3.6. Law at the Faculty of Law of Plovdiv University "Paisii Hilendarski".

Reviewer:

November 7, 2020, Sofia

Assoc. Prof. Dr. Tanya Yosifova