

# **REVIEW**

**by Dr. Tsvetalina Avramova Petkova, Associate Professor of Civil and Family Law,  
Professional field 3.6 Law,  
Scientific specialty Civil and Family Law, New Bulgarian University, Department of  
Law**

**of the materials submitted for participation in the competition for the academic position of "professor" of Plovdiv University "Paisii Hilendarski" in the field of higher education 3. Social, economic and legal sciences Professional field 3.6 Law (Civil and Family Law), published in the State Gazette, issue 57 from 26.06.2020 and on the website of Plovdiv University "Paisii Hilendarski" for the needs of the Department of Civil Law at the Faculty of Law, with candidate Assoc. Prof. Dr. Lyuba G. Panayotova - Chalakova from Plovdiv University.**

## **1. General presentation of the procedure and the candidate**

### **1.1. General presentation of the procedure**

With order № P33-4706 from 25.09.2020. of the Rector of Plovdiv University "Paisii Hilendarski" (PU) I have been appointed a member of the scientific jury of the competition for the academic position "Professor" in PU in the field of higher education (Civil and Family Law), announced for the needs of the Department of Civil Law at the Faculty of Law.

The only candidate participating in the announced competition was Assoc. Prof. Dr. Lyuba G. Panayotova - Chalakova from Plovdiv University.

The set of paper materials presented by Assoc. Prof. Dr. Lyuba G. Panayotova - Chalakova is in accordance with the Regulations for development of the academic staff of PU and includes the following documents:

1. Application for participation in the competition;
2. Curriculum vitae in Bulgarian;
3. List of the candidate's scientific publications for the period after the acquisition of the academic position of "associate professor", with which he participates in the competition for "professor" and which are subject to review;
4. Information for covering the minimum required points by groups of indicators for the different scientific degrees and academic positions for Area 3, 3.6. Law;
5. Declaration of originality and authenticity of the presented scientific production;

6. Annotations of the attached materials after receiving the academic position of "Associate Professor" - in Bulgarian and English;

The candidate Assoc. Prof. Dr. Lyuba G. Panayotova - Chalakova has attached the following scientific publications for the period after acquiring the academic position of "Associate Professor", with which she participates in the competition for "Professor":

- I. **Monograph:** "Property - Development and Perspectives, Influence of the Constitutional and European Judicial Practice", Sofia, Ciela, 2019, 416 pp., ISBN 978-954-28-2783 - 2.

## II. Articles:

1. The indemnity - guarantee against arbitrary actions with regard to the right of ownership, Property and right, no. 1/2019, pp. 17 - 28. ISSN 1312 - 9473.
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, pp. 192 - 197, ISBN 978-954-07-4746-0.
3. Cultural values of material and intangible nature. Comparison and connection with the objects of intellectual property. - Property and Law, issue 10/2019, pp. 81 - 87. ISSN 1312 - 9473, pp. 81-87.
4. Proportionality control and the right of ownership / influence of European and constitutional practice. In: Proceedings "Scientific readings dedicated to the 140th anniversary of the adoption of the Constitution of Tarnovo", organized by the Law Faculty of the University of Plovdiv "Paisii Hilendarski", Ciela, 2019, ISBN 978-954-28-3043-6, pp. 389-408.
5. Peculiarities in the regime of ownership of cultural values in Bulgarian law. Ciela norm, no. 9-10, 2019 ISSN 1314 - 5126, p.5 - 33.
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 /, Ciela Norma magazine, issue 2/2018, / February / . / . ISSN 1314 - 5126.
7. Property and intellectual property. Property and law, no. 3 /2018, p. 75 - 85. ISSN 1312 - 9473.
8. Some considerations in connection with the lease agreement in agriculture / in connection with etc. № 1/2018, ref. OSGTK. Property and law, no. 6/2018, pp. 53 - 57. ISSN 1312 - 9473.

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 - 51. ISSN 1312 - 9473.
10. Development in the classification of items in the civil turnover / res in commercio / and items outside the civil turnover / res extra commercium /. Studia iuris, no. № 1/2018, 1-9.
11. The concept of things - In: Proceedings "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. ISSN 978 - 954 - 28 - 2625.
12. European and constitutional aspects of the powers of the owners - Legal Thought Magazine, issue 1/2017, pp. 28 - 48. ISSN 1310-7348
13. Fees in case of attachment of the debtor's receivables on bank accounts - Norma magazine, issue 1/2017, co-authored with Ivaylo Vassilev, pp. 43 - 54. ISSN 1314 - 5126.
14. Development in the classification of immovable and movable property. Influence of European law and case law. Property and law, no. № 9/2017, pp. 13 - 20. ISSN 1312 - 9473.
15. Property - historical and legal aspects - Studia iuris, no. № 2/2014, pp.1-17.
16. Changes that have occurred in real estate in the course of enforcement proceedings - Property and law, no. 5/2015, pp. 5 - 16. ISSN 1312 - 9473.

The submitted materials should be accepted and taken into consideration in the final evaluation.

## **2. General presentation of the candidate**

Lyuba G. Panayotova - Chalakova was born on January 6, 1975. In 1997 she graduated from the University of Plovdiv "Paisii Hilendarski" with a degree in Law. In the period 1997-1998 he was an intern at the Ministry of Justice in the General Assembly - Plovdiv. Since 1998 he has been an assistant professor at the Law Faculty of the Plovdiv University "Paisii Hilendarski", and since 1999 - a doctoral student at the Institute of State and Law, BAS - Sofia. In 2006 he defended his doctoral degree, and from 2013 to the present he holds the academic position of "Associate Professor" at the Law Faculty of the University of Plovdiv.

Assoc. Prof. Dr. Lyuba G. Panayotova - Chalakova is the head of the Department of Civil Law at the Law Faculty of the University of Plovdiv, as well as a member of the Academic Council of the University of Plovdiv. She was Deputy Chairman of the Control Board of Paisii Hilendarski University of Plovdiv. He also conducts lecture courses in the disciplines Notary Activity, Cadastre and Property Register, Intellectual Property Law. Participates in

the Ministry of Public Administration at the University of Plovdiv with the discipline "Right to Property".

I know Assoc. Prof. Dr. Panayotova - Chalakova as an ethical and respected colleague, motivated teacher and organizer.

## **2.1. General characteristics of the candidate's activity**

### ***2.1. Educational and pedagogical activity***

Assoc. Prof. Dr. Lyuba G. Panayotova - Chalakova is a longtime lecturer in property law at Plovdiv University "Paisii Hilendarski". Her teaching activity began as an assistant in 1998. At present she leads lecture courses in the disciplines "Property Law", "Notary Activity", "Cadastre and Property Register", "Intellectual Property Law". Participates in the Master's program "Public Administration" at the University of Plovdiv with the discipline "Property Rights". It is in connection with her rich teaching activity that the idea of writing the scientific monograph with which she participated in the present competition arose: the interest of the students provoked the teacher to answer their demands (p. 13 of the monograph).

## **2.2. Scientific and scientific-applied activity of the candidate**

### ***2.2.1. Management and participation in research projects***

The activity of Assoc. Prof. Dr. Lyuba G. Panayotova - Chalakova in her participation in domestic and international research projects (including ERASMUS +) with the potential to contribute to the establishment of the university as a modern scientific center is impressive. She is the head of the project "Property Relations in Law - Development and Perspectives", II FP19 - Law Firm - 003, to the Research Fund at the University of Plovdiv He is a member of the Scientific Committee of the following international projects: International project "Legal protection of intellectual property: Who needs it? Why?", № 1320180013, under a contract between the project coordinator Non-profit Association "Consumer Legal Aid Association" and the EU Intellectual Property Office "; International project "Stimulating the respect of intellectual property rights among young customers in Bulgaria and Portugal in support of innovation, creativity and entrepreneurship" entrepreneurship) under a contract between the non-profit association "Consumer Legal Aid Association" and the EU Intellectual Property Office; International project under the ERASMUS + program and concluded Contract № 2019-1-BG01-KA201-062268, topic of the project "Innovative English studying trough EU legislation promotional talks dint by ICT tools" (Innovative learning of English through conversations to promote EU legislation through ICT tools), under an agreement between the project coordinator PU "Paisii Hilendarski" and the Center

for Human Resources Development 2019 - 2020. Participates in reports in the following projects: Project on the occasion of the 25th anniversary of the Law Faculty of the University of Plovdiv in 2017, № CF17-Law Faculty-006, for organizing and conducting the Jubilee International Scientific Conference on the occasion of the 25th Law Faculty of the University of Plovdiv traditions and perspectives ”; Project № BSF - 18 - Law Firm - 008/2018. on the topic "International Scientific Conference on" Law and Cultural Values "at the Research Fund at the University of Plovdiv, held on 16.11.2018

### *2.2.2. Participation in scientific conferences*

The candidate Assoc. Prof. Dr. Lyuba G. Panayotova - Chalakova took part with reports in five conferences, as follows: participation in the Jubilee Scientific Conference on the occasion of the 25th anniversary of the Law Faculty of Paisii Hilendarski University of Plovdiv, with a report on " The concept of things "- In: collection" Law - traditions and perspectives ", Ciela Norma, 2018, pp. 135 - 151. ISSN 978 - 954 - 28 - 2625; participation in an international conference in memory of Assoc. Prof. Dr. Christian Takov with a report on "Specifics of 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, pp. 192 - 198, ISBN 978-954-07-4746-0; participation in scientific readings dedicated to the 140th anniversary of the adoption of the Tarnovo Constitution ", organized by the Law Firm of the University of Plovdiv" Paisii Hilendarski ", a report on" Control of proportionality and property rights / influence of European and constitutional practice ". In: Proceedings "Scientific readings dedicated to the 140th anniversary of the adoption of the Tarnovo Constitution", organized by the Law Faculty of the University of Plovdiv "Paisii Hilendarski", Ciela, 2019, ISBN 978-954-28-3043-6, pp. 389-40; participation in a conference dedicated to the topic "Law and Cultural Values", held on 16.11.2018. Participation with a report on "Peculiarities in the regime of ownership of cultural values in Bulgarian law", published in "Ciela Norma", issue. 9-10, 2019, ISSN 1314 - 5126, pp.5 - 33; Participation in an international colloquium on "Motherhood traditions and perspectives", held at the Law Faculty of the University of Plovdiv in September 2019. with a report on "Some property aspects of motherhood regulated in family law".

## **II. 2. 3. The monograph "Property - Development and Perspectives, Influence of Constitutional and European Judicial Practice". Contributing moments**

Assoc. Prof. Dr. Lyuba G. Panayotova - Chalakova participated in the competition for the academic position of "professor" with one monograph and 16 (sixteen) scientific articles.

The monograph "Property - development and prospects, the impact of constitutional and European jurisprudence" was published in 2019 by ed. Ciela (ISBN 978-954-28-2783 - 2). The presentation is structured in five chapters, and they in turn - in paragraphs, points and subsections. At the beginning of the monograph is presented its content, as well as the introduction, and at the end - the literature used, structured by authors in Cyrillic and Latin, and the conclusion. The monograph is the first systematic, original and comprehensive study, which aims to consider the institute of property rights not only as a property law institute, but as a complex system of protections and guarantees for citizens. The topic is topical and has not been the subject of serious and thorough research, which is why the monograph is timely. This in itself is a contribution.

The specific scientific and scientific-applied contributions of the monograph, in my opinion, are the following:

- It presents a specific, multidimensional, somewhat interdisciplinary view of property, from the point of view of three aspects - as a historical perspective of origin and development, as existing in the modern world legal systems of property and as a theoretical statement that shows what ideas are behind a or other legislative definition of property. None of these aspects is considered in isolation and in isolation, but is the basis for arguing important conclusions for the study. In this regard, the historical development is studied in detail, and the conclusions of this study give the author reason to reveal what are the future trends and perceptions of property. To the philosophical teachings of the eighteenth century on the relationship property-independence-freedom, the author opposes the latest trends in property development, according to which in modern societies the most important goal of property rights is not to ensure independence or autonomy of individuals in the use of certain goods, but to create an individual right of people from the whole society to use the world's resources. It is concluded that against the background of today's dominant right of access and inclusion, increasing restrictions on the right to property are being introduced and the importance of private collective property is expanding, and this will inevitably lead to changes in both theoretical views and in the texts of the Constitution and laws.
- Analysis of the case law of the ECtHR and the Court of Justice with regard to the objects of property law, the trends in the development of law and the "flexible" approach of the above-mentioned courts in determining the objects of protection;
- Analysis from the point of view of modern law and case law of the more important classifications of things against the background of the Roman legal system; outlining the development in the classification of immovable and movable property. By the way, the whole research shows the candidate's ability to look at property law through

the prism of philosophy and ideologies in order to form correct conclusions about the trends in its development.

- Justification and argumentation of the conclusion that the establishment of property as a fundamental right goes through the processes of differentiation from the traditional property and non-property elements. In this regard, it is stated that in the case law of the European Court of Human Rights there is an extended protection of intellectual property (there is an expansion of the scope of property rights to non-physical objects), which, according to the author, harmonizes the development of mankind, of technical progress and cultural achievements in the modern world. In support of this conclusion, arguments are presented that clients, as "intangible property", also receive protection in the practice of the ECtHR and the need to raise and investigate this issue in more depth in Bulgarian law is taken into account. An analysis of the practice of the ECtHR in the protection of other rights as objects of property (shares, receivables, social benefits, etc.) is made, against the background of the two concepts of the objects of property rights.
- Justification and support with extensive case law of the conclusion that the European Convention introduces an original approach to the concept of "property": it is autonomous and significantly extended compared to national laws and does not depend on internal definitions, and the ECtHR is given great freedom to interpret, interprets and extends the scope of property rights. This protection does not in fact replace the national internal protection of property, but aims to build on and strengthen it.
- Substantiation of the conclusion that by recognizing protection with regard to the right to a pension due to old age, widowhood and disability in self-application of the text of Protocol No. 1 to the Convention (without reference to Article 14 concerning discrimination), the ECtHR develops social a concept of property rights that addresses people and their social needs. They conclude that this expansion once again proves the approximation of property in modern European law to the Roman understanding of the so-called. "Factual totality", which may lead to new views in the theory and practice of Bulgarian labor law and social security.
- Analysis and comparison of the property triad in the practice of the European courts and the Constitutional Court of the Republic of Bulgaria. It concludes that the concept of property rights has evolved not only under the influence of case law at the domestic level in the individual Member States, but also under the strong influence of the constitutional and European courts. It enriches both the power to dispose and the power to use through wider protection and richer content in comparison with their classical understanding at the level of domestic civil law.
- Comparison between the European and constitutional vision of property in modern times, as well as a parallel between the mechanisms of protection. Critical analysis

and comparison of the compensation for confiscation of property in the practice of the European courts and the legal framework in the current Bulgarian law.

- Conclusion that the infringements of the right to property nowadays are subject to different protection systems domestically and internationally, but relative and incomplete. The opinion is justified that it is therefore necessary to improve the interaction between them through fundamental control at European and national level, which is in line with the principle of protection of fundamental rights.

### **2.2.3 Articles which the candidate includes in the competition**

1. *Panayotova-Chalakov, L. The indemnity - guarantee against arbitrary actions regarding the right of ownership, Property and law, iss. 1/2019, pp. 8. ISSN 1312 - 9473.*

The article examines the issue 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. These disparate practices have been reviewed in order to contribute to a more complete picture of benefits in general, and this in turn contributes to outlining generalities but also differences. As a result of the analysis, an attempt was made to derive some general characteristics of the compensation. It is concluded that 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.

2. *Panayotova-Chalakov, L. 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, pp. 192 - 198, ISBN 978-954-07-4746-0.*

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. When it comes to the acquisition of co-hereditary property by prescription, it takes into account not so much the actual behavior, nor so much the internal intention, 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 - according to the author - a moral behavior, namely not to conquer the ideal parts of the other co-heirs. In the interpretative decision, and in general, the courts should not declare a presumption rebutted solely on the finding of co-inheritance.



3. *Panayotova-Chalakovska, L. Cultural values with material and intangible character. Comparison and connection with the objects of intellectual property. - Property and Law, 2019, vol. № 10, ISSN 1312 - 9473, pp. 81-87.*

The article examines the types of cultural values in the light of the fact that they are not homogeneous as objects and can have both tangible and intangible nature. The author concludes that the material objects are also objects of property law, hence subject to the regime of ownership and limited property rights with the relevant explicit exceptions, and intangible objects are necessarily objects of intellectual property and are born with the objects of copyright and related rights again with the relevant exceptions.

4. *Panayotova-Chalakovska, L. The control of proportionality and the right to property / influence of the European and constitutional practice. In: Proceedings "Scientific readings dedicated to the 140th anniversary of the adoption of the Constitution of Tarnovo", organized by the Law Faculty of the University of Plovdiv "Paisii Hilendarski", Ciela, 2019, ISBN 978-954-28-3043-6, pp. 389-409.*

The article addresses the issues of proportionality control in relation to property rights. European and constitutional judges rely in their practice on objective elements, legal basis and qualities of normative acts. According to the author, many of the decisions showed the following of the procedures for confiscation of property and the existence of sufficient procedural guarantees for the applicants. A very important point in the control is the availability of fair compensation. The article concludes that no matter how much the protection of property rights is renewed, it still remains relative and incomplete. And this is because in this matter, both the European and constitutional courts refrain from a serious review of the objectives. In fact, they declare invalid only extremely serious property encroachments, clearly exceeding any normality.

5. *Panayotova-Chalakovska, L. Peculiarities in the regime of ownership of cultural values in Bulgarian law. Ciela norm, no. 9-10, 2019 ISSN 1314 - 5126, p.5 - 33.*

The article examines the types of cultural values according to their different classifications. Attention is drawn to the fact that cultural values are not homogeneous as objects. 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 an intellectual property and are born with the objects of copyright and related rights, again with the respective exceptions. In the case of movable cultural values in practice, the author notices some type of problems, in the case of real estate - another. The article also draws attention to

controversial provisions in the law, such as the unconstitutional paragraph 5, para. 2 of the transitional and final provisions of the LCA. The author concludes that the text of the provision contradicts basic institutions for Bulgarian civil law, such as the one on inheritance and acquisition by prescription.

6. *Panayotova-Chalakovska, L. 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 / February / . / ISSN 1314 - 5126.*

In the article, the author emphasizes that the European Court of Human Rights imposes a completely different notion of property. The non-property elements by nature fall as a tendency within the protection established in Art. 1 of Additional Protocol № 1 to the Convention, because the European Court also finds in them a property interest worthy of protection. The author cites as such reasonable expectations, copyright, social rights, personal data and even the human body. All of these are non-property rights by nature, but containing property interests lead to a "hyper-proprietary" in European case law. All this, according to the author, is beyond the classical understanding of property and property. It is concluded that the civil law doctrine must take into account this new trend, which develops and enriches the property law. Ownership is already seen as a set of property assets that bring benefits to legal entities. It is concluded that this new concept of property is not accidental - it is the result of an evolution at domestic and European level.

7. *Panayotova-Chalakovska, L. Property and intellectual property. Property and law, no. 3 /2018, p. 75. ISSN 1312 - 9473.*

In the article the author traces the commonalities between the law of property and intellectual property in the modern reality, which is also influenced by the current case law of the European Court of Human Rights. Traditionally, property law and intellectual property law have their own place and significance in civil law. The development of property law dates back to ancient times, and intellectual property gained its development and existence only from the beginning of the XV century. Roman private law did not know intellectual property in the modern sense of the term, but even then it recognized the existence of intangible objects that were defined as property. 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.

8. *Panayotova-Chalakovska, L. Some considerations in connection with the lease agreement in agriculture / in connection with etc. № 1/2018, ref. OSGTK. Property and law, no. 6/2018, pp. 53. ISSN 1312 - 9473.*

In the article, the author points out that the lease agreement in agriculture raises a number of specific issues for both law enforcement and case law. The presentation draws attention to a specific problem related to this contract, namely the issues raised in item № 1/2018, ref. № OSGTK. The article 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 concludes 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 in the work of the judges, but will better guarantee the rights of the co-owners - farmers.

9. *Panayotova-Chalakov, L. 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.*

The article presents a different view on 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 following issues, considered in the cited TR, are critically analyzed, namely: 1. Is the presumption of art. 69 of the Insurance Act in the relations between the co-owners, when their co-ownership arises from a legal fact other than the inheritance? 2. Does the co-owner, who invokes the statute of limitations for another's ideal part, have to prove in a property dispute that he has performed actions by which he has objectified to the co-owners the intention to own their ideal parts for himself or his intention to appropriate is presumed pursuant to Art. 69 of the Land Act and it is sufficient to prove that he has exercised de facto power over the entire property within the term under Art. 79, para. 1 ZS?

10. *Panayotova-Chalakov, L. Development in the classification of things in the civil turnover / res in commercio / and things outside the civil turnover / res extra commercium /. Studia iuris, no. № 1/2018*

In the article the author considers the classification of the things of res in commercio and res extra commercium known from the Roman private law, but taking into account the modern development and tendencies. It is concluded that in Roman law this division had a different meaning because it covered quite different categories of things from today. 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* /, which were taken out of the civil turnover because they were subject to the rules of sacred and public law under Roman law, are also considered. The article analyzes the public and private property of the state and municipalities, as well as the situation with the so-called *res zero*.

11. *Panayotova-Chalakovska, L. 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, p. 135 - 151. ISSN 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. The article emphasizes the fact that European law has a decisive influence on the subject matter. The author points out some similarities and differences in the practice of the courts in domestic and European law regarding property. 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.

12. *Panayotova-Chalakovska, L. European and constitutional aspects of the powers of the owners - Legal Thought magazine, issue. 1/2017, pp. 28. 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 a property subjective right. It is concluded that its 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 author aims to make the analysis made in the article to expand the horizons in relation to this property right, as well as to get out of the idea that it is subject to regulation mainly by domestic civil law.

13. *Panayotova-Chalakovska, L. Fees for seizure of receivables of the debtor in bank accounts - Norma magazine, issue. 1/2017, co-authored with Ivaylo Vassilev, p.43. 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: 508,

para. 1 of the Civil Procedure Code, the answer that the debtor does not have an account in the respective bank? ”The author accepts that 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. It follows 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. The author accepts that it should remain a burden on the creditor.

14. *Panayotova-Chalakovska, L. Development in the classification of immovable and movable property. Influence of European law and case law. Property and law, no. № 9/2017, pp. 13. ISSN 1312 - 9473.*

The article examines the issue that in the division of property into movable and immovable, changes are observed over time. It is concluded that these changes are based on various reasons. On the one hand, according to the author, 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. In this regard, the contribution of the accession of our country to the European Union and the implementation of the European Convention on Human Rights, the Additional Protocol № 1 to it, as well as the case law of the courts in Strasbourg and Luxembourg is taken into account. The article examines decisions of the Strasbourg court, which relate to special items such as works of art, natural energy resources and others.

15. *Panayotova-Chalakovska, L. Property - Historical and Legal Aspects - Studia iuris, iss. № 2/2014*

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. Some features of the Bulgarian property system are also pointed out.

16. *Panayotova-Chalakovska, L. Changes that have occurred in real estate in the course of enforcement proceedings - Property and Law, no. 6/2015, pp. ISSN 1312 - 9473.*

The article presents some of the problems that arise in practice as a result of cases of changes in real estate. The author aims to make an analysis of existing case law and theoretical solutions at the moment. The fact is taken into account that the properties,

like the people, do not remain the same in time, with them come changes of different nature. The subject of the article are the changes that have occurred after the enforcement of a property has started, in accordance with the procedure provided by law.

It is necessary to conclude that the articles submitted for opinion reveal the author's interest in the problems of property law and are a logical consequence of his in-depth scientific research. A critical and in-depth analysis of the current legislation on the specific current issues, to which the individual scientific articles are devoted, has been made. The case law on the issues under discussion is also indicated, commented and analyzed. The articles proposed for participation in the competition once again prove the ability of Assoc. Prof. Dr. Lyuba Panayotova-Chalakovska to interpret and analyze significant legal problems of Bulgarian property law and to reach conclusions of a contributory nature.

The scientific works presented in this competition are characterized by scientific novelty and do not repeat the ones presented for acquiring the educational and scientific degree "Doctor" and for holding the academic position "Associate Professor" according to the requirement of Art. 29, para. 1, item 3 of the Law for the development of the academic staff in the Republic of Bulgaria.

### **3. Critical remarks and recommendations**

Some recommendations for expanding the research can be addressed to the author - for example, to consider in more detail the development of individual property in our country on the model of French law.

However, this recommendation in no way changes the general assessment that the work is an original scientific work with scientific and applied scientific contributions.

### **CONCLUSION**

The documents and materials submitted by Assoc. Prof. Dr. Lyuba Georgieva Panayotova-Chalakovska meet all the requirements of the Academic Staff Development Act in the Republic of Bulgaria (RASRB), the Regulations for implementation of the RASRB and the relevant Rules of PU "Paisii Hilendarski".

The candidate in the competition has submitted a monograph and scientific articles published after the materials used in the defense of ONS "Doctor" and published after holding the academic position of "Associate Professor". The theoretical developments of

Assoc. Prof. Dr. Lyuba Panayotova-Chalakovska have practical applicability, as some of them are oriented to the educational work, and her scientific and teaching qualification is undoubted.

The results achieved by Assoc. Prof. Dr. Lyuba Panayotova-Chalakovska in the teaching and research activities fully comply with the specific requirements of the Faculty of Law, adopted in connection with the Rules of the University of Plovdiv for the implementation of the Law

After getting acquainted with the materials and scientific works presented in the competition, analysis of their significance and the scientific, scientific-applied and applied contributions contained in them, I confidently give my positive assessment and recommend the Scientific Jury to prepare a report to the Faculty Council of the Faculty of Law. for election of Assoc. Prof. Dr. Lyuba Georgieva Panayotova-Chalakovska for the academic position "Professor" at the University of Plovdiv "P. Hilendarski "in professional field 3.6 Law (Civil and Family Law).

11.11.2020  
(signed)

Reviewer:

Assoc. Prof. Dr.  
Tsvetalina Petkova