

TO THE MEMBERS OF THE SCIENTIFIC JURY

Of the competition for the academic position

"Associate Professor" at University of Plovdiv "Paisiy Hilendarski"

Field of higher education

3. Social, economic and legal sciences

Professional direction 3.6. Law, Civil and Family Law

OPINION

**By Polyva Goleva, PhD, Professor at the Law Faculty
of University of Plovdiv "Paisiy Hilendarski"**

Dear Members of the Scientific Jury,

By order № R33-4705 of 25.09.2020 of the Rector of the University of Plovdiv "Paisiy Hilendarski" (PU) I was appointed an internal member of the scientific jury of the competition for the academic position "Associate Professor" in PU, field of higher education 3. Social, economic and legal sciences, announced for the needs of the Department of Civil Law of the Law Faculty (LF).

1. The only candidate for the position is Angel Shopov, currently Ch. Assistant Professor at the same faculty. The candidate has graduated from the LF of the PU, he was an Assistant Professor, Senior Assistant Professor and Chief Assistant Professor in Civil Law - General Part, Obligations, Private International Law, he led seminars and lectures. He also works as an arbitrator in the Arbitration Court at the Association for the Development of Law, Plovdiv. He speaks English, Italian, French and Russian. He has obtained the degree of PhD after successful defense of a dissertation on "Mistake as a ground for the nullification of contracts" in the IDP of BAS in 2013. The candidate has specialized in Italy, in the Netherlands and in Switzerland. Since 2009 he has participated in numerous international academic conferences and he has led or participated in more than 10 research projects.

2. In the central place of my opinion is put the presented habilitation work "Nullification of Contracts due to Deceit. S.: Sibi, 2019", in a volume of 223 pages. The monograph consists of an introduction, three chapters, conclusion, bibliography and summary in English language. It is a continuation of Mr. Shopov's research on the issues of annulment and its grounds as vices

of will. His dissertation thesis is devoted to mistake as a ground for annulment. Emphasis should be placed on the scientific contribution of the candidate, expressed in the fact that he presents a contemporary work on an insufficiently well-studied theoretical problem in Bulgarian literature. A positive point is the obvious scientific consistency, the scientific continuity of Mr. Shopov. He conducts a continuous research activity on the grounds for nullification, i.e. the habilitation is a continuation of the scientific research that found a place in his dissertation. Scientific perseverance is very good, and I would say a virtue that has become an increasingly rare virtue for scientists lately. Shopov delves into an important and interesting field, studies it in depth and reaches new scientific conclusions.

The work is very rich of materials in legal history. The whole first chapter is devoted to the historical development of the institute in question, as special attention and place is given to the views on deceit in the era of Roman law. Historical analysis is skillfully combined with the comparative legal analysis of the main legal systems in the world. The monograph is rich in analyzing the different concepts during the different historical epochs. The author's special affinity for the historical development of the researched legal institution is noticeable, because the historical approach does not leave the research in the other chapters, which are devoted to the factual composition of the deceit and to the special cases.

The center of the monograph is the factual composition of the deception as a basis for the nullification of contracts. Here is the main weight of the work and its main scientific contribution. The author points out the legal features of the deceit as a legal fact and his statement is accurate. According to him, Art. 29, para. 1 of the LOC outlines the following factual composition of the deceit - first, deliberate misleading of one contract party by the other party or a third party; second, giving rise to a misconception of reality in the other person; thirdly, the contract is concluded under the influence of the misconception created as a result of the deliberate misleading in the deceived person's mind.

Based on a comprehensive and in-depth analysis of the regulation over the centuries and of modern foreign legal systems, the author comes to the conclusion about the two-sided nature of deceit. On the one hand, it is a ground for the annulment of contracts, and on the other hand, it contains a tort element - it is an immoral, unfair and impermissible act. Contributing moments contain the elaborations of the tort nature of the deceit and its consequences. An important point is the consideration of the deceit in the context of the information precontractual and contractual duties of the counterparties. Another contribution is the inclusion and consideration of the special cases of deceit in our contract law, taking into account the possible extensive issues in this area, which have not been studied by the author given the topic of the monograph.

I would not like to miss mentioning the high culture, the great knowledge on the subject, which have found a place in the work and which speak of the extensive and in-depth knowledge of the candidate in civil law. The language is accurate, rich in Roman terms, the exposition is written precisely, and the book is read with a great pleasure. All this testifies to the scientific knowledge and skills that Mr. Shopov demonstrates through his work.

3. On the background of these positive characteristics of the work, I would like to make some remarks

First, it seems to me that there is a discrepancy between the title and the content of the book. The monograph is devoted to fraud *in abstracto* – its factual composition, comparative legal review, special hypotheses of deceit (i.e. fraud in civil law) and of criminal fraud. Thus, as constructed, the title focuses on the nullification of contracts due to deceit, i.e. the emphasis is on the legal consequences and the specifics of fraud as a basis for the nullification of contracts. However, the content treats fraud as a ground and its double manifestation - as a ground for nullification and a ground for damages. The title should have been changed to read: "Deceit as a Ground for Nullification of Contracts".

Secondly, although it makes a good impression, I think that the historical approach and the reference to Roman law have taken up half of the territory of the monograph. Even rightly, the study could be called a "Roman understanding of deception." The author's great love for Roman law is evident. It seems that the author's interest in modern understandings of deceit is less.

Third, when considering deceit by a third party, the author does not dwell on the difficult hypothesis where there are two or more persons on one side of the contract and one of them has acted fraudulently in relation to the other party. Or the other hypothesis – if on the side of the deceived there are two or more persons and only one of them did not have a true idea of reality because of the deceit committed on him.

4. In addition to the habilitation thesis, Dr. Shopov for the period after the defense of the dissertation has published his dissertation in 2013; 8 articles and studies in scientific journals, the topics of which coincide with the topic of his habilitation work and therefore will not be discussed here, given the previous analysis and evaluation of the monograph.

Ch. Assistant Professor Shopov also presented 20 studios and articles, some of which are published in foreign scientific journals. Impressive is the wide range of issues that Mr. Shopov touches on - issues of private international law, of civil law - general part, consumer

law, comparative law, inheritance law, family law and others. Mr. Shopov has published a number of his articles and studies in renowned foreign university and scientific publishing houses, which shows his recognition in the international scientific field. It should be noted his work as a scientific editor, as well as his participation in the preparation of manuals, his scientific - translation activities.

5. In conclusion, I consider that the only candidate for the scientific position "Associate Professor" - Ch. Assistant Professor Dr. Angel Shopov meets all the requirements of Art. Article 24-26 of the Law for Development of the Academic Staff in the Republic of Bulgaria and I propose to the scientific jury to make a proposal to the Faculty Council of the Law Faculty of the University of Plovdiv "P. Hilendarski" to award Angel Shopov the scientific position of "Associate Professor" in scientific field 3.6. Law and scientific specialty "Civil and Family Law" at the Faculty of Law of University of Plovdiv "Paisiy Hilendarski".

10.11.2020.

Signature:

(P. Goleva)