

OPINION

By **Dr. Krasimir Nikolov Mitev**, Associate Professor at the faculty of law at Plovdiv University “Paisii Hilendarski”

Regarding

Competition for the academic position of "Associate Professor," announced in the State Gazette, issue 98/10.11.2024, for the needs of the Department of Civil Law Sciences at the faculty of law at 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.

By Order No. RD 22-67/16.01.2025 of the Rector of Plovdiv University, I have been appointed as a member of the academic jury for the above-mentioned competition.

Two candidates have submitted documents for participation: **Dr. Dimitar Simeonov Topuzov**, currently holding the position of Chief Assistant Professor at the faculty of law at Plovdiv University “Paisii Hilendarski” and **Dr. Ivan Petkov Mangachev**, a lawyer, who held the positions of Assistant Professor and Chief Assistant Professor at New Bulgarian University (NBU) from 2005 to 2019. On January 24, 2025, a meeting of the eligibility committee, appointed by the Dean of the Faculty of Law, was held. The committee decided to admit both candidates to the competition.

I. General Overview of the Candidates' Submitted Materials

1. For participation in the competition, Dr. Topuzov has submitted the following scientific publications:

1. **Habilitation work** – the monograph *"Principles of European Family Law and Opportunities for the Development of Bulgarian Matrimonial Property Legislation"*, published by Ciela, Sofia, 2024.
2. **A collective monograph in English** – *"Bulgaria. Family and Succession Law. International Encyclopedia of Laws"*, Alphen aan den Rijn, NL: Kluwer Law International, 2022 (where Dr. Topuzov is the author of Chapter 1 and Chapter 3 of Part II, as well as Chapter 1 (Sections 3 and 4) and Chapter 2 of Part IV).
3. **Thirteen scientific articles**, two of which are co-authored, and one being published in English.

Additionally, Dr. Topuzov has submitted a study guide, co-authored with Associate Professor Velina Todorova – *"Family and Inheritance Law: Cases and Judicial Practice"*, Ciela, Sofia, 2023, a citation report, listing citations of his scientific works by other authors and evidence of participation in three national scientific projects and one international project.

2. For participation in the competition, Dr. Mangachev has submitted the following scientific publications:

1. **Habilitation work** – the monograph "*Finality of Settlement. Legal Framework*", published by Ciela, Sofia, 2013.
2. **Fourteen scientific articles**, two of which are in English (one co-authored).

Additionally, Dr. Mangachev has submitted a citation report, listing citations of his scientific works by other authors. a report on participation in scientific projects, proof of professional experience and evidence of participation in scientific conferences and seminars.

II. General Characteristics of the Candidates

1. Dimitar Topuzov graduated from the faculty of law at Plovdiv University "Paisii Hilendarski" in 2009 with excellent academic performance. After graduation, he worked as a legal advisor at the Municipality of Plovdiv from 2011 to 2013. In 2011, following a competitive selection process, he was enrolled as a PhD student in Civil and Family Law at the faculty of law at Plovdiv University "Paisii Hilendarski". In 2015, he successfully defended his dissertation on "*The Nullity of the Marriage Contract*" and obtained the educational and scientific degree of "Doctor of Law".

In 2014, he began working as an assistant professor in Civil and Family Law at the faculty of law at Plovdiv University "Paisii Hilendarski", and since 2016, he has held the position of chief assistant professor. He has conducted seminars and lectures in the courses "*Family and Inheritance Law*" and "*Civil Law – General Part*" at the faculty of law at Plovdiv University "Paisii Hilendarski". Since 2016, Dimitar Topuzov has also been a practicing lawyer, registered with the Plovdiv Bar Association. Additionally, he serves as an **editor** for the well-known legal online publication "*Challenge the Law!*".

Dimitar Topuzov is an established researcher and lecturer in the field of family and inheritance law, with numerous publications in authoritative legal journals.

2. Ivan Mangachev graduated from the faculty of law at "St. Kliment Ohridski" university of Sofia in 1998. Between 2003 and 2008, he was a PhD student at New Bulgarian University (NBU), and in 2009, he successfully defended his dissertation on "*Financial Collateral Agreements*", earning the educational and scientific degree of "Doctor of Law". From 2005 to 2019, he worked as an assistant professor and later as a chief assistant professor at the department of law at New Bulgarian University. He has taught law students in courses such as "*Commercial Law*", "*Banking Law*", "*Legal Framework of International Finance*", and "*Stock Exchange Law*". Additionally, he has lectured to students in economics-related disciplines. Dr. Mangachev has also delivered lectures at the "Krastyo Tsontchev" Training Center for Lawyers and at the Institute of Certified Financial Consultants. He is a well-known author in the field of commercial law, with numerous publications in specialized legal journals.

Alongside his academic and teaching activities, Dr. Mangachev has been an active legal practitioner. He has served as a legal advisor in national and international public institutions,

banks, and other financial institutions, and since 2021, he has been practicing as a lawyer. He is a member of the Arbitration Panel of the Central Depository and serves on the editorial boards of legal journals.

III. Evaluation of the Submitted Scientific Works for Participation in the Competition

A fundamental requirement for obtaining the academic position of associate professor is that candidates must present a “published monographic work and/or equivalent publications in specialized scientific journals” (Article 24, paragraph 1, item 3 of the Higher Education Act). These works must not duplicate existing scientific knowledge or the candidate’s prior publications submitted for obtaining the “Doctor of Law” degree.

1.1. Dimitar Topuzov is participating in the competition with the book *"Principles of European Family Law and Opportunities for the Development of Bulgarian Matrimonial Property Legislation"*, Sofia: Ciela, 2024. The book meets both the content-related and formal requirements for a monographic work as defined in § 1, item 10 of the Higher Education Act. It has been reviewed by two academic referees (scientific editors) and represents a comprehensive study on a well-defined topic.

The monograph examines opportunities to improve Bulgarian matrimonial property law through the lens of the Principles of European Family Law (PEFL). Such an approach in a monographic study is new to Bulgarian family law doctrine.

In the introduction, the author outlines the objectives, initial positions, and methodology of the study. The first chapter provides a general overview of the PEFL, explaining their legal nature, authorship, and content. This section justifies why these principles—despite being a non-state or "private" codification—can serve as a benchmark and model for assessing Bulgarian family law. These arguments are particularly developed on pages 29-33 and 74-91, where the legal nature and legitimacy of the PEFL are discussed.

The second chapter evaluates how well Bulgarian family law aligns with individual PEFL principles. Each principle is analyzed in detail, and a specific assessment is made regarding its compatibility with Bulgarian legislation. The author goes beyond mere normative analysis, also incorporating doctrinal perspectives and case law.

The third chapter explores potential reforms inspired by the PEFL for improving Bulgarian matrimonial property law. The author analyzes the need for legislative changes and proposes multiple *de lege ferenda* amendments, including specific revisions to the Family Code.

1.1.1. Dimitar Topuzov’s monograph is written in a clear and precise language, with a well-structured argumentation that allows readers to grasp his reasoning and conclusions. The issues are explored thoroughly, and his theses are well-formulated and substantiated. The author is consistent in his arguments, always considering the best protection of family interests and its vulnerable members, while also accounting for the interests of third parties, particularly in the discussion on pages 214-216. Though he largely follows the PEFL, he does not adopt them uncritically and, in some cases, deems them inappropriate, as seen in his

analysis on pages 136-137. His research is extensive, drawing from 140 sources, including 40 foreign-language publications. Besides the legal-dogmatic (juridical) method, the author employs sociological, historical, and comparative legal methodologies to provide a broader analytical framework.

Key contributions of the monograph include an examination of the need for a primary matrimonial regime, an analysis of spousal obligations for family support, an evaluation of the scope of protection for the family home, a discussion of mutual information obligations between spouses, an exploration of the representation regime of spouses, and proposed legislative amendments to address gaps in the Family Code.

Overall, the monograph is an original and in-depth study that enriches Bulgarian family law doctrine. The author successfully meets the objectives set in the introduction.

Of course, as with any scholarly work, certain aspects could be further refined. One area that could benefit from additional clarification is the concept of "joint obligations" of spouses introduced by PEFL (Principles 4:40-4:41) – which remains a bit unclear. A more detailed analysis of the criteria used by PEFL to distinguish between personal and joint obligations would be beneficial. Additionally, a broader comparison with Bulgarian obligations law (specifically regarding separability, solidarity, and indivisibility of obligations) would help determine how these "joint obligations" fit within Bulgarian legal frameworks.

1.2. Dimitar Topuzov is also participating in the competition with the work *“Family and Succession Law. Bulgaria”*, published as part of the *International Encyclopedia of Laws series by Kluwer Law International (Alphen aan den Rijn, NL, 2022)*. This is a collective monograph, in which Dr. Topuzov is the author of Chapter 1 and Chapter 3 of Part II, as well as Chapter 1 (Sections 3 and 4) and Chapter 2 of Part IV.

Written in English, the monograph is part of the series of national legal studies “International Encyclopedia of Laws from Kluwer Law International” (<https://kluwerlawonline.com/Encyclopedias/IEL+Family+and+Succession+Law/717>) that aim to present each country's legal framework in a structured and accessible manner, facilitating comparative legal research. Given this purpose, the study requires a comprehensive yet concise presentation of the subject matter. Within these parameters, the author provides an analytical overview of key issues, including the nature and legal consequences of marriage, conditions for its conclusion and annulment, as well as various aspects of succession law, such as the circle of heirs, inheritance by substitution, and testamentary capacity.

1.3. In addition to the monographs, Dimitar Topuzov has submitted thirteen scientific articles, published in both Bulgarian and international legal journals. All of them focus on family and succession law, reflecting the candidate's primary research interests.

Some of these publications address topics that were later incorporated into the previously reviewed monograph. These include: *“Principles of European Family Law – Key Characteristics, Legal Nature, and Distinctions”*, in: Shopov, A. (ed.) *Law in the 21st Century – Challenges and Perspectives*. Volume 1. Plovdiv, “Paisii Hilendarski” University

Press, 2023, pp. 373-387, "**Principles of European Family Law Regarding Matrimonial Property Relations**", *Legal Thought*, 2020, Issue 4, pp. 3-22 (co-authored with V. Todorova), "**De Lege Ferenda on the Protection of Rented Family Housing**", *Legal Thought*, 2018, Issue 4, pp. 48-60, "**Spousal Representation in Light of the Principles of European Family Law**", *Studia Iuris*, Issue 1/2017.

In the article "**Principles of European Family Law Regarding Property, Maintenance, and Succession Rights of Couples in Informal Unions**" (*Legal Thought*, 2021, Issues 3-4, co-authored with V. Todorova), the authors provide a concise commentary on the PEFL provisions concerning property rights of couples in de facto cohabitation.

Other publications include in-depth analyses of case law of the Supreme Court of Cassation (SCC) on specific issues of family law: "**Review of Selected Supreme Court of Cassation Decisions (2019-2020) on Parental Alienation and Personal Relations Between Children and Grandparents**", published in the electronic journal "*Challenge the Law!*", 21.02.2021 and "**Review of Recent Supreme Court of Cassation Case Law on Family Law Issues**", published in the electronic journal "*Challenge the Law!*", 14.07.2019.

Several other studies focus on contemporary matrimonial property law issues, such as: "**Is Post-Divorce Spousal Maintenance in Bulgarian Law Obsolete?**", in: Rogerson, C., J. Miles, P. Parkinson, M. Antoskolskaia (eds.), *Family Law and Family Realities*. Conference book – 16th World Conference of the International Society of Family Law. Eleven International Publishing, 2019, "**Will the Chosen Matrimonial Property Regime Be Suspended if One Spouse Is Placed Under Guardianship? In Support of an Affirmative Answer**", in: *Marriage and Spousal Relations. Family Law Discussions*. Plovdiv, "Paisii Hilendarski" University Press, 2022, "**On the Formal Validity of Marriage Contracts**", *Ownership and Law*, 2018, Issue 2, pp. 43-51, "**Can Partial Transformation Be Claimed When a Divorce Court Approves a Co-Ownership Agreement? Practical Issues in the Absence of a Clause on Share Distribution**", *Ownership and Law*, 2016, Issue 6.

One particularly noteworthy study is "**Problems of Testamentary Capacity**", published in *Ius Romanum*, Issue I/2020: *Hereditas*, pp. 335-358. In this work, the author proposes a new interpretation of the concept of testamentary capacity.

1.4. Dimitar Topuzov is also the co-author (alongside Assoc. Prof. V. Todorova) of the educational handbook "**Family and Succession Law: Case Studies and Judicial Practice**". Dr. Topuzov played a leading role in the preparation of this work, which has been published in three editions.

2.1. Dr. Ivan Mangachev has presented the monograph "**The Finality of Settlement. Legal Regulation**" (Siela, 2013) as his habilitation thesis. The book, which offers a multifaceted study of a legal institute, does not mention a scientific editor or reviewers. This may be explained by the fact that the formal requirement of § 1, item 10 of the Act on the Development of the Academic Staff in the Republic of Bulgaria was introduced in 2018, after the book's publication. However, Professor K. Kasabova, the author of the preface, could be considered a scientific editor.

The monograph is structured into four chapters, along with an introduction and a conclusion. An addendum includes a comparative table between the provisions of Directive 98/26/EC and the legislation of various EU member states that have transposed the directive into their national law.

The first chapter begins with an introduction outlining the fundamental concepts in the field (settlement, settlement system, and finality of settlement) and provides an overview of the relevant legal framework. The core of this chapter is a detailed historical study. Starting from antiquity, the author examines different methods of cashless payments, ultimately concluding that the finality of settlement is a modern legal concept designed to ensure the validity of executed transfer orders in the event of insolvency proceedings against financial system participants, thereby protecting the system from systemic risk.

The second chapter, titled "Subjects of Systems with Settlement Finality" explores the regulatory requirements imposed on participants in the system and the supervision exercised over them.

The third chapter, titled "Elements of the Mechanism for Settlement Finality" discusses the settlement finality agreement, transfer orders, clearing and netting, and the settlement process itself. It also examines the collateral provided by system participants. The chapter concludes with proposals aimed at improving the legal framework.

The final chapter, "Specifics of Insolvency Proceedings in the Context of Settlement Finality" begins with an analysis of the general objectives of insolvency proceedings. The main part of the chapter focuses on the protection of transfer orders and netting transactions executed before or simultaneously with the initiation of insolvency proceedings against a system participant. Expanding on his previous research from his dissertation, the author also examines the protection of financial collateral provided in insolvency cases involving system participants. The chapter concludes with *de lege ferenda* proposals to address the identified shortcomings in the legislation.

2.1.1. The monograph was published in 2013. The Payment Services and Payment Systems Act (2009), which was in force at the time of writing, was repealed and replaced with a new law in 2018. However, the book remains largely relevant since the legal framework on settlement finality is based on Directive 98/26/EC, whose requirements have been transposed into the current legislation. Nevertheless, since no revised edition of the monograph has been published, it does not reflect subsequently adopted legislative acts (or amendments), new case law, or doctrinal developments.

In his monograph, Dr. Mangachev employs an impressive amount of comparative legal data and literature, citing 38 works in Bulgarian and 120 in foreign languages in the bibliography. He also analyzes case law that he has researched. The book includes several proposals for improving the legal framework, such as specific regulations for clearinghouses, refinement of the legal definition of netting, the elimination of the possibility for system rules to include participants beyond those specified by law, and modifications to the scope of Article 8, paragraph 4 of the Bank Insolvency Act. In addition to the contributions noted by the author, I would highlight his detailed historical study of cashless payments from antiquity to the present day.

The subject matter explored by Dr. Mangachev is challenging for legal professionals. Although it is of undeniable significance to commercial transactions, it remains relatively unfamiliar to many lawyers, likely due to its origins in banking practice. The same applies to its conceptual and terminological framework, which is not commonly used in general legal discourse.

For this reason, I believe that the subject matter could have been presented more explicitly through the lens of fundamental legal categories such as legal facts (fact patterns) and legal consequences (legal relationships, rights, and obligations). From this perspective, the concept of settlement remains somewhat unclear to me. It is defined at one point as a "*process of delivery or payment aimed at settling an obligation*" (p. 30) or a "*process in which mutual obligations are netted and paid*" (p. 141). Elsewhere, settlement is described as "*discharge*" (p. 36) or "*performance*" of an obligation (p. 140). The same ambiguity applies to the settlement finality agreement. The author defines it as a bilateral contract (p. 101). However, for a contract to be bilateral, it must create reciprocal obligations. The agreement is compared to other contracts, but its content is only described as including general rules and standard procedures for executing transfers.

2.2. As part of his application for the competition, Dr. Mangachev has submitted fourteen articles published in Bulgarian and foreign legal periodicals. The topics covered in these articles are diverse, reflecting his research interests in several areas, including commercial law, banking law, Roman law, property law, expropriation, and nationalization.

One group of publications addresses issues discussed or touched upon in his monograph (e.g., "***Participants in a System with Settlement Finality***," published in the legal website "Gramada" in 2015). Other articles focus on cashless payments, particularly from a historical perspective, such as "***The Payment Transaction in European and Roman Law***" ("*Ius Romanum*", 2017, No. 2) and "***On the Codex Rationes, Codex (Ratio) Accepti et Expensi, and Receptum Argentarii***" (published in "Gramada", 2017).

In "***TARGET 2 and Settlement Finality***" (*Acta Universitatis Danubius. Juridica*, 2011, Vol. 7, No. 1), the author examines the characteristics of settlement finality within the TARGET 2 system, operated by the European Central Bank.

In "***Active Solidarity and Its Application in Bank Lending***" (*Commercial and Contract Law*, 2024), Dr. Mangachev argues that syndicated loans exhibit the characteristics of active solidarity, which is not explicitly regulated in Bulgarian law. He also discusses the role of the debt or collateral agent, advocating for their inclusion in legal regulations alongside creditor solidarity.

In "***On the Banking Terms 'Deposit,' 'Savings Account,' and 'Current Account'***" ("Gramada", 2018), he clarifies the meanings of these terms as used in legislation and banking practice.

Several articles address commercial law issues, including "***Stabilization Proceedings – Past, Present, and Near Future***" ("Gramada"), "***The Claim under Article 71 of the Commercial Act***" ("Gramada", 2017), and "***Uniform Rules for Demand Guarantees (URDG) and Bulgarian Case Law***" ("Gramada", 2017).

Dr. Mangachev has also written on nationalization and state expropriation. The most extensive of these articles, *"The Law Declaring the Properties of the Former Tsars Ferdinand and Boris and Their Heirs as State-Owned – Nationalization, Expropriation, Confiscation, or Etatization?"* was published in the proceedings of a scientific conference marking the 125th anniversary of Professor Konstantin Katsarov's birth, November 7, 2023 (New Bulgarian University, 2024). In this article, the author analyzes the legal effects of this law and the case law developed in response to restitution claims by the heirs of the former monarchs. He classifies the law's effects according to prof. Katsarov's framework of nationalization, expropriation, confiscation, and etatization. Other works on this topic include *"Forced Expropriation and Nationalization as Forms of State Property Acquisition"* (*Ownership and Law*, 2009, No. 6), *"The Nationalization of the Franco-Bulgarian Bank"*, and *"Legal Forms of Bank Nationalization: Comparison and Brief Commentary on Directive 2014/59/EU"* ("Gramada", 2018).

Dr. Mangachev has also co-authored a report with Associate Professor Silvia Tsoneva, published in *"Protection of Immovables in European Legal Systems"* (Cambridge University Press, 2015). This research was conducted as part of the *Common Core of European Private Law* project, which analyzes European legal systems through hypothetical case studies. The reports are prepared according to a predefined model in the form of hypothetical case studies, where national law is presented through the solutions these cases would receive based on its legislation, doctrine, and case law. Their preparation requires an in-depth study of these components of the legal system.

IV. Evaluation and Ranking of Candidates

1. Based on the documents submitted by the candidates, it has been established that Dr. D. Topuzov and Dr. Iv. Mangachev meet the requirements of Art. 24, Para. 1 of the ZRASRB for the position of "Associate Professor." No plagiarism has been found in their submitted scientific publications. Based on the peer-reviewed scientific publications of both candidates, I believe they generally deserve a positive assessment.
2. Consequently, they need to be ranked. According to Art. 27, Para. 3 of the ZRASRB, the primary evaluation criterion is the results from the reports on compliance with the minimum national requirements under Art. 2b, Para. 2 and 3 of the ZRASRB, respectively Art. 1a, Para. 1 of the Rules for the Application of the Law.
3. The scientometric indicators from groups "A" and "B" for both candidates are, by definition, equal, as they reflect the possession of a doctoral degree and a published habilitation thesis¹. From the reports submitted by both candidates, it is established that Dimitar Topuzov has 245 points in the indicators from group "G" (publications), while Ivan Mangachev has 240. Regarding the indicators from group "D" (citations), D. Topuzov has 355 points, whereas Ivan Mangachev has 190.

¹ See the Table for Field 3 Social, Economic, and Legal Sciences in the Appendix to Art. 1a of the Rules for the Application of the ZRASRB.

4. The indicators from group "E" (participation in scientific and educational projects and published teaching aids) are not included in the Rules for the Application of the ZRASRB among the minimum requirements for holding the position of "Associate Professor." According to Art. 57a, Para. 2 of the Rules for the Application of the ZRASRB, they may be considered in case of equal results from the reports on the mandatory requirement indicators. Regardless, the data from group "E" favor the candidate with more points in the mandatory indicators. The reports of both candidates show that D. Topuzov has 95 points from participation in projects and the publication of teaching aids, with supporting evidence provided. Iv. Mangachev has not indicated any points for the indicators from group "E." The submitted documents do not establish that he has (participated in) a published teaching aid. In his prepared list, Dr. Mangachev has indicated participation in four international scientific projects. Even if all were taken into account, the total points (20 per project according to the table under Art. 1a of the PPRASRB) would not change the ranking in his favor.

Another important consideration should also be taken into account. According to Art. 24, Para. 3 of the ZRASRB, a competition is announced only if the appropriate teaching workload can be ensured. From Certificate RD-38-238/18.10.2024, issued by the dean of the faculty of law at Plovdiv University "Paisii Hilendarski" it is established that the available workload for the Associate Professor position in this competition is in the disciplines "Family and Inheritance Law" and "Civil Status Acts." This field aligns with the main scientific interests of Dr. Dimitar Topuzov. His dissertation and habilitation thesis are in this area, and he has extensive teaching experience in it. The scientific publications submitted for the competition indicate that Dr. Ivan Mangachev's main scientific interests lie in the field of commercial and banking law. His teaching experience is also in these disciplines.

Based on the above, I rank the candidates in the competition as follows:

1. Dimitar Simeonov Topuzov
2. Ivan Petkov Mangachev

Therefore, I propose that the scientific jury prepare a report-recommendation to the faculty council of the faculty of law at Plovdiv University "Paisii Hilendarski" for the appointment of **Dr. Dimitar Simeonov Topuzov** to the academic position of "Associate Professor" in the faculty of law at 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).

Signature:

Krasimir Mitev

14.03.2025