

PEER REVIEW

by

Assoc. Prof. Dr. GEORGI VESELINOV GANCHEV EMBL-HSG
Plovdiv University "Paisii Hilendarski" (PU)

of a dissertation for the award of the
educational and scientific degree "**DOCTOR**"

in the field of higher education - 3. "Social, Economic and Legal Sciences"
professional field - 3.6. "Law"
doctoral program - "Private International Law"

Author: Radostina Georgieva Nikodimova

Topic: European Account Preservation Order in Civil and Commercial Matters

Scientific Supervisor: Assoc. Prof. Dr. Dimitar Milchev Dekov, PU

DEAR MEMBERS OF THE SCIENTIFIC JURY,

I. General presentation of the procedure and the materials submitted by the
doctoral student

By Order No. RD-21-2366-18.12.2024 of Prof. Dr. Rumen Mladenov - Rector of Plovdiv University "Paisii Hilendarski", I am appointed as a member of the scientific jury for ensuring a procedure for the defense of a dissertation on the topic "European Order for the Preservation of Bank Accounts in Civil and Commercial Cases" for the acquisition of the educational and scientific degree "Doctor" in the field of higher education: 3. "Social, Economic and Legal Sciences", professional field: 3.6. "Law", doctoral program: "Private International Law". By Protocol No. 1/10.01.2025. of the scientific jury I have been appointed as the Chairman of the scientific jury, appointed by the above-mentioned Order, as well as a reviewer for the procedure for the defense of the scientific work. The author of the dissertation is Ms. Radostina Georgieva

Nikodimova - part-time doctoral student in the doctoral program "International Private Law" at the Department of Civil Law Sciences at the Faculty of Law of the Plovdiv University "Paisiy Hilendarski" with scientific supervisor Assoc. Prof. Dr. Dimitar Milchev Dekov from the Faculty of Law of the Plovdiv University "Paisiy Hilendarski", lawyer, arbitrator and chairman of the Legal Non-Profit Organization (NPO).

The set of materials on paper and electronic media presented by Radostina Georgieva Nikodimova is in accordance with the applicable regulations in the field, including Art. 36 (1) of the relevant Regulations for the Development of the Academic Staff of the Plovdiv University, and contains the required documents. Along with the dissertation and abstract, the doctoral student has also attached 5 (five) publications - scientific reports and articles, on or in connection with the chosen topic, including the following documents in total:

- a request to the Rector of the University of Plovdiv for the opening of the procedure for the defense of the dissertation;
- a CV in European format;
- a protocol from the departmental council, related to reporting the readiness to open the procedure and with a preliminary discussion of the dissertation;
- dissertation;
- autoreferat;
- a list of scientific publications on the topic of the dissertation;
- copies of the scientific publications;
- a declaration of originality and authenticity of the attached documents;

The doctoral student has attached 5 publications, on and in connection with the procedure.

II. Brief biographical data about the doctoral student

Doctoral student Radostina Georgieva Nikodimova graduated from the Faculty of Law of Plovdiv University "Paisiy Hilendarski" in 2018. She has a master's degree in "Accounting and Control" from the Agrarian University of Plovdiv, as well as a bachelor's degree in "Agrarian Economics" from the same university. From February 2019 to March 1, 2024, she was a part-time doctoral student at the Department of Civil Law at the Faculty of Law of Plovdiv University, and has been dismissed with the right to defense.

Her professional life is associated with upgrading and accumulating diverse, invaluable experience related to economic life in our country, preparing her for highly qualified legal education and classical professions for graduating lawyers. Since 2019 is registered as a Lawyer in the Plovdiv Bar Association, and also as a Mediator in the relevant register at the Ministry of Justice of the Republic of Bulgaria. She teaches as a part-time assistant in International Private Law at the Faculty of Law of the Paisii Hilendarski University. Her CV shows that she uses every opportunity to express herself and acquire new knowledge, skills and abilities in the relevant professional field, with a In-depth understanding of the subtleties of the matter. She is fluent in English, with good knowledge of Spanish and Russian, which is a prerequisite for using literary sources in their original form, as well as communicating with colleagues on an international scale, including enriching her own professional knowledge in the practical and applied matter of interest to her.

III. Relevance of the topic

The developed dissertation work on the topic "European Account Preservation Order in Civil and Commercial Matters" is dedicated to a more than interesting, noteworthy and increasingly topical legal issue in an educational and scientifically applied aspect, closely related to international legal contact and legal exchange between the Member States of the European Union (introduced by Regulation (EU) 655/2014). Important institutes of Private International Law have been studied, including in relation to national legislation and procedural law - more than topical and of enormous practical importance in our modern life. The chosen topic is successfully with in line with the professional development and interests of the doctoral student, as well as with the undisputed erudition and practical experience of the scientific supervisor Assoc. Prof. Dr. Dimitar Dekov.

IV. Knowledge of the problem

The doctoral student demonstrates professional knowledge of the essence of the researched issue - legislative framework and doctrine, combined with the use and reference to the accumulated specialized literature and the relevant - national, but also of the EU member states, case law. The ability to carefully use literary sources, creative commentary and analysis of the issues raised in the matter is demonstrated.

V. Research methodology

The selected research methodology includes various scientific research and methodological approaches - the historical method, complex use of a logical-analytical and systematic approach to the topic, combined with the use of systemic analysis and comparative law method, as well as an inductive method for analyzing case law in the field. A critical analysis is also included, through analysis and comparison of the legal tools in the research area, including with a view to the achievements of the native doctrine and jurisprudence, contributing to a more in-depth examination of the issues raised in the matter. The topic involves the use of the accumulated domestic, but also international, case law, which allows achieving the set goal and reaching adequate answers to the issues, the subject of research in the dissertation work, which contributes to its practical focus and interest for practicing lawyers. Various foreign language sources on the relevant matter have been successfully used.

VI. Characteristics and evaluation of the dissertation work

The dissertation work, bearing the characteristics of a monographic work, is in a volume of 238 standard pages. The content of the scientific work includes a title page, table of contents, a list of abbreviations used, an introduction, four chapters dedicated to the essence of the researched issues, a conclusion, a bibliography and appendices. Each chapter is subdivided in detail into sections with Roman numerals, including levels of points and subpoints, indicated by Arabic numerals. A total of 382 footnotes have been made, as well as references to 135 literary sources, including 27 monographs, textbooks, studies and articles in Bulgarian and 48 by foreign authors. The presentation contains references to 35 normative acts and documents of Bulgarian and European law, acts of judicial practice and web-based information sources, including within the EU. *De lege ferenda* proposals have been made at the relevant places in the scientific work. The language and means of expression used are appropriate for a scientific work of such a scale.

In the introductory part of the dissertation, the doctoral student outlines the scope of the work, introduces and clarifies the concepts on which he builds his main presentation. The aims and objectives of the scientific research related to the creation of a European Account Preservation Order and the adoption of Regulation (EU) No 655/2014 of the European Parliament and of the Council of 15 May 2014, which aims to facilitate cross-border debt collection in civil and commercial matters, are outlined.

Chapter One examines the prerequisites for the creation of a European Account Preservation Order and provides a general description of the Preservation Order. Its content includes three sections, which systematically examine the adoption of the legislation in historical terms. The principles of the Regulation, which regulates the procedure for issuing a European Preservation Order, are developed and summarized, as well as the specifics of its subject matter, scope and effect are set out.

Chapter Two is devoted to a comparative legal study of the European Account Preservation Order with existing EU legal institutions in the field of cooperation and settlement of cross-border debt. The relevant sources of European Union law are examined in a comparative manner - Regulation (EU) No. 1215/2012 on jurisdiction, recognition and enforcement of judgments in civil and commercial matters (Brussels I (recast)); Regulation (EU) No. 1896/2006 establishing a European order for payment procedure; Regulation (EC) No. 861/2007 establishing a European small claims procedure, as well as Regulation (EC) No. 805/2004 creating a European enforcement order for uncontested claims. A number of interesting and debatable hypotheses are presented and justified to the reader. Relevant conclusions are drawn about the advantages and disadvantages, application and interaction with the European Preservation Order. The following - Chapter Three - examines in more detail the procedure for issuing the European Account Preservation Order, the competent authorities, the protection of the parties, and liability for damages. The internal structuring is carried out in three sections, examining access to the procedure, the conditions and requirements for issuing the European and an order, including the temporal aspect of the issuance of a court decision in the case. Attention is drawn to the mandatory, strictly formal nature of the procedure, objectified in a relevant Form, representing an application for the issuance of a European Account Preservation Order - regulated in Annex I of Commission Implementing Regulation (EU) No 2016/1823 of 10 October 2016 establishing the forms referred to in Regulation (EU) No 655/2014 of the European Parliament and of the Council establishing a European Account Preservation Order procedure to facilitate cross-border recovery of claims in civil and commercial matters, as well as the collection and admission of evidence, including the possibilities for securing. Attention is drawn to the competent authorities in the procedure, as well as to the existing protective options for the creditor, expressed in an appeal against the refusal to issue a Preservation Order, implemented in accordance with the national legislation of the Member States, respectively of the debtor, in accordance with the requirements and the right to a fair trial and respect for human dignity and family life, as well as the possibilities for protecting the rights of

third parties. Last but not least, the liability for damages of the various parties involved in the procedure for issuing a European Account Preservation Order is also examined. The doctoral student has entered into some discussion issues, and has expressed his view on them in a reasoned and tolerant manner, including with proposals *de lege ferenda*.

The practical difficulties and guidelines for the application of the procedure for issuing a European Account Preservation Order are the subject of a more in-depth study in the fourth chapter of the scientific work. The content includes a total of three sections, with an important place being given to evidence in the proceedings for issuing an Preservation Order. The practice of the Bulgarian courts is presented, and the main difficulties experienced in obtaining the attachment order in cases where urgent necessity must be proven and the need for the imposition of the measure must be established. Reasoned conclusions are studied and proposed, related to the various possibilities in view of the available hypotheses, and the analyses deserve appropriate attention from the interested audience.

In the conclusion, the doctoral student summarizes the results of the scientific research, as well as contains some specific proposals for improving the existing regulatory framework.

VII. Contributions and significance of the work for science and practice

The developed dissertation work has a pronounced monographic focus. In it, the doctoral student goes into depth and reaches essential conclusions in relation to the researched matter, dedicated to the European Order for the Attachment of Bank Accounts in Civil and Commercial Cases in connection with international legal cooperation and exchange between the Member States of the European Union. The issues are adequately examined, both in terms of development in historical and comparative legal aspects, as well as in terms of functional dependence and interrelation with other institutes of Private International Law, including in terms of procedure.

In general, the innovative, scientific contributions highlighted by the doctoral student, including those of a practical and applied nature, can be summarized as follows:

1. The scientific work represents the first complete and comprehensive study of the diverse issues related to the European Account Preservation Order in civil and commercial matters, including in relation to similar institutes of Private International Law, as well as an analysis of the internal issues with the accompanying difficulties in applying the relevant regulatory framework.

2. In this sense, a comparative analysis of the European Account Preservation Order with the other four EU legal instruments on cross-border cooperation and exchange in civil and commercial matters has been made, with attention paid to the positive aspects and shortcomings, as well as to the possibilities for interaction between them.

3. The dissertation successfully researches and summarizes the opinions in the case law and the legal doctrine of national and foreign courts, within the EU, on the application of the Regulation, by offering original solutions to the emerging discussion issues.

4. In addition, the relevant case law of the Court of Justice of the European Union on the interpretation of the regulation of the European Account Preservation Order is presented.

5. A number of interesting and noteworthy proposals *de lege ferenda* are provided in the contribution, which can serve as a useful reference point, by providing essential arguments and practical guidelines in the use of the European legal instrument by magistrates, lawyers, researchers, teachers and other interested professionals in the matter, including:

a. to expand the scope of the procedure to cover not only the possibility of establishing the attachment of bank accounts, but also seizures on real estate, attachment of receivables and other precautionary measures;

b. to expand the effect of the EAPO regarding persons whose accounts may be seized;

c. to expand the scope of the Regulation in terms of financial instruments that can serve as collateral, including cryptocurrency, electronic money, etc.;

d. to expand the temporal effect of the European Preservation Order or to make the current legal framework subject to autonomous interpretation by the Court of Justice of the EU.

e. to improve the cooperation mechanism and expand the scope of information provided on bank accounts and the debtor's assets in general;

In accordance with the scientific achievements achieved, the results of the dissertation could be useful in a number of directions - improving the current legal framework, improving and unifying the national (but not only) practice of the courts in applying the Regulation, in the process of training law students, as well as in the daily work of all legal practitioners in the relevant field. The summarized sample of the used case law (national, but also of the EU member states) contributes, in a significant way, and is of undoubted benefit to the inquisitive and interested reader.

VIII. Assessment of the publications and personal contribution of the doctoral student

In connection with the topic developed by the doctoral student, 5 (five) scientific publications are also presented, including published reports from scientific forums, conferences and seminars, which are the fruit of long-term and fruitful professional efforts. They reflect the achievements and scientific results of the dissertation work in the creative process of its creation, including which are further developed in the present work.

IX. Autoreferat

The content and quality of the presented abstract are in accordance with the requirements, essentially faithfully reflecting the main results achieved by the doctoral student in the process of scientific writing of the dissertation work.

X. Critical notes and recommendations for future use of the dissertation contributions and results

Of course, some useful notes can be made about the dissertation work, which do not diminish the overall dignity of the scientific research, and in view of the possibility of their consideration by the doctoral student in his future professional development, and/or in the eventual publication of the scientific work, I could mention:

The dissertation work is generally well structured, but, as it were, could still be supplemented and refined, including balanced, in accordance with the best practices for this type of scientific work, which would give additional value to the work.

Some of the conclusions drawn, undoubtedly, can be questioned, and others can even be characterized as erroneous or at least insufficiently clarified (e.g. – in relation to the concepts of “domicile” and “habitual residence”), including when they concern issues on which there are already weighty opinions expressed in the doctrine or are in support, respectively in opposition, of established case law. Nevertheless, the author’s thoughts and conclusions, including many of the proposals *de lege ferenda*, definitely deserve attention, as they are well-founded and tolerantly presented. In fact, with possible additional and more complete precision, scientific contributions will be

enriched, and creative work and satisfaction from what has been achieved could only benefit.

In fact, although the scientific work used and analyzed significant literary sources, some - more or less - significant creative materials were omitted, the research inclusion of which would allow for a more in-depth and even more detailed exploration of the issues with the related diverse and multi-layered problems.

Some annoying spelling errors were made, which we assume are more likely the result of technical omissions and oversights, along with the completion of the work and in the somehow inevitable final "mess" related to the final preparation for the defense of the scientific work.

CONCLUSION

The dissertation "European Order for the Preservation of Bank Accounts in Civil and Commercial Cases" contains scientific, scientifically applied and applied results that represent an original contribution to science and meet all the requirements of the Act on the Development of the Academic Staff in the Republic of Bulgaria (AADRB), the Regulations for the Implementation of the AADRB and the relevant Regulations for the Development of the Academic Staff of the "Paisiy Hilendarski" University.

The dissertation shows that the doctoral student Radostina Georgieva Nikodimova possesses in-depth educational training, theoretical knowledge and professional skills in the scientific specialty of Private International Law, demonstrates qualities and skills for independent scientific research, as well as potential for creative development and professional self-improvement.

Due to the above, I definitely give my positive assessment of the conducted research, presented by the above-reviewed dissertation, abstract, other publications, achieved results and contributions, and **I propose to the esteemed scientific jury to award the educational and academic degree 'doctor' of Radostina Georgieva Nikodimova** in the field of higher education: 3. "Social, economic and legal sciences", professional field: 3.6. "Law", doctoral program: "Private international law".

February 27, 2025

Prepared by the review:

Assoc. Prof. Dr. Georgi GANCHEV EMBL-HSG