

STATEMENT

By Prof. Nadia Georgieva Boyadjieva, Doctor of Legal Sciences
Area of Higher Education 3. Social, Economic and Legal Sciences, professional field 3.6. Law,
Doctoral program "International Law and International Relations"

member of the Scientific jury in procedure for defense of a doctoral dissertation on the topic:

"European Account Preservation Order in Civil and Commercial Matters "

for acquisition of the educational and scientific degree "Doctor"
in District on higher education: 3. Social, economic and legal sciences
Professional field: 3.6 Law
Doctoral program: "International Private Law"

Author: Radostina Georgieva Nikodimova

Scientific Supervisor: Assoc. Prof. Dimitar Dekov, Ph.D. in Law, from the Law Faculty of the
Paisii Hilendarski University

1.Presentation of the procedure.

I have been appointed to serve as a member of the Scientific jury by Order No. RD-21-2366 of 18.12.2024 of the Rector of the Paisii Hilendarski University in connection with a procedure for the defense of a dissertation written by a doctoral student in the Department of Civil Law at the Faculty of Law of the Paisii Hilendarski University Radostina Georgieva Nikodimova. Nikodimova was enrolled as a doctoral student on 1 March 2019 after successfully passing a qualifying examination. She was enrolled with the right to defend, effective from 01.03.2024. She presented a dissertation to her supervisor, who, after assessing its qualities and readiness for internal discussion, submitted to the Department Council /CS/ of the Department of Civil Law Sciences a reasoned Opinion /dated 29.10.2024/ with a proposal for internal discussion. Nikodimova successfully passed the internal discussion at the CS Meeting /held on 03.12.2024/. Within the statutory deadline, the required documents, the dissertation, and an abstract of the dissertation /in Bulgarian and English/, a declaration of originality of the contributions and a declaration of originality and reliability were submitted. Doctoral student Nikodimova *has met the minimum national requirements* under Art. 2b of the Law for Development on the Academic Staff of the Republic of Bulgaria (ZRASRB) for the Scientific field 3. Economic, social and legal sciences, Professional field 3.6. Law for a dissertation /according to the attached Reference/.

2. Presentation of the doctoral student.

From the presented Curriculum Vitae (CV) it is clear that Nikodimova has received excellent theoretical and practical training in the field of her doctoral studies and other fields. She holds a Master of Laws degree, and she also has a BA education degree in economics and an MA of Accounting and Control. She has worked in the banking sector, with stints at three banks: ProCredit Bank (Bulgaria) AD, Piraeus Bank AD, Raiffeisenbank EAD. Since 2019, she has been a lawyer accredited by the Plovdiv Bar Association, and since 2021 she has been registered as a Mediator at the Ministry of Justice, with a specialization in family mediation.

During her studies as a doctoral student Nikodimova fulfilled all activities in compliance with the individual curriculum. Her participation in numerous advanced training courses, seminars, and academic events organized by various institutions in the field of international law, including International Private Law, is impressive (see the attached CV and the opinion of the scientific supervisor to the CS meeting with an assessment of her work).

Since September 2019, she has been regularly conducting seminars on private international law at the Paisii Hilendarski University of Plovdiv as a part-time assistant. *My personal impression of the doctoral student is excellent* and was acquired during her studies in my specialized doctoral course on international law and international relations at the Training Center for doctoral students of the Bulgarian Academy of Sciences. Undoubtedly, she has shown an enduring interest in academic teaching and scientific development in the field of private international law.

3.Characteristics and evaluation of the dissertation and the abstract.

The topic of Nikodinova's doctoral dissertation is extremely *important and the subject of lively debate in the field of legal studies*, and this opinion can be argued from several different perspectives. First, her dissertation is an in-depth scientific study of important issues related to the European Account Preservation Order in civil and commercial matters and the various options that individuals and legal entities have in resolving monetary disputes within the EU when there is a private legal relationship with an international element.

Second, Nikodinova's analysis is based on international legal sources, European Union law, and the Bulgarian Code of Private International Law, as well as the related case law of Bulgarian courts, the Court of Justice of the European Union and other courts of EU member-states.

Third, the dissertation is particularly relevant in light of the progressive elimination of borders within the Schengen Area, the growth of civil and commercial relations within the EU, the growing inter-company indebtedness, the presence and deepening of the financial and economic crisis, the emergence of new financial instruments (e.g., cryptocurrencies), the possibility of ensuring international civil and commercial exchange, the need for predictability and security in private law relations with an international element, and many other features of the legal structures in Europe.

The dissertation has a total volume of 237 standard typewritten pages and includes a table of contents, an introduction, four chapters, a conclusion, a bibliography, an appendix and a declaration.

Because of space constraints, I will offer here only a *brief assessment of the main merits and contributions of the work*.

The chosen structure of the dissertation, with chapters that support the main goal and objectives of the study, is appropriate and creates a positive impression. *The Introduction* correctly emphasizes the relevance of the issues under consideration and the degree of their scientific development. The goal and objectives of the study are *clearly and categorically defined*. As noted above, the relevance of the topic is undeniable. This is because the problems related to the European order for the attachment of bank accounts in civil and commercial cases have a significant role in the development of international civil and commercial relations. The dynamics of the European legal framework is a prerequisite for the increasing processes of integration between EU Member States in international civil proceedings, in particular in cases where it comes to resolving civil and commercial issues related to monetary matters.

The *first* chapter, entitled “Prerequisites for the creation of a European Account Preservation Order and general characteristics of the Preservation Order”, is divided into three sections, in which Nikodimova examines in detail the process of creating the mechanism within the EU and the legal nature of the European Account Preservation Order; the subject matter and scope of the European Preservation Order of bank accounts, with six points examining the main features of the regulation with an emphasis on the material scope of the regulation.

Chapter two provides a comparative analysis of the European Preservation Order with the existing EU legal institutions in the field of cross-border debt settlement, with the main conclusions systematized in a tabular form in the appendix (p. 238).

Chapter three examines in detail the procedure for issuing the European Account Preservation Order, competent authorities, protection of the parties, liability for damages, in a total of three sections, examining access to the procedure, the conditions for issuing it and the forms of the procedure, analyzing the admissible evidence in the proceedings and the specifics of the proof; information is also provided regarding the deadlines and their calculation within the EU, and analyzing the main characteristics of the Ex Parte, the mechanism for access to bank information is also examined in detail, and the problems that arise as a result of the need to protect the disclosed personal data of the debtor are identified (pp. 116-117). This chapter also analyzes the possibilities and prerequisites for appealing the refusal to issue a Preservation Order, the competent authorities in the proceedings, the protection of the parties in the procedure for issuing a Preservation Order for bank accounts and the liability for damages of the participants in the procedure for issuing a European Account Preservation Order for bank accounts.

Chapter Four examines the practical difficulties and guidelines for the application of the procedure for issuing the European Preservation Order. This part of the work analyses a significant volume of case law, with the author making justified critical remarks in places (for example, on page 193, on the nature and character of the claim, specifically child support, on page 201, on the introduced hierarchy of supranational EU law, etc.).

The merit of the dissertation is that the author relies on numerous sources from Bulgarian and foreign authors, including Bulgarian and foreign monographs, textbooks, articles, publications of the European Union, as well as case law of the CJEU, and case law of the courts of EU member-states. The dissertation is very well structured. The 382 footnotes included, and the variety of sources used emphasize the rich theoretical and practical basis of the work and testify to the author's high theoretical preparation and her skills to independently interpret and apply scientific achievements.

The abstract is presented in Bulgarian and in English (32 pages). It *meets the requirements and gives an accurate picture of the essence and contributions of the dissertation*. Five scientific publications on the topic of the dissertation, which have been published in scientific journals, are also presented for evaluation. They testify to the enduring interest and contribution of the doctoral student to the chosen topic.

4. Assessment of the Dissertation's Achievements.

Nikodimova has used *appropriate methods* to explore this complex topic and has

accomplished the tasks set in her dissertation. The ease and confidence with which she examines the various aspects of the topic indicates that *she possesses in-depth knowledge in the field of private international law and specifically in the field of international civil procedure*. Nikodimova demonstrates in-depth knowledge and understanding of the issues under consideration and has thoroughly researched contemporary achievements in the field under study. *Her own views on the issues she discusses are impressive. She has drawn independent conclusions, which I accept. Her desire to cover many issues of the researched topic deserves encouragement. Nikodinova's conclusions are clearly formulated, logically drawn, and well-argued.*

Accepting the contributions indicated by Nikodinova, I will highlight here some of *the scientific and applied contributions of the work*, without being exhaustive.

Her comparative analysis of the existing institutions in the legal framework of the European Union in the field of cross-border debt settlement, specifically the four European Union Regulations: Regulation (EU) No. 1215/2012 on jurisdiction, recognition and enforcement of judgments in civil and commercial matters, Regulation (EU) No. 1896/2006 creating a European order for payment procedure; European Small Claims Procedure and Regulation (EU) No. 805/2004 creating a European Enforcement Order for uncontested claims (pp. 65 – 88).

- Nikodinova's comparison of the European Account Preservation Order with existing EU legal institutions in the field of cross-border debt settlement is extremely important, which is illustrated in tabular form in the appendix (p. 238).
- She has analyzed in detail all competent authorities in the procedure for obtaining a European Account Preservation Order in cross-border civil and commercial, with information on who they are in the individual Member States.
- The legal nature of the European Preservation Order and its characteristics, scope and scope are examined (pp. 24-59).
- Nikodimova examines the practice of the Court of Justice of the European Union.
- The practice of the national court and its significance for the procedure are examined.
- The main difficulties in obtaining the European Preservation Order are outlined, such as the proof in the proceedings and the prerequisites for the existence of an urgent need for its issuance.
- The advantages and disadvantages of the legal framework and case law are indicated, as well as those related to the practical application of the European Preservation Order.

- An important contribution is Nikodinova's discussion of proposals for improving the regulatory framework, related to the expansion of the scope of application of the European Preservation Order, not only to cash, but also to movable and immovable property, cryptocurrencies, and modern financial instruments.

In summary, Nikodinova's *dissertation contains scientific and applied contributions* that illuminate the development of the institution of the European Account Preservation Order. At the same time, she has provided a starting point for legal practitioners in the application of the legal mechanism and the specifics imposed by its cross-border nature. Her contributions reflect the relevant *elements of novelty* and are academically significant. Her dissertation is useful both for Bulgarian courts and for lawyers practicing in the field of such legal relations. Up to now, no comprehensive study in this area has appeared, and her dissertation contributes to filling this gap.

5. Critical notes and recommendations.

Some technical errors are noted, which are probably attributable to the volume of the dissertation work, such as " casse " instead of "case" (p. 149), " chastno " instead of "chastno" (p. 209), "v stvelit" instead of "vsledstvie" (pp. 109, 168, 177), etc. Some stylistic inaccuracies have been made, probably because of the volume of sources used.

It may be appropriate to separate and present suggestions for improving the regulatory framework in the Conclusion, arranged in order of importance according to the author.

The conclusion could be expanded to underscore the main themes of the dissertation.

In the Bibliography, the literature is not listed in alphabetical order.

These critical remarks do not detract from the merits and contributions of scientific research. My overall impression is of very good legal language, in-depth research, acquired knowledge and erudition. I recommend the author to continue her scientific research in the chosen scientific field and to continue publishing her work.

6. Conclusion.

In compliance with Art. 6, para.3 from the Law for Development on the Academic Staff of the Republic of Bulgaria (ZRASRB) and Art. 27, para. 1 of the Regulations for the Implementation of ZRASRB, the *dissertation meets the requirements and undoubtedly contains scientific or scientifically applied results that constitute original work and contribution in science.* The dissertation

work shows that Radostina Nikodimova possesses in-depth theoretical knowledge in the field of international private law and skills for independent scientific research. Based on the statements presented in the opinion, I confidently give a **positive** assessment of the scientific research conducted. I will vote *positively* and call on the Scientific *Jury to award the educational and scientific degree "doctor" to Radostina Georgieva Nikodimova* in the Field of Higher Education 3. Social, Economic and Legal Sciences, Professional Field 3.6. Law, Doctoral Program "International Private Law".

February 24th, 2025

Prepared by: _____

/Professor Nadia Boyadjieva, D.Sc./