

OPINION

by **Associate Professor Ventsislav Lyudmilov Petrov, Ph. D**, lecturer at the Faculty of Law of Sofia University "St. Kliment Ohridski", member of the scientific jury according to Order № RD-22-1439/21.07.2026 of the Rector of the University of Plovdiv "Paisii Hilendarski"

Subject: Dissertation for awarding the educational and scientific degree of "Ph.D." in the field of higher education 3. Social, Economic and Legal Sciences, professional field 3.6. "Law" (Civil and Family Law)"

Dissertation: **Yordan Nikolaev Pangev** – full-time PhD student at the Department of Civil Law Sciences at the Faculty of Law of the University of Plovdiv "Paisii Hilendarski".

Topic of the dissertation: "Unfair terms in contracts"

1. Ph.D. Student Data

Yordan Nikolaev Pangev was born in 1993 and graduated in Law from the Faculty of Law of the University of Plovdiv "Paisii Hilendarski" in 2017. Even as a student, he demonstrated an ineptest at academic work by participating in the Civil and Commercial Law Study group and by participating in the teams representing Paisii Hilendarski University of Plovdiv at the annual Inter-University Civil and Commercial Law Competition in Burgas—one of the two established forums in Bulgaria in this field.

He is the author of a number of scientific publications in the specialized legal press, dedicated to various institutes of civil substantive and procedural law. He is also a co-author of a book dedicated to copyright in the architecture.

He was enrolled as a PhD student in the Ph.D. program "Civil and Family Law" by Order of the Rector of Plovdiv University № R-33-326/01.02.2021 for the period 1.03.2021-01.03.2025 with scientific supervisor Associate Professor Krasimir Mitev, Ph.D. Mr Pangev was expelled with the right of defence by Order № RD-22-562/26.02.2025 of the Rector of the University of Plovdiv "Paisii Hilendarski".

Since 2022, the PhD student has been teaching seminars as a part-time lecturer at the Faculty of Law of the same university. This circumstance has certainly helped him to explore more deeply the matter of the dissertation.

The PhD student also has considerable practical experience. He worked for one year as a legal adviser, and from 2019 to the present day as a lawyer with practice in the field of civil

and commercial law. This experience, has helped him comprehensively explore the institutes in which he is scientifically interested and to notice the problems in their application in practice.

2. Procedure details

The submitted documents certify that the PhD student meets the minimum national requirements under Art. 6 in connection with Art. 2b, para. 2 and 3 of the Law on development of the academic staff in Republic of Bulgaria and Art. 25 of the Regulation for implementation of this Law. There are documents required by the legislation, incl. declaration of originality, order of the Rector for enrollment, order of the Rector for expulsion of the PhD student with the right of defence, list of publications and text of the publications themselves, curriculum vitae, abstract. There is no evidence of violations in the procedure, nor of plagiarism.

3. Data about the dissertation

The dissertation is written on 216 pages, of which 205 pages are text, and the rest are bibliography. However, the pages are not standard typewritten – they contain many more lines and characters than the standard (30 lines of 60 characters), which is why the volume is actually significantly larger. The volume meets the requirements for a dissertation for acquiring an educational and scientific degree "PhD".

The chosen topic is important from a theoretical point of view and has great practical applicability. Its aspects have been studied in a number of works in Bulgarian legal literature, but the author presents his original views and arguments in support of them.

The bibliography lists a total of 186 sources used, of which 113 are in Bulgarian and 73 in foreign languages (English, French, Italian and Spanish). A good impression is made by the knowledge of the relevant Bulgarian literature from the period before 09.09.1944, including little-known works (such as the works of the future professor of criminal law Ivan Nenov, who is actually a PhD in Commercial law), dedicated to the general terms and conditions, as well as the widespread use of foreign literature in several European languages. This circumstance has contributed the author to an analysis of the main European legislation and the doctrine of their application.

The work is structured in an introduction, three chapters and a conclusion. Each chapter is divided into paragraphs and each paragraph into points. The structure chosen is classic and has allowed the author to carry out a comprehensive analysis of all aspects of unfair terms.

The **introductory outline** the subject, method and purposes of the research, and in the presentation dedicated to the purposes the PhD thesis can be found (it can be recommended to explicitly highlight it in a separate place in the introduction and to be developed in more detail).

Chapter One is entitled "The Essence of Unfair Terms". It analyzes the relationship between unfair terms and autonomy of will, contracts under general conditions, the concept of unfair terms and their scope of application. A distinction is made between them and other related institutions – annulability due to extreme necessity and obviously disadvantageous conditions, nullity due to contradiction with good morals, as well as the so-called "surprise terms".

Chapter Two is devoted to the types of unfair terms. The author has united the various unfair terms into several groups – related to the conclusion of the contract, to performance, to non-performance, to the termination or extension of the contract, to procedural rights, as well as to a common group for all others. The division into the so-called lists of unfair terms – "white", "gray" and "black" is outlined. The author proposes the introduction of a new division of the types of unfair terms.

The last third chapter is devoted to the consequences of the inclusion of unfair terms. After examining the generic concept of invalidity and a more detailed presentation of the provisions on nullity, Mr. Pangov analyzes the specifics of nullity in the case of unfair terms.

In the **conclusion** of the dissertation, the conclusions made in the whole work are systematized and on the basis of them the proposals made in the dissertation *de lege ferenda* are deduced.

The dissertation is written in good legal language. It testifies to the in-depth theoretical training of the PhD student in the field of Contract law, the General part of Civil law, Commercial law and Civil procedure. His ability to build original contributing scientific theses and their argumentation is visible.

4. Publications of the author of the dissertation

PhD student Yordan Pangev has presented three scientific publications on the topic of his dissertation:

1. Unfair Terms and Abuse of Rights. – In: Collection "70 Years of the Law on Obligations and Contracts". Sofia: Sibi, 2022
2. Comparative Law Remarks on Unfair Terms. – In: Proceedings of the Scientific Conference "Law in the XXI Century – Challenges and Prospects". Plovdiv: Paisii Hilendarski Publishing House, 2023
3. Does consumer law provide special protection to underage consumers? – *Studia Iuris*, 2024, № 2

This fulfills the scientometric requirements for acquiring the educational and scientific degree "PhD.

The scientific conclusions made in these articles are included in the dissertation research and therefore will not be subject to separate review. They show the gradual achievement of justified scientific contributions.

5. Abstract

The abstract is in the volume of 32 pages. It contains a description of the goals, objectives and methods of the research of the research; a brief summary of the content of the dissertation; scientific contributions, an indication of the doctoral student's articles on the topic of the research. Based on this, it can be concluded that the abstract meets the established requirements.

6. Scientific contributions

The dissertation contains a number of scientific contributions. Some of them are entirely author's theses, while others are original arguments to views already presented in theory. Some of them will be listed below. Some of the contributions mentioned by the PhD student in the abstract as contributions actually have the character of research methods (for example, the study of the practice of the CJEU and the study of the relationship between different institutes).

“ As the most important scientific contribution, the construction of a general concept of unfair terms as an institution of the Contract Law (and not only of the so-called Consumer Law) should be pointed out, expressed in the derivation of their main features, their separation into groups, generalization of their legal consequences, as well as their regulation following this proposal should be consolidated in the Law on obligations and contracts, immediately after the regulation of the general terms and conditions. The presentation of this concept shows the ability of the dissertation student for abstract scientific thinking.

The proposal to introduce an objective abstract criterion ("the reasonable person") for assessing whether good faith has been violated is of an original nature. Such an assessment on the basis of abstractly derived signs of normal, reasonable behavior in a certain situation is typical of contract and commercial law (it is enough to recall the figures of the "good owner" and the "good trader").

As a contribution, the proposal to replace the terms 'trader' and 'supplier' with 'professional' should be qualified; this would lead to a wider scope of safeguards.

As a scientific contribution, the classification of unfair terms into six groups proposed by the author can be qualified, as well as the proposal that part of the clauses under Art. 143, para. 2 of the Law on the protection of the consumers, be separated into a separate "white" list (for example, the imposition on the consumer of the acceptance of clauses that he did not have the opportunity to familiarize himself with before the conclusion of the contract). The adoption

of the latter proposal would allow greater flexibility of the judge in taking into account the specifics of the each one case, as well as would contribute to the preservation of the autonomy of the will, which is already very limited in this matter.

The proposals set out on page 202 of the dissertation for the creation of additional powers of the Commission for Consumer Protection are also of a contributing nature. Although they can be seen as strengthening the administrative control over the freedom of contract, their adoption would lead to the strengthening of consumer protection (and other economically weaker entities).

7. Critical remarks and recommendations

Some recommendations related to the need to refine and supplement some theses can also be made to the work.

On page 143, the PhD student accepts that the court must monitor the nullity *ex officio*, also referring to Interpretative Decision № 1/2020 of the Supreme Court of Cassation. In fact, this decision assumes that the court is obliged to monitor *ex officio* only some of the grounds for nullity. If the dissertation student states otherwise, then he should state it explicitly and present arguments in favor of his view.

It is difficult to perceive the thesis of p. 145 that the impossibility of acquiring rights by third parties negotiating with the "acquirer" in a null and void transaction is a manifestation of reflex action. In this case, there is a null contract that does not give rise to the intended legal consequences, and not a contract that gives rise to its direct effect, which exceptionally has effect against third parties (such as the reflex action). In this case, in fact, the principle "No one may transfer rights that he does not have" applies. The exceptions to this principle are also not occasions of the reflex effect of a contract, but a consequence of an independent facts.

The data presented on p. 7 about the concept of a contract and the theories for its explanation may remain outside the topic of the study. If, however, the author dwells on them, he should start from the works of the older authors – prof. Lyuben Dikov, prof. Ivan Apostolov and prof. Vitaly Tadjer.

The presented recommendations are aimed only at stimulating the author to expose additional arguments and do not affect the overall excellent impression of the dissertation.

8. Conclusions

On the basis of all the above, it can be concluded that PhD student Yordan Pangev has conducted in-depth and systematic research using the basic methods in legal science and has reached original and solidly reasoned scientific conclusions. On the basis of the results achieved, he has made many well-reasoned proposals *de lege ferenda*, which shows his

scientific maturity and ability to assess how scientific theses can contribute to the improvement of legislation and case law. The fact that on some of the controversial issues can be presented sufficient arguments in the opposite direction does not in any way diminish the merits of his work.

9. Conclusion

Based on all of the above, I vote in favour of awarding the educational and scientific degree “PhD” in the field of higher education 3. Social, Economic and Legal Sciences, professional field 3.6. "Law" (Civil and Family Law)" by Yordan Nikolaev Pangev – full-time PhD student in the PhD program "Civil and Family Law" at the Department of Civil Law Studies at the Faculty of Law of the University of Plovdiv "Paisii Hilendarski".

22.09.2026

Author of the opinion:.....

(Assoc. Prof. Ventsislav L. Petrov, Ph.D.)