

OPINION

by Ivan Tsvetanov Ivanov, Ph.D., Associate Professor of Civil and Family Law at the Faculty of Law of University for national and world economy, appointed by Order № RD-38-255 / 06.07.2020 of the Rector of Sofia University "St. Kliment Ohridski" for a member of the scientific jury of a competition for the academic position "Associate Professor" in the professional field "3.6. Law", scientific specialty "Civil and Family Law" at Sofia University "St. Kliment Ohridski"

About: competition for associate professor in the professional field "3.6. Law", scientific specialty "Civil and Family Law", announced by Sofia University "St. Kliment Ohridski" in the State Gazette, issue 57 of 26.06.2020

1. Information for the competition

The competition was announced for the needs of the Department of Civil Law at the Faculty of Law of Sofia University "St. Kliment Ohridski". I participate in the scientific jury as an external member according to Order № RD-38-255/06.07.2020 of the Rector of Sofia University "St. Kliment Ohridski".

2. Brief information about the candidates in the competition

In the competition for associate professor as the only candidate participates Ventsislav Lyudmilov Petrov, Ph.D., chief assistant professor at the Faculty of Law at Sofia University "St. Kliment Ohridski".

Ventsislav Petrov, Ph.D., was born in Veliko Tarnovo, Republic of Bulgaria. He graduated as a Master of Law in 2009 at the Faculty of Law of Sofia University "St. Kliment Ohridski". In 2011 he graduated with a master degree in International Relations from the same faculty in the Master's program "Private Relations with Cross-Border Consequences in the EU". Since 2011 he has been a lawyer at the Sofia Bar Association. Since 2011 and currently he is a full-time lecturer at the Faculty of Law at Sofia University "St. Kliment Ohridski". He has held the academic positions of "assistant" (from 2011 to 2015) and "chief assistant" (from 2015 to present). He became Ph.D. in Law from 2015 with the topic of the dissertation "Revocation of the refusal of inheritance by the creditors of the heir". Since 2016 he held the academic position of "assistant" at the Faculty of Law of the University of Veliko Tarnovo "St. Cyril and St. Methodius", and since 2017 he has held the academic position of "Chief Assistant" at the same faculty. Ventsislav Petrov is a lecturer at the Lawyer Training Center named Krastyu Tsonchev. He is a member of the Union of Scientists in Bulgaria.

3. Fulfillment of the requirements for holding of the academic position

From the reference submitted in the documents for participation in the competition for the implementation of the minimum national requirements under art. 2b of the Act for development of academic staff in the Republic of Bulgaria it is evident that the candidate Ventsislav Lyudmilov Petrov, Ph.D., has fulfilled both the minimum national requirements under art. 2b of the Act for development of academic staff in the Republic of Bulgaria, as well as the requirements of Sofia University "St. Kliment Ohridski" for holding the academic

position of “Associate Professor” at Sofia University “St. Kliment Ohridski”, collected 475 points.

4. Evaluation of the teaching activity for each candidate separately

By 2020, Ventsislav Lyudmilov Petrov, Ph.D., has more than 2 years of teaching experience, including as an assistant and chief assistant. For the academic year 2017/2018 he has completed academic employment of 570 hours; for 2018/2019 - 420 hours and for 2019-2020 - 570 hours. Over the years as a lecturer at the Faculty of Law at Sofia University "St. Kliment Ohridski" Ventsislav Petrov has led seminars in the disciplines of Civil Law – general part, Obligation Law and Family and Inheritance Law. As a lecturer at the Faculty of Law at the University of Veliko Tarnovo "St. Cyril and Methodius" has led seminars in Property Law and has read a lecture course in Family and Inheritance Law to students in Law, as well as a lecture course on Family Law to students in Social Activities and Entrepreneurship in the Social Sphere”.

In connection with the teaching activity of Ventsislav Lyudmilov Petrov, Ph.D. it has to be marked the various methodological and innovative approaches that he uses in conducting his lecture courses and seminars with students. All of these facts prove his positive reputation and teaching experience, as well as his high degree of readiness to hold the academic position of "Associate Professor" at Sofia University "St. Kliment Ohridski”.

Since 2011 and currently Ventsislav Petrov, Ph.D., participates in the work of the Seminar of Civil and Commercial Law at the Law Faculty of Sofia University "St. Kliment Ohridski” as one of its mentors. Since 2011 and currently he leads the representative teams of Sofia University “St. Kliment Ohridski” in their participation in the annual national competitions in civil law, namely the National Competition in Civil and Commercial Law in Sofia and the Interuniversity Competition in Civil and Commercial Law in Burgas. In the period 2014-2019, the teams led by him won the first place five times in the National Competition in Sofia and the first place five times in the Interuniversity Competition in Burgas.

According to the stated circumstances, as well as according to the applied documents, I consider that as a candidate in the competition Ventsislav Lyudmilov Petrov, Ph.D., meets the formal requirements provided in Art. 24, par. 1, item 1, item 2, letter "a" and item 4 of the Act for development of academic staff in the Republic of Bulgaria; art. 53, par. 1, item 1 and item 2, letter "a" of the Regulation for applying of the Act for development of academic staff in the Republic of Bulgaria and art. 105, par. 1 of the Regulation for conditions and order for acquiring of scientific degrees and holding academic positions at Sofia University "St. Kliment Ohridski” for holding the academic position of “Associate Professor ”.

5. Brief description of the presented scientific papers/publications

For participation in the announced competition Ventsislav Lyudmilov Petrov, Ph.D., presents a monography - **"Inheritance of obligations and responsibility for legacies"**, ISBN 978-954-28-3158-7, Ciela, 2020, 13 articles published in specialized

scientific journals with an editorial board and 1 report from participation in a jubilee international conference. All of them are dedicated to topics which are actual for the legal doctrine and practice. Some of them, although thematically related to the presented monographic research, also contain separate scientific contributions and additional merits, which in general build on those indicated for it, and all of them, taken as a whole, are evidence of scientific and creative research and activity of Ventsislav Petrov, Ph.D. in the period after the defense of his dissertation. Without claiming to be exhaustive, these scientific contributions can be systematized as follows:

1. The view that the liability of the heirs for the obligations of the dead person dates back to Roman law is substantiated. The genesis of this responsibility is closely connected with the development of the Roman familia, as well as with the idea of continuing the personality of the deceased pater familias by his heirs. Subsequently, the concept of universal succession in general and inheritance in particular is built on this construction;

2. The thesis is argued convincingly that the defendant in the process under Art. 135 of the Law for obligations and contracts has a right to object to the existence of the claim of the plaintiff;

3. The application of some traditional institutes of family (obstacles to marriage) and inheritance (testamentary capacity) law is researched in the context of the changes proposed by the draft for the Act for the physical persons and support measures;

4. Legal knowledge is upgraded by presenting additional arguments in support of the thesis that when *actio rei vindicatio* is directed against a non-owner, the plaintiff-co-owner may request the transfer of possession over the whole property, as well as in favor of the thesis the claim under art. 30 of the Family Code is condemnation in all cases;

5. Arguments are presented in support of the thesis that the hereditary community excludes only the divisible hereditary debts and obligation rights, and all other rights fall into it (including shares and membership rights in personal companies);

6. The adoption of the criterion "habitual residence" of the deceased in connection with the issue of the opening of the estate in the Bulgarian inheritance law is substantiated;

7. A reasonable comparison is made and the distinctions between the debt inheritance and other institutions is made, such as the contract for inheritance transfer, debt substitution and subjective passive novation in order to formulate a number of conclusions related to the debt inheritance;

8. I also consider as a contribution the clarification of the content of the obligation of the heir accepted by inventory to give an account to the legatees and creditors of the inheritance, indication of the procedure for giving an account, as well as the consequences in case of non-fulfillment of this obligation in the very scarce legal framework of this important obligation for the interests of the indicated groups of persons.

The main scientific and scientific-applied contributions of Ventsislav Lyudmilov Petrov, Ph.D. are contained in the monographic study "Inheritance of obligations and responsibility for legacies", which is presented as a habilitation thesis. This study is in a scientific contribution due to its thematic focus, comprehensiveness and completeness. The monograph is 459 pages long, which exceeds the quantitative requirements for this type of research. Structurally, it consists of an introduction, four chapters and a conclusion. 955 footnotes were made. The used bibliography is impressive - it includes 264 bibliographic items in Bulgarian and 49 bibliographic items in German, French, English, Russian, Serbian and Macedonian.

6. Synthesized assessment of the main scientific and scientific-applied contributions of the candidates

Without claiming to be exhaustive, the main scientific and scientific-applied contributions, merits and results of the presented habilitation work can be systematized as follows:

1) the monograph of Ventsislav Lyudmilov Petrov, Ph.D. is a successful attempt to research and analyze the basic facts which leads to debt inheritance and liability for legacies and the consequences of these facts. Insofar as this attempt represents the first in the Bulgarian legal doctrine comprehensive study of these issues, and at a monographic level, its contribution to its development is beyond doubt;

2) the historical and comparative legal analyzes, which are used in the whole monography, have an indisputable contributinal character;

3) a contribution is the substantiated critique of the definition of estate, contained in art. 30, par. 1 of the Law for local taxes and the definition of this concept proposed by the author (pp. 55-56);

4) one of the indisputable merits of the monography should be the conclusion that in the case of inter vivos transfer of debt, the expression of will is always necessary, while in the case of inheritance there is no such requirement (p. 70);

5) the original and new relationship between the division of the methods of acquisition of rights and the applicability of this division in the transfer of obligations with careful note of the specifics of them (p. 70-71);

6) the original description of the facts which lead to debt inheritance in the two applicable systems for acquisition of inheritance - the system of refusal and the system of acceptance;

7) the upgrading argumentation for the private character of the succession in case of a legacy with of a commercial enterprise (p. 118);

8) the formulation of correct and substantiated conclusions regarding the nature of the legacy in the so-called “legacy for the rest” (p. 145), as well as regarding the status of “heir” of the heirs under a contract of inheritance (p. 146 et seq.);

9) a summary of the exceptions in which the legatee is liable for inheritance debts, as well as of some peculiarities concerning certain specific hypotheses;

10) the substantiated conclusion that the creditors of the testator have a privilege in satisfaction over the legatee (p. 174) in satisfaction from the estate;

11) the well-argued opinion that after acceptance of the inheritance the right of inheritance is extinguished (p. 194 et seq.);

12) the original opinion that the testator may determine different shares of a debt for his heirs (p. 209-210);

13) the systematization of some additional securities, which arise for the creditors and testators (p. 226-234);

14) the well-founded conclusion that the state should be liable unlimited as a testamentary heir (p. 251-252);

15) the numerous and well-founded build-up arguments in support of the thesis that the heir who accepted the inheritance under benefit of inventory is liable for the debts of the estate only with the rights from this estate (p. 286 et seq.);

16) the reasonable conclusion that the legatees are creditors of the heirs and not of the inheritance (p. 351);

17) the systematization of the rights, outside the real ones, which can be the subject of a legacy (p. 361 et seq.);

18) the very solidly argued proposal for introduction of a centralized system for arrangement of the inheritance relations in the Bulgarian inheritance law (p. 399) and the model of such proposed by the author;

19) the numerous and appropriate de lege ferenda proposals, which the author makes in many places in his monographic study, the most significant of which are also summarized in his conclusion, are of indisputable contribution character.

7. Main critical remarks and recommendations to each candidate individually

I have no critical remarks and recommendations to the candidate.

8. Conclusion

In conclusion:

1. I express my positive assessment for the overall academic-teaching and research activity and for the presented scientific works of chief assistant professor Ventsislav Lyudmilov Petrov, Ph.D. after defending his doctoral dissertation;

2. I believe that the only participant in the competition chief assistant professor Ventsislav Lyudmilov Petrov, Ph.D. has fulfilled all the requirements set in the Act for development of academic staff in the Republic of Bulgaria, Regulation for applying of the Act for development of academic staff in the Republic of Bulgaria and the Regulation for the terms and conditions for acquiring scientific degrees and holding academic positions at Sofia University "St. Kliment Ohridski" for holding the academic position of "Associate Professor" and in accordance with art. 26, par. 3 of the Act for development of academic staff in the Republic of Bulgaria and Art. 57, par. 3 of the Regulation for applying of the Act for development of academic staff in the Republic of Bulgaria I express my positive conclusion about the election of chief assistant professor Ventsislav Lyudmilov Petrov, Ph.D. for "Associate Professor" in the professional field "3.6. Law", scientific specialty "Civil and Family Law";

3. According to art. 27a, par. 1 of the Act for development of academic staff in the Republic of Bulgaria I propose to the scientific jury to adopt a decision to rank the candidate and to propose to the Faculty Council of the Faculty of Law of Sofia University "St. Kliment Ohridski" to elect chief assistant professor Ventsislav Lyudmilov Petrov, Ph.D. to the academic position of "Associate Professor" in the professional field "3.6. Law", scientific specialty "Civil and Family Law".

October 1, 2020
Sofia

Member of the jury:
Assoc. Prof. IVAN TSVETANOV, Ph.D.