TO
THE SCIENTIFIC JURY

formed in connection with a competition for the academic position of "Professor" in the professional direction 3.6 Law (Civil Procedure), announced by Sofia University “St. Kliment Ohridski

OPINION

by Angel Simeonov Kalaydjiev, professor at the Faculty of Law of Sofia University “St. Kliment Ohridski”, Doctor of Sciences (Law).

1. Information about the competition

In the competition announced by Sofia University "St. Kliment Ohridski" ("SU") for the academic position "professor" in professional direction 3.6. Law, Scientific specialty ("Civil Procedure"), published in the "State Gazette", issue 5 of 17.01.2025, according to the decision of the Faculty Council of the Faculty of Law, Protocol No. 5 of 14.01.2025, one candidate participates - Kameliya Nikolaeva Tsolova, associate professor at the Faculty of Law of Sofia University, Department of "Civil Law".

I participate in the composition of the scientific jury according to Order No. RD-38-88/19.02.2025 of the Rector of Sofia University.

2. General information about the candidate

Associate Professor Dr. Kameliya Nikolaeva Tsolova graduated from the Faculty of Law of Sofia University in 1994 (Diploma Series A-95 Sofia University No. 124541 of 05.04.1995). She successively worked as a judicial candidate at the Sofia City Court (1995-1996); financial auditor, and subsequently legal advisor and chief legal advisor at the Ministry of Finance, Main Directorate "State Financial Control" (1996-1997). In the period 1997-1999 she was registered as an attorney at the Sofia Bar Association. She also worked as a legal advisor at the Central Directorate of the "Bulgarian Academy of Sciences" (2007-2009) and was an arbitrator at the AC at the BCCI (from January 2010 to January 2025).

3. Evaluation of the teaching activity

Associate Professor Kameliya Tsolova is an established teacher and lecturer with an undeniable university and national contribution to teaching, learning and pedagogical development. She has over 25 years of experience as a lecturer in legal sciences and a practicing lawyer, of which 12 years as a habilitated lecturer in civil procedure. Associate Professor Tsolova is a lecturer at the highest possible academic level, extremely well prepared and competent to occupy the academic position of "professor", for which the competition has been announced.

On 01.03.1999, after winning a competition, she was appointed as "Assistant Professor" in the subject "Civil Procedure Law" at the Sofia University Faculty of Law, successively holding the academic positions of "Senior Assistant Professor" since 2005 and "Chief Assistant Professor" since 2009. In 2009, as a doctoral student on independent training, she successfully defended her dissertation for the acquisition of the educational and scientific degree "Doctor" in professional field 3.6. "Law" (Civil Procedure) on the topic "The Assisting Party in the Judicial Claim Process" (Diploma No. 33300/15.06.2009, approved by Protocol No. 4-19 /

13.04.2009). Since 22.05.2013, after winning the competition and election by the Faculty Council of the Faculty of Law of the Sofia University, she holds the academic position of Associate Professor in the discipline of Civil Procedure Law with a habilitation thesis on "Partial Claim" (Certificate№ 54/18.02.2025 and Certificate No. SU 2013-94 of 07.06.2013). Since the academic year 2013-2014 she has been teaching a lecture course on the subject "Civil Procedure Law" to the students of full-time studies in the fifth year, second stream of the specialty "Law", as well as part of the lecture course on the same subject to the students in the part-time form of study at the Faculty of Law of Sofia University "St. Kliment Ohridski".

According to the Report on the academic workload dated 18.02.2025 issued by Albena Grigorova, Head of the Department of Educational Activities at the Sofia University, in the last 5 academic years Kameliya Tsolova has the following academic workload: - for the academic year 2019/2020: classroom workload - 240 h., for the academic year 2020/2021: classroom occupation - 240 hours, total occupation 398.2 hours; - for the academic year 2021/2022: classroom occupation - 240 hours, total occupation 395.8 hours; - for the academic year 2022/2023: classroom occupation - 240 hours, total occupation 388 hours; - for the academic year 2023/2024: classroom occupation - 270 hours, total occupation 435.4 hours; - for the academic year 2021/2022: classroom occupation - 240 hours, total occupation 395.8 hours; - for the academic year 2022/2023: classroom occupation - 240 hours, total occupation 388 hours; - for the academic year 2023/2024: classroom occupation - 270 hours, total occupation 435.4 hours. This academic employment for the last three academic years is confirmed by Certificate No. 30 dated 24.02.2025 issued by the Secretary of the Department of Civil Law of the Faculty of Law of the Sofia University. According to the reference under Article 122, Paragraph 2 of the Regulations on the conditions and procedure for obtaining academic degrees and holding academic positions at Sofia University "St. Kliment Ohridski", Kameliya Tsolova was an assistant professor at SU from 01.03.1999 to 31.01.2005, senior assistant professor from 01.02.2005 to 14.01.2009, chief assistant professor from 15.01.2009 to 21.05.2013, associate professor from 22.05.2013 to date. From 2013 to present she has been teaching a lecture course in Civil Procedure Law, specialty "Law" at the Sofia University Faculty of Law. According to the certificate and references from NACID attached by the candidate, Kameliya Tsolova has been a scientific supervisor of five PhD students, and she is also a scientific supervisor of three PhD students at SU.

Since 2015, she has been a member of the Faculty Council of the Faculty of Law of Sofia University. In the period 2019 - 2023, she is the Deputy Dean for Scientific Activities, Academic Staff Development, Accreditation Procedures. In the period 2015-2023, she is a member of the General Assembly of Sofia University, and for two consecutive terms in the same period, she is the Chairman of the Committee on Proposals for Management and Control Bodies.

As a member of the Department of Civil Law at the Faculty of Law of Sofia University, she prepared opinions on interpretative cases. She has participated as a member of numerous scientific juries for the acquisition of scientific degrees and holding academic positions.

As can be seen from an official note issued by Kristina Ferdinandova, Head of the Department of Scientific Activities of Sofia University, Kameliya Tsolova participated in the implementation of the following project "Updating the curricula at the Faculty of Law of Sofia University “, financed under the Operational Program "Human Resources Development", contract number BG051PO00193.1.07-002 from 01.04.2013 with an implementation period of 01.04.2013 - 31.12.2015.

Associate Professor Tsolova was an associate professor of Civil Procedure at RU "Angel Kanchev" (2017 - 2022). After 2017 she was an associate professor of Civil Procedure at the University of Veliko Tarnovo. At the same time, Associate Professor Tsolova was a scientific

supervisor of four PhD students at the St. Cyril and Methodius University of Veliko Tarnovo, as evidenced by an Official Note issued by the Vice-Rector, Prof. Nikolay Kanev.

She participated in the scientific jury for the acquisition of the scientific degree "doctor" by four doctoral students at Sofia University, Plovdiv University "Paisiy Hilendarski" (PU), Ruse University "Angel Kanchev" (RU), as well as in the scientific jury for the position of "associate professor" in civil procedure in three competitions announced by PU, RU and the University of National and World Economy (UNWE).

From February 2024 to the present, she is a member of the editorial board of the official scientific journal of the Faculty of Law of the St. Cyril and Methodius University " DE JURE".

4. Characteristics and evaluation of the scientific and scientific-applied contributions of the presented scientific works

Associate Professor Tsolova is an established author in the field of civil procedure law. She is the author of three monographs (one of which is her doctoral dissertation), twenty-four scientific studies, articles and reports, and one textbook.

To participate in the competition, Kameliya Tsolova has submitted the following works: one monograph – Transfer of Disputed Right, SIBI, Sofia, 2024, ISBN:978-619-226-295-2 , 287 p.; and seven studies and articles – Procedural Significance of the Registration of Claims under Art. 114 of Ownership Act, IUS ROMANUM, issue:1, 2024, pp.:482-502, ISSN (online):2367-7007, (CEEOL) ; Compulsory or optional necessary comrades are the parties to a contract following a third party's claim for its nullity, Commercial Law, issue:1, 2022, pp.:25-35, ISSN (print):0861-6892 ; On the Applicability of Article 226 of the Code of Civil Procedure in Proceedings Concerning the Controversial Judicial Administration of Civil Relations, Commercial Law, issue:4, 2021, pp.:5-13, ISSN (print):0861-6892 ; On the Types of Necessary Companionship and Interpretative Decision No 3/2016 of the General Assembly of the Civil Chambers of the Supreme Court of Cassation, Commercial Law, issue:1-2, 2020, pp.:5-25, ISSN (print):0861-6892; On the Reasons of the Negative Declaratory Claim for Ownership, Commercial Law, issue:3, 2020, pp.:25-47, ISSN (print):ISSN 0861-6892 ; On the question whether the power of attorney for the conclusion of the substantive contract empowers the proxy to conclude the arbitration clause in the contract, Scientific Research in Memory of Assoc. Professor Kristian Takov, editor(s) Professor DSc (Law) Ekaterina Mateeva and Professor DSc (Law) Ivan Ruschev, University Publishing House "St. Kliment Ohridski", 2019, pp.511-522, ISBN:ISBN 978-954-07-4746-0; Some Questions Regarding the Recognition of Joinder Claims, Yearbook of Sofia University "St. Kliment Ohridski", Faculty of Law, issue:86, editor/s: Prof. Dr. Sasho Penov (Editor-in-Chief), Prof. DSc (Law) Tsvetan Sivkov, Prof. Dr. Anelia Mingova, Prof. Dr. Plamen Panayotov, Prof. Dr. Daniel Valchev, Prof. Dr. Plamen Kirov, Assoc. Prof. Dr. Nina Gevrenova, Assoc. Prof. Dr. Boryana Museva, Yavor Mihaylov, Publisher: University Publishing House "St. Kliment Ohridski", 2019, pp.:195-225, ISSN (print):ISSN (print):0081-1866; Admissibility of Reversal of Effective Rulings, Rendered in Action Procedure, issue:2, 2015, pp.:884-898, ISSN (online): 2367-7007 .

All scientific papers submitted for review are in the field of civil procedure law, for which the competition was announced.

Among the candidate's scientific production, a special place is occupied by her habilitation work - the monograph " Transfer of Disputed Right ". The monograph ‘Transfer of disputed right’ has a total of 288 pages and includes an introduction, six chapters and a conclusion. Chapter one "General characteristics" is dedicated to the general characteristics of the procedural institute under consideration. In the second chapter " Scope of application" the scope of the institute according to its regulation in the matter of claim proceedings is outlined. Chapter three " Procedure" clarifies the effects of the transfer of the disputed right on the procedural position of the transferor and the transferee. Chapter four "Res judicata as protection

and sanction in the event of transfer of a disputed right " is devoted to the subject matter concerning res judicata as protection and sanction in the event of transfer of a disputed right in the context of the binding relationship of the transferee, together with the transferor to the opposite main party of res judicata of the decision, as provided for in Article 226(3) of the Code of Civil Procedure. In chapter five "Claim protection and sanction upon transfer of disputed right in the condemnatory and constitutional process" discusses the peculiarities of protection and sanction upon transfer of disputed right in the condemnatory and constitutional process. Chapter six "Issues of the application of the institute in some other proceedings" discusses the application of the institute in some other proceedings. In the conclusion, a general assessment of the regulation of the institute of transfer of disputed right according to the Civil Procedure Code (CPC) is made.

The habilitation thesis contains the following valuable scientific contributions.

It is the first Bulgarian monographic study that examines the procedural institute of transfer of disputed right.

The conclusion that the transfer of a disputed right does not lead to a change in the subject matter of the initiated proceedings, as the case continues to be conducted regarding the right of the transferor, and not regarding that of the transferee, is also of a beneficial nature, as is the thesis that there is no change in the procedural legitimacy of the transferor, therefore the binding of the transferee of the disputed right by virtue of res judicata is due to the legal succession between the transferor and the transferee of the disputed right (pp. 80-110).

Undisputed scientific contributions reveal the understanding that the regulation of Art. 226 of the Civil Procedure Code does not exclude the application of Art. 235, para. 3 of the Civil Procedure Code with respect to the transfer transaction, which means that when issuing the court decision, the court will have to take it into account when the conditions for this are present (pp. 59-71).

The contribution of the work is the analysis of the content of the concept of "disputed right", as well as the conclusion that it is not limited to the right that is the subject of the case, but also includes other rights of the parties - those that are incompatible with the rights under the claim or that determine their procedural legitimacy (pp. 80-93).

Scholarly contributions are contained in the author's conclusions on the force of res judicata in the transfer of a disputed right with regard to the binding of the transferee, along with the transferor, to the counter-party by the res judicata of the decision, as well as in her understanding that the transferee is bound by the res judicata of the decision for the period preceding the conclusion of the transfer transaction, and is bound for the period following its conclusion only if it is favorable to him (pp. 165-214).

New and contributory moments are revealed by the understanding of associate professor Tsolova about the application of the institute in the condemnation action process, the answer to the question whether the court can issue a condemnation judgment in favour of the plaintiff who has transferred his claim to a third party, if the conditions for granting the claim were present at the time of the conclusion of the dispositive transaction, as well as the conclusion that the law allows a judgement to be delivered in the event of the transfer of the disputed claim in the lis pendens, but not as an enforceable title in favour of the claimant (the transferor), but as an enforceable title in favor of its private successor in title. (p. 165-214).

An original scientific contribution of the author is her analysis of the theories of the parameters of the constitutive proceedings - the subject of the constitutive claim, the objective limits of the res judicata of the constitutive court decision, the content of the obligation to respect the constitutive effect of such a decision by third parties. The conclusion is substantiated that the institute finds limited application in the transfer of the right to alter a legal relationship by the plaintiff, since the constitutive claim process is also a procedure for the enforcement of the right to alter a legal relationship, and therefore combines features and characteristics typical

of the enforcement proceedings. (pp. 215-226). The conclusion is of a beneficial nature that insofar as the right is transferred ex nunc, the rules of Art. 429, para. 1 of the Civil Procedure Code should apply by analogy. The argument is substantiated that when the legal change has a retroactive effect, which also covers the period in which the plaintiff was the holder of the right, the transfer does not frustrate the court's authority to rule on it in the court decision in view of the rules of Art. 226 of the Civil Procedure Code. The positive answer given to the question of whether the defendant in the constitutive claim process can transfer disputed rights, as well as the discussion of the application of the institute in various hypotheses and proceedings (pp. 227-245), is also a scientific contribution.

Original contributions are contained in the conclusion of Associate Professor Tsolova that the institute has limited application in claim proceedings under Part Five of the Civil Procedure Code, because they reveal peculiarities both in terms of their function and purpose, and in terms of their connection and conditionality with the enforcement proceedings, which they accompany and whose substantive legality they ensure (pp. 248-261).

Eight studies and articles were submitted for participation in the competition.

The article „Procedural Significance of the Registration of Claims under Art. 114 of Ownership Act “, IUS ROMANUM, issue:1, 2024, pp.:482-502, ISSN (online):2367-7007, (CEEOL), is dedicated to the procedural significance of the registration of claims under Art. 114, para. 1 of the Ownership Act. The original scholarly thesis is that the registration of statements of claim produces not only substantive but also procedural legal effects. The author's conclusion that the requirement for registration of all applications provided for in the law gives rise to the same internal procedural (Article 114(2) of the Ownership Act) and extra-procedural (Article 226(3) of the Civil Procedure Code) consequences is a contribution. The view that the function of Article 114(2) of the Ownership Act is to ensure an effective opportunity for the transferees of disputed rights to participate in the pending proceedings in the manner provided for by law (Article 226(2) of the Civil Procedure Code) in order to protect their rights and interests deserves support, as a violation of this requirement prevents those persons from being bound by the effects of the pending proceedings, including the suspension and interruption of the limitation period, as well as by the res judicata of the judgment rendered.

The article „Compulsory or optional necessary comrades are the parties to a contract following a third party's claim for its nullity ", Commercial Law, issue: 1, 2022, pp.: 25-35, ISSN: 0861-6892, analyses interpretative case No. 7/2020 on the inventory of the Supreme Court of Cassation, initiated on the question: " Compulsory or optional necessary comrades are the parties to a contract following a third party's claim for its nullity?". The understanding presented by the author is justified that in the event of a claim filed by a third party for the nullity of a contract concluded between others, the parties to the contract are compulsory necessary comrades in the process.

In the article „On the Applicability of Article 226 of the Code of Civil Procedure in Proceedings Concerning the Controversial Judicial Administration of Civil Relations “, Commercial Law, issue:4, 2021, pp.:5-13, ISSN:0861-6892, the issue of the transfer of a disputed right in proceedings related to disputed judicial administration of civil relations is discussed. The conclusion that this institute does not apply in these proceedings, including in proceedings under Art. 32, para. 2 of the Ownership Act, is of a beneficial nature.

The study „On the Types of Necessary Companionship and Interpretative Decision No 3/2016 of the General Assembly of the Civil Chambers of the Supreme Court of Cassation“, Commercial Law, issue: 1-2, 2020, pp.: 5-25, ISSN: 0861-6892, contains scientific contributions, as it examines critically the conclusion of Interpretative Decision No 3/2016 of the General Assembly of the Civil Chambers of the Supreme Court of Cassation, stating that spouses are not necessarily companions in claims brought by or against them for ownership of property or belongings acquired under the matrimonial property regime, as well as of the

understanding adopted in the reasoning regarding the criteria applicable to distinguish between mandatory and optional necessary companionship.

In the study „On the Reasons of the Negative Declaratory Claim for Ownership “, issue:3, 2020, pp.:25-47, ISSN:0861-6892, the understanding that the negative declaratory claim for ownership has no basis is critically discussed. The arguments in support of the understanding that the negative declaratory claim for ownership has a basis and it should be introduced by the plaintiff in the claim as one of the three features individualizing its subject matter are of a contributing nature.

The article „On the question whether the power of attorney for the conclusion of the substantive contract empowers the proxy to conclude the arbitration clause in the contract“, Conference Proceedings: Scientific Research in Memory of Assoc. Professor Kristian Takov, editor(s) Professor DSc (Law) Ekaterina Mateeva and Professor DSc (Law) Ivan Ruschev, University Publishing House "St. Kliment Ohridski", 2019, pp.511-522, ISBN:ISBN 978-954-07-4746-0, examines the need for an explicit power of attorney for including an arbitration clause in a substantive contract in view of the established practice of the Supreme Court of Cassation in this sense. Contributing points are contained in the reasoned conclusion that the law does not regulate such a requirement. The original thesis is that in the absence of limitations on the scope of the representative authority contained in the power of attorney, it includes the opportunity for the attorney to choose and negotiate all elements of the content of the substantive contract, including an arbitration clause.

The study „Some Questions Regarding the Recognition of Joinder Claims“, Yearbook of Sofia University "St. Kliment Ohridski", Faculty of Law, issue: 86, editor(s): Prof. Dr. Sasho Penov (Editor-in-Chief), Prof. DSc (Law) Tsvetan Sivkov, Prof. Dr. Anelia Mingova, Prof. Dr. Plamen Panayotov, Prof. Dr. Daniel Valchev, Prof. Dr. Plamen Kirov, Assoc. Prof. Dr. Nina Gevrenova, Assoc. Prof. Dr. Boryana Museva, Yavor Mihaylov, publisher: University Publishing House "St. Kliment Ohridski", 2019, pp.: 195-225, ISSN: 0081-1866 , examines the topic of the recognition of joinder claims in the context of a decision delivered under the conditions of Article 237 of the Code of Civil Procedure. Contributions are contained in the scientific analysis of the recognition of the claim in the hypothesis of objective joinder of claims, as well as in the conclusion that the issuance of a decision upon recognition of all or some of the joined claims is not always permissible.

The article „Admissibility of Reversal of Effective Rulings, rendered in Action Procedure “, Ius romanum, issue: 2, 2015, pp.: 884-898, ISSN (online): 2367-7007, contains scientific contributions, insofar as it examines the question of which court rulings issued in the claim proceedings should exceptionally be subject to reversal.

The scientific works of Associate Professor Dr. Kameliya Tsolova presented for the competition - both the habilitation work and the others, in terms of quality not only meet, but exceed the requirements of the law. They contain numerous valuable scientific contributions. Associate Professor Dr. Tsolova has demonstrated her ability to formulate and argue her scientific theses in depth. The conclusions, summaries and proposals contained in the works de lege ferenda have not only scientific but also great practical significance, because they are not self-serving, but are fully consistent with public needs and case law. The scientific apparatus used is sufficient.

5. Fulfillment of the requirements for holding the academic position

Associate Professor Kameliya Tsolova not only meets, but far exceeds, the national minimum requirements for holding the academic position of "professor" at the Sofia University according to ZRASRB (Article 260 and the Rules for its implementation (Article 1a, paragraph 1)).

As can be seen from the submitted Card for fulfillment of the minimum national

requirements under Article 2b ZRASRB, associate professor Tsolova collected the following required points in all groups of indicators, as follows: - A - dissertation for the award of doctoral degree - 50 points; C - habilitation thesis - monograph - 100 points; D - scientific publications - 115 points; E - citations - 210 points; F - supervision of a successfully defended doctoral student; participation in a national scientific or educational project, participation in an international scientific or educational project, supervision of a national scientific or educational project, supervision of an international scientific or educational project, published university textbook or textbook used in the school network, published university textbook or textbook used in the school network - 115 points. The total number of points in respect of the quantitative indicators for groups A + C + D + E + F is 590 points.

The requirements of Art. 60, para. 1 of the PPZRASRB regarding the acquired scientific degree "doctor" and the necessary pedagogical activity have been met.

All publications are postdoctoral.

The author has been cited by other authors, as evident from the presented Reference for Citations under Art. 117, para. 1, item 13 of the Regulations on the conditions and procedure for obtaining academic degrees and holding academic positions at Sofia University "St. Kliment Ohridski.

The author's works are his personal contribution.

My overall assessment, based on Art. 26, para. 1 of the ZRASRB, is positive.

6. In conclusion, according to Art. 29, para. 3 in connection with Art. 29, para. 1 of ZRASRB, I find that Associate Professor Dr. Kameliya Tsolova meets the requirements for holding the academic position of "professor" at the Sofia University.

For these reasons, pursuant to Art. 29, para. 3 ZRASRB, Art. 60, para. 3 and Art. 61, para. 1 of the PPZRASRB and Art. 69 para. 1 and 2 of the PRASPU and my positive evaluation of the research and teaching activity, I strongly propose to the scientific jury that Associate Professor Dr. Kameliya Nikolaeva Tsolova be elected to the academic position of "professor" in the field of higher education 3. "Social, economic and legal sciences", professional direction 3.6 "Law" in the scientific specialty "Civil Procedure" in the Faculty of Law of the Sofia University "St. Kliment Ohridski".

Sofia, April 2, 2025. Sincerely, _____

(Angel Kalaydjiev)