OPINION

by Georgi Ivanov Mitov, Doctor of Juridical Sciences, Professor at the Faculty of Law of Sofia University "St. Kliment Ohridski“

on the dissertation of Pavel Georgiev Panov on the topic "Referral to Court and Preparatory Actions for Hearing the Case in Court"

part-time PhD student at the Department of Criminal Law, Faculty of Law, Sofia University "St. Kliment Ohridski"

scientific supervisor Prof. Dune Margarita Chinova

for the award of the scientific degree "Doctor"

in higher education: 3. Social, economic and legal sciences,
professional field: 3.6. 3.6 Law,
scientific specialty Criminal Procedure Law

Dear members of the scientific jury,

By Order No. RD 38-180/28.03.2025 of the Rector of Sofia University "St. Kliment Ohridski", I have been appointed as a member of the scientific jury for the defence of the dissertation thesis of Pavel Georgiev Panov on the topic "Referral to court and preparatory actions for hearing the case in a court hearing".

At the first meeting, held on 04 April 2025, the scientific jury commissioned me to prepare an opinion.

I. DATA ABOUT THE DOCTORAL STUDENT AND THE DOCTORAL PROGRAMME

1. Pavel Panov graduated in Law in 2015 at the Faculty of Law of Sofia University "St. Kliment Ohridski" and obtained a Master's degree.

From 2018 to 2020 he was a junior judge, and since July 2020 he has been a judge at Sofia District Court, Criminal Division.

2. In 2017 he was enrolled as a PhD student, part-time, in Criminal Procedure Law at the Department of Criminal Law of the Faculty of Law of Sofia University "St. He is a PhD student at the Law School of the Faculty of Law of the University of Law, Sofia.

Pavel Panov has successfully passed all exams of the curriculum. All the requirements for the PhD have been met - the final version of the dissertation was discussed at a meeting of the Department, which received a positive evaluation and the right to open the procedure for public defense. The scientific jury to evaluate the thesis and conduct the defence was elected by the Faculty Council of the Faculty of Law on the proposal of the Department of Criminal Justice and was appointed by the order of the Rector of Sofia University "St. Kliment Ohridski.

There were no violations in the procedure of the dissertation and public defense.

II. DISSERTATION DATA

1. The dissertation consists of a total of 312 pages structured into a table of contents, an introduction, eight chapters, a conclusion and a list of references used.

It contains 256 footnotes. The bibliography includes 63 titles, 53 in Bulgarian and 10 in foreign languages.

2. The dissertation is the result of purposeful and independent work and has originality. It complies with the requirements for a dissertation for the award of the educational and scientific degree "Doctor" according to the regulations.

The chosen topic of the study - "Committal to Court and Preparatory Actions for the Hearing of the Case", is extremely topical due to the important theoretical and practical significance of committal to court and preparatory actions for the hearing of the case. In view of the recent radical changes in this institute in 2017, there is little research on this issue, which gives the work novelty and timeliness. This is a stand-alone contribution and will contribute to filling this gap in our legal literature. The conclusions drawn will also assist in resolving some complex practical issues related to disputes and ambiguities in law enforcement. This also gives the study practical relevance.

3. The dissertation is well structured and includes an introduction, eight chapters, a conclusion and a bibliography

a) The standard introduction discusses the relevance and importance of the topic. The aim and objectives of the research are stated. A brief statement of the author's main theses, which he discusses in the main exposition.

(b) The first chapter is devoted to the historical overview of the institution of bringing the accused to trial under the repealed procedural laws (the Criminal Procedure Act, the Military Justice Act of 1949, the Code of Criminal Procedure of 1952 and the Code of Criminal Procedure of 1974). This part has cognitive significance for the reader and this can be referred to as an independent contribution.

c) The second chapter is devoted to the transfer to court and preparatory actions for the hearing of the case under the current Code of Criminal Procedure, in the wording before the amendments by the Law on Criminal Procedure, promulgated by Act No. SG 63 of 04.08.2017. This part, although it is also "historical", provides a good basis for a proper understanding of the new legislative concept made by the cited amendment.

The comparative legal analysis of the surrender to the court in the Republic of France, the Federal Republic of Germany and the Kingdom of Spain is extremely useful and of great cognitive importance, in order to properly understand and justify the changes made to the institute in 2017.

d) The third chapter deals with the institute regulated in the current CCP in the context of the participation of the Republic of Bulgaria in international organizations.

Part of this chapter develops the conceptual ideas set out in the 2017 amendments cited above to speed up criminal proceedings. Some of the legislative permissions (e.g. the immediate examination of the case after the dispositional hearing, the "catalogue" of the essential procedural violations under Article 249(4) of the CCP, etc.) are subjected to justified criticism, and reasons are given in defence of the respective thesis. In this part the complexity of the research and the author's ability to analyze the issues under consideration in a multilayered way is evident.

The dissertation's general conclusion that "... the approach taken by the legislator with the amendments introducing the injunction hearing is fundamentally flawed, ill-considered" deserves support.

An additional point is the development of the issue of the court's preemption and limitation of the court's discretionary power in examining the substantial procedural violations committed during the pre-trial proceedings and the possibility of returning the case to the prosecutor for their elimination.

(e) Chapter Four of the study is devoted to the initiation of court proceedings as the first stage of the Referral to Court stage and preparatory actions for the trial of the case in a hearing.

The development of the digitalisation of criminal procedure and the failed legal regulation in the CCP and its "duplication" with the provisions in the Law on judicial power is a contributory moment.

(f) Chapter Five deals with the scheduling and preparation of the dispositional hearing as the second stage of the Referral to Court and Preparatory Actions for the Trial Hearing stage and the actions and powers of the Judge-Rapporteur.

On the basis of case law and extensive practical experience, important issues and problems found in law enforcement are examined and an attempt is made to resolve them.

(g) Chapter Six contains solutions to certain theoretical and practical questions relating to the composition of the court, its immutability and the actions of the court and the parties at the dispositional hearing

The argument about the participation of the future civil defendant in the dispositional hearing and the actions necessary for this deserves support. Also the thesis of the dissertation on the possibility of the court in the dispositional hearing to collect evidence if necessary to clarify the issues under Art. 1 CCP.

(h) Chapter Seven is devoted to the matters to be discussed in the deliberative session. Issues in Article 248(1) of the Code of Criminal Procedure are dealt with in detail, with much reference to case law, making the work in this part particularly useful for practitioners. Alongside this, the author also makes pertinent suggestions de lege ferenda in view of the scholarly research done on particular issues in the analysis of each question.

(i) Chapter Eight deals with the competent authority to commit the accused for trial, the constitution of non-mandatory parties, and appellate review of orders

made at a dispositional hearing. This part also has important theoretical and practical significance and the conclusions drawn can be pointed to as contributory points.

The examination and analysis of the correction of the manifest error of fact in the indictment, the de lege ferenda proposals for amendments thereto and for a comprehensive settlement of the question of manifest error of fact also with regard to the judicial acts is useful.

k) The conclusion summarizes the results of the study and systematizes the most significant conclusions. The proposals for improvement of the legal framework, argued later in the paper, are presented.

III. SCIENTIFIC AND APPLIED CONTRIBUTIONS

I agree with the contributions mentioned by the PhD student in the abstract.

In addition to the points made above, it can also be pointed out that this study, which is devoted to the submission of a case to a court and the preparatory actions for the hearing of the case, is a successful attempt to "fill in" the theoretical gap in this direction and to give appropriate proposals for solving the complex practical problems. The dissertation seeks to theoretically clarify the nature of the institution of committal to trial and to make sense of the actions to prepare for trial. Consideration of a number of practical problems associated with this institute lend the work practical relevance.

In the thesis the dissertant through a complex approach explores significant and important for the theory and practice issues of the considered problems.

On the basis of the reached scientific conclusions, *de lege ferenda* proposals for changes and improvements of the legal framework are made, some of which can be shared and supported, and others can trigger scientific and legislative discussion.

With this dissertation, Pavel Panov demonstrates an undeniable ability to work with various literary sources, case law (of the SCC, the European Court of Human Rights and the European Court of Justice), as well as domestic and foreign legislation. The study proves his good theoretical background and independence in developing significant theoretical and practical problems. The acquired practical experience as a magistrate has allowed him to accurately highlight the main practical problems in the matter under consideration and the contradictions in law enforcement, and the study has made a successful attempt to provide a solution to some of them. This makes the dissertation useful for legal practitioners, which is why I recommend its publication as a monograph.

The work is readable, properly structured and this makes it easy to use. The supported opinions are justified and express the author's position. The polemic is correct and scientifically sound, and the dissertation convincingly defends the positions taken and criticizes certain theses in the scientific literature with the necessary academicism. Bibliographic sources are correctly cited and actual publications cited are used to argue the theses and opinions presented.

IV. ABSTRACT DATA

The submitted abstract is 44 pages long. The list of contributions objectively reflects the content of the work and the main scientific achievements.

The abstract meets all regulatory requirements and correctly reflects the content of the dissertation by outlining the aim, subject, objectives and scope of the study, the methodology used, the practical significance of the study and the results achieved.

V. PUBLICATIONS AND PARTICIPATION IN SCIENTIFIC FORUMS

Pavel Panov has three publications on the topic of his dissertation, according to the submitted reference:

1. Powers of the court when hearing a criminal case in an injunction hearing with a defendant suffering from a disorder of consciousness that excludes insanity - Contemporary Law, 2023, № 1, ISSN: 0861-18-15, 67-93;

2. Who are "all the parties" in the settlement of the case in the court proceedings within the meaning of Art. Contemporary Law, 2024, № 2, ISSN: 0861-18-15, 19-38 and

3. Resolution of the issue under Article 248(1)(8) of the Code of Criminal Procedure on the scheduling of the hearing and prerequisites for the immediate consideration of the case after the dispositional hearing - Society and Law, 2025, No 1, ISSN 0204-85-23.

VI. CONCLUSION

On the basis of the foregoing, I consider that the submitted dissertation thesis of Pavel Georgiev Panov on the topic "Referral to Court and Preparatory Actions for Hearing the Case in Court" meets all the requirements of the Academic Staff Development Act in the Republic of Bulgaria, the Regulations for its Application and the Regulations for the Conditions and Procedures for the Acquisition of Scientific Degrees and Holding of Academic Positions at Sofia University "St. Kliment Ohridski". The essay contains scientific and applied scientific results, which represent an original contribution, reveals the author's in-depth theoretical knowledge of the specialty, as well as his abilities for independent scientific research and creative approach to the problems included in the subject of study.

Therefore, I give my positive assessment and confidently propose to the esteemed scientific jury to take a decision for the award of educational and scientific degree of Doctor of Law to Pavel Georgiev Panov.

Reviewer:

09.05.2025 Prof. djc Georgi Mitov