

REVIEW

By Anton Grozdanov

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SUBJECT: Dissertation on "The Contract for the Carriage of Goods by Road"

Author: Dimitar Kurtev Demirev

1. Dimitar Kurtev Demirev, a PhD candidate on independent training, has submitted a dissertation before a scientific jury on topic of "The Contract for Carriage of Goods by Road".

The dissertation is 469 pages long and is structured as follows: Introduction, Chapter One: Historical overview of the regulation in the Tsardom of Bulgaria and the People's Republic of Bulgaria; Chapter Two: Convention on the Contract for the International Carriage of Goods by Road (CMR); Chapter Three: The contract for the carriage of goods by road under the domestic law; Conclusion and Bibliographical Reference. Footnotes 1015 (one thousand and fifteen).

Three scientific publications have been developed and published on the topic of the thesis.

2. The subject of the research is topical and significant for the legal theory and practice.

2.1. In the introductory part, the author justifies the relevance and purpose of the research. In this sense, I recommend the author - before proceeding to the printing of the work - to outline more clearly the scientific thesis and the general and special scientific methods of research used - as stated in the abstract.

2.2. Chapter One (56 pages) outlines the historical emergence and development of the legal framework of the Institute under study in the Tsardom of Bulgaria and the People's Republic of Bulgaria. A number of issues of relevance from the point of view of the modern legal framework are discussed: the form of the contract of carriage, the bill of lading, the consignment note, etc.

2.3. Chapter Two is devoted to the Convention on the Contract for the International Carriage of Goods by Road (hereinafter referred to as "the Convention" for brevity). The issues raised by the Convention are suitable for a monographic study in their own right. This approach has led to the very large length of Chapter Two - 242 pages - and ultimately to a substantial imbalance between the individual chapters.

In essence, the study in this part is relatively well structured and balanced. The author's theses are well argued - for example, the thesis formulated on pages 150-151 in relation to the application of Article 13(2) of the Convention.

The study in this part contains a number of contributory elements. For example, the analysis devoted to compensation for "bad faith" (pp. 261-278).

The study in par. 11 (pp. 291 ff.) has a particularly pronounced contribution. For example, the author rightly accepts that the Convention does not expressly deal with the nature of the liability of individual carriers, but it must be inferred from both Article 34 of the Convention, under which each successive carrier is liable for the performance of the entire contract, and Article 37 of the Convention, under which a right of recourse is given to the carrier who paid the compensation, that liability is joint and several, so that each successive carrier whose liability may be engaged under Article 36 of the Convention is liable, irrespective of the extent of

2.4. The structure and internal logic of the thesis show that Chapter Three forms its core. I will also note here that the contract for the carriage of goods by road under Bulgarian law is suitable for an independent (monographic) study.

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The analysis in this part has a distinctly contributory character - for example, the critical analysis in the context of Paragraph 1 § 30 of the AP of the RTA and the *de lege ferenda* proposal made in this regard (pp. 362-367), as well as the conclusions formulated in connection with the systematic analysis of Articles 56-58 of the RTA in conjunction with Regulation No. 7 of 27 April 2018 on the securing of transported cargo (in force since 20 May 2018).

2.5. In the final part, the *de lege ferenda* proposals made, most of which I share, are outlined and systematised.

3. The submitted abstract amounts to 38 (thirty-eight) pages. Its content is consistent with the dissertation and correctly reflects its main points.

4. From the attached bibliographical reference it is evident that the PhD student has used the majority of the available Bulgarian and foreign specialized literature. In this regard, I think that at least the monographic study of the late prof. Ivan Vladimirov's *The Contract for the International Carriage of Goods by Road*, published in 2013. Not a small part of the issues addressed in the dissertation are dealt with in the above-mentioned work.

5. Critical remarks and recommendations.

5.1. I recommend the author - before printing the work - to think about completing the title - "... "under Bulgarian law" or "under Bulgarian legislation". This will clarify the emphasis - international law or national law of the treaty.

5.2. The table of contents should indicate the pages of the individual chapters and paragraphs.

5.3. In the introductory part it is stated quote "This work aims to cover the substantive issues of the contract of carriage of goods by road,..." It is clear from the contents of the work that a number of procedural issues are also addressed.

5.4. I do not consider that the location of para 2.4 of Chapter Three was properly chosen. The appropriate place is in the section on liability.

5.5. The proposal to amend art. 49 of the RTA (p.457) is unnecessary. The current provision is sufficiently clear and does not raise problems.

5.6. I think that at least the bibliographical reference should include the monographic study of the late Prof. Ivan Vladimirov's The Contract for the International Carriage of Goods by Road, published in 2013. Not a small part of the issues addressed in the dissertation are dealt with in the above-mentioned work.

I take into account the complexity of the problems, subject of the dissertation research, as well as the different, sometimes completely exclusive opinions in the researched field of legal knowledge.

My overall assessment of the dissertation is positive. The research is complete. Its aim and task have been fully achieved. The theses supported by the author are justified. Individual parts of the work have a marked scientific and applied character. Others have a strong theoretical character with signs of original theoretical generalizations.

The author shows a very good knowledge of the case law on the subject.

The content of the thesis reveals scientifically applied results which constitute an original contribution to science.

The doctoral candidate demonstrates that he possesses in-depth theoretical knowledge of the relevant specialty and the ability to conduct independent scientific research.

Conclusion

The dissertation on " The Contract for Carriage of Goods by Road" complies with the statutory requirements for the acquisition of the educational and scientific degree "Doctor", in view of which I recommend Dimitar Kurtev Demirev to be awarded the educational and scientific degree "Doctor" in the professional field 3.6. D. in Law, scientific specialty "Civil and Family Law" (Commercial Law).

Varna, 15.08.23

/Prof. Grozdanov/