

## RECENTIONS

by Anton Kirilov Grozdanov

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(Commercial Law)" - Doctor of Law

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Professional field: 3.6. "Law"

**SUBJECT:** Dissertation on "**Execution on shares in companies and on a commercial enterprise**".

Author: Dessislava Kuzmanova

1. Dessislava Kuzmanova has submitted for defence before a scientific jury a dissertation on "**Execution on shares and stocks in commercial companies and on a commercial enterprise**".

Scientific supervisor: prof. dr Silvi Chernev.

2. The dissertation in total volume of 307 pages is structured as follows: Introduction, Chapter One: Concept and Legal Nature of Enforcement of Monetary Claims over Shares in Commercial Companies and Commercial Undertakings; Chapter Two: Objects of Enforcement of Monetary Claims; Chapter Three: Admissibility of the Enforcement Process and the Right to Enforce Monetary Claims over Shares in Commercial Companies and Commercial Undertakings; Conclusion, Independent Suggestions de lege ferenda, Index of Cited Case Law and Bibliographical Reference. Footnotes are 290 (two hundred and ninety). The content of the work is balanced. It is constructed within the established scholarly tradition.

6 (six) publications have been developed and published on the topic of the thesis.

3. The dissertation work has as a subject of research an actual and significant problem for the legal theory and practice - the **execution on shares in commercial companies and on a commercial enterprise**.

3.1. In the introductory part the author correctly and reasonably outlines the relevance, the scientific thesis, the object, the subject, the aim and the tasks of the research. The general and special scientific methods used are correctly indicated.

3.2. Chapter 1 deals with the theoretical clarification of the concept and the legal nature of the execution on shares in commercial companies and commercial enterprise. The exposition draws on extensive historical and comparative analysis. A number of foreign legislations are examined - for example, the legislation of the Republic of Korea, China and Indonesia (pp. 70 ff.). In this sense, the analysis of the large number of foreign legislations - I would say "per se" - contains elements of scientific contribution and will certainly be of interest to specialists - researchers, judges, lawyers, bailiffs and civil status officers.

3.3. Chapter Two is devoted to the objects of enforcement of monetary claims. The research in this part is relatively well structured and balanced. The author's theses are well argued - for example, the thesis (conclusion) formulated in a polemical style on page 124 (par. 2.3).

The peculiarities of the enforcement of shares in different types of companies are discussed in detail, systematically and argumentatively. In this connection, various succession law hypotheses are also analysed. Attention is paid (albeit in descriptive terms) to the commercial enterprise as an object of enforcement of pecuniary claims (p. 167 ff.). The polemic with other authors is correct.

3.4. Chapter 3 deals with the issue of the admissibility of the enforcement process and the right to enforce monetary claims on shares in commercial companies and on a commercial enterprise.

I believe that the research in this part is the essence of the dissertation. In this sense, a number of scientific contributions are established.

Within 113 pages the author essentially analyses the procedural rules regulated by the law for the enforcement of monetary claims on shares and stocks in commercial companies and on a commercial enterprise. In general, the analysis is correct and justified. The rules laid down in Article 517 of the Civil Procedure Code and other relevant provisions of the Civil Code have

been examined in a relevant manner. The presentation is clear, correct and consistent.

Most of the author's theses are logically and normatively justified. For example, the analogy between the legal consequences of the seizure of a share of a debtor-partner in a partnership (Art.451,452 CCP) and the possibility under Art.647 CC to bring avoidance actions in respect of the bankruptcy estate (p.192 et seq.).

4. In the final part the author summarizes the main conclusions and the author's theses. In this sense it can be assumed that a systematization of the scientific and applied results (conclusions) has been made.

5. In an independent part of the reviewed work the proposals for improvement of the relevant legal framework are outlined and summarized.

6. The submitted abstract of 19 pages complies with the regulatory requirements. Its content is consistent with the dissertation and correctly reflects its main points.

7. From the attached bibliographic reference it is evident that the PhD student has used most of the available Bulgarian and foreign specialized literature.

8. Some critical remarks and recommendations can be made on the thesis:

8.1. Part of the content of Chapter 1 is rather descriptive (overview). The exposition in this respect is common knowledge from the point of view of theory and practice and has been repeatedly studied in the academic and commentary literature.

8.2. I find that the list of formulated proposals de lege ferenda should be located in the final part.

8.3. I find that the proposal relating to enforcement over the whole commercial enterprise should be reconsidered. My argument in this direction relates to the fact that the factual relationship as an element of the commercial enterprise cannot objectively be subject to enforcement.

8.4. The thesis expressed on page 225 ff. The provision of Article 517(3) is sufficiently clear as to its scope.

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 objective 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. From the content of the dissertation, scientifically applied results are established, which represent an original contribution to science.

The PhD student demonstrates that he/she possesses in-depth theoretical knowledge of the relevant specialty and the ability for independent research.

#### **CONCLUSIONS:**

The dissertation on the topic "**Execution on shares and stocks in commercial companies and on a commercial enterprise**" complies with the regulatory requirements for the acquisition of the educational and scientific degree "Doctor", in view of which I recommend that Dessislava Kuzmanova be awarded the educational and scientific degree "Doctor" in the professional field 3.6. Law.

Sincerely: