

## REVIEW

by Associate Professor Alexander Ivanov

**Member of the scientific jury, determined by Order of the Rector of BFU No. 10-180/09.09.2022.  
in the competition for the academic post of Associate Professor in a professional direction 3.6.  
Law/Civil and Family Law/**

1. In the announced competition for the academic position of associate professor in professional direction 3.6. Right, announced in SG No. 55 of July 15, 2022 - one candidate participated - Ch. assistant Dr. Anna Cholakova.

Anna Cholakova graduated from the Faculty of Law of the Sofia University "St. Kliment Ohridski" in 1994, after which she was a judicial candidate in the Burgas District Court. In the period October 1995 - June 1997, she was a part-time assistant in Insurance law at the Faculty of Social Sciences of Burgas Free University. From 1996 until 2000 Anna Cholakova worked as a legal consultant in the Regional Administration of Burgas Region. Since 2001 she has been a teacher at BFU. She defended her doctorate in Civil and Family Law in 2015. She has worked on a number of educational projects. She speaks Russian and English.

2. For her participation in the competition, the candidate submitted 11 publications after the defense of the dissertation, which is sufficient in view of the requirements for occupying the academic position for which the competition was announced. Among these writings is a monograph entitled "Hereditary Transmission" which is of primary importance for review.
3. **General characteristics and scientific contributions in the presented monographic work "Hereditary Transmission".**

- 3.1. The work has a volume of 186 pages and contains an introduction, four chapters and a conclusion, after which a bibliography is indicated, consisting of a total of 66 titles, of which 50 are in Bulgarian and 16 in a foreign language. The first chapter is devoted to historical development, and the institute is examined in a comparative legal aspect. In chapter two, the concept is revealed and a general characterization of hereditary transmission is carried out. The elements of the factual composition that give rise to it have been examined. Necessary distinctions with other legal figures have been made. A third chapter is devoted to the legal entities that assume the right of succession based on hereditary transmission. Chapter four examines the legal implications of hereditary transmission. In the conclusion, the results of the scientific research are presented and proposals de lege ferenda are made.

- 3.2. The monograph is an in-depth study of an institution of inheritance law that has great practical significance. Many of the issues related to hereditary transmission remain relevant, and their research suggests an excellent knowledge of the theory, which Dr. Cholakova demonstrates.

The comparative legal research carried out is of a contributing nature, from which ideas can be drawn for improving the legislation; the distinction between hereditary transmission and transmission inheritance; the circle of personas to whom the hereditary transmission is applicable - only heirs by law, but also heirs by will and even testament; the reasoning regarding the exclusion of the state and municipalities from the circle of these personas; the study of the issues related to the volume of rights passing in case of transmission (for example, the right to restore a reserved part), and also in the hypotheses of art. 12, para. 1 and 2 of the Civil Code, etc.

Among the proposals de lege ferenda of a contributing nature can be mentioned: adding a new paragraph to the provision of Art. 57 of the Civil Code, that the heirs of a testator who died before he exercised his right to accept or reject the will can acquire that right of transmission if they accept the inheritance; the systematic rearrangement of the irrebuttable presumption under Art. 10a of the Civil Code to include heirs under a will; the adoption of a new paragraph in Art. 51 of the Civil Code to provide a separate term for the transmitters to accept the inheritance of the first deceased, after they have been duly notified by the competent court, etc. Also of interest is the proposal to introduce a centralized system for settling relations on the occasion of open inheritance, in which the prerequisites for hereditary transmission will be established, as well as a change in the regulations regarding the content of the certificate for heirs, through which to ensure opportunity for transmitters to legitimize themselves as special indirect heirs of the first testator.

4. The other scientific writings devoted to various issues of civil law also have scientific value and are proof of the candidate's scientific research abilities. They are dedicated to current and poorly researched topics such as surrogacy, the consequences of placing a spouse under guardianship on the regime of property relations, as well as the relationship between the Family Codex and the UN Convention on Children's Rights.
5. The teaching activity of Ch. assistant Dr. Anna Cholakova also deserves a positive evaluation. Over the years, she has successfully conducted seminars and lectures in the disciplines of Civil Law - General Part, Property Law and Family and Inheritance Law. She also prepared a semester project on Civil Law / Master's/. She also participated as an academic mentor in all phases of the "Students Internships" project.

**In view of the above,** I fully express my positive assessment of Ch. Assistant. Dr. Anna Cholakova as a scientist and a teacher in the field of Civil Law, which is evident both from the works submitted for review and from the experience gained so far in teaching. That's why I will vote positively for the scientific jury to propose to the FC of BFU Law Faculty to choose Ch. assistant. Dr. Cholakova **for the academic post of Associate Professor in a professional direction 3.6. Law/Civil and Family Law/.**

20.10.2022

Associate Professor Dr. Alexander Ivanov