

OPINION

by Prof. Dr. Yanka Teneva Tyankova, lecturer at the Faculty of Law at VTU "St. Cyril and Methodius", appointed a member of the scientific jury by Order №3-RK-183 / 24.03.2022 of the Rector of NBU

on the scientific papers submitted for participation in a competition for the academic position of associate professor, in professional field 3.6. Law (Law of Obligations), announced by the New Bulgarian University (NBU) in SG, issue 14 of 18.02.2022, with candidate Chief Assistant Professor Dr. Silvia Stoyanova Tsoneva

I. Assessment of compliance with the minimum national requirements and the requirements of the New Bulgarian University.

The applicant Ch. Assistant Professor Dr. Silvia Stoyanova Tsoneva presented documents for participation in the announced competition. As can be seen from them (self-assessment report and the documents attached to it), the candidate meets the national requirements set forth in the Law on the Development of the Academic Staff in the Republic of Bulgaria (LDASRB), as well as the minimum national requirements for research and teaching activity in higher education area 3. Social, economic and legal sciences, Professional field 3.6. Law, determined by the Regulations for implementation of the Law for the development of the academic staff in the Republic of Bulgaria (indicators for groups A, B, Г and Д). The candidate also meets the additional requirements of NBU for holding the academic position of "Associate Professor" in the professional field 3.6. Law. There are documents attached to the application, which make it evident that she meets the requirements of Art. 58, para. 1 of the Regulation for development of the academic staff at NBU (RDAS) for the indicators for groups Ж, З and И of the table for individual assessment and even exceeds the required number of points for some indicators.

Silvia Tsoneva obtained the educational and scientific degree "Doctor" in Law in 2009 with the dissertation topic "Legal nature of securities". She applied in this competition with the monograph "Compensation for damages in case of contractual liability", published by NBU, 2021, ISBN 978-619-233-168-9. There is no duly proven plagiarism in the scientific papers submitted for the competition.

Dr. Tsoneva has held the position of Assistant Professor at the New Bulgarian University since 2012 and therefore meets the requirements of NBU, namely to have held the position for more than two years.

II. Research (creative) activity and results

2.1. Overall characteristics of the monograph

The scientific work presented for opinion with reviewers Prof. Dr. Tanya Yosifova and Assoc. Prof. Dr. Tsvetalina Petkova (editor and proofreader Assoc. Prof. Dr. Katerina Yocheva) is a monographic study of the legal institute of damages and its specifics in case of breach of contract. The paper is structured as follows: introduction, three chapters, conclusion, appendix and bibliography. Its has 418 pages and 975 footnotes. The literature, which is used includes 164 titles, of which 73 in Bulgarian and 91 in English, German and French. The chapters are symmetrically arranged and logically connected to each other. The introduction sets the subject of the research, as well as the goals and tasks of the study. Chapter one is devoted to the issues related to the determination of direct and foreseeable damages, discussion of the rule for reduction of damages and the institute of contributory negligence. A historical analysis of concepts such as "direct damages", "foreseeable damages" and "limits of contractual liability" has been made, supplemented by a thorough and in-depth comparative legal analysis of these concepts in the legal systems of Germany, France, Switzerland and England.

In Chapter Two the author discusses the issues related to calculation of the compensation for pecuniary loss, getting to the topic by means of the concepts of "positive and negative interest" and analyzing the major differences in the way that legal doctrine and case law treat these concepts. A thorough historical and comparative legal review of these concepts has been made. Chapter three is devoted to the special categories of damages, going in detail through the issues related to compensation of non-pecuniary loss, compensation for damages in case of termination of contract, default interest, liquidated damages and compensation determined according to the benefits for the debtor.

2.2. Evaluation of the scientific and applied contributions of the monograph

The monograph is an original study dedicated to a current topic of great practical significance. The work is very well structured, includes the main publications in the doctrine in this field in our country and makes undoubtedly impressive use of numerous titles in French, German and English.

The work has an indisputable contribution character. Although compensation of contractual damages has been the subject of research in many other scientific publications over the years, this paper is the first comprehensive monographic study on the subject. Another contribution of the monograph is the comparative legal research made by the author of the legal treatment damages in different countries, which allows to detect imperfections and to look for ways to improve national legislation. This comprehensive comparative legal

analysis is accompanied by a follow-up review of the discussed topics in the legal framework of the UN Convention on Contracts for the International Sale of Goods, the UNIDROIT Principles of International Commercial Contracts, the Principles of European Contract Law and the Common Frame of Reference of Private Law. This provides the study with a perspective, refracted through the lens of comparability of national and international law (respectively European law) in the context of the analyzed legal figures. A contribution, which has both scientific and applied significance, is the proposal made after the analysis of the rule for reduction of damages under Art. 82, para. 2 of the OCA, to acknowledge statutory the right of the creditor to receive the expenses he has incurred in the course of limiting losses, even if his efforts didn't lead to the result he aimed at.

The analysis of the abstract and the concrete method for calculation of the compensation for damages also adds to and enriches scientific knowledge and practice, in view of the proposal made regarding art. 323 of the CA to supplement the requirement that the replacement transaction be concluded not only within a reasonable time after the termination, but also that the new transaction be concluded in an appropriate and reasonable manner. A new reading was made of the institute of liquidated damages and problems analyzed in theory are considered in view of the economic inequality of the parties to the contract and the need to protect the economically weaker country attending for true freedom of contract and authentic autonomy of the parties. A detailed commentary on relevant case law is made with analysis of numerous decisions of courts of appeal, as well as rulings and decisions of the Supreme Court of Cassation, including interpretative decisions, with author's opinion expressed on the contradictory case law and reasons given to explain which of them she supports and which she doesn't. This analysis of the case law is enriched by a commentary on current EU case law, as well as case law of French, German and English courts. The other conclusions, which the author has diligently systematized in the conclusion as a final result of her in-depth research, also have a contributing character.

2.3. Evaluation of the contributions in the other publications attached which are made after the appointment on the academic position “Ch. assistant ”, incl. assessment of the requirement for peer review of publications

The monograph "English and Bulgarian Tort Law", Avangard Prima, Sofia, 2019, submitted by the candidate, which is not the main habilitation paper under this procedure, and the scientific articles (18 studies and articles) published in scientifically peer-reviewed collections and journals show considerable scientific activity of Ch. Assistant Professor Dr. Silvia Tsoneva, which should be positively assessed.

2.3. Citations by other authors

The attached report of citations, prepared by the NBU Library, contains 45 references to the candidate's publications. With regard to the requirement of citation by other authors, the LDASRB and the RDAS set a minimum of 50 points for holding the academic position of "Associate Professor". From the self-assessment report and the presented evidence to it it is evident that the candidate has collected 300 points for item 12 of group Д, in view of which she meets the minimum requirements for this criterion.

III. Teaching and learning activities

Silvia Tsoneva started working in the New Bulgarian University, Master's Faculty, Department of Law in 2001, when she was appointed as "assistant". Since 2005 she has held the academic position of "Senior Assistant", and since 2012 "Chief Assistant".

She teaches the following lecture and training courses in the Master Degree Program of Law: law of obligations, seminar in law of obligations, consumer protection law and stock exchange law. She is part of the lecturers' team for the course "Practicum in Civil Law" organized at the Center for Vocational and Continuing Education of NBU. She teaches English language courses in the NBU Applied Linguistics Program and in the joint program of NBU and York University.

The candidate actively participates in the e-learning module "MOODLE - NBU", where she published author's training materials, tests, cases, selected case law organized in topics, hyperlinks to sites and other materials. She also works actively with students in extracurricular activities such as student readings, students competitions and organizes the study group of the law of obligations at NBU.

Ch. Assistant Professor Dr. Silvia Tsoneva has been a member of international research projects, has also participated in the organization and preparation of scientific conferences, has been a public lecturer and a trainer out of NBU. She has participated in a number of trainings at the library and the Center for Career Development and Training Resources of NBU for improving teaching methodology's quality and others.

The average grade she has received from the student satisfaction surveys for the last ten semesters is Very good 4.47 (with a maximum score of 5.00).

The teaching and learning activities of the candidate Ch. Assistant Professor Dr. Silvia Tsoneva meet the national requirements and the additional criteria of NBU in groups Ж, З, И of the table.

IV. Administrative and public activities

Ch. Assistant Professor Dr. Silvia Tsoneva held the position of Program Director of the NBU Law Program from 2005 to 2014 and the position of Program Consultant of the NBU Law Program from 2014 to 2017. She is a member of the Accreditation Commission at the Master's Faculty, a member of the Program Council of the Law Program and of the Council of the Law Department of the NBU. She also is the Erasmus Law Coordinator at NBU.

For more than 15 years she was member of the editorial board of the Law Journal of the NBU. She currently is a member of the editorial board of "Studies in the field of law and politics" at the University of Kujawy and Pomorze in Bigoszcz, Poland.

She is a member of the Union of Lawyers in Bulgaria.

V. Opinions, recommendations and notes on the activity and achievements of the candidate

In view of the above, I consider that Ch. Assistant Professor Dr. Silvia Stoyanova Tsoneva meets the conditions and requirements for holding the academic position of "Associate Professor" in Law as her overall teaching, administrative and social activities should be evaluated positively. The monograph and the other publications with which she applies contain original contributions to the Bulgarian legal science.

In conclusion, I propose to the Scientific Jury to take a positive decision and to propose to the Academic Council of NBU to elect Ch. Assistant Professor Dr. Silvia Stoyanova Tsoneva for the academic position of "Associate Professor" of the New Bulgarian University in the professional field 3.6. Law (Law of Obligations).

22.06.2022

Prof. Dr. Yanka Tyankova