

Reviewed by

Concerning the competition for the academic post of Associate Professor in the field of higher education 3. Social, economic and legal sciences, professional field 3.6 "Law", scientific specialty "Administrative law and administrative process"

Reviewer Assoc. Prof. Dr. Galina Ognyanova Yolova - Paskaleva, Department of Legal Studies, University of Economics - Varna, field of higher education 3. Social, economic and legal sciences, professional field 3.6 "Law", scientific specialty "Labour law and social insurance"

Grounds for preparation - Order of the Deputy Rector for NDDC of University of Economics Varna No. RD 06-205/02.12.2022, for determining the composition of the scientific jury for the competition announced in State Gazette No. 85/25.10.2022 for the academic position "Associate Professor", professional field 3.6 "Law", scientific specialty "Administrative Law and Administrative Process" and the decision of the first meeting of the scientific jury from 03.01.2023.

1. Competition details

The announced competition for Associate Professor in the field of higher education 3. Social, Economic and Legal Sciences, professional field 3.6 "Law", scientific specialty "Administrative Law and Administrative Process" is for the needs of the Department of Legal Sciences. The competition notice was published in State Gazette No 85/25.10.2022.

For participation in the competition has submitted one candidate – head asst. Dr. Darina Nedelcheva Dimitrova, and the submitted documents are in full compliance with the Law for the Development of Academic Staff in the Republic of Bulgaria, the Regulations for the Application of the Law for the Development of Academic Staff at the Varna University of Economics. The candidate is admitted to the competition as meeting the requirements under Article 62 of the Regulations for the Development of Academic Staff at UE-Varna and the quantitative requirements under Annex 1 of the same Regulations.

2. Biographical information about the candidate

Darina Nedelcheva Dimitrova graduated from secondary education in 1997 in II Mathematical High School "Dr. Petar Beron", Varna. She completed her higher legal education in 1998 at the University of Economics - Varna.

She started her teaching career at the Department of Legal Studies of UE-Varna in 1998 where she currently holds the position of Senior Assistant Professor.

For the period 2007 - 2010 she was enrolled in a PhD program at the Faculty of Law of Sofia University "St. Kl. Ohridski", Department of Administrative Law. In 2011 she obtained the degree of Doctor in the scientific specialty 05.05.7 "Administrative Law and Administrative Process" having successfully defended his dissertation on "The Regional Governor as a Body of the Executive Power" (diploma № 34889/24.01.2011). On the basis of the defended dissertation an independent monograph has been published with a total volume of 183 pp.

He has also participated in two research projects, respectively Digitalization in agribusiness: impact on the workforce with project leader Assoc. Dr. Pavlina Ivanova, 2021-2023 (NPI-54 (Order RD №14-51 of 17.05.2021)) and Legal and Economic Aspects of State Control over Compliance with Labour Legislation with project leader Assoc. Prof. Dr. Galina Yolova, 2020-2022 (NPI-43 (Order RD №17-1081 of 08.05.2020)).

He has participated in various forms of specialization and training such as a webinar on "Legal Regime of Electronic Documents", under Research Project No. KP-06-H-45/1 4Digitalisation and Digital Competences - Trends and Innovative Practices in Higher Education and the Labour Market, funded by the Research Fund, training "Effective communication - specialized techniques for motivation in the organization, conducted by the Institute "Itera" (Certificate: №9072/18.05.2019), seminar on databases Scopus, Sciencedirect and Mendeley, held on 19.04.2018 by Toshka Borisova - authorized trainer for Elsevier, participation in training for working with the Moodle 3.4 platform, held on 23.02.2018 by CEDO at UE-Varna, successfully completed the course "Professional layout of educational documentation, scientific publications and educational literature - MS Word 2010®", since 13.12.2016.

Member of the Union of Scientists - Varna, for the period 2017-2021 is also a member of the leadership of the Social and Legal Sciences Section of the Union.

3. Evaluation of the candidate's teaching work

Head asst. Dimitrova is part of the teams of fundamental and special legal disciplines such as Fundamentals of Law, Fundamentals of Public Law, Fundamentals of Public Administration, Constitutional Law, Judicial Administration, Administrative Law and Procedure, Law of the European Union, Local Government and Self-Government and Consumer Law.

He is the holder of the courses Administrative Law and Procedure and Fundamentals of Law in distance learning.

The total annual workload for 2020/2021 and 2021/2022 is 334 and 335 hours per annum respectively. Out of the total number of hours, the number of lectures and exercises is 94 and 240 for 2020/2021 and 89 lectures and 246 exercises for 2021/2022 respectively. The teaching load fully complies with the requirements of the Regulations for the Development of the Academic Staff of UE-Varna for the position of Associate Professor.

The candidate has participated in the development of curricula and lecture courses in the disciplines Fundamentals of Public Law, Fundamentals of Public Administration, Constitutional Law, Judicial Administration, Administrative Law and Procedure, Law of the European Union, Local Government and Self-Government and Consumer Law.

She has also supervised graduates in Judicial Administration who have successfully defended their Bachelor's degree theses.

Head asst. Dimitrova has active participation in the educational and practical events organized by the Department of Legal Studies, respectively - organizing visits to court hearings, meetings with guest speakers from the legal practice, as well as participation in the organization of student, candidate and student events, as a member of the Evaluation Committee for the Review of Student Scientific Activity in 2020, Quaestor in the Student Olympiad at the Department of Legal Studies, 21.11.2020 and 27.11.2021.

The teaching work of the head asst. Dimitrova is distinguished by a high level of teaching, successful application of various models with practical orientation, combining the theoretical part with specific practical skills. My years of working with the candidate give me grounds to confirm that she is a conscientious, strict and responsible teacher, and at the same time a collegial researcher who enjoys the respect of her students and colleagues.

In summary, the teaching work of the candidate is in full compliance - qualitatively and quantitatively with the requirements of Article 62, item 2 in conjunction with Article 71 of the Regulations for the Development of Academic Staff at the University of Economics – Varna.

4. Characteristics of the scientific papers submitted since the last procedure

The applicant has submitted a list of 24 publications, as follows:

- One monograph with a total volume of 171 pp.
- One study with a total volume of 24 pp.
- 8 scientific articles, of which 5 solo and 3 co-authored, with a total length of 105 pp.
- 6 scientific papers, of which 4 solo and two co-authored with a total volume of 59 pp.
- 4 teaching aids, co-authored with a total volume of 673 pp.
- 4 co-authored textbooks with a total volume of 1230 pp.

Scientific publications do not cover those submitted for the degree of Doctor of Science and Education.

According to the Reference for compliance with the minimum quantitative scientific requirements according to Article 65, paragraph 1, item 16 of the Regulations for the Development of the Academic Staff at IU-Varna (in force from 01.07.2021) and on the basis of Article 2b, paragraph 5 of the Law on the Development of the Academic Staff, the points declared by the candidate for the position of Associate Professor are for scientific reports - 50, with a minimum - 30, for scientific articles and studies - 95, with a minimum 80. At the same time, according to the submission for fulfillment of minimum national requirements for the academic position of "Associate Professor" in the field of higher education 3. „Law on Social, Economic and Legal Sciences " according to Art. 2b, par. 2 and 3, of the Academic Staff Development Act in the Republic of Bulgaria, the candidate has in the group of indicators "C" - Published independent monograph (habilitation thesis) the required 100 points, in the group of indicators "D" - 220 points (with the required for 3.6 Legal Sciences - 100 points).

The scientific production of the candidate is entirely in the field of the announced competition, and it is noteworthy that the scientific articles, studies and reports are in refereed and indexed established journals, and two of the articles are in scientific journals, refereed and indexed in a world-renowned database of scientific information (WOS). At the same time, some of the studies

are of an interdisciplinary nature, combining scientific and scientific-applied problems in the field of labor law and administrative law and procedure.

The publications submitted for the competition fully comply with and meet the established requirements for the academic position of Associate Professor in accordance with the requirements of Article 62, item 3 in conjunction with Article 71 of the Regulations for the Development of Academic Staff at the University of Economics - Varna. The scientific issues are developed at a high scientific level, distinguished by the depth of the scientific analysis, and on the basis of well-established doctrinal formulations the author derives well-founded theoretical opinions, reasoned and adequate proposals *de lege ferenda*, thus building on legal theory in the specific field of his scientific interests.

5. Identification of research contributions.

In the presented works of the candidate the following contribution points can be highlighted:

5.1 Contributions of scientific and scientific-theoretical nature

The independent monographic work *Acts of the Management Bodies of the Higher Education Institutions* (publication 7.1 from the presented List of Publications) is the first monographic study in our theory of the legal nature of the acts of the management bodies of the higher education institution under Art. 1 of the Law on Higher Education, which takes into account the significant changes in the legislation in the field of higher education that have taken place in the last few years. The monograph analyses the legal nature of the acts of the governing bodies of higher education institutions, some of which are of an administrative nature in terms of the public functions performed, given the subject matter of the activity of providing educational service and development of science. The analysis carried out by the applicant is at several different levels, using different research methodologies. On the one hand, on the basis of the historical comparative legal study, a retrospective analysis of the legal framework of the governing bodies of higher education institutions and their acts is made. On the other hand, an analysis is made of the current administrative legislation both at the level of laws and regulations. On the basis of an analysis of the powers and legal nature of the acts of the General Assembly, the Academic Council and the Rector, a number of well-founded conclusions and systematic proposals *de lege ferenda* are drawn. At the same time, the legal analysis of the acts of the higher education institutions' governing bodies

is also of a concrete practical nature, by distinguishing between their administrative and internal acts, the admissibility of their challenge under the Administrative Procedure Code is analysed.

The summarized provides grounds to highlight the exceptional topicality of the development, in which through the analysis of established doctrinal opinions the author borrows and justifies specific scientific conclusions and derives proposals *de lege ferenda*. At the same time, the work has a distinctly prescriptive orientation, as by proposing solutions to the problems concerning the legal nature of the acts of the management bodies of higher education institutions with regard to their admissibility for judicial review under the Administrative Procedure Code, not only a purely theoretical, but also concrete practical significance of the study is achieved.

In the other publications of the candidate can be highlighted the following more characteristic moments:

- Analysis of the meaningful content of the terminological concepts "acquisition of scientific degrees" and "occupation of academic positions" in the context of academic autonomy and the related decentralization of academic promotion procedures, and related proposals for improving the regulation - publication 9.2 of the submitted List of scientific publications.
- historical and comparative legal study of the legal regime of higher education institutions in Bulgaria from the Liberation until today, and the related periodization of acts and derivation of the systematics of the legislative framework - publication 10.1 of the submitted List of scientific publications
- a complex theoretical study of the administrative control exercised by the Minister of Education and Science over the educational and scientific activities of higher education institutions, providing, on the basis of the current legal analysis of the Law on Higher Education and the Law on the Development of Academic Staff in the Republic of Bulgaria, specific conclusions and recommendations on the application of the legal framework - publication 14.5 of the submitted List of Scientific Publications
- analysis of the legal regulation of the Board of Trustees of the State Higher Education Institutions, through the prism of the specifics of their activities and through the study of its interaction with the Academic Council, on the basis of which

reasonable proposals de lege ferenda are derived - publication 16.7. of the presented List of Scientific Publications

- interdisciplinary studies analysing traditional administrative law institutes in the context of the labour law framework of a highly topical nature and specific practical and applied orientation - publications 15.6, 17.8, 20.3, 23.6 from the List of Scientific Publications
- systematization and analysis of topical issues concerning the academic staff, the specificity of academic research and the legal aspects of the concept of academic autonomy in the context of the philosophy of the modern university idea, where, given the need for adaptation and flexibility of the legal framework, substantiated scientific conclusions and proposals are drawn de lege ferenda- publications 11.2, 12.3, 14.5 of the List of publications.

5.2. Contributions of practical - applied nature

According to the submitted references head asst. Dimitrova, has a citation of a publication in a judicial act (Decision No. 1197 of 17.08.2020 in Administrative Case No. 1247/2020 of the Administrative Court - Varna), as well as an expert opinion submitted on a request made in Administrative Case No. 969/2022 of the 10th Chamber of the Administrative Court - Varna.

Part of the candidate's expertise is the review of a scientific paper in a scientific publication refereed and indexed in a world-renowned database of scientific information WOS: Strategies for Policy in Science and Education, ISSN 1314-8575 (Online) ISSN 1310-0270 (Print), 2021.

5.3. Contributions enriching the general theory and the content of the study material in individual legal disciplines

The candidate's participation in the development of textbooks and teaching aids is complementary, extending and updating the teaching content of both general and special legal disciplines. As a significant contribution should be highlighted the participation of Asst. Dimitrova in the preparation of a textbook on the discipline of Administrative Law and Procedure, intended for students of the specialty of Judicial Administration, where the head asst. Dimitrova is also a scientific supervisor of the author's team (publication 29.6 from the submitted List of scientific publications).

In summary, it can be concluded that . Dimitrova is a productive researcher with a high level of knowledge in the relevant scientific field, a rigorous and correct researcher and in this sense her research work is at an undeniably high academic level and in quantitative and qualitative aspects fully meets the requirements of the Regulations for the Development of the Academic Staff of the University of Economics Varna for holding the academic position of Associate Professor.

6. Citation evaluation

According to the attached Reference for fulfillment of minimum national requirements for the academic position of Associate Professor in the field of higher education 3. " of the Law on Social, Economic and Legal Sciences, according to Article 2b, paragraphs 2 and 3 of the Law on the Development of Academic Staff in the Republic of Bulgariaa significant part of the candidate's publications have been cited in other scientific works, including scientific journals, monographs, collective volumes, as well as in refereed and indexed in world-known databases of scientific information (Scopus or Web of Science). Thus, out of the 50 points required by the group of indicators "E", the points collected from the declared citations are 320, significantly exceeding the established minimum.

At the same time, according to the information submitted by the applicant for registration in Google scholar, the scientific production has more than 780 references (citations), with h-Index 14, and from the information submitted for registration in Web of Science, respectively - with 10 references (citations) and h-Index 2.

The attached data are undoubtedly an indication of very high scientific popularity of the works and their recognition in scientific circles.

7. Comments, question and recommendations

Considering the fact that I have participated in the discussion of most of the publications of Asst. Dimitrova's publications I have no specific comments and recommendations on their content. I believe that it is good for the candidate to maintain the high scientific level of his/her research and to use the experience gained to develop interdisciplinary research, respectively - initiate the development of scientific and applied projects.

8. Conclusion

The above assessments of indicators of the candidate's activity and scientific work give grounds to conclude that the undisputed scientific achievements, the high level of scientific teaching, the remarkable number of citations of the candidate, as well as the overall assessment of his professional qualities fully meet the quantitative and qualitative requirements for the academic position of associate professor, according to art. 2b, para. 2 and para. 3 of the Law on the Development of Academic Staff in the Republic of Bulgaria, the Regulations for the Implementation of the Law and The Regulations for the Development of the Academic Staff of UE-Varna.

This gives me the reason to propose with conviction to the esteemed members of the scientific jury, head as. Dr. Darina Nedelcheva Dimitrova to be elected for the academic position of Associate Professor in the field of higher education 3. Social, Economic and Legal Sciences, professional field 3.6 "Law", scientific specialty "Administrative Law and Administrative Process" , proposing to the Faculty Council her confirmation.

01.0.2023

Varna

Reviewer:

/ Associate Professor Galina Yolova - Paskaleva/

Заличена информация съгласно
ЗЗЛД и регламент (ЕС) 2016/ 679

REVIEW

by Prof. Dr. Darina Peeva Zinovieva, Institute of State and Law, BAS and Faculty of Law of Plovdiv University "P. Hilendarski", member of the scientific jury

regarding: competition for an academic position "docent" at the University of Economics, Varna, higher education area 3. Social, economic and legal sciences, professional direction 3.6. Law /Administrative law and administrative process/.

1. General data

The competition for the academic position "associate professor" was announced in SG, no. 85/2022 in the field of higher education 3. Social, economic and legal sciences, professional direction 3.6. Law /Administrative law and administrative process/.

There is only one candidate in the announced competition - chief assistant. Dr. Darina Nedelcheva Dimitrova from the Department of Legal Sciences. The documents submitted by the applicant, which are required by the applicable regulations, are available. The minimum national requirements under Art. 2b, para. 2 and 3, respectively, to the requirements under Art. 2b, para. 5 of ZRASRB.

2. Biographical and other academic data about the candidate

Darina Dimitrova is a Master of Law. From 2007 to 2010, he was a doctoral student at Sofia University "St. Kl. Ohridski", Legal faculty, Department of "Administrative Law Sciences", where he obtained the

scientific degree "Doctor of Law" /"Administrative Law and Administrative Process"/. From 1998 to the present, he has been teaching at the Varna University of Economics, Department of Legal Sciences, currently holding the position of Chief Assistant.

In practice, she was a legal adviser to a municipality, as well as a lawyer. She participated in the tutoring system: chairman of the KSK (1st graduating class) and tutor for a major. "Judicial Administration" (3rd graduating class), departmental coordinator of the tutors in the department of "Legal Sciences". In the additional work with the students, she organized visits to court hearings, meetings with guest lecturers from legal practice.

She was a member of the Evaluation Committee for the Review of Student Scientific Activity in 2020. She is a member of the team of two scientific projects. She has undergone additional training and applies certificates for them, such as course "Professional layout of educational documentation, scientific publications and educational literature - MS Word 2010"/ 2016.

He is the author and co-author of an impressive number of scientific publications (independent and co-authored). To date, their number is 82, of which articles, studies, monographs, teaching aids. He speaks English and Russian.

Especially regarding the pedagogical activity, the candidate presents a report on the study load, from which the total classroom load in the last two academic years is established - 669 hours. In his teaching activity, he is distinguished by great activity and a wide range of academic disciplines. She taught the disciplines Fundamentals of Law, Fundamentals of Public Law, Fundamentals of Public Administration, International Public and Private Law, Constitutional Law, Judicial

Administration, Administrative Law and Process, Law of the European Union, Local Government and Self-Government, Consumer Law.

She supervised graduate students. She reviewed graduate theses of students. My assessment of her teaching activity is high, in view of the arguments presented above.

As can be seen from the submitted references and the evidence to them, the candidate fulfills the requirements for occupying the academic position of "associate professor", according to the ZRASRB and the Regulations for its application. The same finding was made at the first meeting of the scientific jury regarding the scientometric indicators.

3. Evaluation and characterization of scientific works

3.1. Darina Dimitrova participated in the competition with 31 publications, of which: two independent monographs (habilitation work and a book published on the basis of a defended doctoral dissertation), 1 independent study, 8 scientific articles (5 independent and 3 co-authored), 6 scientific reports (4 independent and 2 in co-authorship), 8 textbooks and study aids. Where co-authorship is involved, the candidate has explicitly mentioned which parts of the publication she is the author of. All were published after obtaining the scientific degree "doctor".

3.2. Among the publications, she presented as the main monographic work /habilitation work/ - "Acts of the governing bodies of higher schools." Varna: Science and Economics, 2021, 169. - (Bibl. Prof. Tsani Kalyandzhiev; Book 72)., ISBN (print) 978-954-21-1074-3.

The monograph examines the legal status of the governing bodies of higher education institutions, such as General assembly, academic

council and rector. The author has analyzed their status in depth, as well as the legal characteristics of the acts issued by these bodies. The monograph is of contribution, in view of the lack of a unified study of these issues and the existence of separate articles in the doctrine. She used a comparative-legal research method in order to distinguish the typical elements of the individual/general administrative act from the elements of other types of acts, characteristic of the management activity of higher schools. Of contributing importance are conclusions regarding the special public functions of these bodies and their justification with the main subject of activity - So called by the author "educational service", as well as scientific activity and scientific results thereof.

The retrospective analysis of the legal regime of these bodies is interesting and valuable for knowledge. The author analyzes practical problems related to issuing and contesting the acts of the bodies of higher education institutions. Clarifies the elements of internal service acts. A good approach is to build a classification of the powers of the general assembly, the academic council and the rector according to function criteria. High evaluation should be given to the comparative-legal analysis between the Regulations for the activities of a higher school and the Statute of the Bulgarian Academy of Sciences.

The assessment is such, due to practical problems and different interpretations, especially of the legal framework of BAS, as a more specific type of institution. With practical applicability are the conclusions regarding the administrative acts of the rector and the legal characteristics of this body, according to the Law on Higher Education.

Summary: The topic of the habilitation thesis is not developed in this complex version. Of overall contribution are the conclusions for

optimization of the current administrative legislation, the subject of the monograph.

3.3. The other publications presented for the competition, apart from the reviewed monographic work, I divide thematically into several categories. One is - publications related to the study of problems from the legal regime of higher education. The other category is interdisciplinary research, such as labor law and administrative law problems. The third category is - publications that researched a specific administrative legal problem / eg. regarding the newly introduced administrative penalty in the latest amendment to ZANN/.

The candidate also presents textbooks and study aids in the field of fundamentals of law, public law, etc.

I will point out the contributions in those of them that I consider to be of most essential importance to the doctrine and practice of administrative law and process.

Of contributing importance are the conclusions in the article "On some basic semantic differences between the terminological concepts "acquiring scientific degrees" and "occupying academic positions", 2021. This is so, due to the analysis of the so-called "meaningful content" of terms such as "acquiring scientific degrees" and "occupying academic positions" contained in the Law on the Development of the Academic Staff in the Republic of Bulgaria.

We accept as a contribution the proposals for improving the legislation, the subject of the article. Of great value is the study "New moments in the administrative control over the activity of higher schools." 2020 , in which the author analyzes the competence of the Minister of Education and Science over the educational and scientific activities of the higher education institution. It offers proper recommendations related to

Application of this regulation, in view of its relatively new creation and amendment.

The article is of interest, based on a published report "Legal aspects of the economic activity of state higher education institutions" 2017. A contribution to our doctrine is the study of the possibility of higher schools also carrying out economic activity, in connection with the main subject of activity. Of contributing importance are the conclusions regarding the newer provisions of the HVO and their practical applicability.

The publication, based on the report "Actual legal aspects of the protection against discrimination in exercising the right to higher education," is of very good quality. 2018

The analysis of the basic constitutional right - the right to education, its protection and the elements of discrimination in the exercise of the right to higher education is of contributing importance. Of particular interest here is the idea to include teachers, as subjects of possible discrimination, in addition to students and doctoral students, as learners.

In summary, in all publications that Darina Dimitrova presents, there are contributing moments that are current and beneficial for doctrine and practice.

Among the most relevant textbooks and study aids, I single out the study aid "Organization of the Judicial Administration" (assignments, case studies, tests). The subject is very current, complex to analyze and study and this type of material is useful for both students and judicial administration

Appropriate cognitive material and practical material - case studies and tests - have been selected. A positive assessment should be given to the legal analysis of the structure and functions of the courts, the

prosecutor's office and investigative services, regulated in the current Law on the Judiciary.

Contributing not only to the educational activity, but also to the legal doctrine is the analysis of the body that manages the judicial system - the Supreme Judicial Council and its administration. The research on the legal status of magistrates should be positively assessed.

For students, the description of the types of proceedings, the mode of storage of material evidence, the way of storage of registers, as a power of the administration, is useful. The analysis of the status of court officials and their responsibility according to the types of violations is useful.

3.4. Critical notes: In the habilitation thesis there are expressions that can be replaced with more correct and accurate ones, such as "no direct relation to the educational and scientific process"/p.44/,"admissible for judicial-administrative appeal" /p.62/. Of course, they are sporadic and do not affect the overall quality of the work, but it is desirable to consider and avoid them when republishing the book.

3.5. In summary, I believe that the peer-reviewed scientific works of Dr. Darina Dimitrova have scientific research and scientific-applied value. It shows the author's ability to freely handle material from different branches, to combine and explore them, a quality that deserves encouragement.

Darina Dimitrova shows a very good knowledge of the matter both in administrative law and process, and in private law branches - e.g. labor law. This interdisciplinary approach of her research deserves high praise, due to its complexity and the scientific and applied results achieved by her. Darina Dimitrova should also be evaluated as a hard-working

scientist, active in the scientific life of the university, evident from the reports presented. The volume of scientific production is indicative of these qualities. The candidate has numerous citations from other authors, which deserves appreciation.

There is also long-term teaching experience, which we have argued above.

CONCLUSION:

In view of the above, I express my categorical position that the candidate Dr. Darina Nedelcheva Dimitrova meets the requirements of the Law on the Development of the Academic Staff in the Republic of Bulgaria, PPZRASRB and the Regulations for the Development of the Academic Staff at IU-Varna. I vote positively and call on the scientific jury to vote positively for Dr. Darina Nedelcheva Dimitrova to occupy the academic position of "associate professor" in professional direction 3.6. Law (Administrative Law and Administrative Process) at Varna University of Economics.

23.01.2023

Reviewer:...

Заличена информация съгласно
33ЛД и регламент (ЕС) 2016/ 679

/Prof. Darina Zinovieva, Ph.D./