STATEMENT

In competition for the academic post of Associate Professor in the professional field 3.6 "Law", scientific specialty "Administrative Law and Administrative Process", announced in the State Gazette No. 85/25.10.22 for the needs of the University of Economics-Varna, Department of Legal Studies with a single candidate – Darina Nedelcheva Dimitrova

From Assoc. Prof. Andriyana Yovcheva Andreeva PhD, University of Economics-Varna, Department of Legal Studies, as a member of the scientific jury appointed by Order RD 06-205/02.12.2022 of the Vice-Rector for Research and Staff Development of the University of Economics-Varna and selected to prepare an opinion at a jury meeting held on 03.01.2023.

I. Competition Data:

The competition for the academic position "Associate Professor" is in the professional field 3.6 "Law", scientific specialty "Administrative Law and Administrative Process", announced in State Gazette No. 85/25.10.22 for the needs of the University of Economics-Varna, Department of Legal Sciences.

II. Candidate for the competition

The only candidate in the competition is: Chief Assist. Prof. Darina Nedelcheva Dimitrova PhD. The candidate works at the UE-Varna, Department of Legal Studies.

III. Personal characteristics of the applicant

Darina Nedelcheva Dimitrova was born on 20.02.1973. Graduated from secondary education in 1991, and in 1998 graduated from the University
of Economics-Varna, majoring in Law. Candidate's teaching activity started and continued entirely at the University of Economics-Varna, where he joined as an assistant professor in 1998, and since 2006 he has been a senior assistant professor.

In 2010 he received the degree "Doctor" in the scientific specialty "Administrative Law and Administrative Process" on the basis of a defended dissertation entitled: The regional governor as an executive authority, Diploma No/ Date: 34889 / 24.01.2011, approved by Protocol No/ Date: 11-19 / 22.11.2010.

Chief Assist. Prof. Darina Dimitrova PhD is a well-established lecturer with extensive professional experience - 25 years, and her work is highly appreciated, both during attestations at the university and by the students. She conducts lectures and exercises in full-time and distance learning in the Bachelor's degree programme.

IV. Scientific works, research work and contributions of the candidate

In the competition for associate professor Darina Dimitrova participated with 31 scientific publications, including:

- Independent monograph (habilitation thesis) and book published on the basis of a defended doctoral dissertation;
- 1 private studio;
- 8 articles, of which 5 independent;
- 6 reports, of which 4 stand-alone.

In addition to scientific publications, the candidate has contributed to 8 textbooks and teaching aids.

The main monographic work of Chief Assist. Prof. Darina Dimitrova PhD "Administrative and Internal Acts of the Governing Bodies of Higher Education Institutions" has a total volume of 170 pages. Structure of the work: introduction, four chapters, conclusion, references and appendices. It is written in clear and
accessible language at the required academic level. The topic chosen by the author is undoubtedly topical and significant for legal theory, as well as can be applied in practice in the management of higher education institutions. The monograph analyses the legal nature of the acts of the governing bodies of higher education institutions, some of which are administrative in nature from the point of view of the public functions performed, given the subject of activity of providing educational service and development of science. The monographic work analyses the different parts at different levels. 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. Based on the study of the powers and legal nature of the acts of the General Assembly, the Academic Council and the Rector, some suggestions are made in this regard and topical issues are raised.

The most important contributions of the monographic work are the following:

First of its kind monographic study of the legal nature of the acts of the governing bodies of the higher education institution under Art. 24 (1) of the Law on Higher Education, taking into account the significant changes in our legislation in the sphere of higher education that have taken place in the last few years. Proposing solutions to the problems concerning the legal nature of the acts of the governing bodies of higher education institutions with regard to their admissibility for judicial review under the Administrative Procedure Code is not only theoretical, but also of practical importance.

The author's other scientific publications deal with a variety of legal topics, which can be summarized as follows:

✓ First of all, most of them are devoted to different aspects of the activity of higher education institutions, which directly corresponds and complements the research interests of the candidate developed in the main monographic
work. Such are, for example: Legal Regime of Higher Education Institution in Bulgaria from the Liberation to the Present Day, Accreditation of Higher Education Institutions as a Guarantee of Higher Education Quality in the Context of Academic Autonomy, Academic autonomy in the modern university idea- philosophical and legal aspects, New moments in the administrative control over the activities of higher education institution,
The Board of Trustees as a specific body of a public higher education institution; Legal Aspects of the Business Activities of State Higher Education Institutions; Current legal aspects of protection against discrimination in the exercise of the right to higher education; Interdisciplinary research and publications in the context of academic development, etc.;

✓ Secondly, some of the publications are devoted to administrative law aspects of employment relations, such as: Administrative law aspects of labour migration and labour mobility in our national legislation; Types of compulsory administrative measures under Art. 404(1) of the Labour Code, Historical traditions of labour law enforcement, etc.

✓ Thirdly, publications on other administrative topics, such as: Specifics and prerequisites for the imposition of the administrative penalty of unpaid work for the benefit of society On some specifics of the functions of the administration of the judiciary, etc.

Two of the candidate's publications are in journals indexed in Skopus and/or Web of Science. The remaining publications are indexed in other databases.

The publications of Chief Assist. Prof. Darina Dimitrova PhD have been cited a total of 33 times, including 7 times in Skopus and/or Web of Science.

I am of the opinion that the publications submitted by the candidate for the competition are in the field of the scientific specialty "Administrative Law and Administrative Process". Most of them are prepared as a result of independent research work, and those that are co-authored, show the good teamwork of Chief
Assist. Prof. Dimitrova, as well as the study of the issues in its entirety, combining several points of view.

The contributions, presented by prof. Chief Assist. Prof. Darina Dimitrova PhD are of scientific and applied nature. I accept the candidate's contributions as real, significant and enriching to existing legal theory and practice.

The more important ones are the following:

- A first-of-its-kind monographic study of the legal nature of acts of higher education governing bodies
- Citing a publication in a judicial act
- Registration in world networks
- Participation in research projects

V. Teaching and other activities of the candidate

According to the documents submitted, the candidate has the full teaching load for the academic year in question according to the university's regulations. The candidate prof. as. Dr. Darina Dimitrova teaches at UE-Varna in the educational degree "Bachelor", the main disciplines that she teaches (lectures and exercises) are the following: Fundamentals of Law, Administrative Law and Procedure, Fundamentals of Public Law, Judicial Administration.

The above shows the serious teaching and learning activity of Asst. Dr. Darina Dimitrova. Along with direct involvement in the educational process, she actively works with students on their preparation for participation in student research conferences. Instructs scientific guidance and reviews diploma theses of students in the degree "Bachelor", specialty "Judicial Administration".

The candidate has the necessary teaching experience and degree of preparation to hold the academic position of Associate Professor.

VI. Critical comments and recommendations
I believe that the candidate prof. asc. Dr. Darina Dimitrova has scientific and teaching potential. In this regard, I recommend continuing to work on publications indexed and referenced world-renowned databases. In terms of teaching, to continue to transfer its knowledge and experience to students using innovative teaching methods combining theory and practice.

VII. Compliance assessment and conclusion

In conclusion, it is possible to summarize the compliance of the candidate's achievements with the mandatory requirements of the Academic Staff Development Act in the Republic of Bulgaria, the Regulations for the Implementation of the Academic Staff Development Act in the Republic of Bulgaria, including the Minimum National Requirements, as well as the Regulations for Academic Staff Development at UE-Varna.

With regard to the requirements of the Academic Staff Development Act in the Republic of Bulgaria and its Implementing Regulations:

The candidate holds the degree of Ph.

The candidate has submitted a monographic work, as well as other publications in specialized scientific journals.

The candidate meets and exceeds the minimum national requirements for the academic post of Associate Professor in the professional field 3.6 Law in all categories and in total.

No plagiarism found.

По отношение на изискванията в Правилника за развитие на академичния състав в ИУ-Варна:

The main monographic work has been published in a specialized scientific publishing house having been previously discussed in a specialized primary unit and reviewed by two habilitated persons.

The applicant shall meet the other minimum quantitative requirements in terms of publications and citations.
In view of the above, I consider that the candidate meets the requirements of the Academic Staff Development Act in the Republic of Bulgaria, the Regulations for the Implementation of the Academic Staff Development Act in the Republic of Bulgaria and the Regulations for Academic Staff Development at UE-Varna. On the basis of the above, I confidently give my positive assessment of the candidature and recommend the esteemed jury to award the academic position of Associate Professor in the professional field 3.6 "Law" to Darina Nedelcheva Dimitrova.

23.01.2023.

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Assoc. Prof. Andriyana Yovcheva Andreeva PhD
STATEMENT

by Prof. Maria Neykova Kaneva, Doctor of Science

Member of the scientific jury for the competition for the academic position "Associate Professor" in Professional field: 3.6. Law, scientific specialty "Administrative Law and Administrative Process" for the needs of the Department of Legal Sciences at the University of Economics - Varna announced in the State Gazette, issue 85/25.10.2022.

DEAR MEMBERS OF THE SCIENTIFIC JURY

The only candidate in the competition for the academic position of Associate Professor in Professional Field 3.6. Law, scientific specialty "Administrative Law and Administrative Process", published in the State Gazette, issue 85/25.10.2022 is a chief asst. Dr. Darina Nedelcheva Dimitrova.

In accordance with the requirements of the Academic Staff Development Act in the Republic of Bulgaria and the regulations for its implementation, the candidate has attached: Order RD 06-205 of 02.12.2022 of the Vice-Rector for Research and Personnel Development of the University of Economics - Varna, appointing the jury for the competition, curriculum vitae, author's list of contributions to the scientific works with which the candidate participated in the competition, abstracts, list of citations, etc.

All statutory requirements have been complied with in launching the competition.

I. Presentation of the candidate

Principal asst. Dr. Darina Nedelcheva Dimitrova holds a Master's degree in Law from Varna University of Economics. In 2010 he obtained a doctorate degree in the professional field of Law (Administrative Law and Administrative Procedure), after a successful defence of his dissertation on "The Regional Governor as a Body of the Executive Power" (on the basis of which diploma No. 34889 dated 24.01.2011 was issued). Since 1998 member of the academic staff of the University of Economics - Varna.

Her legal experience is related to the practice of law as a member of the Bar Association - Varna since 2000. She was assistant legal advisor in Aksakovo municipality. She has successively held the academic positions of "Assistant Professor" and "Principal Assistant Professor" at the University of Economics - Varna since 1998 until now. In addition to the University of Economics - Varna, Dr. Dimitrova has also taught at the Professional College of Tourism "K. Fotinov" - Varna in the academic year 2004/2005.

Dr. Darina Dimitrova has extensive practical, legal and teaching experience. The academic activity of the candidate in the field of higher education is related to the development and teaching in a number of academic disciplines, some of which are directly
related to the scientific specialty "Administrative Law and Administrative Process", while others extend the scope of the candidate's activity in the scientific teaching sphere, such as disciplines with a focus on private international law and public international law.

The rich academic experience of the candidate is also evident from the significant scientific production and the significant publication activity of Asst. Dr. Dimitrova. She is the author of a total of 82 scientific publications, has published a total of 2 (two) monographs, 7 studies (three of which she is an independent author) and 19 textbooks and teaching aids. She is the author of a total of 32 articles (19 of which are independent) and 21 reports, only 3 of which are co-authored.

II. General presentation of the scientific production with which the candidate participates in the competition procedure

The scientific works of prof. as. Dr. Darina Dimitrova presented in the competition, in terms of their qualities, meet the requirements of the law in its entirety, as in quantitative terms they exceed the minimum nationally established requirements for holding the academic position of "Associate Professor", as well as the requirements of the Regulations for the Implementation of the Law on the Development of Academic Staff in the Republic of Bulgaria and those of the Regulations for the Development of Academic Staff at the University of Economics - Varna.

In the competition documentation two monographic works were submitted for consideration and evaluation, one of which (with the title "The regional governor as a representative of the central executive power" - in the volume of 183 pages) was developed on the basis of a defended dissertation. The second monographic work, which also constitutes the main habilitation work, is devoted to "Acts of the Governing Bodies of Higher Education Institutions". The habilitation thesis, which is 169 pages in length, is the first of its kind systematic study of the legal characteristics, nature and specificity of the different types of acts of the governing bodies of higher education institutions.

The candidate also submits to the attention of the scientific jury a scientific study entitled "On Some Basic Meaning Differences between the Terminological Concepts of "Acquisition of Scientific Degrees" and "Occupation of Academic Positions", published by Cieła, 2021.

The topic of the legal regime, activity and quality of education in higher education institutions has been the focus of Dr. Dimitrova's research and analysis, and the results of author's studies on the topic have been presented and published in specialized scientific publications in the period 2016-2020. In 2021, in the specialized edition "Society and Law", the author presents specific legal aspects in regulating the activities of the "Board of Trustees" as a body of a state higher education institution.

Impressive is the rich set of textbooks and teaching aids in the compilation and preparation of which active participation and significant authorship has head. asc Dr. Darina Dimitrova. A significant number of the eight textbooks and teaching aids submitted by the applicant in the framework of this procedure focus on issues of general legal doctrine (such as a textbook on "Fundamentals of Law") systematising by groups the main issues of public and private law.
Another part of the practical teaching aids and textbooks authored by Dr. Dimitrova are focused on topics related to "Fundamentals of Public Law" and "Administrative Law and Administrative Process", thus providing an opportunity for non-lawyer trainees to acquire not only basic legal knowledge, but also practical skills (through the case studies and practical tasks included in the content of the teaching aids) necessary for increasing the knowledge and qualification of the trainees, as well as for their future professional realization.

The applicant shall demonstrate a track record of research project activity by participating in two national research projects. One is on "Digitalization in agribusiness: impact on the workforce", in which project Dr. Dimitrova is also a co-leader, and she participates in a second project on "Legal and economic aspects of state control over compliance with labour legislation".

Significant part of the works presented by the candidate Assoc. Dr. Darina Dimitrova, besides being significant in their nature and characteristics, have great practical and scientific - applied importance.

III. Teaching and teaching activities of the candidate

Dr. Darina Dimitrova actively participates in the development and teaching of courses including Fundamentals of Law, Fundamentals of Public Law, Fundamentals of Public Administration, Local Government and Self-Government, Administrative Law and Administrative Procedure, Public and Private International Law, European Union Law, Constitutional Law, Judicial Administration and Consumer Law. She conducts lectures as well as exercises and seminars with students in various majors at the University of Economics - Varna. Additional activity implemented by Dr. Dimitrova is directly related to increasing the degree and level of training, practical knowledge and skills of the students, within the framework of which actively organizes and conducts visits of the trainees in court hearings and meetings with guest lecturers from the legal practice.

IV. Analysis of presented monographic works, studies, textbooks and teaching aids


The monographic work presents the topic of "Acts of Governing Bodies of Higher Education Institutions" in four separate chapters. The author focuses on the legal nature of the acts of the governing bodies of higher education institutions, some of which are administrative in nature in terms of the public functions performed, given the subject matter of providing educational service and developing science.

The limits within which it is possible to exercise managerial activity and authority, within the competence of the governing bodies of higher education institutions, are precisely and correctly defined.

The organizational processes through which management is carried out are studied and presented, with special attention paid to the stages of implementation of internal service
activity and the activity of issuing acts with a view to their admissibility for challenge under the procedure of administrative procedure.

The author thoroughly explores and presents the importance and significance of the major governing bodies, distinguishing them from all other organs of higher education and outlining their essential characteristics.

Of particular importance is the analysis presented in Chapter IV of the monographic work of the activities carried out by the Rector, within the framework of his specific functions and powers, as well as the legal characteristic and peculiarity of the acts issued by the Rector in the higher education institution.

The nature of the opportunities outlined by the author for strengthening the capacity of higher education governance bodies can be identified as a contribution. Of particular importance are the guidelines formulated by the author for better implementation of management activities within the overall activity of higher education institutions in the system of higher education in Bulgaria.


The monographic work developed on the basis of the dissertation successfully defended by the author, with the title "The Regional Governor as a Body of the Executive Power" was published in 2021 and presents an accomplished research focused on the figure of the regional governor as a representative of the central executive power. At the same time the author focuses on the nature, characteristics and specificity of the district as an administrative-territorial unit. The basis and the key role of the district, as the administrative-territorial unit within whose boundaries the district governor exercises his powers, are the subject of a special study by the author. The functions and qualitative features of the central executive are highlighted in the context of the overall system of executive authorities in the Republic of Bulgaria.

Significant contribution is made by the results of the researched and presented mechanisms for carrying out an activity by an executive authority, in the interest of the public, an activity aimed at citizens and carried out in relation to good interaction in the context of legal, regulatory and state governance principles.

- Study on Some Basic Meaning Differences between the Terminological Concepts "Acquisition of Scientific Degrees" and "Holding Academic Positions" (published in 2021 - Norma, Sofia: Cielo Norma AD, 2021. 5. 47-70., ISSN(print) 1314-5126, ISSN(online) 1314-5118.)

The study, published in 2021, builds on and develops the author's previously formulated thesis on the categorical decentralisation of the procedures for "obtaining scientific degrees" and "holding academic positions". On the basis of the normative analysis some main differences in the content of the two concepts are highlighted, focusing on the meaning and content of the terminological concepts as they are outlined in the Academic Staff Development Act in the Republic of Bulgaria.
A significant contribution is the breadth of the study, both the outlined scope of the research and the analysis of the range of questions on which the comparative review of results is based.

V. Analysis of submitted articles and scientific publications

Dr. Darina Dimitrova demonstrates the ability to formulate and argue scientific theses. This is particularly evident in the rich scholarly output she contributed to this competition.

The results of her scientific and research activities have been presented in the framework of participations in specialized scientific forums, in connection with which a significant publication activity has been realized.

In 2019, in an article entitled "Academic Autonomy in the Context of the Contemporary University Idea - Philosophical and Legal Aspects" (published in Scientific Journal, Sofia: Az Buki, 28, 2019, 4, 397-412., ISSN(print) 0861-6302, ISSN(online) 1314-8559.) the author pays special attention to academic autonomy as one of the basic principles for the functioning of higher education institutions. Exploring the issues of emerging changes in attitudes to knowledge, influenced by a range of factors, the authors address the idea and need for legal regulation of the relationship between higher education institutions and the state, based on a balance between the freedom and autonomy of the academic community and the control exercised by the state.

Using the method of analysis, Dr. Dimitrova presents the implementation and development of the administrative control exercised by the Minister of Education and Science over the two main activities of the higher education institutions - teaching and research, and the results of the analysis are presented in an article entitled "New moments in the administrative control over the activities of higher education institutions" (published in Society and Law, Sofia: Union of Lawyers in Bulgaria, 2020, 4, 73-84, ISSN(printed) 0204-8523).

A good impression is made by the broad scope of Dr. Dimitrova's presentation of important elements in the process of implementing the legal framework in the field of higher education and the development of academic staff in accordance with the current principles and rules legally established and statutory.

The importance and significance of the legal regulation is in the center of attention in the scientific researches and practical-applied developments realized by As. Dr. Darina Dimitrova.

VI. Characteristics and evaluation of the scientific and applied contributions in the presented scientific works

All scientific papers submitted for consideration by the candidate are in the scientific field in which this competition is announced. Among the scientific production, a special place is occupied by the two monographic works of the candidate. In them, the author has systematized the conceptual apparatus related to the process of activity and characterization
OPINION

by Assoc. Prof. Konstantin Vasilev Pehlivanov Ph.D

Associate Professor of Administrative Law and Administrative Procedure at the Public Law
Department of Law Faculty of Plovdiv University "Paisii Hilendarski"

I present this opinion pursuant to Order of the Rector of the University of Economics - Varna RD 06-205 of 02.12.2022, by which I was appointed as a member of the scientific jury in the competition for the academic position of "associate professor" in the Department of Legal Studies of the University of Economics - Varna in Field of higher education 3. Social, economic and legal studies, Professional direction 3.6 Law, scientific specialty "Administrative Law and Administrative Procedure". The competition was announced in SG No. 85 of 25.10.2022.

The only candidate is Darina Dimitrova Ph.D., who currently holds the academic position of chief assistant professor in the same department. The candidate was admitted by the eligibility committee of the University of Economics - Varna to participate in the competition.

By decision of the first meeting, I was assigned to prepare an opinion.

On the admissibility of the procedure:

- the candidate holds the educational and scientific degree "doctor", and in the same field of higher education and professional direction, as well as in the speciality "Administrative Law and Administrative Procedure";
- the candidate has (and exceeds) the required experience in a teaching position before the possible occupation of the academic position "associate professor";
- the candidate meets the minimum national requirements and the requirements of the University of Economics - Varna.

As a result, I find the application admissible for consideration by a scientific jury.
I examine the candidature according to three indicators: 1. educational qualification; 2. professional experience and 3. scientific output. Based on the totality of them, it may be answered whether the candidate for the academic position is capable of successful occupation.

Considering the first indicator, educational qualifications:

The candidate, Darina Dimitrova, has a master's degree in law, obtained at the Faculty of Law of the University of Economics - Varna in 1998. Subsequently, later she became a doctoral student at the Sofia University "Sv. Kliment Ohridski" and successfully defended a doctoral thesis before the Higher Attestation Commission in a scientific specialty (according to the that time terminology, today - doctoral program) 05.05.07. "Administrative Law and Administrative Procedure". This fulfills the requirements of Promotion of Academic Staff in Republic of Bulgaria Act. The dissertation thesis is entitled "The Regional Governor as a Body of Executive", the dissertation is duly reported in the candidate's scientometrics.

According to the second indicator, professional experience:

Candidate Darina Dimitrova joined the University of Economics - Varna as an assistant in 1998 and has been working there ever since. She has accumulated extensive professional experience, the reference for the courses she has taken shows a serious workload in several disciplines in the field of public law (Administrative Law and Procedure, Constitutional Law, Local Government and Self-Government, etc.), but also EU Law. She had time to do teaching practice and gain experience to design curricula and assessment systems. Her due period as an assistant far exceeds the requirement of the Promotion of Academic Staff in Republic of Bulgaria Act. The attached certificates for her continuing education demonstrate accumulated knowledge in the field of databases in education and e-learning systems, which is a valuable qualification in higher education nowadays. A positive impression is made by the registration in global indexing systems in the field of the candidate's science and citations, as well as participation in scientific research projects.

According to the third indicator, scientific output:

The candidate submits a monograph for participation in the competition, as well as a monographic research based on the defended doctoral thesis, studies, articles, participation in conferences with reports. They meet the requirements of the Regulations for the Development of
the Academic Staff at the University of Economics - Varna. The required scientometrics for the occupation of the academic position "associate professor" has been fulfilled.

The candidate participated in the competition with a monograph "Acts of the Governing Bodies of Higher Education Schools", Varna, Science and Economics, 2021. The research is current, the scientific literature base has been studied, the analytical approach is in-depth and relevant case law has been reviewed. The monographic work is very well structured in relation to the acts issued by the various bodies of the higher education bodies and in relation to the aspects of the activity of the higher education institution in various spheres (budgetary, educational, access to public information, etc.) and in some aspects it may serve for a practical guide. As a personal note - I cannot agree with the author's conclusion that the elections of higher education bodies are not subject to judicial review, or at least this should be presented as a debatable point on which there is conflicting case law. Further, my personal opinion is that the bodies of the higher education schools do not issue administrative acts, but the norm of Art. 38 of the Higher Education Act which refers them for appeal to an administrative court, has the character of a fiction with a view to the protection of the affected persons (this norm, for example, is universal and does not differentiate between the acts of the bodies of public and private higher education institutions), but this is again something within the limits of scientific discussion. Further, since the rules of the Administrative Procedure Code are followed in court proceedings, it would be of practical value in a new edition more attention to be payed to the application of its norms to the acts of higher education institutions in accordance with the accumulated case law achievements.

Valuable is the study of the particular acts, generally called "strategies" or "programs", which do not have their own normative character, but in my opinion represent a form of the so-called "soft law" and may be relevant in any administrative or judicial proceedings.

A monographic work based on a defended doctoral thesis also has its scientific and practical value and is methodologically correctly constructed.

I highly appreciate the publication in “Norma” magazine, dedicated to the difference between the concepts of "scientific titles" under the previous legislation and "academic positions" under the current one. I positively evaluate the author's achievements in the analysis of complex matter and practical conclusions.
In summary: I find that if the candidate Darina Dimitrova is awarded the academic position of "associate professor" in Administrative Law and Administrative Procedure, due to the summary of her acquired education and additional qualifications, quantity and quality of scientific production and professional experience in teaching in higher education in this and related disciplines, she will successfully meet the requirements of the position.

I find that the scientific jury should nominate Darina Dimitrova for election to the academic position of "associate professor" in the Field of Higher Education 3. Social, economic and legal studies, Professional direction 3.6 Law, scientific specialty "Administrative Law and Administrative Procedure" and the open closing session I shall vote in this respect.

Assoc. Prof Konstantin Pehlivanov Ph.D.

02/08/2023

Plovdiv
STATEMENT

by Prof. Tsvetan Georgiev Sivkov, Doctor of Science
Professor of Administrative Law and Administrative Procedure
at the University of Veliko Tarnovo "Sv. Cyril and Methodius"

I am submitting this opinion on the basis of the Order of the Rector of UE -
Varna RD 06-205 of 02.12.2022, by which I have been appointed as a member of a
scientific jury for a competition at the same university. By decision of the jury, I have
been instructed to give an opinion on the applicant and the documents submitted for
this competition.

The competition is for the needs of the Department of Legal Studies of the
University of Economics - Varna, in the field of legal studies – 3.6. Economic, Social
and Legal Sciences, Law, Scientific specialty "Administrative Law and
Administrative Process". The competition was announced in the State Gazette No.
85 of 25.10.2022.

The only candidate is Asst. Dr. Darina Dimitrova. Ms Dimitrova holds a
Master's degree in Law from UE - Varna. In 1998 she graduated in law at the
University of Economics - Varna - Master's degree. Takes a job as an assistant at the
same university. Works as a legal adviser and as a lawyer. This is important because
it allows her to combine practice with her theoretical activities and teaching. She
successfully defended her doctoral dissertation at Sofia University "St. Kliment
Ohridskii" in the field of administrative law and administrative procedure. The
specific issue is related to the position and legal status of the regional governor in the
state governance of Bulgaria.

Ms. Dimitrova participated in the competition for the academic position of
Associate Professor by presenting works and participating in scientific forums after
the defense of her doctoral thesis. These works in number and kind – monograph,
/along with monographic research on the basis of the defended dissertation/, studies,
articles, participation in conferences with papers meet the requirements contained in
Article 62(3) in conjunction with Article 71 of the Regulations for Academic Staff
Development at UE - Varna. In addition, the materials submitted by her show that
she has fulfilled the necessary scientometric requirements to compete for the academic post of Associate Professor.

The presented works can be divided into several groups.

In the first place I place Ms Dimitrova's monograph The Acts of the Governing Bodies of Higher Education Institutions, Varna, Science and Economics, 2021. I will focus on it in more detail because it is the basic requirement for participation in a competition according to the rules of the Academic Staff Development Act in the Republic of Bulgaria.

On the basis of the defended dissertation a monographic study was published.

Ms Dimitrova's documents include a 27-page study on the difference between obtaining a research degree and holding an academic position.

The second category are the articles presented by Ms. Dimitrova. They are several, one is co-authored. Dedicated to the legal regime of higher education institutions and their accreditation.

The third category includes participation in scientific forums and the papers presented for them. They are 5, one is co-authored. For me, it is particularly interesting because it puts the amendments to the Administrative Offences and Penalties Act of a few years ago, and in particular the new penalty of "gratuitous work for the benefit of society", under consideration.

The fourth category covers the participation of Asst. Dr. Darina Dimitrova in the work on writing and publishing textbooks and teaching aids for the needs of teaching at the University of Economics - Varna.

In this part of my opinion I will present a position on the habilitation thesis of chief asst. Darina Dimitrova. This is important and topical research. As a rule, there is no in-depth research to date in this area - higher education governance as part of the state's education policy. This issue remains out of sight of professional lawyers. The work is properly structured and this enables the author to present her theses thoroughly and analytically. I do not approve of the use of the terms "stated", "above", "above" - this is clerical jargon that should not be present in a scientific essay. It is not good for Ms Dimitrova to speak of herself in the 3rd person singular - "the author" - p.18. I find it good to distinguish the subject and object of the study. Often there are long footnotes, e.g. page 32 - 2 definitions of an administrative act that cover at least 1/3 of the page. This has it in many other places. I find this a
weakness because it creates the feeling of volume and filler without real analysis and authorial involvement.

The use of the term 'powers' in relation to acts of higher education authorities needs to be explained somewhere. Universities are public institutions, but this does not necessarily guarantee that the term powers should be used for their activities. A good summary is made on p. 59, which a subsequent edition might develop. Since the book refers to administrative acts, the Administrative Procedure Code term "issuance" should be used. Also, the analysis of the definition of "administrative authority" does not appear until p. 62. More attention should be paid to this issue and to the applicability of the Administrative Procedure Code to higher education authorities. The explanations on pp. 62-65 of who wrote what about administrative acts should end with a conclusion that makes a smooth transition to the substance of acts of institutions of higher education.

On p. 69, it is argued that internal acts on the election of bodies are not subject to judicial review. First of all, an associate professor of administrative law, at least in his professional circle, should talk and write about oversight when it comes to the supervisory activities of the courts. Further, this statement does not coincide with the practice. The rector of the Technical University was judicially removed a few years ago by a decision of the Supreme Administrative Court, I think because of irregularities in the election. The election of the Rector and the President of the General Assembly at the University of Veliko Tarnovo over the last 30 years has always been subject to judicial oversight at 2 instances.

Interesting and important is the author's analysis of the legal characterization of the university regulations and the budget. The analysis of the Statute of the Bulgarian Academy of Sciences makes a good impression. I believe this is a significant contribution to the theory. This and other contributions give me reason to believe that this is a good legal treatise and has its place in the development of administrative law.

In conclusion, I consider that the presented monographic work, despite the critical remarks, has qualities in accordance with the requirements of the Academic Staff Development Act in the Republic of Bulgaria and the by-laws and can serve as a basis for a positive decision of the jury and a proposal to be made for the respective academic position of "Associate Professor". I think that in a future edition of the work desirable and necessary changes could be made.
The teaching work of the head. as. Dr. Darina Dimitrova is in compliance with the requirements for teaching workload of a lecturer at the Varna University of Economics. She teaches various lecture courses on different legal subjects. According to the documents submitted in the competition procedure, a teaching load as a Habilitated Lecturer in Law at the University can be secured. In doing so, it fulfils the requirements of Article 62(2) in conjunction with Article 71 of the rules of UE - Varna.

Contributions of prof. as. Dr. Dimitrova I will separate into several groups. First of all, for me the most important is the published monograph and the study of the acts of higher education institutions. There are about 50 higher education institutions in Bulgaria and their legal framework, acts, judicial supervision and existence in general are important and are a serious issue for analysis from a legal point of view and not only because higher education in Bulgaria affects tens and perhaps hundreds of thousands of people - prospective students, students, graduates, their relatives, business entities, etc. This book has its place in the theory of law. The opinions expressed on the legal nature of the acts of the management bodies are important and they can also have a practical meaning, which is valuable and is a contribution of this study.

In my opinion, the next important point in Dr. Dimitrova's contributions is that her views have found a place in judicial acts. For me, this shows the respect of fellow judges for the work of the author in the field of administrative law. And this is not common.

I appreciate the author's registration in global networks and citations, as well as participation in research projects.

In a future edition of the monograph it would be a good idea to revise it, to broaden the subject matter, to deepen the study of case law. It is true that the academic post of associate professor is for the needs of a specific university. But this is about habilitation and I would recommend the future Assoc. Dimitrova to go out on "national terrain". This means looking beyond the university and university press, to forums at a central level. Such an outlet is important for both her professional growth and her academic self-confidence.

In conclusion, I clearly define my categorically positive attitude towards the acquisition of the academic position "Associate Professor" by the chief asst. Dr. Darina Dimitrova. I believe that she has the necessary academic and teaching qualities, that she has the necessary potential and that as Associate Professor she will
contribute to the development of the authority of UE - Varna and of legal science. I will vote positively. I hope the other members of the jury will express a similar opinion.

I would like to thank IU - Varna for the opportunity to participate in its jury!

Sofia

Prof. Tsvetan Sivkov, Doctor of Science
STATEMENT
From: prof. dr. Ganeta Minkova Minkova;
SOFIA UNIVERSITY "ST. CLEMENT OHRIDSKI",
INSTITUTE OF STATE AND LAW AT THE BULGARIAN ACADEMY OF
SCIENCES;
Administrative Law and Procedure (Financial Law)

About: competition for the academic position of Associate Professor at the
University of Economics - Varna by field of higher education 3. Social,
Economic and Legal Sciences; in professional field 3.6. Law, scientific
specialty "Administrative Law and Administrative Process"

Reason for submitting the opinion: participation in the composition of the
Scientific Jury for the competition announced in the State Gazette, issue
85/25.10.2022, as well as the decision of the meeting of the Scientific Jury held
on 03.01.2023.

1. Information about the competition and the candidate
The State Gazette, issue 85/25.10.2022 announced a competition for the
academic position of Associate Professor in the professional field 3.6 "Law",
scientific specialty "Administrative Law and Administrative Process" for the
needs of the Department of Legal Studies at the University of Economics - Varna.

For participation in the competition submitted documents one candidate chief
asst. dr. Darina Nedelcheva Dimitrova.

Assistant Professor Darina Dimitrova graduated in law at the University of
Economics - VarnaAs an independent doctoral student at the Department of
Administrative Law, Faculty of Law, Sofia University "St. Kliment Ohridski" the
candidate defended her dissertation for the award of the educational and scientific
degree "Doctor" in 2010. The topic of the dissertation is "The Regional Governor
as a Body of the Executive Power". For the defense of her scientific and
educational degree, she received Diploma No. 34889/24.01.2011 according to the
register of the National Center for Information and Documentation of Academic
Positions and Dissertations, and the website of the National Center for
Information and Documentation was visited on 04.02.2023. The dissertation was
defended in the scientific specialty "Administrative Law and Administrative
Process", for which the present competition was announced.

Currently Ms. Darina Dimitrova holds the academic position "Senior
Assistant Professor" at the University of Economics - Varna. RD-17-
2561/05.11.1998 is cited as the basis for appointment. The applicant has therefore
held the post of 'Principal Assistant Professor' for around 25 years.

During this period she has authored 62 books, monographs, studies, articles,
conference papers, textbooks and teaching aids according to the register of the
National Centre for Information and Documentation.
This shows that both the scientific specialty in which she defended her dissertation and worked, as well as the length of her experience in the academic position she has held so far, and her scientific production are quite sufficient for her to apply for the academic position of associate professor in the same scientific specialty.

The candidate has submitted a Reference-declaration on the quantitative requirements for the post, in which she has indicated six scientific papers presented at conferences and included in edited volumes, for which she has 50 points, and nine scientific studies and articles, for which she has 95 points. In the submitted reference-declaration for fulfillment of the minimum national requirements for occupation of the academic position "Associate Professor" the candidate has indicated 220 points under group of indicators "G" and 320 points under group of indicators "D". There is also a reference with 33 citations of the scientific publications of Asst. Dimitrova. The candidate is an author of scientific reviews as well as a participant in scientific projects. The candidate's teaching load report also shows that she teaches various courses in public law. I therefore accept that as a candidate for the academic position of Associate Professor Ms Dimitrova meets the requirements of the Academic Staff Development Act in the Republic of Bulgaria and the Regulations for its implementation.


Assistant Professor Dimitrova participated in the competition with a monograph entitled "Acts of the Governing Bodies of Higher Education Institutions". Declaration of originality of the monograph. By Protocol No.2 of 26.10.2022 the Department of Legal Studies at the University of Economics - Varna, the monograph of Asst. Darina Dimitrova was proposed for printing.

The object of study in the monographic work are the types of acts of the governing bodies of higher education institutions and, in particular, the distinction between internal and administrative acts. The historical method used allows for an analysis of the legal framework of higher education governing bodies in the past and today. The legal-logical method is used to analyze the current legislation regulating the public legal relations in the studied sphere.

The monographic work contains four chapters. The first chapter discusses the types of higher education governing bodies and their powers. The second chapter examines the legal nature of the acts of the governing bodies. The third chapter deals in more detail with the acts of the Academic Council and the fourth chapter with those of the Rector.

On the basis of the study, proposals for improving the legislation are made.

In the submitted report on the contributions of the chief asst. Dimitrova has pointed out that her monograph is the first monographic study of the legal nature of the acts of the governing bodies of the higher education institution. It is in line with the amendments and additions made to the legislation in the field of higher education in recent years. The monograph proposes solutions to the problems
concerning the clarification of the legal nature of the acts of the governing bodies of higher education institutions with regard to their admissibility for judicial review under the Administrative Procedure Code. From this point of view the monographic work has not only theoretical but also practical significance. I accept these contributions.

The dissertation of prof. as. Dimitrova is published as a book.

The other submitted materials have been published in peer-reviewed scientific journals or by an academic publishing house. Their themes are similar to those developed by the candidate so far.

3. Conclusion

In the process of his development as a scientific researcher and lecturer prof. as. Darina Dimitrova shows in a convincing way opportunities for theoretical thinking and for creating scientific constructs, which she convincingly defends. Her creative approach is demonstrated by her proposals for improving the current legal regulation in the field of higher education governance acts. A strong conclusion can be drawn that the candidate is a hardworking, scientifically correct and productive researcher. Proceeding from the above, I consider that the presented scientific publications and the teaching activity of the candidate fully meet the requirements of the Academic Staff Development Act in the Republic of Bulgaria and the Regulations for its implementation. Taking into account the positive characteristic of the monographic work and the other presented publications, textbooks and teaching aids, made in the opinion, and in particular the possibilities of the candidate for independent development of a difficult in legal-theoretical and practical terms problem of particular relevance, I believe that the Scientific Jury at the University of Economics - Varna should propose to the head. as. Darina Dimitrova to be elected to the academic position of Associate Professor in a field of higher education 3. Social, Economic and Legal Sciences, in professional field 3.6. Law, scientific specialty "Administrative Law and Administrative Process".

Sincerely:

prof. dr. Ganeta Minkova

Ganeta Minkova

Digitally signed
by Ganeta Minkova
Date: 2023.02.08
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