

REVIEW

by Prof. Dr. Ivan Todorov Todorov

of the materials submitted for participation in
a competition for the academic position of **Associate Professor**
at **Plovdiv University Paisiy Hilendarski**

in: field of higher education 3. Social, Economic and Legal Sciences
professional direction: 3.6. Law (Administrative Law and Administrative Process)

In the competition for **Associate Professor**, announced in the State Gazette, issue No. 96/17.11.2023 and on the website of Plovdiv University Paisiy Hilendarski for the needs of the Department of Public Law Sciences at the Faculty of Law, as a candidate participates Senior Assist. Prof. Dr. Antonia Georgieva Ilieva, from the Faculty of Law of Plovdiv University Paisiy Hilendarski.

1. General presentation of the submitted materials

Subject:

By Order No. PD-21-82/16.01.2024. of the Rector of Plovdiv University Paisiy Hilendarski (PU), I have been appointed as a member of the Scientific Jury of a competition for the academic position of **Associate Professor** in PU in the field of higher education 3. Social, Economic and Legal Sciences, professional direction 3.6 Law (Administrative Law and Administrative Process), **announced for the needs of the Department of Public Law Sciences at the Faculty of Law.**

Only one candidate submitted documents for participation in the announced competition:

Senior Assist. Prof. Dr. Antonia Georgieva Ilieva from the Faculty of Law of Plovdiv University Paisiy Hilendarski.

The submitted by **Antonia Georgieva Ilieva** set of materials in paper format **is in accordance** with the Regulations for the Development of the Academic Staff of the PU, and includes the following documents:

- application form to the Rector for admission to the competition;
- CV in European format;
- – a diploma of higher education with an acquired educational and qualification degree Master of Science with an attachment (copy);
- diploma for educational and scientific degree Doctor (copy);
- list of scientific works;
- scientific works (copies of publications), together with a list of citations;
- certificate of compliance with the minimum national requirements;
- Annotations of the materials under Art. 65 of the RDASPU (in Bulgarian and foreign language);
- self-assessment of contributions (Bulgarian and foreign language);
- declaration of originality and authenticity of the attached documents;
- certificate of work experience;
- documents for academic work;
- documents for research work;
- other documents (official note, certificates, four copies).

The candidate **Antonia Georgieva Ilieva** has submitted 1 monograph, 1 book based on a dissertation, 1 textbook and a list of 24 scientific research works, of which 4 are articles and reports published in scientific publications, referenced and indexed in world-famous databases with scientific information, 1 published chapter of a collective monograph.

2. Brief biographical data of the candidate

Antonia Georgieva Ilieva graduated in Law at the Faculty of Law of Plovdiv University Paisiy Hilendarski in 2009. In the period 2014 - 2016, she was a PhD student in the Department of Public Law Sciences, with a thesis topic in the field of

Administrative Law and Process and Medical Law. She is the author of articles in the fields of Administrative Law, Administrative Process and Medical Law. In May 2016, she obtained the scientific degree Doctor of Law with thesis topic: Administrative control in health care /internal and external/.

Since 2016 she is Senior Assistant Professor, Doctor of Administrative Law and Administrative Process at the Faculty of Law of Plovdiv University Paisiy Hilendarski. She was the head of the Study Group of Public Law Sciences in the period 2017-2021, established at the Department of Public Law of the Faculty of Law of Plovdiv University Paisiy Hilendarski. She was a member of the examination committee for conducting a competition for the position of Judicial Assistant in the Administrative Court - Plovdiv, held in May 2017. She was a member of a scientific research team on a European project with topic: Soft Law and its significance for the Bulgarian law.

In the period June 2016 - October 2017, she held the position of Expert in the Public Procurement Department at Plovdiv University Paisiy Hilendarski.

Since 2019 she is an external legal consultant on matters of public health and health legislation - prepares written opinions, as well as legal opinions at the request of the Constitutional Court.

3. General characterization of the activities of the candidate

The candidate has made a significant contribution to the increased interest of students in Public Law and especially in Administrative Law and Process. As the head of the Public Law Study Group at the Faculty of Law of PU, she developed a serious activity and provided students with access to real administrative-legal activity. Her administrative law study guide - general part, significantly supports students in their preparation. In her work as a Senior Assistant Professor, she put a lot of effort to master the study material and to build skills in students to solve legal cases.

Scientific and scientific-applied contributions and citations

The habilitation thesis presented by the candidate “Current Issues of the Contract under the Public Procurement Act (Legal aspects)” explores an extremely important legal matter, which is extremely insufficiently developed in the legal doctrine. This matter is on the border between Administrative and Civil Law - both because the contract is concluded after an administrative proceeding under the Civil Procedure Code and because there are specific rules for amendment and termination in Art. 116-119 of the Public Procurement Act, as well as other specifics.

The candidate has made significant legal contributions in her monograph.

A significant scientific contribution is the differentiation of the public procurement contract from other legal institutes – the framework agreement, the dynamic purchasing system, the qualification system, private law contracts, internal transactions. This makes it possible not only to clarify the concept of a public procurement contract, but also to specify in detail the specific features of the PPA contract.

The monograph comprehensively analyses the legal mechanisms of application of each specific aspect of the public procurement contract - the specific conditions for conclusion, for its construction, for amendment, for performance guarantees. In this way, the author reveals the entire legal mechanism for the conclusion and execution of this contract, which is of essential importance not only for theory, but also for practice.

The application of the institutions of force majeure and economic intolerance is of essential importance in the contracts under PPA. The author makes a detailed analysis of the specifics of force majeure on the performance of the PPA contract. In particular, she examines the impact of the introduction of a state of emergency due to a pandemic and the increase in the prices of suppliers under the contract by making a critical analysis of the regulatory framework. The author makes an important theoretical and practical conclusion: *„The reference to economic intolerance under a public procurement contract is accordingly practically excluded. The*

amendment of the contract under the PPA is admissible only on the grounds regulated in this law (currently Art. 116, para. 1 PPA).

The author has used her expertise in medical law and made significant legal conclusions about the scope of PPA in the overall health care system. The author has analysed the judicial practice and then summarized the main violations in the purchase of drugs, medical materials and medical equipment. The candidate has made significant proposals to improve the legal framework.

The author has presented detailed arguments as to why medical institutions under Articles 36-37 of the Medical Establishments Act should be subject to the PPA. This issue is of significant national importance, as it would lead to the reduction of prices of medicinal products, consumables and medical equipment.

In the attached articles of the candidate, substantial scientific contributions can also be noted, and I will mention only a few of them. Of special interest are the conclusions drawn and the proposals for changes in the legal framework as a result of a comparative legal analysis of patients' rights in the EU. Substantial summaries and recommendations are given as a result of the analysis of the proceedings for contesting the administrative acts by administrative order. The derivation and formulation of the basic legal principles of health care is of fundamental importance for medical law, which in its essential content is part of administrative law. The candidate draws legally significant conclusions in the study of a rarely addressed but important issue - the patient's right of access to personal medical information.

As can be seen from the attached reference, the applicant meets the requirements for citation.

4. Evaluation of the candidate's personal contribution

Formulated contributions and results obtained are definitely the personal merit of the candidate.

5. Critical observations and recommendations

I do not find significant flaws or incompleteness in the scientific works submitted for review.

Perhaps the author could consider whether it is entirely valid to conclude that „*The inferred features of the administrative contract fully cover the legal nature of the contract under the PPA.*“ The author herself accepts that „*the administrative contract is concluded only when provided for in a special law*“ – in this case – PPA.

In her monograph, the author uses an impressive number of acts of European law. She also quoted foreign authors. Perhaps it would be appropriate for the author to possibly consider using more foreign works in her future research in this area.

6. Personnel opinion

The candidate is extremely responsible and dedicated to her work.

CONCLUSION

The documents and materials submitted by the applicant meet all the requirements of the Act on Development of the Academic Staff in the Republic of Bulgaria (ADASRB) and the other relevant regulatory requirements.

I rate very highly the presented scientific works. There are numerous and significant scientific and scientific-applied contributions. Some of the scientific works have received international recognition by being published in journals and scientific collections issued by international academic publishing houses. I also highly appreciate the teaching activity of the candidate.

I categorically support the candidate Senior Assist. Prof. Dr. Antonia Georgieva Ilieva for the academic position of Associate Professor.

I recommend to the Scientific Jury to prepare a report-proposal to the Faculty Council of the Faculty of Law of Plovdiv University Paisiy Hilendarski for the selection of Senior Assist. Prof. Dr. Antonia Georgieva Ilieva for taking the academic position of Associate Professor at Plovdiv University Paisiy Hilendarski in: field of higher education 3. Social, Economic and Legal Sciences, professional direction 3.6. Law (Administrative Law and Administrative Process).

11.03.2024 г.

Reviewer:

(signature)

(Prof. Dr. Ivan Todorov Todorov)