Annotations of the materials under Art. 65 of the RDASPU

on the publications of Assoc. Prof. Dr. Antonia Georgieva Ilieva,
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1. **On the monograph 'Current Issues of the Contract under the Public Procurement Act', published by Ciela, Sofia, ISBN: 978-954-28-4487-7, 2023, edited by Prof. Dr. Veselin Tsankov, D.Sc.**

The monograph is dedicated to the current issues related to the legal essence of the public procurement contract under the Public Procurement Act. As a contract concluded in the public interest, a remunerated contract, and given the funds expended under it, it holds the parties to a higher level of accountability. Certain changes and alterations in circumstances will not be commensurate with such a contract and will not allow its modification in a specific case, unlike contracts in private law, where similar changes in circumstances would have been permissible.

The main focus is placed on the legal characteristics of the public procurement contract, which directly correspond to those of the administrative contract. The necessity of regulatory clarification by the legislator has been discussed, aiming to end legal disputes and inevitably assist both the judicial system and all entities engaged in activities under the Public Procurement Act.

Also pertinent to this work is the issue of realizing accountability—criminal, administrative-criminal, and/or property-related—according to the current legislation concerning the contracting authorities but not concerning the contractors. Hypotheses for introducing administrative-criminal liability for contractors for violations of the same law, particularly in cases of illegal modifications to the public procurement contract, have been discussed.

Chapter One of the monograph is dedicated to the historical-legal analysis of the regulatory framework governing public procurement, as well as the legal essence and characteristics of the public procurement contract.

Section 1 examines provisions of primary and secondary European legislation. The review specifies the Directives that are fundamentally relevant to the current regulatory framework under the Public Procurement Act and at the present moment in the Republic of Bulgaria. These Directives encompass the legislation of all European Union member states in the sphere of public procurement, particularly concerning the definition of the term "public

procurement contract." This overview holds direct significance for the legal issues regarding the specifics of this contract, aiding in the objective identification of the involved subjects, the scope of application, the subject matter, and the regulatory assurances that contracting parties should consider. The general review of acts directly related to public procurement is based on Art. 47(2), Art. 48 of the TEC, Art. 53, Art. 54 of the TFEU—freedom of establishment for self-employed individuals or companies, Art. 51–55 of the TEC, Art. 57–62 of the TFEU—free provision of services, and Art. 95 of the TFEU—harmonization of legislation for the internal market.

Section 2 presents a chronological development of the rules, principles, and methodologies for regulating public procurement, which to some extent follow the dynamics of implementing European regulations by the end of the 1990s and Bulgaria's acceptance as a member state of the European Union. Essential for national legislation in the field of public procurement is the presence of current, stable, and clearly formulated regulatory texts to guarantee common European principles—free competition, limitation of discrimination, free movement of people, goods, and services in the single European market, etc. Regardless of clarity, the peculiarity of contracting bears its own specificities, discussed in this monograph. Public procurement is the only mandatory and regulatory prescribed method through which state authorities and commercial companies, whose representatives are contracting authorities under the Public Procurement Act, expend public funds for conducting their legislatively established activities. The primary goal of legislation regulating public procurement is to prevent corruption or minimize it significantly, as well as to restrict the misuse of public funds. The public procurement contract ensures the protection of public interest when expending public funds and funds expended in the public interest (referring to the funds expended by sectoral contracting authorities). From the standpoint of the period during which the legislator was obliged to comply with the basic European requirements for creating effective and functional legislation in the field of public procurement, efforts have undoubtedly been made to maintain regulatory stability in the legal content of the norms. An overview has been made for the period from 1997 to 2016 concerning the most significant changes made to the Public Procurement Act.

Section 3 of this chapter provides a brief international overview of the administrative-legal regulation related to the administrative contract and the public procurement contract in the legal systems of Germany, the United Kingdom, Austria, Italy, and France. The theses of numerous authors in Bulgarian legal doctrine have been examined, as well as the opinions of the Supreme Administrative Court regarding the legal status of the administrative contract. In

2016, the term "administrative contract" was introduced in the Administrative Procedure Code—Art. 19a: "In proceedings before administrative authorities, the parties may conclude an administrative contract on matters of significant public interest when provided for by law." With the amendment of Art. 19a of the Administrative Procedure Code in 2018, effective from January 1, 2019, the wording acquired the following form: "In proceedings before administrative authorities, the parties may conclude an administrative contract on matters of significant public interest only when provided for by special law." The contract is concluded in writing, represents a bilateral expression of will, consensual, remunerated in nature, and from it, the respective rights and obligations arise. However, particular attention should be paid to the circumstance that it is concluded only in cases when a special law envisages it, according to the wording of Art. 19a, para. 1 of the Administrative Procedure Code. Even before the introduction of the legal definition in the Administrative Procedure Code for the administrative contract, in the Law on the Management of European Structural and Investment Funds, § 1 of the Additional Provisions contained the first legal definition of an administrative contract: - *"The administrative contract is an explicit expression of the head of the managing body for the provision of financial support with funds from the EAEUF, upon which and with the consent of the beneficiary, rights and obligations are created for the beneficiary in the implementation of the approved project. The administrative contract is formalized in a written agreement between the head of the managing body and the beneficiary, replacing the issuance of an administrative act. "*

The opinions of prominent scholars in the field of administrative law and procedure and civil law regarding the legal nature of the public procurement contract have been examined, and conclusions have been drawn in connection with this analysis. These conclusions significantly contribute to clarifying and substantiating the author's thesis advocated in the monograph that, by its essence, this contract is administrative.

Chapter two of the monograph is dedicated to the differences between the public procurement contract and similar legal institutions.

The distinction between the public procurement contract and other institutions within the regulatory framework of public procurement is necessary to recognize and account for their differences. The public procurement contract and other institutions in public procurement have different requirements and a different procedure for conclusion/inclusion.

A framework agreement is an agreement concluded between one or more contracting authorities and one or more economic operators to determine the conditions for the contracts to

be awarded over a specific period (Article 81, para. 2 of the Public Procurement Act), while the public procurement contract is specifically defined in § 2, item 4 of the Public Procurement Act. The concluded framework agreement represents an instrument for subsequent awarding of specific public procurement contracts during its term. An indisputable argument in this regard is also the fact that the provisions for the framework agreement (Articles 81 and 82 of the Public Procurement Act) are included in Chapter Ten "Specific Techniques and Instruments for the Award of Contracts", while the public procurement contract is not covered by Chapter Ten of the Public Procurement Act. According to Article 1, para. 2 of the Public Procurement Act, the public procurement is the provision and receipt of a specific result as a consequence not of a framework agreement but of a specific public procurement contract.

The dynamic purchasing system, like the framework agreement, is an instrument for subsequent awarding of public procurement contracts through a restricted procedure, the completion of which with a decision to select a tenderer will serve as a basis for concluding a public procurement contract for the execution of frequently realized contracts by the contracting authority.

Qualification systems aim to identify economic operators meeting the set requirements only through preliminary selection, among which economic operators will subsequently be identified as contractors for each specific public procurement contract awarded through the qualification system. It is an instrument for subsequent awarding of public procurement contracts. Through the qualification system itself, public procurement contracts cannot and may not be awarded. The public procurement contract is applicable under the same regulatory framework for all public procurement, both for public and sectoral contracting authorities. Whereas the Qualification System is permissible to be created and used only by sectoral contracting authorities.

The subcontracting contract is usually concluded between subjects of private law, unlike the public procurement contract, where the party commissioning the activities is an administrative authority or a person acting as an administrative authority or another authority of state power. The contracting authority is never a party to the subcontracting contract. It is not concluded under the Public Procurement Act, except in cases of subcontracting public procurement in the areas of defense and security. Neither the Public Procurement Act nor its implementing regulations regulate or require minimal content for subcontracting contracts (unlike the public procurement contract). Guarantees under the Public Procurement Act relate only to the public procurement contract itself, never to a subcontracting contract.

One of the main distinguishing features between private law contracts (obligatory and commercial) and the public procurement contract under the Public Procurement Act (PPA) is related to the parties involved in the legal relationship. In private law contracts, the parties are on equal footing, entering into an agreement upon mutual consent regarding the contract. Conversely, in a PPA contract, the parties are not on equal footing. The contracting authority holds a dominant position, unilaterally determining the clauses of the contract without having to consider the considerations/demands or personal capabilities of the other party. The PPA contract is always bilateral, while unilateral contracts are permissible among private law contracts. The purpose of the public procurement contract is the protection, safeguarding, and assurance of the public interest, while in private law contracts, the purpose is economic, i.e., the realization of profit or another outcome, benefiting solely one or both parties to the transaction or benefiting only the parties to the respective contract in multilateral contracts. Private law contracts are not aimed at ensuring a public but rather a private, personal interest.

Furthermore, substantial differences between the internal transaction, not subject to the PPA's established procedure, and the public procurement contract have been examined. In the latter, free use by the contractor of third parties and subcontractors for contract execution, as well as the formation of non-personified associations (a group of economic operators) for PPA contract execution, is permissible. However, in an internal transaction, the use of third parties and/or subcontractors (not related to the contracting authority's enterprises), as well as the formation of associations for internal transaction execution, is absolutely impermissible and excluded. When the related enterprise uses another entity for or in the execution of the assigned public procurement, it amounts to assigning part(s) of the public procurement to individuals outside the related enterprise per the PPA's requirements for these individuals to participate as candidates or participants in a procedure or method for awarding contracts. They participate in a competitive process for the procurement of a public contract because they are not related to the contracting authority's enterprises. Consequently, exceptions under Article 14 and Article 15 of the PPA will not apply to them. In other words, when a public procurement is assigned to a related enterprise that uses third parties or subcontractors, or forms associations with external entities that are not related to the contracting authority, there is an attempt to circumvent the law, leading to the nullity of agreements between the related enterprise and other external economic operators.

In this chapter, the differences between the public procurement contract and the agreement before administrative authorities under Article 20 of the Administrative Procedure Code (APC)

have been examined. Significant disparities exist between these two institutions – a contract under the Public Procurement Act (PPA) neither annuls nor substitutes the administrative act; on the contrary, the administrative act is a condition for concluding the contract under the PPA. According to Article 20, paragraph 8 of the APC, the provisions for nullity of contracts under the Law of Obligations and Contracts apply to the nullity of the agreement. However, regarding the PPA contract, as mentioned in the following chapters, the grounds for annulment (as one of the two forms of nullity) under the Law of Obligations and Contracts are inapplicable. In the PPA contract, the allocation of financial resources is mandatory, unlike in the agreement under the APC.

Chapter three of the current monograph relates to the legal specifics within the content of the public procurement contract.

Chapter three of the current monograph discusses the challenges in drafting a project for a public procurement contract, often stemming from the fact that, in our opinion, it represents a draft of an administrative contract. The parties involved are not on an equal footing. It's directed toward an extremely specific goal – ensuring/protecting public interest. Therefore, it follows that even in drafting the project for the contract, it must comprehensively establish all clauses related to execution, all rights and obligations of the parties, all execution deadlines, all warranty periods, and so forth. In essence, the project for a public procurement contract, as a legal construct, should be all-encompassing. The contracting authority must anticipate all circumstances that will occur or might occur. The modification of such a contract by free will and mutual agreement of the parties is always excluded – the admissibility of amending the contract by mutual agreement of the parties under Article 20a of the Obligations and Contracts Act is inapplicable to contracts concluded under the Public Procurement Act. An amendment to a public procurement contract is permissible solely on the grounds stipulated in Article 116, paragraph 1 of the Public Procurement Act or based on an explicit provision of the same or another regulatory act. The possibility under Article 117a of the Public Procurement Act (in force since August 5, 2022) has been examined, introducing a new basis for modification - overcoming the consequences of inflation by increasing prices under a public procurement contract through a methodology approved by the Council of Ministers of the Republic of Bulgaria. This new basis solely envisages an increase in prices under such a contract but does not provide for any other possibility of modification.

The particular scenarios for amending the contract under the Public Procurement Act have also been examined. When there is a delay in execution beyond the date of the first event

in accordance with the Law on Measures and Actions during a State of Emergency, declared by a decision of the National Assembly, extending the execution period through an amendment would be illegal, as the doctrine of economic impracticability would not be applicable in this case.

It seems like a discussion about the necessity of a precise, comprehensive legal framework for public procurement contracts is being presented. There's a clear emphasis on incorporating specific clauses in the contract draft that regulate execution, acceptance, non-performance liability, and other crucial elements related to the expected outcome. The clauses in the contract draft have been categorized to provide a clearer visualization and analysis of its structure.

- ✓ Mandatory clauses: These would be requirements mandated by a regulatory act. They must be legislatively formulated to acquire the necessary legal legitimacy and become integral parts of the mandatory requisites of the contract.
- ✓ Situation-specific mandatory clauses: These are mandatory clauses specific to the object and subject of the public procurement or in consideration of other circumstances related to the desired outcome.
- ✓ Universally mandatory clauses.

Additionally, the various types and forms of guarantees have been thoroughly examined - performance guarantees and advance payment guarantees.

Chapter four of the current monograph examines extraordinary events and their impact on public procurement contracts.

The COVID-19 pandemic occurred suddenly on the territory of the Republic of Bulgaria, testing the leadership and legal mechanisms of state governance to limit its consequences, both economically and socio-culturally. This extraordinary event directly impacted the legal framework of the Public Procurement Act. The Law on Measures and Actions during the State of Emergency, declared by a decision of the National Assembly on March 13, 2020 (LMAOSE), introduced provisions concerning the management of the public procurement cycle. A new hypothesis was also adopted, an overall application of exceptions for all contracting authorities excluded from the scope of the Public Procurement Act - Article 13, paragraph 1, item 21 of this law.

In contrast to the economic consequences, from a legal perspective, the pandemic was unequivocally categorized as an extraordinary event. However, European Union member states, including the Republic of Bulgaria, did not recognize the pandemic as force majeure. The legislator clearly expressed its position to acknowledge only the presence of extraordinary events, granting contractors in public procurement the right to request, and upon evaluating the circumstances, allowing Contracting Authorities under their operational autonomy to decide whether to agree to extend the deadline(s) for execution. In cases of force majeure, the regulatory options are to stop or terminate the contract, according to specific conditions under Article 306 of the Civil Code. However, if an extension of the deadline is simultaneously requested, such a hypothesis would not be possible because the law does not provide for it in cases of force majeure.

Furthermore, numerous instances exist where, citing the pandemic, requests have been made by public procurement contractors to contracting authorities for contract terminations, deadline extensions, or the cessation of such deadlines. The motives behind these requests most commonly cited force majeure or economic hardship. Unlike force majeure, economic hardship can only be determined by a court through a legally binding decision. It should be noted that the court might not terminate the contract but rather modify it entirely or in its specific parts. Termination, suspension, or other changes to a public procurement contract based on economic hardship are impermissible and legally non-compliant.

This chapter also examines the consequences of the extraordinary events in 2022, such as the onset of the military conflict in Ukraine and the unprecedented inflation experienced in Bulgaria as a result of the war. With new additions in Article 5k of Regulation (EU) No 833/2014 concerning restrictive measures aimed at Russia's actions destabilizing the situation in Ukraine, an imperative order was issued to EU member states to cease all trade/economic relations regarding entities, goods, raw materials, or equipment produced or imported from Russia for the execution of public procurement contracts. The cessation of opportunities for importing and using goods, materials, raw materials, and equipment from Ukraine and Russia compelled a shift towards other markets, with higher prices and/or increased transportation costs for these goods. These two circumstances, along with unprecedented inflation in the Republic of Bulgaria, escalated the costs of executing existing and ongoing public procurement contracts, burdening the contractors. In response to these newly arisen circumstances, the Ministry of Economy adopted Resolution No. 290 on September 27, 2022, introducing a Methodology for Adjusting Contract Prices in Public Procurement Contracts due to inflation.

Initially regulating the possibility of price increases in construction contracts and later extending to contracts for the delivery of goods, this methodology aims to address the increased costs borne by contractors in executing public procurement contracts.

The hypotheses for invalidity of contracts regulated in Articles 26 to 35 of the Obligations and Contracts Act (OCA) have been addressed. The law is applicable to public procurement contracts but only subsidiarily and solely for cases not covered by the Public Procurement Act (PPA).

Chapter five of the current monograph explores money laundering through the public procurement contract when using the non-transferable capacity of third parties and subcontractors.

Practically possible scenarios for laundering money through public procurement contracts are real, not merely theoretical constructs. Money laundering through public procurement contracts in the Republic of Bulgaria or in another EU Member State is achievable through the existing regulatory framework related to third parties and subcontractors in public procurement. The current regulations in Bulgaria and the EU allow these entities to offer their non-transferable capacity and resources to candidates and participants. For an economic operator to launder money through a public procurement contract, they must submit a bid and related documents. They must not be disqualified and should participate in the ranking, which, upon its implementation, leads to the conclusion of a public procurement contract. When establishing a selection criterion (eligibility requirements) that an economic operator cannot fulfill, they are entitled (as permitted by the regulatory framework) to use subcontractors/third parties to meet the selection criteria, including using entities related to eligibility requirements representing non-transferable capacity/resource, which represents a legislative contradiction between national legislation and the Directives incorporated within it. By allowing the demonstration of compliance with selection criteria through the capacity of other entities when that capacity is inherently non-transferable, apart from enabling money laundering (as further clarified below), it violates the principles of public procurement law regarding free competition, equality among candidates and participants in public procurement, as well as the principle of a highly competitive social market economy according to Article 3, Paragraph 3 of the Treaty on European Union. Entities aiming to launder money through the public procurement market typically do so with minimal costs (losses) due to the money laundering processes, utilizing so-called "shell" companies (with either no turnover or minimal, insignificant turnover, no personnel, no implementation of standardized systems, etc.). These shell companies, operating

solely for the purpose of laundering proceeds from criminal activity, should not be allowed to qualify (thus, to determine the contractor and conclude a public procurement contract) in cases where selection criteria (eligibility requirements) require a candidate/participant's proprietary/non-transferable capacity, and the legislation does not permit the use of other entities to demonstrate compliance with these eligibility requirements. Excluding these possibilities from both national and supranational legislation would be a significant barrier to the entry of entities into the public procurement market seeking to launder money.

Key Contributing Points in the monograph:

- An articulate analysis of the public procurement contract has been conducted, delineating the features of an administrative contract. It would be relevant for the Public Procurement Act, as a special law, to explicitly incorporate this to achieve synchronization with Article 19a of the Administrative Procedure Code.

- The regulatory experiences of countries such as Germany, France, Italy, and the United Kingdom concerning the normative regulation established regarding administrative contracts and public procurement contracts have been examined.

- The acts from primary and secondary European legislation, in execution of which the Public Procurement Act has been adopted and amended over the years, have been historically and chronologically traced and derived to synchronize norms.

- The existing regulatory imbalance in realizing liability—criminal, administrative-penal, and/or pecuniary—has been thoroughly examined concerning contracting authorities but not contractors, as per current legislation.

- The exclusion of Contracting Authorities from the circle of obliged subjects for assessing the risk of money laundering and investigating the origin of funds of the respective economic operator before concluding a public procurement contract has been discussed in detail.

- The issue of the nullity of the public procurement contract has been addressed. Both the Public Procurement Act and the Contractual and Obligations Act regulate the individuals who can request annulment. However, invoking nullity in contracts under the Public Procurement Act is not analogous. Any party, including a party to a public procurement contract, can request nullity. If the contractor under such a contract is dishonest or defaults due to their fault or for reasons they are responsible for, they can request nullity of the contract

under the Public Procurement Act. If the contract is declared null, the contractor will not bear the consequences of their dishonest or culpable behavior under that contract.

- The inclusion in the scope of the Public Procurement Act of the legal representatives of medical institutions according to Articles 36-37 of the Medical Institutions Act, who are currently not contracting authorities under the Public Procurement Act, has been analyzed.

- De lege ferenda, a series of proposals and recommendations have been made for amendments to national legislation and the inclusion of new texts related to the public procurement contract, addressing the obstruction of opportunities for abuses, criminal practices, and circumvention of the law through the conclusion of public procurement contracts.

Summary of the article: "Some current problems in the implementation of the Law on Public Procurement". Electronic magazine- Studia Iurist, vol. 2, 2016 г., pp.1-7. ISSN 2367-5314.

With the adoption of a new Public Procurement Act in April 2016 the law-maker launched a seemingly more practice-grounded and transparent methodology for award of tenders by public and sector assignors. Although changed in essence, the new Act did not settle completely the accumulated vices and created bad practices that emerged for the relatively short period of existence of the repealed PPA. The accumulated practice under the previous Public Procurement (repealed) served to a certain extent as a good foundation for the law-maker concerning the adaptation of the new texts, but instead a result as to offer the economic operators - public procurers more streamlined and clear awarding methodology, it turned out that it set up a number of practical problems concerning the application and interpretation of updated award procedures.

Summary of the article: „Application of the new public procurement act by healthcare settings-legal challenges" . Sp. Health Policy and Management, tom. 17, vol. 4/ 2017 г. ISSN 1313-4981.

The article analyzes the new Public Procurement Act and its application by hospital facilities. Argue abaout specific problems, related to the procurement of medical devices and products and the real needs of the healthcare system in Bulgaria. The peculiarities of concluding contracts for public procurement have been considered.

Summary of the article: “Operational independence, as an element of administrative control exercised in health care". Collection - "Actual problems of legal regulation of business", UNSS Publishing Complex, Sofia, 2019, ISBN 978-619-232-191-8.

By its legal nature, the application of administrative control is essential for the proper functioning of healthcare at all levels- hospital and pre-hospital assistance, emergency care, medication delivery etc. Due to the specificity of the activity exercised in a structure, the legal order established by the legislator in the laws and regulations concerning the algorithms for treatment and diagnostics, should be applied in the required and legally acceptable volume and according to the specificity of each medical case. In case of deviations from the general prescriptions of the legal norm regarding the diagnostics and treatment or the occurrence of harmful consequences for the life and health of the patient, elements of discretionary power arise and form an essential part of the composition of the administrative control.

Summary of the article: „Legal regime of the actions of the control authorities on relation to environmental protection of the population of the Health Act of the Republic of Bulgaria. ECOLOGIA BALKANICA, International Scientific Research Journal of Ecology“, vol.11, issue1, June 2019г., online ISSN: 1313-9940.

As of legal point of view, the issues pertaining to environmental protection of the population cause legal discussions among legal practitioners in the last decade. This problematics affects number of aspects of the state management - regulatory framework, control authorities, level of effectiveness of the control exercised, European standards and directives, etc. The purpose of the current systematic review is to check the degree of practical utility of the present regulatory framework in the field of environmental legislation, to analyze the good European practices and to review in detail the control activities of the specialized administrative authorities, to point the gaps within the environmental legislation and to make relevant suggestions for optimization. The Problematics reviewed in this article is topical in relation of the current European trends in the field of environmental protection and their impact on human health.

Summary of the article: Ethical and Legal Aspects of Medical Screening for Early Diagnosis of Diseases. Prevention and prophylaxis. Folia medica, vol. 6ti lssue 3, 2019., e-ISSN-:1314-2143.

The main priorities of the implemented health policies in the Republic of Bulgaria are directly aimed at preserving and improving the health of the population, providing equal access of patients to modern and efficient healthcare, promptness and quality, in compliance with the normative requirements of the offered health service. In this sense, the focus of these health policies is to prioritize prevention and prophylaxis of early diagnosis of diseases. It is much more reasonable to prevent the disease or to manage it at an early stage than to slow down the treatment until the pathological processes develop into severe or irreversible complications. The aim of this systematic review is to investigate the effectiveness of existing legal acts governing the implementation of a common health policy in the field of health promotion and prevention. Another aim is to localize regulatory gaps and make relevant optimization suggestions.The analysis of this systematic review is based on a thorough review of the existing regulatory framework (statutory and regulative legislation, case law, European practice) that concerns public health. Articles focused directly on the issues of medical screening and public health in a national and global perspective have been studied. Two major legal acts, two regulations and strategies of the World Health Organization are considered. Suggestions for optimization of the control activity of the administrative bodies in the sector are presented. rom the analysis done, proposals for optimization of the existing legal framework in the sector of health-care were made. The proposals were made based on the results of the analysis of world trends regarding the methodology for state funding of medical screening for early diagnosis of diseases.

Summary of the article: The Current Environmental Law on Medical Waste andits Impact as Hazardous Pollutant – A Short Review". ECOLOGIA BALKANICA, International Scientific Research Journal of Ecology, Vol. 12, Issue 2, December 2020, online ISSN: 1313-9940.

In order to guarantee the society a safe living environment, each state regulates rules and normative procedures for their implementation, in accordance with the established international ecological standards. In essence, their subject content covers a wide range of human activities, the secondary result of which is the generation of household, medical and industrial waste. In view of this review, we will examine the applicable national and European acts governing the storage, transport, disposal and incineration of medical waste. Such a regulatory analysis would make a positive contribution to the modernization of the national legal framework, in line with existing good environmental practices within the European Union.

Summary of the article: "Optimization of state control in medicine supply in the Republic of Bulgaria during the pandemic." Journal: General Medicine, Volume XXIII, Issue 2, 2021, ISSN 1311-1817.

The goal of pharmaceutical policy is to ensure effective, quality, safe essential medicines and to ensure their proper use and accessibility to the public (WHO, National drug policy). The pharmaceutical policy conducted in the Republic of Bulgaria, according to the Law on Medicinal Products in Human Medicine, is part of the country's National Health Strategy and indisputably is one of the elements that have strategic influence on public health (National Health Strategy 2020). Since 1965, processes of harmonizing pharmaceutical policies of member states have been ongoing at the European level through unified pharmaceutical legislation.

The article provides an overview of applicable European and national regulatory acts in the field of pharmaceutical supply, examines the principle of public spending and expenditures made in the public interest, analyzes institutional control at the national level, and provides recommendations for optimization based on analysis conducted in a pandemic situation.

A legislative analysis of the development of European and Bulgarian pharmaceutical legislation and the main requirements for improving population access to medicinal products has been carried out.

The results indicate that despite the long-term harmonization of legislation regarding the quality, efficacy, and safety of medicines, this process is not identical in terms of accessibility and reimbursement from public funds, creating unequal access to medicines in member states. In a pandemic context, this problem is even more pronounced, and disparities in medicine access are intensified.

A unified health strategy at the EU level is necessary to improve access to vital medicinal products for the European population.

Summary of the article: „Legal methods for right protection of patients in the Republic of Bulgaria". Collection of scientific reports from the Jubilee International Scientific Conference on the topic: "Application of Constitutional Principles in Public and Private Law", VTU " St. Cyril and St. Methodius University of Veliko Turnovo", ISBN 978-619-208-118-8.

The article examines some of the fundamental constitutional principles related to respecting and safeguarding human dignity and rights through the lens of healthcare. On one hand, human rights are considered in direct correlation with the means to protect them. On the other hand, the state, as a primary governing entity, ensures the realization of these rights through legal mechanisms reflected in administrative, criminal, and civil law. This article clarifies the legal avenues for judicial protection of violated patient rights.

Summary of the article: „A brief historical overview of patients' rights within the European Union". Scientific works of the Union of Scientists", volume XX, p. 25-28. Series D. Medicine, Pharmacy and Dentistry. Plovdiv, 2017. ISSN 2534-9392.

In contemporary society, there exists the concept of "patient rights." In this sense, the question arises: is it necessary to differentiate this concept from the legal definitions regulated concerning human rights, or could there be an indication of equality between the two statuses? Hence, the question emerges: if there is no real distinction between them, could a unified legal framework be applied both concerning patient rights and human rights? The answer here is clear. These are two separate legal statuses stemming from the same subject but manifesting in different life situations. The article provides a detailed analysis of international acts related to human rights and patient rights. Conclusions have been drawn regarding the gradual abandonment of the paternalistic model in medicine and the gradual transition to a model of collaboration between medical professionals and patients in healthcare provision.

Summary of the article: „Institutional and professional control of medical services in Republic of Bulgaria". Collection of reports from the annual university scientific conference - volume 5 of Vasil Levski National University. Publishing complex, 2016, Scientific direction - "Social, economic and legal sciences", ISSN 1314-1937.

In the state policy of Bulgaria issues with control, are central to the planning and implementation of the health strategy in the health services sector. In the last 10-15 years publicly unacceptable medical practices in medical services such as poor quality of the medical services, accounting and payment of non-omitted medical activities, refusal to conduct treatment and corruption are significant violations of the health legislation that put question of the place, role and "toolbox" of public and professional control of medical activity in the

Republic of Bulgaria. The exhibition aims to outline all legal conflicts registered in connection with the provision of medical assistance to patients.

Summary of the article: "Legal regime of challenging the actions by administrative order". Collection of reports from the annual university scientific conference Vasil Levski National University, volume 6, Scientific direction "Social, economic and legal sciences", Publishing complex, 2017, ISSN: 1314-1937.

Regulatory options provided by the Code of Administrative Procedure about challenging the administrative actions constitute a legal guarantee to enable them to protect the legitimate interests of citizens and organizations. The forms of protection in administrative and judicial proceedings are an expression of democracy and accessibility to the Bulgarian judicial system when illegality or inappropriate acts issued by administrative authorities are suspected. The report examines the most frequent violations of the grounds for legality of administrative acts and the legal consequences that arise for the subjects to whom they are addressed.

Summary of the article: „Legal aspects of the operating method of treatment in surgery". Collection of reports - "Complications of conventional, laparoscopic and robotic surgery. Expertise in surgical cases reaching the judicial practice", MU-Pleven, ed. MU-Pleven Publishing Center, ISBN 978-954-756-209-3.

Mini-invasive surgery, being an innovative method for performing a surgical operation, is often the treatment of choice for medical professionals, practicing surgery. In practice, laparoscopic and thoracoscopic surgery more and more resolutely replace conventional surgery. Analysis of current legal framework of surgical activity in Bulgaria is made, including the regulations on qualification to perform surgery interventions with laparoscopic and robotic hardware. The option of choice of new surgical methods that can be applied in certain surgery interventions requires the law-maker to establish clear and specific rules in regard of qualification to work with those methods, as well as clear rules on the choice of conventional or innovative method in given operational situation. This rulemaking approach is essential to the adequate protection of rights of medical professionals and patients and to prevention of commission of medical errors due to possible manifestation of unnecessary surgical "conceit" and demonstration of technical capability in situations where it is inappropriate.

Summary of the article: „Legal principles in healthcare in the republic of Bulgaria". Collection - Scientific readings on the topic "Legal norms and legal principles", University Publishing House "St. Kliment Ohridski", 2017, ISBN: 978-954-07-4321-9.

The article examines the legal principles and norms in healthcare as part of the current law in the Republic of Bulgaria aimed at regulating public relations within the healthcare system by establishing mandatory behavioral rules for the entities involved. These rules are reflected in adopted regulatory acts outlining the rights, obligations, and responsibilities within society and addressing specific issues of state governance in the healthcare sphere. The legal regulation of healthcare encompasses normatively established (legislative and regulatory acts) and internally disciplinary ethical acts (ethical codes). The diversity of acts arises from the specific nature of the activities carried out by medical professionals—on one hand, it is defined as noble, but on the other, it is considered highly risky.

Summary of the article: "Legal regime of the donation of genetic material in medically assisted reproduction". Electronic magazine - Studia Iurist, Issue 1/2017, ISSN 2367-5314.

The article examines the issues related to Medical-assisted reproduction. The significance of the subject is further reinforced by the progressively increasing number of partner couples with problems in their reproductive function. This circumstance imposes necessity to improve and continuously modernize the established methods and techniques for artificial insemination, in vitro fertilization, cryopreservation etc. Development of medical methods for use of assisted reproduction cannot exist and apply independently if the pace of their dynamics does not match the pace of development of the specific regulation regulating the activity. From a legal point of view, attention should also be paid to the evolving international legal framework in the field of medically assisted reproduction and related issues. Approved good practices in the international laws of the European Union member-states could successfully complement our national legal framework.

Summary of the article: "A brief overview of the legal regulation methods related to the patient's rights". Collection - "Scientific Works of the Union of Scientists", volume XX, Plovdiv, 2017, ISSN 2534-9392.

The article examines the existing legal guarantees regarding the respect for patients' rights and ensuring their safety during diagnostic and therapeutic activities. International practices on this matter have been reviewed, and suggestions have been made to overcome the regulatory gaps present in the legislation of the Republic of Bulgaria.

Summary of the article: „Some urgent changes regulatory health". Collection of reports from the Jubilee Scientific Conference 2016, organized on the occasion of the 25th anniversary of the UF of the UNSS. T. II. Public Law. Economy. Sofia: Publishing complex - UNSS, 2017, ISBN: 978-954-644-992-4.

The article traces the updates made in Appendix 1 of the National Framework Agreement in 2016. It assesses the regulatory legal framework, its sufficiency, relevance, and the need for urgent changes to address key issues in healthcare and to cease frequently encountered unethical practices. Rapid regulatory methods have been proposed to address fundamental issues in healthcare facilities.

Summary of the article: "Patient's right of access to personal medical information" . Scientific collection "Law-Traditions and perspectives", Ciela Norma AD, 2018, ISSN 978-954-28-2625-5.

Issues related to access to personal medical information are subject to intensive legal and public debate. The debates on the subject led to a partial legislative change in 2009 in the Health Act, which introduced a provision guaranteeing the patient's right of access to personal medical data. The live character of the subject is undeniable and raises a number of questions that the decade-long healthcare reform attempted to answer, but the practice shows even today clear and complete regulation is lacking. The legislative and expert efforts undertaken so far are directly aimed at creating quick access to personal health information of specific patient in case of need, if necessary, but also to ensuring its security.

Summary of the article: „Legal and moral-ethical aspects of medical activity in Republic of Bulgaria". Collection of scientific readings on the topic: "Law and borders", University Publishing House "St. Kliment Ohridski", ISBN: 978-954-07-4543-5.

The need for legal validation of the existing moral-ethical principles related to practicing of medical activity has led to a number of discussions in legal theory. Alongside the development

of social relations, the basic elements of ethics in this sphere are also under development - the patient's autonomy, good medical practice, the desire not to cause patient injuries during treatment and equity of using financial resource in healthcare. From a legal point of view, it is of interest to examine parallelly the current legislation in the field of health and ethical principles. Particular attention should be paid to the lack of a legal link between moral-ethical norms and legislation in which scope medical torts also fall.

Summary of the article "Legal Issues in Patient Healthcare within the European Union." E-journal - Studia Iurist, Issue 2/2018, ISSN 2367-5314.

The article examines the legal issues faced by patients seeking medical care within the European Union, international agreements for cooperation among member states, as well as differences in domestic legislations related to regulating the healthcare sector.

Summary of the article: "Legal issues of the emergency medical care in the Republic of Bulgaria". Collection - Scientific readings. Dedicated to the 140th anniversary of the adoption of the Tarnovo Constitution. ed. Ciela Norma AD, 2019, ISBN 978-954-28-3043-6.

In contemporary society, the concept of healthcare is primarily based on medical-diagnostic practices, primarily oriented towards the prevention and prophylaxis of the population's health. Such prioritization is logical given the accumulated practical and legislative experience during the healthcare system reforms. The ultimate valuation of each medical intervention performed on the patient is directly linked to their current health condition. In this sense, in recent years, emergency medical care has emerged as the most problematic element in the healthcare structure. The article analyzes and summarizes the practical and legal issues formed in the healthcare sector in providing emergency medical assistance.

Summary of the article: Some legal issues of alternative medicine as an unconventional method for complementary treatment. Compilation - "Legal Regime of Beekeeping and Related Activities, University Publishing House "Paisii Hilendarski", Plovdiv, ISBN 978-619-202-406-2.

The article examines the distinctive legal criteria related to conventional treatment methods, unconventional methods, and alternative medicine. There's a real danger due to imperfect legal

regulations and unregulated practices associated with complementary and alternative medicine - traditional/folk medicine, aromatherapy, acupuncture, acupressure, reflexology, chiropractic, cell therapy, etc., which could have an adverse impact on human health, potentially leading to fatal consequences in certain cases. Exploring alternative treatment methods within the framework of existing regulatory frameworks brings to the forefront a range of contentious issues for which relevant legislative solutions are proposed.

Summary of the article: Administrative-legal aspects of the mechanism for implementing anti-epidemic measures for infectious diseases. Collection - "Spring Legal Days 2020", volume 2, Paisiy Hilendarski University Press, ISBN 978-619-202-724-7.

The article addresses the debatable issues associated with the emergence of new pathogenic diseases that are inherently unknown to medical science. Apart from the health perspective, they are of interest to legal science concerning the mechanisms for implementing anti-epidemic measures, which should be normatively and practically applied by competent administrative authorities. The article touches upon all registered weaknesses in the activities of the authorities exercising their competencies regarding the discussed issues.

Summary of the article: "Legal Issues of Ambulatory Care in the Context of the Covid-19 Pandemic." Compilation of reports from an international scientific conference on "Fundamental Rights and Medical Law," Sofia, 2021, ISBN 978-954-9583-38-0.

The article examines the consequences of the Covid-19 pandemic on our healthcare system. It highlights issues related to underfunding, the lack of medical staffing in both hospital and outpatient care, as well as the mechanisms for controlling the spread of the infection through the lens of legislative actions. It provides an overview of key sublegal normative acts that were formally repealed by the Supreme Administrative Court during their implementation.

Summary of the article: "The Pandemic - Covid 19. Comparing data with other known epidemics in the 20th century. A comprehensive overview of medical, psychological, and social consequences on public health." Journal - Medical Law and Healthcare, Issue 4/21, ISSN 2738-70-70.

In an era of global revolution in terms of medical advances in genetics, reproductive health, transplantation, virology, etc., medical science has encountered a dangerous strain called SARS-CoV-2, or COVID-19 for short. What is special about this type of Severe acute respiratory syndrome corona virus 2 is the strain virus itself, which spreads by airborne droplets. This makes the threat invisible on the one hand to the naked eye, and on the other hand, even in the incubation period lethal. Symptoms of the carrier could be mild, which often leads to neglect of its manifestations. This makes the distributor a serious threat to the life and health of others.

In this sense, the current analysis aims to explore two important issues. First of all, are health and international authorities able to limit the spread of the infection from the World Health Organization, such as the Public Health Emergency of the International Concern? And next, is society ready to adapt to a life largely subject to the regulatory and health constraints imposed by the pandemic?