

OPINION

from D.Sc. Jivko Ivanov Draganov - Professor at the Department
"International Law and EU Law" of the Faculty of Law of UNWE

of the materials submitted for participation in the competition
for the academic position of "Associate Professor"
of Plovdiv University "Paisii Hilendarski"

in the field of higher education 3. Social, economic and legal sciences
professional field 3.6. Law (Constitutional law)

The only candidate in the competition for "associate professor", announced in the State Gazette, issue 57 of 26.06.2020 and in the website of Plovdiv University "Paisii Hilendarski" for the needs of the Department of Public Law at the Faculty of Law of the University of Plovdiv "Paisii Hilendarski", is Chief Assistant Professor Dr. Radoslava Dimitrova Yankulova.

1. General presentation of the procedure and the candidate

1.1 General presentation of the received materials

By order № P33-4173 of 26.08.2020 of the Rector of the University of Plovdiv "Paisii Hilendarski" (PU) I was appointed an external member of the scientific jury in a competition for the academic position of "Associate Professor" in PU in the field of higher education 3 Social, economic and legal sciences, professional field 3.6 Law (Constitutional law), announced for the needs of the Department of Public Law at the Faculty of Law.

The documents submitted by the candidate for participation in the competition fully meet the requirements of the Law for the Development of the Academic Staff in the Republic of Bulgaria, the Regulations for its implementation and the Regulations for the development of the academic staff of the University. The candidate in the competition has submitted one monographic study and eleven scientific articles in the field of the announced competition.

1.2. Brief biographical data of the candidate

Radoslava Yankulova graduated from the Law School of the University of Plovdiv "Paisii Hilendarski" in 2005. In 2014 she obtained "Doctor of Law" degree, after the defense of a dissertation on the topic "Constitutional Process". The candidate in the competition teaches in seminars and lectures on the disciplines "Constitutional Law", "Constitutional Justice" and "Children's Rights" at the Law Faculty of the University of Plovdiv, where she currently holds the academic position of "Chief Assistant Professor". Since 2018, Radoslava Yankulova has been a senior legal expert at the Constitutional Court of the Republic of Bulgaria.

She is a member of the editorial board of the journal "Studia Iuris". She has specialized at the Institute of Comparative Law, Lausanne, Switzerland, at the Institute of Legal Sciences at the University of London, at the Max Planck Institute for Comparative Public and International Law, Germany, at the University of Salzburg, Austria. She is fluent in English, French and German. The teaching, scientific and professional experience of the candidate is entirely in the field of the announced competition.

2. General characteristics of the candidate's activity

2.1. Teaching activity

The teaching activity of the candidate includes the conduct of lectures and seminars on constitutional law and other law disciplines related to the field of the announced competition. The candidate's teaching experience as chief assistant professor is over eight years. From the presented biographical information, it is evident that Radoslava Yankulova works actively with students. She is an academic mentor in the Student Internships project of the Ministry of Education and Science. In addition, she was the moderator of the Student Law Academy, organized on the occasion of the 20th anniversary of the Faculty of Law at Plovdiv University. From the submitted documents it is established that the candidate has the necessary study load.

2.2. Evaluation of the scientific and scientific-applied activity of the candidate

The scientific activity of Chief Assistant Radoslava Yankulova includes the presented habilitation work and numerous articles and reports on various issues of constitutional law, mainly on the protection of constitutional rights. The scientific work of the candidate (articles and reports) is in Bulgarian. The reports were presented at authoritative scientific forums in the country, and the articles were published in leading Bulgarian periodicals, such as the journal "Legal Thought" and the journal "Studia Iuris".

The monograph "Constitutional Justice and the Protection of Fundamental Rights" presented for participation in the competition is an original study of particularly topical issues of constitutional law. The work consists of three chapters. The first contains analysis of the mechanisms

for the protection of fundamental rights, analysis of the constitutional review as an instrument for the protection of fundamental rights and analysis of the protection of fundamental rights in EU law. The second chapter covers a study of the constitutional complaint and comparatively examines the constitutional models of six European countries. Chapter three contains a study of the possibilities for protection of fundamental rights through the interpretative activity of the Constitutional Court.

The contributions of the monographic study can be summarized in several groups. In the first place, they refer to the substantiation of the thesis for the introduction of a constitutional complaint in our country and to the delineation of the possible parameters of this institute in the Bulgarian law. The second group comprises several independent contributions, which refer to the enrichment of the existing scientific knowledge, among which are the classifications made by the candidate of the models for protection of human and civil rights and freedoms and of various national constitutional models for protection of fundamental rights through a constitutional complaint. The third group includes the analysis of the practice of various national constitutional jurisdictions, of the decisions of the Bulgarian Constitutional Court and of the decisions of the European Court of Human Rights. Separate contributions are the highlighting of the elements of the Bulgarian constitutional identity and the study of the doctrinal opinions in support and against the introduction of a constitutional complaint in our country; the analysis of the doctrine of the horizontal operation of fundamental rights and the review of the forms of indirect access of citizens to constitutional justice. Last but not least, candidate's contribution is the formulation of the proposals *de lege ferenda* regarding the introduction of a constitutional complaint in Bulgaria. They are presented in the last section of the third chapter and are based on the comparative analysis of the constitutional laws of European countries, as the candidate offers specific solutions for the creation of the legal framework of that institute in Bulgarian law. The work will be of significant benefit to researchers of constitutional law, as well as to practicing lawyers, doctoral students, students and all other specialists who are interested in this issue.

The presented eleven articles and reports contain independent contributions. Among them should be highlighted the article "Perspectives before constitutional justice as a tool for protection and defense of justice", *Studia Iuris*, issue 1/2004; "The rights of children and their place in the Bulgarian constitutional model", *Legal Thought Magazine*, book 2/2015; and "Suffrage rights for people with intellectual disabilities and mental health problems?", *Legal Thought Magazine*, Book 3/2016, which are dedicated to current and poorly studied in our country issues related to development trends the protection of human rights.

From the reference for fulfillment of the minimum national requirements it can be established that the works of the candidate are cited by respected researchers of the constitutional law in our country, in their publications in specialized legal journals.

The candidate has fulfilled the quantitative requirements for the respective groups and indicators for holding the academic position of "associate professor". The candidate is well known as a researcher not only among the specialists in the field of constitutional law, but also in the wide scientific circles in our country.

3. Critical remarks and recommendations

Some critical remarks and recommendations can be addressed to the candidate.

Although the habilitation work includes an analysis of the protection of the fundamental rights of the European Union, this issue is considered very generally. I believe that the study would be significantly enriched by a more in-depth analysis of the protection of fundamental rights in EU law.

Indeed, the applicant has briefly presented the proceedings before the Court of Justice of the EU, but without studying the development of the national constitutional protection of fundamental rights in the context of the development of the protection of fundamental rights in the EU. These two issues have many intersections that should be the subject of independent and in-depth analysis.

The habilitation work does not contain an introduction and a conclusion.

The candidate may be recommended to publish in other languages in foreign scientific journals. Proficiency in three Western languages creates an opportunity for the results of the candidate's scientific work to be disseminated outside our country, and in view of the widely used comparative legal approach in her work, they would be of interest to researchers from other European countries.

The remarks and recommendations made do not change my positive assessment of the candidate's scientific work.

CONCLUSION

The documents and materials submitted by the candidate for participation in the competition fully meet all the requirements of the Law for the Development of the Academic Staff in the Republic of Bulgaria (ZRASRB), the Regulations for implementation of ZRASRB and the Regulations of PU "Paisii Hilendarski". The scientific creativity and teaching activity of the candi-

date are at a high level and should receive a positive assessment. The monographic study and the other works contain many original scientific and scientific-applied contributions.

Based on my overall assessment, I believe that Chief Assistant Professor Dr. Radoslava Yankulova has the necessary qualities and teaching and research experience to hold the academic position of "Associate Professor" of Constitutional Law at the Law Faculty of the University of Plovdiv "Paisii Hilendarski" and I strongly suggest to the members of the scientific jury to support her candidacy.

27.09.2020 г.

.....

Prof. D.Sc. Jivko Draganov