

To
Members of the Scientific Juri, established by
Order № P33-5714 of November 26, 2020 of the
Rector of the Plovdiv University “Paisiy
Hilendarski” (PU) on the defense of a
dissertation work of PhD student in self study
Iliyana Ilieva Miteva from Department ‘Public
Sciences’ at the Faculty of Law (FL) to the PU

REVIEW

of Prof. DSc. Georgi Petrov Penchev
Faculty of Law at the Plovdiv University “Paisiy Hilendarski”

concerning: presented for defense of a dissertation work of Iliyana Ilieva Miteva for obtaining of an educational and scientific degree “Doctor” in area of higher education 3. “Social, Economic and Legal Sciences”, professional field 3.6. “Law”, scientific specialty “Administrative Law and Administrative Procedure” on topic “Administrative Law Regime Concerning People with Disabilities in the Bulgarian Legislation” with scientific supervisor Prof. PhD Darina Zinovieva

Dear Members of the Scientific Jury,

As a member of a scientific jury, established for assessment of a dissertation work, entitled “Administrative Law Regime Concerning People with Disabilities in the Bulgarian Legislation” by PhD student in self study Iliyana Ilieva Miteva from Department “Public Sciences” at the FL to the PU under Order № P33-5714 of November 26, 2020 of the Rector of the PU, I present you my review, prepared on the ground of Art. 10, par. 1 of the Development of the Academic Staff of the Republic of Bulgaria Act (DASRBA – State Gazette (SG), No. 38 of 2010, as amended), Art. 32, par. 1 of the Regulation for Implementation of the DARSBA, adopted by Decree of the Council of Ministers No. 202 of September 10, 2010 (RIDARSBA – SG, No. 75 of 2010, as amended) and Art. 38, par. 1 of the Regulation for Development of the Academic Staff of the Plovdiv University (RDASPU – In: ПЛОВДИВСКИ УНИВЕРСИТЕТ „ПАИСИЙ ХИЛЕНДАРСКИ” [online]. [viewed 10.12.2020]. Available from: <http://procedures.uni-plovdiv.bg/docs/praspu2018.pdf>).

1. Brief biographical data about the PhD student

Iliyana Miteva has completed his higher legal education at the FL of the PU in 2016. For the period of November 2016-November 2017 she was a junior legal consultant in the municipality of Chirpan, and since November 2017 she is currently a legal consultant at “Nature Energy”, a Privately-Owned Limited Liability Company – city of Kazanlak.

2. General description of the presented materials

Presented by I. Miteva set of materials in paper and electronic form is in conformity with Art. 36 of RDASPU. She has published 8 articles on the topic of her dissertation work. In relation to the fulfillment of the national minimum requirements under Art. 2b, par. 2 and 3 of DASRBA and Art. 1a, par. 1 of RIDARSBA, my assessment of the number of points achieved by the author of dissertation work on the indicators defined in the Annex to Art. 1a, par. 1 of RIDARSBA in area of higher education 3. “Social, Economic and Legal Sciences”, professional field 3.6. “Law” is as follows: by group of indicators A - at minimum 50, execution 50; by group of indicators B and C - no mandatory minimum requirements; by group of indicators D - at minimum 30, execution 80; by group of indicators E and F – no mandatory minimum requirements. From the presented materials and my abovementioned assessment about fulfillment of the national minimum requirements under DARSBA and RIDARSBA, it can be stated that I. Miteva fulfill the requirements of Art. 2b, par. 2 and 3 of DASRBA, Art. 1a, par. 1 of RIDARSBA and Art. 30, Art. 31, Art. 32, par. 2 and Art. 33, par. 1 of RDASPU, as well as of p. 1 of the Additional criteria of the FL at PU for obtaining of scientific degrees and academic positions, adopted by Decision of the Faculty Council of the FL at PU on Protocol № 4 of May 17, 2011, as amended (published In: ПЛОВДИВСКИ УНИВЕРСИТЕТ „ПАИСИЙ ХИЛЕНДАРСКИ” [online]. [viewed 12.12.2020]. Available from: https://procedures.uni-plovdiv.bg/docs/requirements_uf.pdf), for the access to defense of her dissertation work.

3. Actuality of the issues and expediency of the set goals and tasks

The dissertation work of I. Miteva is dedicated to significant in theoretical aspect and insufficiently researched up till now in our legal literature issue – the administrative law regime of the people with disabilities under the Bulgarian legislation. Its actuality, in my opinion, is determined by 2 circumstances. *On first place*, the need for enhanced administrative protection of this group of persons in view of their possibilities for integration in the society. *On second place*, the effective implementation of the administrative protection of these persons is one of the indicators of the level of democracy, culture and moral in respective country. In this regard, the PhD student has precisely and successfully, in my opinion, defined the main goals and tasks in the introduction of his dissertation work.

4. Knowledge of the issues of the dissertation work

I. Miteva has demonstrated a very good knowledge of the state of the issues she is considering. It should be emphasized the fact that she has used a large number of literary (legal and medical) and normative sources, and this is an indicator of both a very good literary awareness and a broad general culture.

5. Research methodology in the dissertation work

In the presented for assessment dissertation work “Administrative Law Regime Concerning People with Disabilities in the Bulgarian Legislation” the comparative law and historical law methods of scientific research are mainly

used. The chosen research methodology allows the achievement of the set goals and tasks of the dissertation work.

6. General characteristics and assessment of the dissertation work

The dissertation work is 289 pages long and in structural meaning consists in: Introduction (pp. 7-11); eleven chapters, dedicated respectively to: the general characteristics of the administrative law regime concerning people with disabilities under the Bulgarian legislation (Chapter I, pp. 12-18); the historical overview of the administrative regulation in the sphere of disabilities (Chapter II, pp. 19-24); the bodies of management, control and cooperation in the sphere of disabilities under the Bulgarian legislation (Chapter III, pp. 25-61); the administrative regulation of the assessment of the kind and degree of the disability (Chapter IV, pp. 62-79); the administrative law regulation of healthcare and rehabilitation in the sphere of disabilities (Chapter V, pp. 80-117); the administrative regulation of the education and professional training in the field of the disabilities (Chapter VI, pp. 118-144); the public law aspects of employment in the sphere of disabilities (Chapter VII, pp. 145-179); the administrative regulation of the access to the environment, information, mobility and justice of the people with disabilities (Chapter VIII, pp. 180-210); the administrative law aspects of the criteria for national representation of organizations of and for the people with disabilities, and of funding in the field of disability (Chapter IX, pp. 211-226); the liability for infringement of the rights of the persons with disabilities under the Bulgarian legislation (Chapter X, pp. 227-243); the people with disabilities and their rights in the European Union (Chapter XI, pp. 244-276); the conclusion (pp. 277-285); and the list of used literature (pp. 286-289), which includes 81 Cyrillic titles and 4 Latin titles.

The exposition in the dissertation is purposeful and meaningful. It is accompanied by separate comparisons and distinctions, justification of conclusions and proposals de lege ferenda.

7. Contributions and significance of the dissertation work for the science and practice

The scientific contributions of the study are of the category of “enrichment of the existing knowledge” and are based not only on investigation of our national legislation and judicial practice and the European Union (EU) legislation in the investigated field, but also on the personal views of the author on their efficiency, accompanied by a number of own and original conclusions and considerations.

The following specific scientific, scientific-applied and practical contributions in the dissertation work could be highlighted:

1) author’s definition of the term “administrative regulation in the field of disabilities” in a theoretical context (p. 16);

2) useful author’s proposal de lege ferenda with practical meaning for amendment of Art. 86a, par. 2 of the Health Act (State Gazette – SG, № 70 of 2004, as amended) where the words “National Council for Integration of the People with Disabilities” shall be replaced by the words “National Council for

the People with Disabilities” in the light of the People with Disabilities Act (PDA – SG, № 105 of 2018, into force since 01.01.2019, as amended) (p. 42);

3) original author’s proposal de lege ferenda in PDA to be provided an obligation for the Agency for the People with Disabilities to maintain a “Register of Persons with Disabilities” (p. 49);

4) original author’s opinion on the need in the composition of the National Council for People with Disabilities at the Council of Ministers, established under Art 17 of PDA to be included “independent experts” with experience in the protection of the rights of the people with disabilities (p. 53);

5) original author’s opinion on the need in the composition of the Commission for Protection against Discrimination, established under Art. 40 of Protection against Discrimination Act (SG, № 86 of 2003, as amended) to be includes as a member a person with education and experience in the protection of the rights of the people with disabilities (p. 58);

6) original author’s proposal de lege ferenda for the establishment of an Ombudsman for the Protection of the Rights of the Persons with Disabilities (p. 61);

7) useful author’s proposal de lege ferenda with practical meaning for supplementing the Preschool and School Education Act (SG, № 79 of 2015, into force since 01.08.2016, as amended) for defining the term “socialization” (pp. 133-134);

8) interesting author’s proposal de lege ferenda with practical meaning for supplementing the Higher Education Act (SG, № 112 of 1995, as amended) with the inclusion of a provision on the manner of conducting and the duration of the examinations of the students with disabilities (p. 144);

9) original author’s proposal de lege ferenda for the adoption of “Employment of the People with Disabilities Act” (p. 165);

10) very good comparative law analysis of the employment of the people with disabilities in Germany and Finland (pp. 173-177);

11) very good historical law analysis of the development of the EU policy on the people with disabilities (pp. 245-249);

12) in the conclusion a valuable and useful conclusions from investigated legal regulation and analyzed literature are made.

8. Assessment of the publications on the dissertation work

I. Miteva has presented 8 publications related to the subject matter of his dissertation work, as follows: “Access to medical services for people with disabilities in Bulgaria - legal aspects and practical problems”. – Norma. S., 2016, № 9, pp. 52-62; “Legal and ethical problems in the application of the regulation of genetic research in Bulgaria”. – Norma. S., 2017, № 2, pp. 62-80; “The right to work of people with disabilities in the Bulgarian legislation. Agency for People with Disabilities - Status and Powers”. – Norma. S., 2017, № 9, pp. 43-57; “Legal regime of specialized enterprises and cooperatives of people with disabilities in the Bulgarian legislation”. - Society and Law. S., 2018, № 9, pp. 59-77; “Governing bodies in the field of disabilities

in the legislation of the Republic of Bulgaria”. - Studia Iuris. Plovdiv, 2018, № 2, pp. 81-98; “Accessible environment for people with disabilities - legal aspects and practical problems”. - Society and Law. S., 2019, № 3, pp. 42-62; “Administrative and legal regime of financing and control in the field of disabilities in the Bulgarian legislation”. – Izvestiya. Varna, 2019, № 2, pp. 127-140; “Bodies of the executive power in the field of disabilities in the Bulgarian legislation”. – In: Collection of Scientific readings dedicated to the 140th anniversary of the adoption of the Tarnovo Constitution, organized by the Faculty of Law at the Plovdiv University “Paisiy Hilendarski”. S., Siela, 2019, pp. 235-247.

These 8 publications successfully reflect a number of analyses and opinions of the author, embedded in certain parts of his dissertation work.

9. Personal attendance of the PhD student

The outstanding contributions in the dissertation work and obtained results are a personal merit of Iliyana Miteva. She correctly quoted in line the literature used, related to the opinions of individual authors – a circumstance that excludes the presence of plagiarism. This is an indicator of the author’s scientific ethics, which undoubtedly deserves support.

10. Opinion on the Overview

The Overview of 42 pages long in Bulgarian and 39 pages long in English gives a very good imagination about its content and achieved general results.

11. Critical remarks and recommendations

Some critical remarks and recommendations can be addressed to the dissertation work, mainly of editorial meaning.

11.1. Critical remarks

1) some places in the text need clarification, e.g.: on p. 10, line 32, p. 12, lines 11-12 and 19-20, p. 13, line 9 it is appropriate to be indicated the number and year of the SG, where the respective law has been promulgated; on p. 19, line 12 and p. 120, line 9 instead of the word “America” the word “USA” had to be used; on p. 96, line 20, the words “from 1976” could have been replaced by the words “since 1966, into force since 1976”;

2) some places in the text need editorial improvement, e.g.: on p. 10, line 32 instead of “1951” must be written “1950”; on p. 227, line 21 the words “the manifested injustice” could have been avoided by simply stating that the administrative sanctions should correspond to the degree of public danger of the act, guilt and position of the offender.

7.2. Recommendations

1) It is appropriate in the structure of the dissertation work after the content to appear a list of abbreviations used.

2) The structure of the dissertation work could have been better if the number of chapters had been reduced from 11 to 3, 4 or a maximum of 5.

11.3. Assessment of the impact of the critical remarks and recommendations on the scientific meaning of the dissertation work

The pointed out weaknesses, however, do not diminish the significance and usefulness for the theory and practice of the proposed for defense dissertation work. It is written clearly, understandably, logically and is read with interest. It fills a gap in our legal literature in investigated field. These critical notes and recommendations are intended only to help the author in case he decides to continue his creative efforts on this issue and to publish his dissertation work as a book.

12. Personal impressions from the author of the dissertation

My personal impressions from I. Miteva are very good. Since her student years and now she has demonstrated diligence and scientific curiosity which are a good basis for creative success.

13. Recommendations for future use of dissertational contributions and results

Based on the abovementioned scientific and practical contributions of the dissertation work, I recommend I. Miteva to publish it as a book (monograph). I consider that this book will be of interest to both scientists and practitioners.

14. Conclusion

Finally, based on the above:

1. In conclusion I declare that the dissertation work “Administrative Law Regime Concerning People with Disabilities in the Bulgarian Legislation” contains scientific and scientific-applied results, which represent an original contribution in science and meet the requirements of Art. 6, par. 3 of DASRBA, Art. 27, par. 2 of RIDASRBA and Art. 32, par. 1 and 2 of RDASPU for obtaining of an educational and scientific degree “Doctor”. At the same time, this dissertation work shows that Iliyana Ilieva Miteva has in-depth theoretical knowledge and professional skills in the scientific specialty “Administrative Law and Administrative Procedure” by demonstrating qualities and skills for independent research. Therefore the PhD student meets the requirements of Art. 6, par. 1 of DASRBA, Articles 24-26 of RIDASRBA and Articles 29, 30, 31 and 32, par. 1 and 2 of RDASPU.

2. In relation to the abovementioned, on the ground of Art. 10, par. 1 of DASRBA, Art. 32, par. 1 of RIDASRBA and Art. 38, par. 1 of RDASPU, I give a positive assessment of the conducted scientific research, presented by the peer-reviewed dissertation work, overview, achieved results and contributions.

3. I suggest to the esteemed Scientific Jury, established under Order № P33-5714 of November 26, 2020 of the Rector of the PU, on the ground of Art. 11, par. 4 of DASRBA, Art. 34, par. 1 of RIDASRBA and Art. 29 of RDASPU, to give the educational and scientific degree “Doctor” to Iliyana Ilieva Miteva in area of higher education 3. “Social, Economic and Legal Sciences”, professional field 3.6. “Law”, scientific specialty “Administrative Law and Administrative Procedure”.

Sofia, 21.12.2020.

With respect: (s)
(Prof. DSc. Georgi Penchev)