

## **OPINION**

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

of a dissertation for the award of the educational and scientific degree "Doctor"  
in the field of higher education 3. Social, economic and legal sciences  
professional field 3.6. Law  
PhD programme Administrative Law and Administrative Procedure

**Author: Iliyana Ilieva Miteva**

**Subject: Administrative-Legal Regime Regarding People with Disabilities in Bulgarian Law**

**Scientific supervisor: Prof. Darina Zinovieva, PhD**

### **1. General presentation of the procedure and the candidate**

The set of materials presented by the candidate Iliana Miteva corresponds to the requirements of the provision of art. 36, para 1 of the Regulations for development of the academic staff of the University of Plovdiv. In addition to the dissertation, the doctoral student has submitted eight articles. The attached scientific publications are on issues related to the topic of the dissertation and do not overlap in their content.

Iliana Miteva graduated in Law from the University of Plovdiv "Paisii Hilendarski" in 2016 with excellent grades. In the period November 2016 - November 2017 she worked as a junior legal consultant in the Municipality of Chirpan. From November 2017 until now she has been a legal consultant at Nature Energy EOOD - Kazanlak. She speaks English language.

### **2. Topicality of the subject**

The presented dissertation is a study of the administrative-legal regime regarding people with disabilities in the Bulgarian legislation. The legal regulation of relations in connection with the full participation of people with disabilities in social and economic life is an issue that is particularly relevant and is of growing importance. The relevance of the study is determined by the growing significance of national legislation to ensure effective application and observance of the rights of people with disabilities, the important role of the state in guaranteeing and protecting the rights of people with disabilities, as well as and the development of European Union law in this area.

### **3. Knowledge of the issue**

The level of knowledge of the issue by the author is very high. This is evidenced by the full and thorough analysis of all aspects of the administrative regime for people with disabilities in Bulgaria, which covers issues of accessible environment, treatment and rehabilitation, education and

vocational training, the specific functions of the state, the historical and a comparative analysis of these issues, as well as a study of international instruments and EU law. All eight articles of the candidate are on problems of the administrative-legal regime of people with disabilities.

#### **4. Research methodology**

The dissertation has used a wide range of scientific methods, among which the historical, normative, formal-logical, systemic and comparative-legal methods occupy the main place. The methodology used allows to the greatest extent to achieve the objectives of the study and to perform its tasks.

#### **5. Characteristics and evaluation of the dissertation and contributions**

The dissertation comprises of 289 pages. The structure includes an Introduction, eleven chapters and Conclusion. A total of 161 footnotes are made. The literature includes 81 titles in Bulgarian and four titles in English. The Introduction reveals the subject, goals and objectives and scope of the study. The structure of the exposition is characterized by a good logical sequence. There is a certain imbalance between the contents of the individual chapters. Some of them, such as Chapter One, Chapter Two and Chapter Nine, are only a few pages long and should not be separated. The author could distribute their content in other parts of the work.

In the first two chapters the author discusses the general issues of the administrative law regime regarding people with disabilities, the basic concepts and the emergence and development of special legal framework in the studied area of social relations. Their clarification is a necessary prerequisite for the analysis of the problems. Chapter three contains a study of the role and functions of state authorities and local authorities in the field of governance and control of activities related to the exercise and protection of the rights and interests of people with disabilities.

In the following chapters the PhD candidate makes an analysis of the administrative legal framework of the regime of basic types of processes, such as the medical expertise of people with disabilities; healthcare and rehabilitation; participation in the education of persons with disabilities; special rules in the field of employment and conduct of labor activities. Chapter three contains a study of the role and functions of state and local authorities in the field of governance and control of activities related to the exercise and protection of the rights and interests of people with disabilities. In the following chapters the candidate makes an analysis of the administrative legal framework of the regime of basic types of activities, including the medical expertise of people with disabilities; the healthcare and rehabilitation; the participation in the education of persons with disabilities; and of the special rules in the field of employment and conduct of labor activities.

This analysis is in the center of the study and has the greatest theoretical and practical value. Chapter Eight is devoted to a study of legislation on ensuring an accessible environment and personal mobility for people with disabilities and ensuring access to justice and effective legal protection. The ninth chapter discusses the administrative aspects of the criteria for national representation of organizations of and for people with disabilities, and the tenth chapter analyzes the administra-

tive penal liability. The last chapter is devoted to an analysis of the rights of people with disabilities in the legal system of the European Union. The dissertation contains many scientific and applied contributions. The monograph is a comprehensive study of administrative law, which regulates the legal relations in respect to the rights and interests of people with disabilities. It is the first study of all aspects of the administrative regime regarding people with disabilities in our country. The chosen topic, in addition to being unexplored, is particularly relevant and significant. For the first time, an analysis was made of the new legislation from 2019 in the field of exercising the rights of people with disabilities, namely of the People with Disabilities Act and the Personal Assistance Act.

The clarification of a number of special concepts in the legislation has a contributing character - an issue to which the author has paid the necessary attention. The detailed study of the case law contributes to the enrichment of existing knowledge and will be useful for practitioners. The skillful use of the comparative approach contributes to establishing the genesis of the legal framework for the exercise of the rights of people with disabilities. The analysis of international law is a necessary prerequisite for assessing the degree of compliance of our domestic law with international instruments in the field. Last but not least, the study of EU law in the field of protection of the rights of people with disabilities is of a contributory nature. It enriches existing knowledge and contributes to the development of research not only in administrative law but also in the field of EU law. Some of the proposals made by the dissertation for the improvement of the legal framework are well-founded and can be supported. The research has a high practice - applied value.

#### **6. Assessment of the doctoral student's publications and personal contribution**

The PhD candidate has presented a total of eight scientific articles on the topic of the dissertation. They have been published in authoritative legal journals in our country - *Norma*, *Society and Law*, *Studia Juris*, *Izvestia* and in a collection of scientific research. The publication activity significantly exceeds the minimum requirements. The articles address issues related to access to medical services for people with disabilities, the right to work and the legal regime of places of employment for people with disabilities, issues related to providing an accessible environment, etc.

#### **7. Abstract**

The abstract correctly reflects the content of the dissertation. The main parts of the research, the author's theses, the methodology and the results of the research are presented. Contributions are reflected correctly. The abstract meets the requirements of ZRASRB and the Regulations of PU "Paisii Hilendarski".

#### **8. Recommendations for future use of dissertation contributions and results**

Some critical remarks and recommendations can be addressed to the PhD candidate. The numbering of the chapters in the abstract does not correspond to the numbering in the dissertation. The volume of some chapters is too small for them to exist separately. I believe that the work would benefit if the issue of the fundamental rights of people with disabilities is studied in a separate part. This issue is fundamental and has a significant impact on the development of objective law in the

area. Its derivation would contribute to a better systematization of the study. The critical remarks and recommendations made do not change my positive assessment of the dissertation.

## **CONCLUSION**

The dissertation contains scientific, scientifically-applied and applied results, which represent an original contribution to science and meet all the requirements of the Act for 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 dissertation shows that the doctoral student has in-depth theoretical knowledge and professional skills in the scientific specialty Administrative Law and Administrative Process by demonstrating qualities and skills for independent research.

Based on the above, I confidently give my positive assessment of the research presented by the above reviewed dissertation, abstract, results and contributions, and I propose to the esteemed scientific jury to award the educational and scientific degree "Doctor" to Iliyana Ilieva Miteva in the field of higher education: 3. Social, economic and legal sciences, professional field 3.6. Doctoral program Administrative Law and Administrative Procedure.

18.01. 2021 г.

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Prof. Dr.Sc. Jivko Draganov