

## OPINION

**by Prof. Dr. Dimitar Iliev Kostov, Faculty of Law of Ruse University  
"Angel Kanchev"**

Member of the Scientific Jury in competition for awarding the academic position of "ASSOCIATE PROFESSOR" in the professional field 3.6.Law, specialty "Administrative Law and Administrative Procedure", announced by Plovdiv University "Paisii Hilendarski" in SG 96/17.11.2023.

**Candidate: Chief Ass. Prof. Dr. Antonia Georgieva Ilieva**

I. The competition for awarding the academic position of Associate Professor in 3.6. Law, specialty "Administrative Law and Administrative Procedure" is announced for the needs of the Faculty of Law at Plovdiv University "Paisii Hilendarski". Only one candidate - Antonia Georgieva Ilieva - participated in it.

Antonia Ilieva was born on 07.07.1984. She graduated from the Faculty of Law of Plovdiv University "Paisii Hilendarski" in 2009, after which until 2016 she worked in a number of administrative positions, including at Plovdiv University. From 2016 until now she has been Chief Assistant Professor of Administrative Law and Administrative Procedure at the Faculty of Law of the University.

According to the submitted documents, the candidate meets all the requirements of the Law for the Development of Academic Staff of the Republic of Bulgaria /Article 24/ and the Regulations for its application /Article 53/. She has obtained the educational and scientific degree "Doctor" in the professional field "Law/Administrative Law and Administrative Process/ in 2016. She has submitted for the competition relevant scientific publications - 24 /twenty-four/ including one monograph- all after and outside the dissertation. A list of the author's citations has also been submitted.

II. The active participation of Antonia Ilieva in teaching at the Law Faculty of Plovdiv University should be noted. She is responsible for preparing and delivering lecture courses on "Legal Regime of Public Procurement" and "Medical Law", conducting seminars on Administrative Law and Administrative Procedure, preparing teaching handouts, etc. related to the implementation of the educational process at the Faculty.

Without in the least belittling the teaching activity of Ms. Ilieva, which undoubtedly has its important significance and should be appreciated on its dignity, due to the limitations imposed in the volume of the opinions I will allow myself to note some of the significant contributions in the scientific publications of the candidate.

III. The contributory points as such are contained mainly in her monographic work "Current Issues of the Contract under the Public Procurement Law /Legal Aspects/", S. Ciela, 2023.

The problems of public procurement contracts have been subject of attention in legal theory, including administrative law, and are likely to continue to be so in the future. The fact that the candidate's monograph is a new scientific study in this field, dealing with topical legal problems of public procurement contracts, can be defined in itself as a theoretical contribution of the author.

The scientific task - to examine in detail the legal peculiarities of the public procurement contract and to reveal its specificities, on the basis of which to outline the differences with similar contractual institutes and in this regard to make appropriate proposals for the improvement of the legal framework has found good realization in the work.

In the monograph, analysing the well expressed in the administrative and civil law theory opinions on the legal nature of the public procurement contract, the author justifies his thesis, which is in fact in support of the thesis in the theory that the public procurement contract is in its essence an administrative contract. It is noteworthy in this respect that the author consistently and analytically identifies eight specific features /p.43-44/ which correspond to the characteristics of an administrative contract and justify the definition of the public procurement contract as an administrative contract. This is also the author's own contribution to the clarification of the problem. Her proposal *de lege ferenda* to supplement the PPL in this sense is also logical.

An important point from a theoretical point of view is also the statement on the differences between the public procurement contract and similar legal institutes. The attempt to exhaustively cover and compare the institutes is successful - seven such hypotheses are outlined. Correctly adopted differentiating criteria - different conditions and different order of conclusion or inclusion has allowed the author to point out properly the differences between the public procurement contract and the framework agreement, between it and the qualification systems, the subcontract, the agreement under Article 20 of the Administrative Procedure Code and other similar legal institutes.

I would also underline the relevance of the study on the impact of so-called "extraordinary", "unexpected" events on public procurement contracts. There are legal consequences which, as the author puts it, also affect the legal scope of the Public Procurement Act /102/. These consequences are carefully traced in the case of extraordinary events such as the Covid-19 pandemic and the military conflict in Ukraine with regard to the possibilities of extending the deadlines for performance, suspension of public procurement, etc.

Other important issues of theoretical value, such as the problem of the nullity of public procurement contracts, are addressed in the habilitation thesis, in connection with which we see convincing reasoning and conclusions on the

applicability of the two forms of nullity – revocability and voidability. Also, hypotheses concerning the admissibility of the modification of these contracts are examined, given that it is excluded in principle. The development of the legal framework of public procurement - the general European framework and the national one as well - is also traced chronologically in a historical aspect, which has its theoretical and cognitive significance, etc.

Attention should also be paid to the de lege ferenda proposals concerning legal liability /p.123-124/, the problem of money laundering in the national and supranational legal framework /p.164-173/, etc.

The remaining publications submitted by the candidate also have their theoretical value. In this respect I would point out the articles "Discretion as an element of the administrative control exercised in health care", Current Problems of the Legal Regulation of Business, S., UNWE, 2019, pp. 83-91, ISBN 978-232-191-8; "Legal regime 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, issue 1, June 2019, pp.243-249, online ISSN: 1313-9940,; "Legal and Moral-Ethical Aspects of Medical Activity in the Republic of Bulgaria", Collected Scientific Readings on "Law and Borders", University Press "St. Kl. Ohridski", ISBN, 978-954-07-4543-5 etc.

In order of recommendation, I find that structurally Chapters Two and Three would stand better in a swapped situation. The clarification of a legal phenomenon together with its specificities /in this case the public procurement contract/ could precede its comparison with similar legal institutions.

## CONCLUSION

On the basis of the findings above, I evaluate **positively** the teaching and research work of the candidate. I consider that it meets the requirements of the Law on Research and Development and the Regulations for its application for the academic position of "Associate Professor" and **I propose** to the honourable scientific jury to prepare a report for the election of Assoc. Prof. **Antonia Georgieva Ilieva** for the academic position of "**ASSOCIATE PROFESSOR**" in the professional field 3.6.Law /Administrative Law and Administrative Procedure/.

**Prof. Dr. D. Kostov:**

05.03.2024г.

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