

REVIEW

**by prof. Nadezhda Getsova Yonkova, PhD –
Institute for State and Law at the Bulgarian Academy of Sciences '**

of a dissertation for awarding the scientific degree "**Doctor of Science**"

Field of Higher Education: 3. Social, Economic and Legal Sciences

Professional field 3.6. Right

Name of the scientific specialty: Administrative Law and Administrative Procedure

Author: Prof. Darina Peeva Zinovieva, PhD

Topic: INTERPRETATION IN PUBLIC LAW

1. Subject of peer review

By Order No. RD-21-1958/12.11.2024 of the Rector of the University of Plovdiv "Paisii Hilendarski" (PU), I am appointed as a member of the scientific jury for providing a procedure for defending a dissertation on the topic "Interpretation in Public Law" for the acquisition of the scientific degree "Doctor of Science" of the University of Plovdiv in the field of higher education 3. Social, Economic and Legal Sciences, Professional field 3.6. Law, scientific specialty "Administrative Law and Administrative Process". The author of the dissertation is prof. Dr. Darina Peeva Zinovieva.

The set of paper materials presented by Prof. Dr. Darina Zinovieva **is** in accordance with Article 45 (4) of the Regulations for the Development of the Academic Staff of the University of Plovdiv and includes the following documents:

- an application to the Rector of the University of Plovdiv for disclosure of the procedure for defending a dissertation;
- CV in European format;
- a copy of a diploma for the educational and scientific degree "Doctor";
- minutes of departmental councils related to the opening of the procedure and the preliminary discussion of the dissertation;

- dissertation;
- abstract;
- a list of scientific publications on the topic of the dissertation;
- copies of scientific publications;
- a declaration of originality and authenticity of the attached documents;
- a reference for compliance with the minimum national requirements;

15 articles, 3 chapters of collective monographs on the topic of the dissertation are attached.

2. Brief biographical data

I am convinced that the famous and respected Bulgarian scientist Prof. Dr. Darina Zinovieva needs no introduction. Only in order to comply with the procedural rules, I will make a brief summary of biographical data.

Darina Zinovieva is a professor of administrative law and administrative procedure at the Institute for State and Law at the Bulgarian Academy of Sciences and at the Faculty of Law of the University of Plovdiv "Paisii Hilendarski", she graduated in Law from the Law Faculty of Sofia University "St. Kliment Ohridski". Kliment Ohridski" with excellent results, and since 1998 he has been a Doctor of Law - Higher Attestation Commission. Prof. Dr. Zinovieva has specialized in Belgium, Great Britain, USA, Spain, etc. He is the author of 13 monographs in Bulgaria and abroad. She has held the positions: Head of the Department of Public Law Sciences, Dean of the Law Faculty at the University of Plovdiv "P. Hilendarski". She was a legal expert at the Health Committee in the 39th National Assembly, the NHIF, the Minister of Health; member of the Ethics Committee on Transplantation at the Council of Ministers. She was an expert on legislation at the Council of Ministers, a member of the Legal Council of the President of the Republic of Bulgaria, an independent expert at the European Commission, and at the Advisory Council on Legislation at the 44th National Assembly. She is included in the 2018 edition of the Bulgarian Academy of Sciences "Women in the History of Academic Science in Bulgaria".

3. Relevance of the topics and appropriateness of the set goals and objectives

The presented dissertation is devoted to a problematic that is significant both in theoretical and practical aspects and has not been explored so far in our legal literature. For this reason, the relevance

of the presented work is indisputable, especially taking into account the need for such a fundamental analysis in Bulgarian law, as well as the lack of such analysis so far in Bulgarian legal theory.

The paper examines the interpretative specifics in public law through an analysis of both the practice of Bulgarian courts and the practice of European and international courts. The methods of interpretation in each branch of public law are clarified and their relationship with administrative law.

Current interpretations of the Constitution of the Republic of Bulgaria on essential issues of public law are examined, including in the context of the latest amendments and the cases submitted for consideration before the Constitutional Court.

Fully in line with the current agenda of EU law, important specifics are highlighted in the interpretation of the Charter of Fundamental Rights and Freedoms and the European Convention on Human Rights in the context of their application in public law.

As particularly relevant and timely for today's digital world, the analysis of the problems related to e-justice, information technologies and their place in the interpretative activity should also be pointed out.

4. Knowledge of the problem

I do not know of any other Bulgarian scientist who has studied and knows the problem in depth and in detail, which is evidenced by the retrospective analysis of the interpretation in public law, as well as by linking it with the current challenges and finding solutions.

5. Methodology of the study

The chosen methodology has allowed the author to achieve significant results and useful scientific and scientific-practical results. Along with the traditional general methods of analysis and synthesis, of induction and deduction, comparative legal methods and historical methods, legal sociological methods have also been used. It is the applied innerdisciplinary approach that allows the author to reach more large-scale and detailed results of the studied problems, which in turn allows to draw significant and reliable conclusions.

6. Characteristics and evaluation of the dissertation

It is with pleasure and respect that I approach the evaluation of the dissertation "Interpretation in Public Law". This outstanding scientific work not only significantly contributes to the better

understanding and development of public law, but also proves once again the high expertise and competence of Prof. Prof. Zinovieva.

The dissertation is 414 pages. and structurally consists of: an introduction, three parts and a conclusion. Each part is divided into sections with subsections, with the sections bearing a title, and the subsections detailing the topic of the section with points. The bibliography includes 142 sources, and the analyzed and described judicial acts are over 100.

The first part is entitled "*Interpretation of Substantive Law Norms in Public Law*" and discusses issues related to the interpretation of current institutions in administrative law, discusses the differences between interpretation in the field of administrative law and interpretation in constitutional law. as well as the differences between interpretation in administrative law and interpretation in criminal law. The interpretation in national public law, EU law and international law is examined, and the cross-sectoral specifics of interpretation are deduced.

The second part is titled "*Procedural Specifics of Interpretation in National, European and International Justice*", which analyzes the procedural specifics in the interpretation in public law. It examines in twenty paragraphs: principal procedural specifics in the interpretation of the sources of national public law; Interpretation of the exclusion from challenging an act established in Art. 120, para. 2 of the CRB; specifics of indirect judicial control and interpretation; Requests of a party to the case for interpretation of decisions of administrative courts; Interpretation of words and concepts in the procedural part of public law; Public law acts of a political nature; Ex officio analyses of the interpretative activity of the courts; the interpretation of the interpretative acts of the courts; Analysis of the interpretative activity of the Constitutional Court; Specifics in the interpretation of public law norms, EU norms and norms of an international treaty with the Republic of Bulgaria; Specifics of the application of the Charter of Fundamental Rights and Freedoms; Interpretation of the EPPO Institute; Specifics in the interpretation of the ECHR; Interpretation of the concept of "third interested party" by the European courts; Interpretation of the jurisdiction of the Court of Justice of the EU; Interpretation of the legal grounds for annulment of an act issued by an EU body; Effective access to justice and interpretation of the degree of effectiveness; Interpretation of the responsibility of the state and municipalities according to national and European law; Interpretation in Community law and peculiarities of the administration of administrative justice ; Property liability of the state and public authorities in case of violation of EU law; Specifics of the legal force of the requests for preliminary rulings of administrative courts to the Court of Justice of the EU; Procedural issues relevant to interpretation in the European Community.

The third part is entitled '*Development of interpretative activity in public law*'. It provides a historical overview of the specifics of interpretation before Bulgaria's membership in the European Union and examines the specifics in the current time period after the socio-economic changes in Bulgaria and after Bulgaria's entry into the European Union. The last section of the third part is devoted to the development of e-justice and interpretation.

The **conclusion** summarizes the conclusions and proposals for optimizing the legislation and practice.

The dissertation examines the specifics in the interpretation of the branches of public law, united by three features: actuality, long-term contradiction in their interpretation and essential for the doctrine and practice in public law. In this regard, the features of public law are clearly distinguished, outlining the circle within which these essential problems in interpretation and enforcement are analyzed - administrative law in its relationship with constitutional law, financial and tax law, criminal law, EU and international law, sociology of law.

The author impresses with an in-depth study of various methods of interpretation in public law, analyzing their role and significance in contemporary legal practice. The work covers an analysis of the interpretation of a wide range of regulations and court decisions, offering clear and well-founded conclusions that are based on solid scientific evidence.

The study examines not only traditional methods of interpretation, but also presents innovative approaches that can be useful for future researchers and practitioners.

The dissertation is distinguished by a high degree of clarity, structured and consistent analysis, as well as by the comprehensiveness of the issues under consideration. The author not only presents complex legal theories in an understandable way, but also offers practical solutions to some of the most pressing problems in the field of public law.

For these reasons, I believe that it would not be an exaggeration if the work is evaluated in one word – **fundamental**.

7. Contributions and relevance of the development to science and practice

There is no complete work on this subject in our doctrine, which is why it undoubtedly constitutes a contribution to its entirety.

Contributions are made by the proposals made de lege ferenda, for example:

• optimization of the two provisions of the ANN: *"in the future optimization of the ANN, it is of fundamental importance to take into account the balance or "proportionality" in the restriction of citizens' rights when several types of coercion are implemented against the same person. The legislator should be precise in "sizing" this balance and should exercise its legislative competence extremely narrowly, comprehensively and explicitly, especially if it provides for exclusion from judicial review due to the protection of the public interest. The procedural rules should also take into account the limitations in rights, as in the case of the imposition of a coercive measure in electronic court proceedings. At the same time, when any amendment of a law providing for a coercive administrative measure, the legislator should set out detailed reasons in order to realize a correct interpretation of its application, especially in competition with other types of liability."* /p. 36/

• *to specify the provisions of Chapter Two and Chapter Three of the LNA* (p. 201)

• *"in view of the more optimal benefit in practice, an amendment to the norm can be proposed by separating the decisions of the Constitutional Court of an interpretative nature in a separate part, and the decisions of a causal nature in another part, which will give focus and facilitate the interpretative process of domestic law as a whole"* (p. 244/.

8. Evaluation of the publications on the dissertation

On the topic of the dissertation, Prof. Zinovieva has dozens of publications. In the specific procedure, 15 publications are presented, which successfully reflect a number of analyses and opinions of the author, enshrined in certain parts of the presented dissertation.

As for the reflection of the results of the dissertation in the works of other authors, we can say that it is yet to grow, although there are already many citations.

9. Personal participation of the author

The authorship of the work is indisputable, as I have already repeatedly noted prof. Zinovieva is the only author who has written on the topic. She correctly cited the literature used and the opinions of other authors, which excludes the presence of plagiarism. This is an indicator of the author's scientific ethics, which undoubtedly deserves support.

10. Abstract

The abstract is 65 pages long and fully complies with the regulatory requirements, reflecting the main results achieved in the dissertation.

11. Critical remarks and recommendations

I have no critical remarks.

My only recommendation is that the presented work should become a reference book for all lawyers, and especially for practitioners in the field of public law.

CONCLUSION

I declare that the dissertation "Interpretation in Public Law" *contains theoretical generalizations and solutions to major scientific or applied problems that correspond to modern achievements and represent a significant and original contribution to legal science* and **meets all the** requirements of Article 12, paragraph 4 of the Law on the Development of the Academic Staff in the Republic of Bulgaria (RARARB), Art. 37, Al. 1 of the Regulations for the Implementation of the Law on the Implementation of the Law on the Protection of Persons with Disabilities and the relevant Regulations of the University of Plovdiv "Paisii Hilendarski". The presented materials and dissertation results **fully** comply with the minimum national requirements adopted in connection with the Regulations of the University of Plovdiv for the application of the RASRB.

For the above reasons, I confidently give my *positive assessment of* the research carried out, presented by the above-reviewed dissertation, abstract, results achieved and contributions.

I propose to the honorable scientific jury to award the scientific degree "Doctor of Sciences" to Prof. Dr. Darina Peeva Zinovieva in the field of higher education: 3. Social, Economic and Legal Sciences, professional field 3.6. Law, scientific specialty "Administrative Law and Administrative Procedure".

14.01.2025 г.

Reviewer:

(signature)

Prof. Nadezhda Yonkova, PhD