



REVIEW

From: *Prof. Dr.Sc. Jivko Ivanov Draganov, Law Faculty of the University of National and World Economy, professional field 3.6. Law, scientific specialty "European Union Law"*

Subject: dissertation work for the award of a scientific degree "**Doctor of Sciences**" in professional field 3.6. Law, scientific specialty "*Administrative Law and Administrative Procedure*"

Author of the dissertation: *Darina Peeva Zinovieva*
Professor, PhD,
Paisii Hilendarski University of Plovdiv

Topic of the dissertation: *"Interpretation in Public Law"*

Reason for submitting the review: participation in the scientific jury for the defense of the dissertation work, according to Order РД-21-1958/12.11.2024 of the Rector of Paisii Hilendarski University of Plovdiv.

The candidate has submitted her dissertation for discussion at the Department of Public Law Sciences of Paisii Hilendarski University of Plovdiv in accordance with Article 39 of the Regulations on the Implementation of the Act for the Development of Academic Staff in the Republic of Bulgaria (PPZRASRB). By its decision dated 25.10.2024, the Department Council of the Public Law Sciences Department has voted for the work to be defended before a scientific jury.

1. Information about the candidate

Prof. Darina Zinovieva is well known scientist and leading researcher with a significant contribution to the development of science in the field of administrative law and the administrative procedure and the founder of medical

law in our country. Her career is entirely dedicated to the legal science and practice. In 1997, she joined the Institute of Legal Studies at the Bulgarian Academy of Sciences as a research assistant, where since 2011 until now she holds the position of "professor" in the scientific specialty "Administrative Law and Administrative Process". In 1994 Darina Zinovieva was appointed as an assistant professor at the Faculty of Law of Plovdiv University "Paisii Hilendarski", where she successively held the academic positions of senior assistant professor, chief assistant professor, associate professor (2001) and professor (2011), which position she holds until now. In 2011 she was elected dean of the Faculty of Law of the Plovdiv University "Paisii Hilendarski". She has specialized in administrative law and in the introduction of the discipline "Medical Law" at the Catholic University of Leuven, Belgium (1996), at the British Academy of Sciences on "Medical Law" (1997), at the University of California San Bernardino on "Administration in Healthcare" (2001) and at the Free University of Barcelona on "Administration and Management of Transplantation" (2003). She was a member of the Advisory Council on Legislation to the 44th National Assembly (2018-2022), a member of the Legal Council of the President of the Republic of Bulgaria and a legal consultant to the Minister of Health. Since 2009 is an arbitrator in the Commercial Arbitration Court of the National Judicial Foundation. Prof. Zinovieva is an independent expert at the European Commission. She is an author of about 100 scientific publications in Bulgaria and abroad and a member of the editorial boards of the Yearbook of the University of Plovdiv, of the journal "Medical law and health care", of the "Norma" journal, of journal "Business and Law" and others.

2. Brief description of the dissertation work

The dissertation is an original scientific study of the interpretation in public law. The dissertation is 414 pages long. The structure of the work includes Introduction, three parts, Conclusion, Bibliography and List of judicial acts. 508 footnotes have been made. 120 judicial acts are studied and more than 130 doctrinal sources are cited. In the Introduction, the author defines the subject of the research, namely the specifics that occur in the application of material and procedural norms. The purpose of the research is to provide answers to the questions that have arisen in the interpretation of public law, as well as to raise a scientific discussion and express the author's opinion on these questions. The first part is devoted to the problems regarding the interpretation of substantive legal norms in public law. The general statements are studied, after which the specifics and differences between the interpretation in the branch of administrative law and the branches of constitutional, tax, financial

and criminal law are examined and explained. The peculiarities in relation to the interpretation of the norms of EU law and of the international law are been analyzed. The inter-branch specifics of the interpretation in public law are brought out. The second part includes a study of the procedural aspects of the interpretation from a national, European and international perspective. Particularly important issues are covered, including the interpretation of the exclusion from contesting an act established in Art. 120 of the Constitution, the specifics of indirect judicial control and interpretation, the interpretation of the interpretative acts of the courts, etc. The interpretative practice of the Constitutional Court and the specifics in the interpretation of The Charter of Fundamental Rights of the European Union and in the interpretation of the ECHR are analyzed. The interpretation of the legal grounds for annulment of an act of an EU institution and the interpretation of the liability of the state and municipalities according to national law and according to EU law are examined. Separate attention is given to the specifics of the legal effect of the preliminary rulings and to the procedural issues that are relevant for the interpretation in the EU law. The third part contains of a historical analysis of the development of the interpretative activity in public law, which is divided into two parts, respectively before and after Bulgaria's accession to the EU. The main results of the study are presented in the Conclusion.

The methodology chosen by the author allows the full achievement of the goals and objectives of the research. It includes the general methods of analysis and synthesis, induction and deduction, and the law-specific comparative legal method, historical method, as well as methods from the sociology of law.

The author demonstrates an extremely thorough knowledge of the issues raised, including of the contemporary scientific literature, and of the judicial practice. The study does not repeat the dissertation work presented by the candidate in the procedure for acquiring the PhD degree. No plagiarism is detected.

3. Evaluation of the scientific and scientific-applied contributions

The dissertation work "Interpretation in Public Law" is an original study dedicated to particularly topical and significant problems for legal science and practice, which contains a large number of theoretical conclusions and offers solutions to particularly important problems for the development of the doctrine and of the law enforcement. The dissertation is distinguished by a number of merits and contains numerous scientific and scientific-applied contributions, some of which are listed below.

The dissertation is the first and only monographic work in the Bulgarian legal research literature, in which the specifics of the interpretation in public law are brought out and systematized, and this is done while taking into account the judicial practice at the national level, as well as the practice of the Court of Justice of the EU and of the ECHR. A significant contribution of the dissertation is the comparison of the interpretative specifics of administrative law and procedure with the interpretation in other branches of public law, and the determination of the optimal methods of interpretation in each of these branches. In view of its major importance, the clarification of the questions regarding the interpretation of some specific non-state sources and acts, including the soft law, internal regulations of institutions, instructions, etc. should be noted. An original contribution of the work is the naming and study of the so-called by the author “public law acts of a political nature”.

The contributions of the dissertation are not limited to the field of administrative law and procedure, but also relate to other branches of public law. As such, the analysis of the specific questions of interpretation in tax and financial law and the proposals for pre-binding instructions from the enforcement authorities can be highlighted, as well as the justification of the need for a periodic assessment of the public threat of the offenses in criminal law, etc. A significant contribution is the proposal for the adoption of a norm for the issuance of an interpretative act by an administrative body referred to for this purpose. Other contemporary problems that are touched upon in the work concern the specifics of the interpretation related to the effective access to justice and of the interpretation of the ECHR and of The Charter of Fundamental Rights of the European Union, as a contribution here is also the analysis of preliminary ruling proceedings on questions referred by administrative courts. Last but not least, in the dissertation, for the first time, the questions regarding the interpretive activity in the presence of electronic justice were studied by presenting opinions regarding specific cases from the Bulgarian and foreign legal doctrine. Support should be given to the proposals made for the improvement of the regulatory framework, which, if adopted, will undoubtedly help to improve the interpretation in public law.

4. Evaluation of the publications on the topic of the dissertation and of the abstract

The candidate has submitted fifteen publications on issues related to the topic of the dissertation. They include reports presented at scientific conferences and articles in proceedings and in authoritative legal journals. The problems that are studied include: the interpretation in public law in accordance with the objectives of the law (Proceedings of the International Conference

Ohrid School of Law - 2019, Juridika Prima); the interdisciplinary interaction between constitutional and administrative law (Constitutional Studies, Volume 3, 2022, 3, Constitutional Court of the Republic of Bulgaria "Kl. Ohridski", 2022); the interpretative peculiarities in the imposition of coercive administrative measures (collection Liber Amicorium in honor of the anniversary of Prof. Dr. Maria Slavova, 2023); the interpretation related to electronic administrative justice (2024), etc.

The abstract includes a presentation of the structure and of the content of the dissertation and meets the established requirements.

5. Conclusion

The dissertation work entitled "Interpretation in Public Law" is a scientific study that meets the requirements of the provision of Art. 12, para. 4 and 5 of ZRASRB. The dissertation contains theoretical conclusions and solutions of major scientific and scientific-applied problems in the field of law and is a significant and original contribution to legal science.

Based on the above, I confidently propose to the scientific jury to adopt a decision to award Prof. Dr. Darina Zinovieva the scientific degree "Doctor of Sciences" in professional field 3.6. Law, scientific specialty "Administrative Law and Administrative Procedure".

23.12.2024

Prof. Dr. Sc. Jivko Draganov