

OPINION

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Subject: dissertation for the award of a Doctor of Science degree in the Higher education area 3. Social, economic and legal sciences, professional direction 3.6. Law (Administrative Law and Administrative Procedure) by Prof. Darina Peeva Zinovieva Ph.D, entitled 'Interpretation in Public Law'

Grounds for the opinion: an order for the appointment of a scientific jury in the procedure for the defence of a dissertation for obtaining the scientific degree of Doctor of Sciences pursuant to Order RD-21-1958/12.11.2024 of the Rector of the Plovdiv University 'Paisii Hilendarski' and a decision of the scientific jury under Protocol No 1 of 13.11.2024.

Dear members of the scientific jury,

I present my conclusions on the substance of the procedure in so far as, on the admissibility of the defence of the dissertation for obtaining the scientific degree of Doctor of Sciences entitled 'Interpretation in Public Law' and author Prof. Dr. Darina Peeva Zinovieva, following the fulfilment of the minimum national requirements, the scientific jury gave a decision on Protocol No 1 of 13 November 2024.

1. Characteristics of the thesis in its entirety.

The dissertation is a comprehensive scientific study devoted to interpretation in public law. There are such research papers in the General Theory of Law, but in the field of Public Law a comprehensive work is not known to me, I find it new, original and contributory.

The dissertation presented for the acquisition of the scientific degree of Doctor of Sciences has a total volume of 413 pages. The structure of the dissertation includes an introduction, three parts, a conclusion, a bibliography and a list of the judicial acts used. The actual analytical text of the three parts is 393 pages. Relevance of the work as of September 2024 has been declared. 508 footnotes have been made. 120 court decisions have been reviewed and more than 130 sources in the legal literature have been cited. A full review and careful analysis of the doctrine has been carried out.

2. Subject of study of the parts of the dissertation

In the introduction, the author defines as the subject of a study of the dissertation the specifics manifested at the present time in the application of substantive and procedural law, with the aim of summarizing the answers to questions of interpretation that have arisen or putting them to discussion and expressing an opinion on the still problematic ones related to interpretation in public law. The author states, which seems justified, that she focuses on the interpretation of the new principles of European administrative law and process and the interrelation with other branches of law, especially on the interpretative activity in superimposing the EU norms over the national and specifics, which the author finds essential and which have manifested themselves in the period since Bulgaria's accession to the EU until now.

Part One deals with questions concerning the interpretation of substantive rules of public law. I find it helpful here to study the specific types of regulations within departments, which the author refers to as 'specific sources' (p. 15). Legally accurate and practical is the distinction between administrative and administrative penal law with the delineation of the specifics of interpretation in the latter, in which the regulated social relations are fundamentally changed. Moreover, the author traces the role of interpretation in the application of administrative coercion in a broad sense - punishment (narrow sense), coercive measures under various laws (in which the accumulated case law is analyzed), enforcement of administrative acts by coercive order.

A novelty that I have not encountered is the identification of the concept of 'interpretative jurisdiction' with an examination of relevant case-law, although I do not share the *de lege ferenda* proposal to introduce into the Administrative Procedure Code a new type of interpretative administrative act. I support the proposal to amend Article 99 of the Administrative Procedure Code by adding a new ground for reopening – in the event of a breach of Article 54(1)(4) of the Administrative Procedure Code, where the relevant law has been repealed by a decision of the Constitutional Court'.

The role of interpretation according to the principles of the Administrative Procedure Code, which are legally enshrined in it, is analyzed in detail and precisely. I also find the analysis of the role of interpretation in constitutional law and financial law, which completes the logical construction and corresponds to the author's ambition to cover questions of interpretation in the whole sector of public law, useful.

In practical terms, I find the study of the interpretation made by a lower court of an interpretative act of a supreme court useful.

Part Two includes an examination of the procedural specificities of interpretation. I find relevant and practical the examination of how the ECtHR and the supreme courts of other Member States see the concept of 'law' in a broad sense and include the accumulated case-law relevant to a rule, as well as the construction of a hierarchy of legal sources with regard to primary and secondary Union law. The same value is attached to the study of 'soft law' and 'methodology', 'instruction' and other acts which the author describes as 'atypical sources' and which have given rise to contradictory case-law. A criterion of binding effect of those acts has been adopted, which gives rise to a legal interest in bringing proceedings, which I find practically applicable and correct. Good practical research has been done on the so-called "rules of good practice" in the field of healthcare. I find the author's conclusions on an interpretation limited to indirect judicial review to be of practical importance and contribution.

Part Two examines in detail the interpretation of the effects of decisions of the Supreme Court of the type 'Decree', which may lapse without formal announcement, with a view to changing the material prerequisites in public relations or substantial amendments to the law.

In Part Three, the author makes a historical analysis of the development of interpretative activity in public law, which is divided into two parts, respectively before and after Bulgaria's accession to the EU, drawing attention to the powers of the Court of Justice of the EU and the sequences of assessment derived from its case law. Attention is paid to the application of modern technologies.

In conclusion:

I consider that the dissertation presented, entitled 'Interpretation in Public Law', is a scientific study which meets the requirements of Article 12(4) and (5) of the Promotion of the Academic Staff in Republic of Bulgaria Act. The work contains theoretical summaries of major scientific and applied problems in the field of law and represents a significant and original contribution to legal science.

I have not found evidence of plagiarism or use of foreign scientific contributions in a manner not regulated by law.

On the basis of the above, I believe that due to the qualities of the dissertation titled 'Interpretation in Public Law', the scientific jury should award Prof. Darina Peeva Zinovieva Ph.D the scientific degree 'Doctor of Science' in Higher education area 3. Social, Economic and Legal Sciences, professional direction 3.6 Law (Administrative Law and Administrative Procedure).

Drafted the opinion

(Assoc. Prof. Konstantin Pehlivanov Ph.D)

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