

OPINION

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On the dissertation for the awarding of the academic degree “Doctor of Sciences” in professional field 3.6. Law, *Scientific Specialty “Administrative Law and Administrative Process”*

Author: ***Prof. Dr. Darina Peeva Zinovieva, Plovdiv University "Paisii Hilendarski"***

Dissertation Topic: ***“Interpretation in Public Law”***

1. General Presentation of the Procedure and the Candidate

By Order RD-21-1958/12.11.2024 of the Rector of Plovdiv University "Paisii Hilendarski," I was appointed as a member of the academic jury for the defense of the dissertation submitted by Prof. Dr. Darina Peeva Zinovieva for participation in the procedure for the awarding of the academic degree "Doctor of Sciences," announced by the Department of Public Law Sciences at the Faculty of Law of the Plovdiv University.

Prof. Dr. Darina Zinovieva is a scholar who has dedicated her entire research career to administrative law and process. She is a beloved and inspiring lecturer in these disciplines for generations of lawyers. She is among the educators who founded and established the Faculty of Law at Plovdiv University as an educational center producing well-prepared legal professionals who thrive in the competitive and dynamically changing social and professional environment. As Dean of the Faculty of Law (2011–2015), Prof. Zinovieva solidified its reputation as a modern and stable institution with a student- and faculty-oriented vision. By her initiative and with her support, the Student Legal Academy and the specialized online legal journal “Studia Iuris” were established, both of which have over a decade of history and continue to attract numerous participants—students and authors of high-value academic works.

Prof. Zinovieva is also credited with the creation and introduction of the discipline "Medical Law" in Bulgaria. As an indisputable scholar and expert, she has served as a member of the Legislative Advisory Council to the 44th National Assembly, the Legal Council of the President of the Republic of Bulgaria, and as a legal

advisor to the Minister of Health. She is an arbitrator at the Commercial Arbitration Court of the Union of Jurists in Bulgaria.

The candidate is the author of nearly 100 scientific publications in Bulgaria and abroad and is a member of the editorial boards of the Plovdiv University Yearbook, the journal “Medical Law and Healthcare,” the journal “Norma,” the journal “Business and Law,” and others.

2. Relevance of the Topic

The dissertation consists of 414 pages, with content structured into an introduction, a main body divided into three parts, and a conclusion. The bibliography used by the author comprises 130 titles of scientific literature, 508 footnotes, and 120 sources of judicial practice.

The topic of the dissertation is extremely relevant and significant, as it pertains to both lawmaking and law enforcement. In Bulgarian legal literature, there has not yet been an analysis of interpretative activities performed by various bodies and this is the first such study, which examines the raised questions and issues concerning interpretative activities in public law, provides proposals for their resolution by making relevant legal conclusions.

The dissertation is characterized by a thorough approach to analyzing the subject matter, employing various research methods to achieve the objectives and tasks of the study. No evidence of plagiarism was found in the work.

In the Introduction, the author outlines the subject of the study — the specifics that arise when applying substantive and procedural norms in public law branches.

Part One examines issues related to the interpretation of substantive norms in public law. Differences in the interpretation of administrative law norms, as well as norms in constitutional, tax, financial, and criminal law, are analyzed. The interpretation of EU law and international law is also discussed, with conclusions drawn about inter-branch specifics of interpretation.

Part Two explores the procedural specifics of interpretation in national, European, and international law. Topics such as indirect judicial review and interpretation, interpretation of interpretative acts of courts, and the exclusion of administrative acts from contestation under Article 120, paragraph 2 of the Bulgarian Constitution are analyzed. The interpretative activities of the Constitutional Court, the interpretation of the European Convention on Human Rights (ECHR), and the grounds for annulment of acts by EU institutions are also addressed. Additionally, the preclusive effect of preliminary rulings is analyzed.

Part Three is devoted to the historical aspects of the development of interpretative activities in public law, divided into two periods: before and after Bulgaria's accession to the EU. A particularly interesting and significant section examines the challenges facing the future development of electronic justice and interpretative activities.

The Conclusion summarizes the findings of the study.

3. Understanding of the Problem and Contributions

The dissertation deserves unequivocal positive evaluation as it comprehensively analyzes its subject, identifies theoretical and practical problems, and proposes solutions to overcome them. The study effectively presents existing theoretical models and connects them to contemporary legal realities. The dissertation reflects the author's qualities, evident in all her scientific work, and especially in this study — thoroughness, analytical rigor, and accuracy in both broad and detailed analyses. Nothing in the content is included arbitrarily; no significant issue is left unexamined. The author's position is evident throughout, expressed with a delicate yet confident style.

The results required for a dissertation are achieved, supported by specific contributions to scientific novelty and the enrichment of knowledge on the topic.

Noteworthy contributions include the comparative analysis of the interpretative specifics of administrative law and process versus other branches of public law and the identification of interpretation methods across different branches.

Also important are the conclusions drawn regarding the implementation of administrative punishment under blanket norms, the interpretation of the proceedings and the status of the European Public Prosecutor's Office, and the interpretation in cases of overlapping coercive administrative measures, administrative penalties, and criminal sanctions for the same act..

I agree with the author's proposal to optimize the regulation of coercive administrative measures in the Bulgarian Administrative Violations and Penalties Act to address issues in law enforcement. Additionally, I support the proposal to improve legislative drafting by introducing additional oversight of draft normative acts, to be carried out by a specially created organizational unit within the administrative body or the National Assembly. The introduction of sample criteria, to be cumulatively applied when determining the normative or non-normative nature of acts, is also recommended, as these criteria would assist administrative bodies, courts, and legislators. Furthermore, the inclusion of an

explicit provision in Article 99 of the Administrative Procedure Code (APC), as grounds for reopening proceedings for the issuance of administrative acts, is proposed. This provision would apply in cases of a violation of Article 54, paragraph 1, item 4 of the APC, when a law applied has been annulled by a decision of the Constitutional Court.

Evaluation of the Candidate's Publications

The candidate has presented fifteen publications on the topic of the dissertation, including conference reports and articles in specialized journals.

5. Abstract

The abstract complies with the normative requirements for format and content and accurately reflects the main points of the dissertation.

CONCLUSION:

The dissertation "Interpretation in Public Law" by Prof. Dr. Darina Peeva Zinovieva contains scientific, applied-scientific, and practical results that represent an original contribution to science. It meets all the requirements of the Bulgarian Law on the Development of Academic Staff, the related regulations, and the rules of Plovdiv University "Paisii Hilendarski."

Based on the above, I confidently give my positive evaluation of the dissertation, its results, and contributions. I propose that the esteemed academic jury award the academic degree "Doctor of Sciences" to 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 Process."

15.01.2025

Assoc. Prof. Dr. Daniela Doncheva: