

O P I N I O N

**By PhD Kapka Svetoslavova Georgieva-Atanasova – Assoc. Prof. at the Faculty of Law
of Sofia University "St. Kliment Ohridski"**

On the dissertation for the award of the educational and scientific degree “**Doctor**”

in area of higher education: 3. **Social, economic and legal sciences,**

professional field: 3.6. **Law,**

Doctoral Programme “**Administrative Law and Administrative Procedure**”

Author: **Tanya Vladimirova Daskalova,**

Topic of the dissertation: **The indirect review of the legality of administrative acts**

Scientific supervisor: **Assoc. Prof. Konstantin Vassilev Pehlivanov, PhD**

1. General presentation of the procedure and the PhD student

By Order No. RD 22-811 of 02.04.2025 of the Rector of Plovdiv University "Paisiy Hilendarski" (PU) I have been appointed as a member of the scientific jury for providing the procedure for the defense of a dissertation on the topic "The indirect control of the legality of administrative acts" for the acquisition of the educational and scientific degree "Doctor" in the field of higher education 3. Social, Economic and Legal Sciences, professional field 3.6. "Administrative Law and Administrative Procedure".

The author of the dissertation is Tanya Vladimirova Daskalova - a PhD student in full-time studies at the Department of Public Law Sciences with a scientific supervisor Assoc. Prof. Konstantin Vassilev Pehlivanov, PhD from “Paisiy Hilendarski” University of Plovdiv.

The set of materials submitted by Tanya Daskalova is in accordance with Article 36 (1) of the Regulations for the Development of the Academic Staff of PU.

The doctoral candidate has enclosed the required three articles on the scientific topic considered in the dissertation.

Tanya Vladimirova Daskalova obtained her Master's degree in Law at “Paisiy Hilendarski” University in 2004. From 2005 to 2007 she held the position of Junior Inspector at the Regional Labour Directorate, Plovdiv. From 2008 until the present moment she has been practicing as a lawyer, registered in the Bar Association - Plovdiv. On 01.03.2022 she

was enrolled as a full-time PhD student in the Department of Public Law Sciences of Plovdiv University with a 3-year term of study and was admitted to defence on 01.03.2025.

She is fluent in English, German and Russian, which allows her to research foreign theory and practice.

2. Topical relevance

The scientific work presented by Tanya Daskalova represents the first monographic study in the field of indirect review over administrative acts for the last 20 years. At the same time, the necessity of such a scientific work is indisputable and is justified both by the new legislation in the field of administrative procedure and by the controversial case law on the application of the matter under consideration.

3. Knowledge of the problem

In his scientific research the author has used an extremely extensive bibliography - 79 scientific papers in Cyrillic and 37 in Latin, and the reference to them is made correctly. The volume of the case-law studied is also enormous - of the Bulgarian court, of the Court of Justice of the European Union and of courts from other European countries. On this basis, I can confidently assert that Tania Daskalova has managed to familiarize herself in depth with the subject of the research, namely - the institution of indirect judicial review of administrative acts.

4. Research methodology

Tanya Daskalova has used the appropriate scientific methodology, based on comparative and systematic analysis. The scientific methods of synthesis, induction and deduction were also used. The author's language is of a high level. The terminology is clear and uncontroversial.

5. Characteristics and evaluation of the thesis and contributions

The dissertation follows the structure established in the administrative law theory - an introduction, three chapters, a conclusion in which the main contributions are summarized, and a list of the literature used. The following contributions can be noted as more basic:

5.1. In terms of its volume (412 pages), content and interdisciplinary character, the presented work far exceeds the requirements for the acquisition of the educational and scientific degree "PhD";

5.2. A theoretical contribution is the clear distinction made on pp. 34 ff. and 95 ff. between the incidental declaratory action under Art. 212 of the Civil Procedure Code (CivPC) and the indirect judicial review;

5.3. A theoretical-practical contribution is the grounded criticism of the case law, which does not allow indirect judicial review in the judicial phase of the administrative process, defended by the PhD student on page 36 of the thesis;

5.4. Of practical value is the argued conclusion on pp. 85-86 on the necessity to change the provision of Art. 177, par. 1 of the Administrative Procedure Code (APC) and extending the effect of the court decision declaring the individual administrative act void erga omnes;

5.5. I find the author's thesis expressed in footnote No. 392 on page 141, which criticises the case-law on indirect judicial review of regulatory administrative acts, and in particular their expediency, to be of theoretical and practical value;

5.6. I fully share the author's view, which is well argued, that in the indirect review of voidable acts only the substantive legality should be subject to judicial review (pp. 175-176);

5.7. I find as a theoretical contribution the reasoned and detailed definition of the institute of indirect judicial review, set out on p. 211;

5.8. Of particular practical value is the *de lege ferenda* proposal for an amendment to the APC to provide for the explicit possibility of exercising indirect judicial review in the administrative process, justified on pages 218 and 316;

5.9. The *de lege ferenda* proposal made on pages 332-333 concerning the applicability of indirect judicial review in proceedings under Article 299 of the APC is also of practical value.

The above-mentioned contributions are not exhaustively listed, but aim to illustrate the merits of the presented dissertation.

6. Assessment of the publications and personal contribution of the PhD student

The three articles submitted by Tanya Daskalova meet the legal requirements in terms of content and length and fully meet the minimum national requirements under Article 2b of the Act on the Development of the Academic Staff of the Republic of Bulgaria (ADASRB).

7. Abstract

The attached abstract accurately reflects the content of the candidate's dissertation and realistically presents her scientific contributions, although perhaps due to the modesty of the same, the abstract does not contain all the contributions that I have identified.

8. Recommendations for future use of the dissertation contributions and results

I would recommend to the author that the proposed provision of Article 130a (4) of the Administrative Procedure Code should be evaluated in the future revision of the thesis, and that the argumentation of the thesis on the possibility of the criminal court to exercise

indirect judicial review over a final decision of the administrative court should be more thoroughly argued.

CONCLUSION

The dissertation contains scientific and scientifically applied results that represent an original contribution to science and meets all the requirements of the Act on the Development of the Academic Staff of the Republic of Bulgaria, the Regulations for the Implementation of the ADASRB and the relevant Regulations of “Paisiy Hilendarski” University.

The dissertation work shows that the PhD student Tanya Vladimirova Daskalova possesses in-depth theoretical knowledge and professional skills in her scientific specialty, demonstrating qualities and skills for independent scientific research.

Due to the above, I confidently give my **positive assessment** for the conducted research, presented by the dissertation, abstract, achieved results and contributions, and **I propose to the honorable scientific jury to award Tanya Vladimirova Daskalova the educational and scientific pen “Doctor”** in the field of higher education: 3. Social, Economic and Legal Sciences, professional field 3.6.Law, doctoral program "Administrative Law and Administrative Process".

25.04.2025

Assoc. Prof. Kapka Georgieva-Atanasova, PhD