

## OPINION

**By Assoc. Prof. Svetla Yankulova, Ph.D.**

*Department of Administrative Law Studies at the Faculty of Law, Sofia University "Sv. Kliment Ohridski",*

**Subject:** PhD thesis in the area of higher education 3. Social, economic and legal sciences, Professional direction 3.6. Law (Administrative law and Administrative Procedure)

**Subject of the dissertation:** *'Indirect review of the legality of administrative acts'*

**Author of the dissertation:** Tanya Vladimirova Daskalova, PhD student, Department of Public Law, Faculty of Law of University of Plovdiv "Paisii Hilendarski"

Scientific supervisor: Assoc. Prof. Konstantin Vasilev Pehlivanov, PhD

### **I. Details of the procedure.**

By Order No RD 22-811 of 2 April 2025 of the Rector of Plovdiv University "Paisii Hilendarski", I was appointed as a member of the scientific jury for the procedure for obtaining the educational and scientific degree 'Doctor' in the area of higher education 3. Social, economic and legal sciences, professional direction 3.6. Law (Administrative Law and Administrative Procedure) by Tanya Vladimirova Daskalova, full-time doctoral student at the Department of Public Law at the Faculty of Law of at the Plovdiv University "Paisii Hilendarski", named 'Indirect control of the legality of administrative acts', with Assoc. Prof. Konstantin Pehlivanov as a scientific supervisor.

By decision of the scientific jury I was assigned to write an opinion on the presented dissertation. The submitted materials for participation in the procedure are in accordance with the requirements of the Promotion of Academic Staff in the Republic of Bulgaria Act and the Regulation for its implementation. For her participation in the procedure Tanya Vladimirova Daskalova also presents three publications related to the topic of the dissertation, which are described and attached in the documentation of the procedure.

### **II. Biographical data about the doctoral student**

Tanya Vladimirova Daskalova graduated in Law from the Plovdiv University "Paisii Hilendarski" in 2004. Between 2005 and 2007 she worked at the Regional Labour Inspectorate Directorate in Plovdiv and is currently a lawyer at the Plovdiv Bar Association. Tanya Daskalova is a full-time PhD student at the Law Faculty of the Plovdiv University for the period from 1 March 2022 to 1 March 2025.

### **III. General Characteristics of the Dissertation Content**

The dissertation has a volume of 440 pages, together with the literature used and the case-law cited. Structurally, it consists of content, abbreviations used, an introduction, a statement in three chapters, a conclusion, a list of cited literature and a declaration of originality. Each chapter is denoted by Roman numerals and consists of a corresponding number of sections, which are subdivided into paragraphs denoted by Arabic numerals. Some of the paragraphs are subdivided into points denoted by Arabic numerals and some of the points are subdivided into sub-points.

### **IV. Assessment of the scientific contributions of the dissertation**

The topic of the dissertation is relevant due to the fact that in legal theory no comprehensive monographic study of indirect judicial supervision of administrative acts has been carried out since the adoption of the Administrative Procedure Code in 2006. Older scientific papers, including monographs written before the introduction of the general clause for appeal of administrative acts in our legislation, are devoted to this topic, and after the adoption of the APC this issue has been partially investigated in monographic studies devoted to other topics and in separate articles.

I would highlight the following contributing moments in the dissertation, which mostly point to scientific results that show a high level of theoretical knowledge and at the same time have important practical importance.

The issue of indirect judicial supervision in legal theory is discussed in detail, citing and analysing a variety of case-law on the exercise of such supervision in civil, criminal, administrative criminal and administrative proceedings. The typical and specific cases related to the exercise of indirect judicial supervision of administrative acts in each of the three types of proceedings are outlined.

The author gives a definition of indirect judicial supervision (control) in Chapter 1, expressing the thesis that it is a kind of judicial activity of the court. The definition indicates a high level of knowledge based on generalisation skills and is relevant to administrative law theory.

Special attention is paid to judicial oversight of discretionary powers, including indirect judicial oversight. The author puts forward an original thesis according to which it is justified and permissible for judicial supervision to transcend the 'external limits' of discretion and to enter into the very choice of the administrative authority, which must be consistent with the purpose of the law and may be annulled as unlawful on the grounds of non-compliance with the purpose of the law or ignored in the context of incidental judicial supervision.

The possibility of a 'double regime' of incidental judicial supervision of regulatory administrative acts is justified. It consists, on the one hand, in an examination by the court in a specific case of whether the normative administrative act complies with the higher-ranking normative acts under Article 15(3) of the Normative Acts Act and, on the other hand, in a review of the legality of the

conditions under Article 146 of the Code of Administrative Procedure. This feature is explained by the particular legal nature of normative administrative acts.

Special attention is paid to the indirect administrative control of the legality of administrative acts carried out by administrative order, and its forms are specified in the legislation in force in the administrative proceedings under the Administrative Procedure Code and the administrative penal proceedings under the Administrative Violations and Penalties Act, highlighting its importance.

I could make some notes and recommendations on the presented dissertation, which the author should consider in the future printing of the dissertation, which I hope will follow. I recommend that the author use the term 'supervision', which is well-established in legal theory, instead of 'control' in the case of an activity carried out by a court. Although a lot of legal literature is cited, other scientific works that deserve attention and would enrich the content of the dissertation could also be mentioned. The rules for citing scientific literature could be applied more precisely. The use of abbreviations in the dissertation could also be improved.

## **V. Conclusion**

The overall reading of the dissertation leads to the conclusion that it contains scientific results that represent an original contribution to administrative law science, as provided for in Article 6 (2) of the Promotion of Academic Staff in the Republic of Bulgaria Act. The PhD student Tanya Daskalova has in-depth theoretical knowledge and ability for independent research. I have not found evidence of plagiarism or use of foreign scientific contributions in a manner not regulated by law. Due to the arguments put forward, I firmly give an overall positive assessment of the dissertation and propose to the scientific jury to award Tanya Vladimirova Daskalova with the educational and scientific degree "Doctor" in professional direction field 3.6. Law (Administrative Law and Administrative Procedure).

**Sofia, 18 May 2025**

**Assoc. Prof. Svetla Yankulova, PhD**