

# OPINION

by Dr. Boyan Todorov Georgiev

Associate Professor of Administrative Law and Administrative Procedure

at the Center for Legal Sciences of Burgas Free University

of a dissertation for the award of the educational and scientific degree "Doctor"

in the field of higher education 3. Social, economic and legal sciences

professional field 3.6 Law

doctoral program "Administrative Law and Administrative Procedure"

Author: Vasil Chavdarov Tankov

Topic: Administrative prices regulation of medicinal products in Bulgaria

Scientific adviser: Prof. Ivan Todorov, PhD- Paisii Hilendarski University of Plovdiv

## **1. General presentation of the procedure and the doctoral student**

The procedure was announced at the Faculty of Law of the Paisii Hilendarski University of Plovdiv. The candidate has submitted a full set of documents, according to the regulations. The contest documents correspond to Law on the Development of the Academic Staff in the Republic of Bulgaria, Rules for application of the law for development of the academic staff in the Republic of Bulgaria and the regulations of PU "Paisii Hilendarski". The evaluation of the proposed materials in the contest shows that there are conditions for applying for the educational and scientific degree "Doctor".

Doctoral student Vassil Chavdarov Tankov graduated from the law school of Sofia University Kliment Ohridski between 2000 and 2005. He is a doctoral student in 'Administrative Law and Administrative Procedure' from 2021.

Vasil Chavdarov Tankov is an acting lawyer with practice in the sector covering the theme of the dissertation.

## **2. Relevance of the topic**

The subject is interesting and practical from the point of view of the market movement of these products. Regarding medicinal products in Bulgaria, these market principles are not applica-

ble, and pricing is the subject of strict regulation by the state. It is the established administrative law regime for regulating the prices of the medical products in Bulgaria that is the main subject of the present dissertation work. This legal matter is not systematically analysed which gives the present work a new and important role in the legal system.

### **3. Knowledge of the problem**

Vasil Chavdarov Tankov presents a dissertation and four independent publications from scientific forums. The doctoral student is an acting lawyer in this matter with long-term practical experience. His interest is understandable because of his empirical research.

### **4. Research methodology**

The research is presented mainly in a descriptive and analytical perspective. The methodology chosen by the author is based on a collective approach, which aims to consider the chosen topic from all possible angles of knowledge. The number of literary sources presented in the dissertation is small. The review approach is also part of the contribution moment of the dissertation work.

### **5. Characteristics and evaluation of the dissertation and contributions**

The work is dissertable. The subject is extensive, undeveloped and allows the author to contribute with enough news in the field of public law in our country. This also predetermines the propositions *de lege ferenda* that the doctoral student has tried to present to doctrine and practice. The aim of the doctoral student to formulate specific draft normative proposals is also the main prerequisite for bringing the contributory points into the work.

According to the author, the contribution of the present dissertation is the legal-historical analysis in the period from 1878 to 1944 of the regulatory framework in the field of health where the pharmaceutical industry was a part and it was made in Chapter One.

Proposals for legislative amendments to the Ordinance on the conditions, rules and procedures for the regulation and registration of the prices of medicinal products are being formulated. In general, the proposals for these amendments are based on unnecessary wording and repetition of identical legislative texts. We will agree with the PhD that in the last thirty years our legal system has been suffering from a lack of qualified and erudite legal thought.

It was also suggested, as an organisational measure, that a single, public electronic register should be set up to record in real time the applications lodged, the proceedings instituted and the decisions given, indicating whether prior enforcement has been granted, whether they have been appealed and, if so, whether and when they have entered into force. We are not convinced that excessive regulation and registration of public activities has led to improving the work of our administration and its partnership with the economic sector.

Perhaps the most serious scientific value is the argumentation of the thesis on the admissibility of special jurisdictions as bodies of the administration entrusted with a judicial function according to the current constitutional model. The thesis has been developed that special jurisdiction can and function in different areas of law-administrative-criminal, civil, criminal and spread in adminis-

trative law. The activity of the Committee on Transparency of the Council of Ministers as a body, structured and acting as a special jurisdiction and respectively, is analysed and outlined.

A disadvantage of the theoretical construct is the limited analysis of scientific sources. Some of these suggestions we will agree with, especially those that are well substantiated in the dissertation. For others, we think they're still ill-conceived. The thesis that the separation of powers applies and is permissible to be applied in a limited way in our state entity, which according to the Constitution complies with this governance standard, is unacceptable. It is unacceptable that the separation of powers is applied, and it is permissible to apply limited in our state entity, which, by constitution, complies with this governing standard.

#### **6. Evaluation of the publications of the doctoral student**

Along with the dissertation, Vasil Chavdarov Tankov submitted for review four separate publications, two of which as reports to established scientific forums. The publications meet the legal requirements by being published in referred collections and carrying the necessary points for obtaining an educational and scientific degree of doctor. The publications are also included as part of the dissertation, so that no independent analysis is necessary.

#### **7. Autoreferat**

The Autoreferat meets the standards and leads the strongest sides of the dissertal work.

#### **CONCLUSIONS**

Based on the findings set out above, I believe that the dissertation could meet the requirements of the Law on the Development of the Academic Staff in the Republic of Bulgaria and the Regulations for its application for the award of educational and scientific degree "Doctor" and I propose to the honourable Scientific Jury to take a decision on the procedure announced by the Faculty of Law of Paisii Hilendarski University.

23.05.2025

Prepared the opinion:

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