

OPINION

Assoc. Prof. Konstantin Vasilev Pehlivanov, PhD, Faculty of Law, Plovdiv University "Paisii Hilendarski"

under the procedure for acquiring the educational and scientific degree of "Doctor" in area of higher education 3. Social, economic and legal sciences, professional direction 3.6. Law (Theory of State and Law)

Applicant: Kiril Stoyanov Ilchev

Dissertation: Assessment the economic impact of normative legal acts

Scientific supervisor: Prof. Yanaki Boyanov Stoilov, PhD

Host unit: Faculty of Law, Paisii Hilendarski University of Plovdiv

Primary Unit: Department of Theory and History of Law

I am submitting this opinion as a member of the scientific jury appointed by Order No RD 22-810 of 2 April 2025 of the Rector of Plovdiv University 'Paisii Hilendarski' and on the basis of Protocol No 1/17.04.2025 of the scientific jury, which assigned me to draw up an opinion.

On the admissibility of the procedure: the candidate for the acquisition of doctoral degree Kiril Ilchev has submitted the required set of documents in accordance with the requirements of Promotion of Academic Staff in Republic of Bulgaria, the Regulation on its implementation and the Regulation of the Plovdiv University. Minimum national requirements have been met. The abstract is presented in two languages and reflects the structure and contributions of the dissertation. I consider the dissertation to be admissible for consideration of the merits of the scientific contributions in it.

On the merits of the thesis:

When searching the available databases, I did not find a dissertation with such a name, I am not aware that the process of assessing the impact of regulations in economic terms has been the subject of an independent scientific study. With the theme of his research the dissertation has novelty and contribution.

The paper is divided into an introduction, three chapters and a conclusion and contains a total of 277 pages, of which the actual analytical text of the three chapters is 244 pages.

The introduction makes a good impression of the distinction between the subject and the object of the dissertation research (p. 4) and the exact methodological exposition of the tasks of the scientific work, which allows the verifiability of the scientific conclusions and the compliance of the structure of the work with the previously stated goals. It is appropriate to divide the identified problems into problems of a legal nature and problems of a non-legal nature.

Chapter One, entitled 'General Characteristic and Concept of Regulatory Impact Assessment', analyses the origins of regulatory impact assessment, starting with prototypes in antiquity; main attention is paid to the legislation and administrative practice in the USA, the author accepts that there is created the impact assessment in its modern form and attention is paid to the practice in the European Union and is moved to a study of the legal institute in Bulgaria. I find it correct to associate it with the Limitations of the Administrative Regulation

and Administrative Control over Business Activity Act and to study the events after 2003. The study of the legal institute's norms in the regulations relating to the Council of Ministers and its administration and the results of operational programmes of the European Union, which bring together the achievements of theory and practice, makes a good impression.

Author examines the achievements of the general theory of law on the term 'regulation' and the views on the positivism and existence of the normative system, which sets the doctrinal basis of the dissertation. I find the study of Dworkin's views on the concept of 'policy' as a supra-legal concept, which is aimed at positive changes in the life of society and the analysis of the relationship with the concept of 'principle' useful. The study of the concept of soft law (p. 44 et seq.) and the use of soft law instruments in assessing the impact of legal acts are also valuable. Attention is also paid to the legal and sociological issues of the impact assessment. Research on the concepts of stability and predictability in law and the social system is valuable.

Chapter Two 'Assessment of the impact of regulatory acts in the European Union and the Republic of Bulgaria – economic manifestations of the mechanism, principles and criteria, types, problem areas and deficits' deepens the scientific study' assesses the views on good governance in their development, which I appreciate as a contribution. This concept is used in acts of the Council of Europe and the Organisation for Economic Co-operation and Development, which have not been studied in detail in Bulgaria. There is a transition to the specific goals of the dissertation. The achievements of Bulgarian national law (Normative Acts Act and the Ordinance on Scope and Methodology for Execution of Impact Assessment) are compared with the achievements of Community law. The part on the economic aspects of the impact assessment and the possibilities for regulatory policy, which according to the author have not been fully exploited, is useful. I agree with the dissertation's conclusion that 'we lack separate regulations, manuals, manuals, etc., identifying or separating by type of impacts, in concrete terms for carrying out an assessment of the economic impact of the normative act' and that 'there is no available state (or non-state, mixed) competent authority to carry out and control the assessment of the economic impact'. It is also worth noting that "there is no justification for the need to introduce and respect the principles of subsidiarity and proportionality, which guide the drafting of legal acts, and the importance of their content is not defined".

Analyzed is the introduction of the mechanism for impact assessment in the LNA, which is done with a study of the bill, as well as norms on impact assessment in other regulations.

The types of impact assessment and their positive effects – ex ante and ex post, partial and comprehensive – are discussed in detail. I highly appreciate the reflection of the OECD assessment on the national mechanism. In general, I support the conclusions on the eight principles of the legislative process under Article 26(1) of the NAA. I welcome the analysis of the principles of subsidiarity and proportionality adopted by EU law as an annex to the impact assessment process.

Practically useful in law-making is the research, applied by the European Commission set RACER (p. 154 et seq.), which is a contributing side of the work.

Chapter Three 'Applications of Assessment of Impact of Normative Act' I find a useful practical and empirical complement to the research in the dissertation, with the theoretical core remaining Chapter Two. Here are introduced elements of interdisciplinarity and economic research, which I find justified and useful in legal analysis. The steps to be carried out in the assessment of the economic impact of the legal act are outlined in detail and consistently.

In general, I give a positive assessment of the work, an in-depth analytical work has been carried out with elements of interdisciplinarity and consideration of the economic effects of legal regulation, and such studies are not very much in our country.

As a weakness of labor, I would point out a considerable amount of spelling and stylistic errors that are easily removable if the author wishes to publish the labor.

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

In conclusion, I find that, with the qualities of the dissertation presented, entitled ‘Assessment of the economic impact of normative legal acts’, the applicant Kiril Stoyanov Ilchev deserves the award of the educational and scientific degree of ‘Doctor’ in the area of higher education 3. Social, economic and legal sciences, professional direction 3.6. Law (Theory of State and Law).

Drafted the opinion

(Assoc. Prof. Konstantin Pehlivanov)

13.05.2025

Plovdiv