

OPINION

by Prof. Dr. Plamen Alexandrov Panayotov, member of the scientific jury in the competition for the academic position of Professor – field of higher education 3. Social, economic and legal sciences, professional field 3.6. Law, specialty Criminal procedure, announced by the University of Plovdiv "Paisii Hilendarski" in State Gazette, issue 96/11.11.2025, with candidate Associate Professor Dr. Ekaterina Salkova Getova

1. Prof. Dr. Ekaterina Salkova Getova is the only candidate in the competition for Professor of Criminal Procedure at the Faculty of Law of the University of Plovdiv "Paisii Hilendarski". For her participation in it, she presents twenty-five scientific papers that have not been used by her in acquiring the educational and scientific degree of "Doctor" and in occupying the academic position of "Associate Professor". One of them is a habilitation work – the monograph ‘Current Issues of Criminal Procedural Functions’ /Plovdiv: University publishing house "Paisii Hilendarski", 2026, 187 pp. / and the rest are scientific studies, articles and reports.

2. Prof. Dr. Ekaterina Salkova's professional career is characterized primarily by the extremely fruitful combination of her research, teaching and practical activities. This is due to its high expertise in the field of criminal sciences. She holds a Master's degree in Law from the University of Sofia “St. Kliment Ohridski”. In the period 2001-2013 she was consecutively Research Fellow III, Research Fellow II and Research Fellow I/ Chief Assistant at the Institute of State and Law at the Bulgarian Academy of Sciences. She has been an associate professor of criminal procedure since 2013. At the same time, she has been an associate professor at the University of Plovdiv "Paisii Hilendarski"

since 2019. Since 2006, she has been a doctor of law following a successfully defended dissertation on the subject of ‘Termination of Criminal Proceedings’.

Prof. Dr. Ekaterina Salkova has significant consulting activity both in scope and results as a collaborator and as a chief expert assistant in the National Assembly and in the Ministry of Justice. In connection with this activity, she has participated in expert groups in the preparation of numerous bills. Since 2010, she has been an ad hoc judge at the European Court of Human Rights, Strasbourg. Prof. Dr. Ekaterina Salkova is Head of the Department of Criminal Sciences at the Institute of Criminal Law of the Bulgarian Academy of Sciences, Chairwoman of the General Assembly of Scientists at the Institute of Criminal Law of the Bulgarian Academy of Sciences, Member of the General Assembly of the Bulgarian Academy of Sciences and Chairwoman of the Committee on Regulatory and General Academic Acts at the General Assembly of the Bulgarian Academy of Sciences.

3. The monograph ‘Current Issues of Criminal Procedural Functions’ is an in-depth, comprehensive and highly up-to-date study. Its structure includes an introduction, three chapters and a conclusion. Finally, a bibliography is included.

The subject of the study suggests an answer to a number of important questions for criminal procedural law - whether there is a basis in the current legislation for the separation of new criminal procedural functions, as well as whether it has determined significant differences in the content of the already separated ones. Arguing conclusions on these issues is essential not only theoretically, but also practically - it allows a comprehensive view of what the criminal process is under modern conditions. The high scientific value of the research is contributed not only by its precisely defined subject. To all the main questions included in this subject, monograph work offers convincing answers. And this is due not only to the high professional capacity of the author, nor only

to the clear and precise language of the exhibition, characterized by necessary clarifications of the content and volume of the concepts used. The correct system of methods is also important when carrying out the study. Among them are the historical, legal and comparative legal methods of research. The analysis is based on the interpretation of provisions not only of national law, but also of international and EU law. The detailed knowledge of the relevant case-law of the Constitutional Court, the Supreme Court of Cassation and the Supreme Administrative Court, as well as of the Court of Justice of the European Union and the European Court of Human Rights also contributes to the results achieved. It should be explicitly stressed that the work in question is the first monographic study in several decades specifically dedicated to clarifying the nature and content of criminal procedural functions.

Along with these general merits, the work is distinguished by many specific contribution points, some of which are the following:

- it is reasonable to assume that in criminal proceedings it is possible to carry out only the function of direction and resolution without having to perform the function of prosecution and the function of defence - when some of the conditions for discontinuing criminal proceedings are met or when, despite the efforts made, the offender remains unrevealed;

- the features of control and supervision are systematized as manifestations of control activities in criminal procedural law, which distinguish them from control and supervision activities in administrative law;

- additional arguments are put forward in support of the thesis that the specificity of the activities of the investigative bodies in the pre-trial phase of the process leads to the need to establish a new criminal procedural function - an investigative function. Clarity on this point would help to delineate the limits to which the powers of the prosecutor at the pre-trial stage extend and beyond

which procedural subordination unduly affects the operational autonomy of the investigating authority;

- the need for changes in legislation to establish and ensure a balance of powers and, in some cases, mutual control between the pre-trial authorities is justified;

- it is justified that the powers of the court in the pre-trial phase of the trial are a manifestation of a human rights function - their purpose is to ensure judicial protection of the rights and legitimate interests of citizens and legal persons;

- it is clearly understood that the human rights function of the court in the pre-trial proceedings does not seize from the prosecutor the function of leading and resolving this phase of the process;

- the argument that the court performs a human rights function in both the pre-trial and trial phases leads to the conclusion that it is also the main guarantee of the rule of law and the rights of legal subjects;

- clarified in detail are the four directions in which the indictment function is manifested - raising, proving, maintaining and justifying the indictment;

- a number of problems of personnel policy in the formation of the SJC and that implemented by the SJC have been systematized and possible ways of solving them have been proposed;

- the function of defence and the rights of the defence have been considered in a comparative manner;

- a number of questions of a theoretical and practical nature related to the participation in the process of the new subject of criminal procedural relations - the legal person concerned have been clarified;

- arguments are put forward in support of the understanding to maintain the possibility of joint consideration of the civil claim in criminal proceedings;

- in view of the subject of the study, a number of well-substantiated proposals de lege ferenda have been made.

Given the outlined contributions of habilitation work, it is undoubtedly necessary to conclude that it is of great theoretical and practical importance for the formation of a modern criminal policy on the overall functioning of criminal proceedings.

4. Prof. Dr. Ekaterina Salkova presents twenty-four other scientific publications for her participation in the competition, some of which are co-authored. They are original and contain significant contributions to the study of various problems of procedural and substantive criminal law, which are not the subject of the monograph work under consideration. They also propose a way to solve the problems discussed, including through reasoned de lege ferenda proposals. The analysis and the conclusions reached are based on the interpretation of provisions of mostly three legal orders – national law, international law and EU law.

5. In general, the scientific work of Assoc. Prof. Dr. Ekaterina Salkova are a novelty in science and are the result of the author's personal research work. At the same time, it demonstrates her ability to identify important problems for society, to explore them thoroughly and to offer convincing ways to solve them.

In conclusion, given the stated merits of the research, teaching and practical activities of Associate Professor Ekaterina Salkova, I consider that she meets all the conditions for holding the academic position of professor under Article 29 of the Law on the Development of Academic Staff in the Republic of Bulgaria. Therefore, I strongly recommend to the scientific jury to propose to the Faculty Council of the Faculty of Law of the University of Plovdiv "Paisii

Hilendarski" to choose Assoc. Prof. Dr. Ekaterina Salkova for the position of professor of criminal procedure,

Sofia

Drafted the opinion:

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/Prof. Dr. Plamen Panayotov/