

OPINION

by Prof. Dr. Ivan Todorov Todorov – Professor of Administrative Law and Administrative Procedure

on 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: *Maria Ilieva Zlatanova*

Topic: “*Administrative Legal Regime of Food Supplements*”

Scientific Supervisor: *Prof. Dr. Sc. Darina Peeva Zinovieva*

1. General presentation of the procedure and the doctoral candidate.

By Order No. ПД-22-1462/22.07.2026 of the Rector of Plovdiv University “Paisii Hilendarski” (PU) I have been appointed as a member of the scientific jury to ensure the procedure for the defense of a dissertation on the topic “Administrative Legal Regime of Food Supplements” for the acquisition of the educational and scientific degree “Doctor” in: field of higher education 3. Social, Economic and Legal Sciences, professional field 3.6 Law, doctoral program “Administrative Law and Administrative Procedure”.

The author of the dissertation is Maria Ilieva Zlatanova – a doctoral candidate on independent preparation at the Department of “Public Law Sciences” with scientific supervisor Prof. Dr. Sc. Darina Peeva Zinovieva.

The set of materials on paper presented by Maria Ilieva Zlatanova is in compliance with Art. 36 (1) of the Regulations for the Development of the Academic Staff of PU and includes the following documents:

- application to the Rector of PU for initiating the procedure for the defense of a dissertation;
- curriculum vitae in European format;
- protocol from the department council related to reporting the readiness for initiating the procedure and the preliminary discussion of the dissertation and opinion from the scientific supervisor;
- dissertation;
- abstract;
- list of scientific publications on the topic of the dissertation;
- copies of scientific publications;
- reference for compliance with the minimum national requirements;
- declaration of originality and authenticity of the attached documents;

The doctoral candidate has submitted 4 publications.

The doctoral candidate has impressive practical experience in the field of her dissertation.

2. Relevance of the topic.

This is the first comprehensive legal work on the topic. And the topic of the dissertation is extremely important and relevant. The packages of food supplements consumed by the EU population are about 10% of the packages of medicines, with the percentage of food supplements. The consumption of food supplements has increased in volume by about 25% over the last five years, and the rate of increase is more than 2 times higher than that of medicines.

3. Knowledge of the problem.

The dissertation demonstrates a thorough theoretical and practical knowledge of the

problem, which is also evident from the impressive scientific apparatus that has been used.

4. Research methodology

The doctoral candidate makes a detailed analysis of each problem, and then summarizes the results in significant theoretical generalizations. She skillfully combines the cited case law, including that of the General Court of the EU and the Court of Justice of the EU, with the doctrine. She applies systematic, logical and grammatical interpretation of the legal framework very accurately.

5. Characteristics and evaluation of the dissertation and contributions

The dissertation is characterized by an optimal combination of a detailed analysis of the regulatory framework, including European law, with practical examples, analysis of case law and comparative legal analysis, which lead to significant scientific contributions.

First of all, the author makes an extremely detailed clarification of the concept of food supplements. A contribution is the exhaustive distinction of this concept from other more general, narrower, related or relevant concepts. Particularly important are the conclusions that a number of substances with proven physiological, and often pharmacological, effects are allowed as food supplements without assessment, and only because they are not prohibited. And very correctly the author concludes that this poses a risk to consumers.

The author demonstrates extensive knowledge of European regulations. A contributory point is the establishment of the degree of partial harmonization with regard to food supplements, which the author does after a thorough analysis of the founding Regulation 2002/436/EC and the relevant EU directives and regulations.

A definite scientific contribution is also the conclusion that the European regulation on food supplements is fragmented, which seriously hampers national regulation. As a result, the national legal framework does not overcome some of the terminological inconsistencies and the completeness and systematicity of the regulation.

Of significant interest is the comparative legal analysis of the regulation of food supplements in four countries outside the EU. The author concludes that there is also no comprehensive regulatory model there.

The work makes a comprehensive analysis of the principles of European law applicable to the legal regime of food supplements, and this is very successfully combined with the instruments for the implementation of these principles, which should be fully developed in our national legal regulation as well.

Of particular practical importance is the author's research on determining the competence of the BFSa and the Ministry of Health for substances in food supplements with psychoactive, pharmacological and stimulating effects. The author identifies precisely what the gap in the regulatory framework on this issue consists of.

The author identifies a discrepancy in the terminology of a number of relevant concepts in our national legal framework compared to the European one. The conclusion is for terminological inconsistency that should be overcome. The author's specific findings are very relevant and significant – for example, in national law the term “substances” is used instead of the terminology of Directive 2002/46/EC “substances with a nutritional or physiological effect“.

An important practical conclusion is about the overlapping competences of the CPC, BFSa, the Ministry of Health and the respective municipal authorities.

Very accurate is the author's conclusion about poor legal technique – that the sanction provisions under national law contain numerous references to European law, as well as to provisions of domestic law, which not only makes law enforcement difficult, but also makes the sanction provisions difficult to understand by their addressees.

The scientific contributions are by no means exhausted by those mentioned.

It was difficult for me to find shortcomings to point out. To the extent that they exist, they are not significant and in no way affect my high assessment of the scientific work.

Perhaps the author should consider her conclusions regarding Art. 3, para. 1 of the

Ordinance on Food Supplements. This text allows a food supplement to be placed on the market before registration when it meets the requirements of the Ordinance. According to the author, *“Logically, this presupposes a previously completed registration procedure.”* In fact, a food supplement may comply with the Ordinance without being registered. The assessment and responsibility for this belongs to the respective distributor. The registration may or may not confirm this assessment. Additionally, a registration may be unreasonably refused, against which there is appropriate protection. A separate question is whether the permission under Art. 3, para. of the Ordinance on Food Supplements is the best solution.

Perhaps the author should consider whether the court, after annulling the act, cannot issue the act instead of the authority, since Art. 3, point 12 of Regulation 2019/1020 provides a legal definition of “serious risk”. The court should assess whether this legal requirement of the hypothesis of the legal norm is fulfilled, i.e. there is no discretion on this issue. And the author notes that for this purpose the court can use expert witnesses, i.e. it does not need the special knowledge of the authority. When the court has established whether there is or is not a serious risk and provided that the issue is not left to the discretion of the administrative authority, then according to Art. 173, para. 1 of the Administrative Procedure Code, after annulling the act, the court decides the case on its merits. The nature of the act (para. 2 of Art. 173) allows the court to decide the case on its merits, because the decision can be written in verbal form and no special formatting is required. The fact that in practice the court in the vast majority of cases always returns the case is a matter of unlawful practice in order to save itself work.

6. Assessment of publications and the personal contribution of the doctoral candidate.

The publications reflect the essential contributory points of the dissertation.

7. Abstract.

The abstract accurately and in detail reflects the main scientific contributions, conclusions and proposals in the dissertation.

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

The conclusions of the doctoral candidate are definitely very useful for practice, and the dissertation should be popularized among practicing lawyers. The work will be extremely useful for improving the legislative framework on the topic.

CONCLUSION

The dissertation contains significant scientific contributions and **meets all the requirements** of the Law on the Development of the Academic Staff in the Republic of Bulgaria (LDASRB) and the Regulations for the Implementation of the LDASRB.

The doctoral candidate Maria Ilieva Zlatanova visibly demonstrates **thorough theoretical knowledge and professional skills** in the doctoral program “Administrative Law and Administrative Procedure” and shows skills for conducting independent scientific research.

In view of the above, I give my categorical **positive assessment of** the dissertation and **propose to the scientific jury to award the educational and scientific degree “Doctor”** to Maria Ilieva Zlatanova in the field of higher education 3. Social, Economic and Legal Sciences, professional field 3.6 Law, doctoral program “Administrative Law and Administrative Procedure“.

30.09.2026

Opinion prepared by:

Prof. Dr. Ivan Todorov