

To
The Chairperson of the Scientific Jury,
appointed by Order No. RD-22- 1462/22.07.2026
24 Tsar Asen Str.
4000 Plovdiv

OPINION

by Prof. Momchil Stefanov Mavrov, PhD

Area of Higher Education 3. Social, Economic and Legal Sciences,
Professional Field 3.6 Law,
Professor at the Faculty of Public Health, Medical University – Sofia

Regarding: Dissertation thesis on the topic "The Administrative Law Regime of Food Supplements" authored by Mariya Ilieva Zlatanova for the award of the educational and scientific degree of "Doctor" (PhD) in Area of Higher Education 3. Social, Economic and Legal Sciences, Professional Field 3.6 Law, Doctoral Program "Administrative Law and Administrative Process" at the Faculty of Law of Plovdiv University "Paisii Hilendarski", with Scientific Supervisor Prof. Darina Zinovieva, D.Sc.

DEAR MEMBERS OF THE SCIENTIFIC JURY,

By Order No. RD-22-1462/22.07.2026 of the Rector of Plovdiv University "Paisii Hilendarski", I have been appointed as an external member of the scientific jury in a procedure for the defense of the educational and scientific degree of "Doctor" in Area of Higher Education 3. Social, Economic and Legal Sciences, Professional Field 3.6 Law, Doctoral Program "Administrative Law and Administrative Process". By decision of the scientific jury, I was assigned to provide an opinion in this procedure.

1. Brief information about the Doctoral Candidate

Mariya Ilieva Zlatanova obtained the Master's degree in Law in 1996 at Sofia University "St. Kliment Ohridski". Her professional background demonstrates a versatile profile built through over 30 years of total legal experience and practical work within judicial authorities.

2. General remarks on the submitted materials

Mariya Ilieva Zlatanova was enrolled as a PhD student in independent training in the Doctoral Program "Administrative Law and Administrative Process" at the Department of Public Law Sciences, Faculty of Law, Plovdiv University "Paisii Hilendarski". By decision of the Faculty Council of the Faculty of Law (Protocol No. 141/02.06.2026), she was discharged with the right of defense.

In accordance with the eligibility requirements of the procedure, Mariya Zlatanova has submitted a complete set of documents. The Author's Abstract has been prepared precisely, reflects the structure of the dissertation, and allows tracking the main results and contributions of the scientific research.

In addition to her dissertation thesis, the doctoral candidate presents 4 publications in specialized academic journals, which thematically correspond to the issues examined in the thesis in the field of the legal framework governing food supplements and demonstrate an in-depth knowledge of the subject matter.

Having reviewed the materials submitted in this procedure, I accept that the doctoral candidate meets the minimum requirements of the Development of Academic Staff in the Republic of Bulgaria Act (DASRBA), the Regulations for the Implementation of DASRBA, and the Regulations for the Development of Academic Staff of Plovdiv University "Paisii Hilendarski".

3. General characteristics and evaluation of the dissertation thesis

The dissertation thesis submitted in this procedure comprises **202 pages** and includes an *introduction, three chapters, a conclusion, appendices, and a bibliography.*

I consider that the thesis is of significant importance to legal doctrine, incorporating a new concept regarding the legal regime of food supplements – presented as an independent interdisciplinary subsystem of food law. The author convincingly substantiates the relevance and significance of the topic and correctly outlines the subject matter and methodology of the research.

In **Chapter One** of the dissertation thesis, Mariya Zlatanova lays the theoretical and conceptual foundations of the study, a contributory aspect being the analysis of the legal definition and the derivation of the five main elements comprising the concept of "food supplements". On this basis, a comparison is made with similar but distinct legal categories, with an emphasis on distinguishing food supplements from medicinal products. The tables added in the appendix valuable build upon the theoretical analysis, systematising the regulatory framework and distinguishing criteria into a structured and practically oriented algorithm for legal qualification of products.

Attention is also drawn to the study of the principal subjects and auxiliary concepts, including the framework for official control under Regulation (EU) 2017/625, the national expansion of the scope of the concept of "business operator", and the abstract model of the "average consumer". An important contributory element is the analysis of partial harmonisation under EU law. The model of the national legal framework is successfully presented through a comparative legal analysis of the liberal (USA), authorisational (Canada), and mixed (Japan) regulatory models. A valuable outcome of the exposition in this chapter is the formulation of the conceptual framework for food supplements as a specific interdisciplinary subsystem of food law, maintaining a balance between health protection and the free movement of goods.

Chapter Two is dedicated to the legal regime governing the production, placing on the market, and provision of information on food supplements. The exposition examines the general principles of EU law and the specific instruments for their implementation under Regulation (EC) No 178/2002, the national institutional framework, the powers of competent authorities and their allocation, and the specific features of the registration regime. The second half of the chapter covers the European institutional structure, nutrition and health claims under Regulation (EC) No 1924/2006, as well as the rules on labelling, presentation, and advertising pursuant to Regulation (EU) No 1169/2011 and Directive 2002/46/EC.

Among the main contributory moments stands out the critical analysis of the regulatory framework at the national level, leading to ineffective control and an increased risk of violating the *ne bis in idem* principle.

Based on CJEU case-law in the area of food supplements, the PhD student substantiates the thesis that classifying a significant portion of food supplements as foodstuffs serves as an

instrument to exclude them from the scope of medicinal product regulation, which leads to legal uncertainty, lack of synchronization in control, hindered prevention of public health risks, and an imbalance between the free movement of goods and consumer protection.

In the section on nutrition and health claims concerning food supplements, the author provides a thorough systematisation of concepts, a key contribution being the derived chronology and the examination of the issue of over 2,000 "pending" claims. Through an analysis of CJEU case-law, the author reveals the existing time-unlimited legal uncertainty regarding compliance with health claims during placing on the market, production, and supply of food supplements.

The author identifies the conflict between the differentiated liability of subjects under EU law and objective administrative-penal liability under Bulgarian legislation. In this regard, Mariya Zlatanova proposes refining the national framework through a more precise definition of the subjects of liability and distinguishing liability among manufacturers, importers, and traders.

Chapter Three examines administrative coercion and administrative-penal liability as the primary instruments of administrative control. The author investigates the powers and institutional competence of supervisory authorities, outlining existing overlaps and the need for regulatory coordination. A contributory moment is the analysis of specific coercive administrative measures, the features of their appeal and preliminary execution, as well as *de lege ferenda* proposals for the express regulation of the types of coercive administrative measures and for improving the framework regarding their preliminary execution. The PhD student substantiates the thesis that the effective application of coercive administrative measures and administrative penalties requires a rethinking of the regulatory framework due to the lack of clear distinction and effective allocation of powers among supervisory authorities. The author concludes that successful control depends to a large extent on the burden of proof, and the discussed judicial practice shows serious difficulties at the stage of collecting evidence in judicial proceedings, particularly in e-commerce involving food supplements.

A detailed comparative legal analysis is also applied to the legal framework governing unfair competition and unfair commercial practices in the supply and advertising of food supplements, deriving significant conclusions regarding the interaction between the different legal regimes under the Protection of Competition Act and the Consumer Protection Act. Mariya Zlatanova substantiates the thesis that infringements extend beyond formal non-compliance of labels or the use of unauthorised health claims, encompassing the overall presentation of the product through suggestions and context that directly affect the economic behavior of the consumer. The legal analysis of terminological divergences between national and European legislation, which create serious difficulties for law enforcement authorities, is of contributory value. The author highlights the existing normative and practical gap in the so-called "borderline cases" – various formulations that formally fall within the scope of permissible health claims, but generate exaggerated consumer expectations of a health effect.

The PhD student examines specific cases from the practice of the Commission for Protection of Competition, which focuses on unfair competition between traders and emphasizes the difficulties in allocating liability along the entire supply chain where advertising content is created, commissioned, and disseminated by multiple distinct subjects.

The identified problems and challenges are synthesized in the conclusion of the work, where the doctoral candidate systematises the conclusion that control over food supplements is characterized by a high degree of institutional and normative fragmentation, which carries risks of overlapping competences and ineffective control. The conclusions and formulated *de lege ferenda* proposals for improving the regulatory framework have an undisputed scientific and applied

contribution. Mariya Zlatanova convincingly substantiates the need for regulatory coordination, clear institutional concentration of supervisory authorities, and a rethinking of the legal balance between legal and market principles to achieve real consumer protection. A valuable contribution with direct practical applicability is the appended 10-step test for the legal qualification of health claims in food supplements, which determines supervisory powers and successfully identifies typical infringements.

As a remark on the scientific study, one could point to the need for a more precise and critical analysis of the relationship between the general law (Administrative Violations and Sanctions Act) and special regulations. In certain places, inaccuracies in legal conclusions are observed – for example, regarding the applicability of reduced financial penalties under Art. 79b of the Administrative Violations and Sanctions Act or the derivation of competence for coercive administrative measures without express legal delegation. Additionally, attention could be paid to a more systematic cross-referencing within the text to the rich appendix material.

I consider that the submitted dissertation thesis of Mariya Zlatanova possesses high scientific originality, depth, and a clearly formulated scientific and applied character.

I recommend that the author continues her scientific research in the field and makes her work accessible by publishing it as a book.

4. Conclusion

In view of the above, I convincingly give my positive evaluation and propose to the scientific jury to award the educational and scientific degree of "Doctor" (PhD) to Mariya Ilieva Zlatanova in Area of Higher Education 3. Social, Economic and Legal Sciences, Professional Field 3.6 Law, Doctoral Program "Administrative Law and Administrative Process".

29 September 2026

PROF. MOMCHIL MAVROV