

Review

by Prof. Tzvetan Sivkov, Doctor of Legal Sciences, lecturer at the University of Sofia “St. Kliment Ohridski” and titular internal member of the scientific jury regarding the candidacy of Senior Asst. Prof. Kapka Svetoslavova Georgieva-Atanasova, PhD, in a competition for the academic position of “Associate Professor” in the field of higher education: 3. Social, economic, and legal sciences, in the professional field: 3.6. Law (Administrative and Administrative Process) at the University of Sofia “St. Kliment Ohridski”

The only participant in the competition Senior Asst. Prof. Kapka Svetoslavova Georgieva-Atanasova, PhD

Over the years I have often had to write opinions and reviews aimed at assisting the development of colleagues who need to take the next step in their scientific, academic, or professional careers. I always did this with the sense that I was participating in an important event - reaching a certain, new level of development.

This review is special to me because it is dedicated to the competition in which the candidate is Sen. Asst. Prof. Kapka Georgieva-Atanasova, PhD. She started her work at the Faculty of Law with my personal participation, albeit in a difficult way, developed as a scientist and as a lecturer in the Department of Administrative Law and now quite legitimately, deservedly and justifiably passes to the next stage of her professional development in the scientific and teaching sphere - the academic position of Associate Professor of Administrative Law and Administrative Procedure, in which I have no doubt. My review was commissioned after I was elected as a member of the jury and after its first meeting.

Dr. Kapka Georgieva-Atanasova graduated in law from Sofia University “St. Kliment Ohridski”. She has worked in the administration of the Commission for Forfeiture of Illegally Acquired Assets and the Council of Ministers of the Republic of Bulgaria. This gave her the opportunity to gain practical and legislative experience, which is important for her growth as a lawyer and as a theoretical scholar, as well as in teaching at the Faculty. From 2012 to 2016, she was an assistant professor and from 2016 to the present - a senior assistant

professor at SU, Faculty of Law. She teaches seminars and lectures on various public law subjects. In 2015 she successfully defended her PhD thesis on "Administrative Acts of the Energy and Water Regulatory Commission in the field of energy".

Kapka Georgieva, PhD, has a number of publications - monographs, studies, articles, conference papers. She works actively in the field of administrative law theory. Some of these publications were submitted to the competition for Associate Professor and are subject to review and peer review. My personal observations and also editing some of her works enable me to say that Georgieva, PhD, has grown as a serious scholar, a thorough researcher and a searching lawyer. This makes her participation in the current competition and her future habilitation legitimate.

Her main work, which she recently published, is devoted to the procedures for granting protection to foreigners under the Asylum and Refugee Act¹. It fulfilled the requirement of submitting a published monograph other than a doctoral thesis for competition for an associate professorship. I believe that this work has a serious place in Bulgarian public law literature. On the one hand, it is a poorly researched issue. On the other hand, due to a number of circumstances - political, social and geographic - in this area of the work of executive bodies and courts, there is an accumulated practice, which the author manages to examine, analyse and summarize, and together with that to propose in a comprehensible way the necessary legislative changes. Thus, this monograph is an extremely valuable work from a practical and theoretical point of view, because it is the first comprehensive study of the procedures for granting protection to foreigners. The content is properly distributed in terms of logic and the volume of the subject matter. It is systematically arranged and enables the author to present the matter and her theses on the individual proceedings, their regulation and the prospects of their possible continuation.

The historical development, the old legal framework, the current legal order and, of course, international instruments in their dynamics are examined. The coherence and logical connection between international, European and domestic law is well presented. This is an extremely difficult task, which Georgieva, PhD, has tackled with an elegance that contributes to the easy reading and understanding of the text.

¹Georgieva-Atanasova, K. The Proceedings on Granting Protection to Foreigners under the Asylum and Refugee Act /Administrative Legal Regime/, S., Nova zvezda, 2022.

The basic principles of the protection of foreigners have been correctly identified and applied in the international, European and domestic legal order.

The author's approach to presenting the different procedures depending on the type of protection sought is to be commended. The administrative authorities that have competence in this area are discussed. These analyses show the author's deep and substantive knowledge of the mechanisms of administration and their normative regulation. Important for theory and practice are the distinctions of "state body" and "body of state administration". Of interest to me are Dr Georgieva's reflections on delegation of powers.

The focus of the work is the examination of the various proceedings. They are presented from the perspective of the theory of administrative procedure and from the perspective of special laws. The proposals for requisites are interesting, and the fact that most persons do not know Bulgarian is taken into account. A number of peculiarities of the proceedings are analysed, in addition to the fact that they involve people who, as a rule, do not know Bulgarian and find it difficult to orient themselves in Bulgarian reality. The tacit withdrawal and its consequences are very well explained. It would be good for the author to present in the future a generalized theoretical model of this important institution.

The analysis of the supervision of the acts of law enforcement authorities and the trends in the development of the case law is interesting. The study of these trends could also be the subject of a publication of its own, because the situation in the world and in Europe suggests that the demand for protection by foreigners will continue and may, in certain circumstances, increase.

The proposals for amendments to the legislation are interesting, justified and sensible. They show the author's knowledge of the subject and her desire to contribute to the improvement of the legislation.

The monographic research presented by Dr Georgieva is important for the development of legal theory and has implications for practice. It meets the requirements of the law, the regulations, the traditions of the SU and the Faculty of Law, and the practical objectives of the research.

The article on the imposition of administrative penalties by administrative act discusses the need to overcome such practice². Particularly important and topical is the article on legal aid to displaced persons from the Republic of

² Georgieva, K. On the Possibility of Imposing Administrative Penalties by Individual Administrative Act. In Sb. Papers from the Conference "50 Years of the Administrative Offences Code - History, Traditions, Future", Sofia University, 2020.

Ukraine³. The conclusion that legal aid is unlawful for foreigners covered by temporary protection is justified and should lead to the necessary action by the competent authorities. Changes in some areas are also proposed.

I would also like to draw attention to the study "On the implementation of Article 40, paragraph 2 of the CRB" co-authored with Assoc. Prof. Kuzmanova, published in the proceedings of the NBU conference⁴.

The basis of the study is the restriction of the right to exercise the freedom to disseminate opinion through the mass media and the types of restrictions.

Interesting is the assertion that the legal consequences of the constitutional provision can define it as a sanctioning norm. The specific offence is determined by the type of offence. The legislator has provided sanctions for the violation - penalties for natural persons and sanctions for legal persons. The conclusion is that, despite the constitutional and statutory regulation, the protection of the public is not guaranteed, or at least not at the necessary level. Ideas for improvement of the legislation are formulated.

Both the monographic study and the other works with which Georgieva, PhD, participated in the competition show a thorough knowledge of the subject matter, a flair for theoretical reflection and an aspiration for a comprehensive study of the problems posed for research. This gives me reason to believe that the new academic position is well deserved by Kapka Georgieva, PhD, and it will help her develop her positive professional qualities as a lecturer and as a scholar.

As a candidate for the academic position of “associate professor”, Kapka Georgieva, PhD, has fulfilled all the minimum national requirements under Article 2b of the LDASRB. The candidate's authority is also proved by the fact that her works are frequently cited by the collegial community. She has the required teaching load. She is also respected by students.

In conclusion, I express my strong confidence that Senior Asst. Prof. Kapka Georgieva, PhD, **has** the necessary qualities as a researcher and lecturer to hold the academic position of “**Associate Professor**” at Sofia University, Faculty of Law. The requirements of the Law on the Development of Academic Staff in the Republic of Bulgaria have been met. I will vote *positively* and urge the other members of the jury to do the same.

³Georgieva, K., On the issue of legal aid for displaced persons from the Republic of Ukraine, Administrative Justice, 2022, №2

⁴Georgieva, K., On the application of Article 40, paragraph 2 of the CRB, co-authored, Proceedings of the National Scientific and Practical Conference "Media in Bulgaria", NBU, Department of Law, 2020, pp.101-124.

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Sofia,

Prof. Tzvetan Sivkov, Doctor of Legal Sciences