

OPINION

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Pursuant to the procedure for acquiring the academic position of associate professor at the Faculty of Law of Sofia University "Sv. Kliment Ohridski", Administrative Law Studies Department

I am submitting this opinion as a member of a scientific jury in the procedure for acquiring the academic position of associate professor at the Faculty of Law of Sofia University "Sv. Kliment Ohridski", Administrative Law Studies Department, announced in the Official Gazette, no. 92 of 2022, as the scientific jury was appointed by Order of the Rector of Sofia University No. RD No. 38-664/20.12.2022. According to the decision of the first meeting of the scientific jury, I was assigned to prepare an opinion.

In the announced competition for the academic position of associate professor, the only candidate who submitted documents was Mrs. Kapka Svetoslavova Georgieva-Atanasova. At present she holds the academic position of chief assistant professor at the Faculty of Law of Sofia University "Sv. Kliment Ohridski", Administrative Law Studies Department. The candidate was allowed to participate in the competition by decision of the eligibility committee, protocol dated 19.01.2023.

The applicant meets the minimum national requirements, for which she has submitted a detailed reference, and the procedure is admissible for substantive evaluation before the scientific jury.

Since the procedure is for occupying an academic position and the scientific jury in this case is an advisory body of the Faculty Council of the Faculty of Law when conducting an election for occupying the position, I examine the submitted application according to three indicators of compliance with the requirements that the higher education institution - employer will make to a person holding the academic position of associate professor at the Faculty of Law: 1. acquired education, educational qualifications and educational and scientific degrees, 2. professional experience in teaching and other areas of law and 3. quantity and quality of the candidate's scientific output.

According to the first indicator - acquired education, educational qualifications and educational and scientific degrees:

The candidate Mrs. Kapka Georgieva-Atanasova has submitted a diploma for the completed educational qualification degree "master" with the professional qualification "lawyer" at the Faculty of Law of the University of Sofia with an average score of 5.89 in the semester exams and an average score of 6 in the state exams in 2005. This is proof of excellent theoretical training in the specialty.

Evidence of the mandatory prerequisite for acquiring the academic position of associate professor pursuant to Art. 24, para. 1, item 1 of the Promotion of the Academic Staff in the Republic of Bulgaria Act 2010 - acquisition of the educational and scientific degree "doctor" in 2015 has been submitted. The acquired educational and scientific degree is in doctoral program "Administrative Law and Administrative Process", and as far as the competition is held for teaching in this discipline, proof of acquired academic skills is even more valuable.

I did not find submitted documents for other postgraduate qualifications and specializations, but I find the attached ones quite sufficient.

According to the second indicator - professional experience in teaching and other areas of law

The candidate Mrs. Kapka Georgieva-Atanasova occupied the academic position of assistant professor on 06.04.2012, and since 06.06.2016 she had held the academic position of chief assistant professor. At the time of the final meeting of the scientific jury, she will have held academic positions of a non-habilitated person for more than 11 years. This covers and by far exceeds the requirements of both Art. 24, para. 1, item 2 of the Promotion of the Academic Staff in the Republic of Bulgaria Act, as well as of Art. 105, para. 1, item 2a. of the Regulation on the Terms and Conditions for Acquiring Scientific Degrees and Occupying Academic Positions at University of Sofia "Sv. Kliment Ohridski". The long-term experience (over 10 years) in the positions of assistant professor and chief assistant professor I find to be a particularly important prerequisite - the candidate has had many years of experience in working with students, she was able to design and test her own teaching and assessment models, she had gained considerable experience from the joint work with habilitated professors. In case of election for occupation of the academic position of associate professor, I consider that Kapka Georgieva-Atanasova would immediately begin to successfully perform the duties of the position.

In the candidate's CV, the practical experience in the executive as a legal inspector in the Directorate "Forfeiture on behalf of of the state" of the Commission for Confiscation of Illegally Acquired Property and an adviser in the political cabinet of the Deputy Prime Minister on justice reform and the fight against corruption is impressive. This has given her personal observations in the procedural features of substantive law enforcement proceedings and a critical view of the mechanisms of executive that she will eventually have to teach. Such practical experience of working in the executive branch is quite valuable for the professor of Administrative Law and Administrative Procedure, and I find it a valuable asset to the candidate.

According to the third indicator - quantity and quality of the candidate's scientific output

The candidate has fulfilled the mandatory requirement under Art. 29, para. 1, item 3 of the 2010 Act – a dissertation entitled Proceedings to Grant Protection to Foreigners under the Asylum and Refugees Act, 2022, ISBN 978-619-198-168-7 has been filed and according to the definition of the law, it corresponds to the requirements for a monograph, it has a volume of 300 pages, with scientific editor. I find the work valuable and beneficial. The matter has been studied many times in our law in separate publications, but I am not aware of a monograph devoted to the problem and considering it in its entirety. The presented work is of a high scientific level, it is systematically divided into three chapters, successively examining the legal framework at the national and international level, the second chapter examines the specific administrative proceedings and the competent authorities, with justified criticism and proposals for changes in the legislation. The relevant case law is analyzed. The third chapter contains an analysis of the other two main types of protection for foreigners provided under Bulgarian law - asylum and temporary protection, and the various competent authorities are examined. The analysis of the temporary protection granted for the first time in the European Union and the problems related to it, as well as the possibilities for judicial review, are of contributory character. I find the presented monographic work to be by itself a sufficient scientific basis for occupying the academic position of associate professor.

Pursuant to the requirements of the 2010 Act, the candidate must submit other original research works and publications (Article 29, Paragraph 1, Item 4). Several publications are presented, along with the abstracts due. I personally highly rate "On the possibility of imposing administrative penalties with an individual administrative act " in the Collection of reports from the conference "50 years of Administrative offences and penalties Act - history, traditions, future", UI "Sv. Kliment Ohridski", 2020, which examines a particularly interesting private case

in administrative punishment with significant procedural consequences. Second to that, I place "Judicial review over the operational autonomy of the administration" in the "100 years of the Supreme Administrative Court", UI "Sv. Kliment Ohridski", 2014 with the in-depth analysis of a dispute that had existed for many years in administrative justice. This, however, is my subjective view based on my own scientific interests and does not bind the other members of the jury.

"On the issue of legal aid to persons displaced by the Republic of Ukraine", Administrative Justice Magazine, issue 2/2022 is undeniably up-to-date and with an in-depth legal analysis of a legal situation that arose unexpectedly and required the state authorities to react urgently in a situation of legal uncertainty.

The author has also attached a reference to the other publications, which were not directly related to the competition, but demonstrate profound multi-year work, publication activity and development of academic writing and scientific analysis skills. In the publications, I have not found any evidence of plagiarism and use of others' scientific contributions in a manner not permitted by law.

I would especially outline the candidate's participation in the compilation of scientific collections: in Tsvetan Sivkov, Ralitsa Ilkova, Kapka Georgieva, Nikoleta Kuzmanova, The Reform in Administrative Punishment, 2020, UI "Sv. Kl. Ohridski" and in Tsvetan Sivkov, Plamen Panayotov, Kapka Georgieva, Nikoleta Kuzmanova, 50 years Law on administrative offenses and punishments - history, traditions, future. Collection of reports, UI "Sv. Kliment Ohridski". The publication of scholarly collections is a very important part of the activity of a law faculty and a habilitated person with experience in this field would be very useful. This shows both academic and organizational skills.

In conclusion: I find that with the totality of the acquired education and the educational and scientific degree "doctor", compliance with the minimum national requirements, work experience and the quantity and quality of the scientific output, the candidate in the competition for occupation of the academic position of associate professor in Area of Higher Education 3. Social, economic and legal sciences, Professional Direction 3.6 Law (Administrative Law and Administrative Procedure), Mrs. Kapka Svetoslavova Georgieva-Atanasova meets the requirements for the position at the Faculty of Law at the Sofia University "Sv. Kliment Ohridski". I believe that the scientific jury in the procedure should propose to the Faculty Council of the Faculty of Law the election of the candidate

Mrs. Kapka Svetoslavova Georgieva-Atanasova for the academic position of associate professor and at the open closing meeting I shall vote in this sense.

/signature/

Assoc. Prof. Konstantin Pehlivanov Ph.D.

13/03/2023

Plovdiv