

## **STATEMENT**

from

Prof. Dr. Darina Zinovieva,

Institute for the State and the Law, Bulgarian Academy of Sciences,

and the Faculty of Law at Plovdiv University “P. Hilendarski”

Regarding the competition for the academic position of "Professor" in Labour and Social Insurance Law, announced for the needs of the Faculty of Law of Sofia University "St. Kliment Ohridski" in the professional field 3.6. Law, "Labour and Social Insurance Law"

### **1. General information**

By Order № ПД-38-200/23.04.21 of the Rector of Sofia University “St. Kliment Ohridski”, I was appointed a member of the scientific jury.

The competition for the academic position of "Professor" in professional field 3.6. Law, scientific specialty "Labour and Social Insurance Law" for the needs of the Faculty of Law of Sofia University "St. Kliment Ohridski”, Department of Labour and Social Insurance Law, was announced in the State Gazette, issue № 22 of 16.03.2021.

There is only one candidate participating in the competition: Assoc. Prof. Nina Milkova Gevrenova from the Law Faculty of Sofia University, Department of Labour and Social Insurance Law.

Nina Gevrenova graduated Law with honours from the University of Sofia. She was an Assistant, Junior Assistant, Senior Assistant and currently, Associate Professor at the university. From 2017 until now, she has been the Head of the Department of Labour and Social Insurance Law at the Law Faculty of Sofia University.

Nina Gevrenova obtained the scientific and educational degree "Doctor of Law" in the professional field 3.6. Law, "Labour and Social Insurance Law", and subsequently took the academic position of "Associate Professor" at the University of Sofia "St. St. Kl. Ohridski".

Her teaching experience is extensive: she leads courses in "Labour Law", in full-time and part-time form of education, and in "Insurance Law" (also in full-time and part-time form of education). Assoc. Prof. Nina Gevrenova teaches courses in other faculties such as the Faculty of Pedagogy, Sofia University - the discipline "Legal aspects of social activity", Master's program; Faculty of Public Administration - the discipline "Labour Law", in the Faculty of Economics - the discipline "Labour Law", Master's degree. Assoc. Prof. Nina Gevrenova has taught lecture courses at a number of other universities, such as the VTU and the NBU.

She has two specializations abroad in labour and international labour law: in Hungary and in Germany. Associate Professor Nina Gevrenova also has expert professional experience in the field of Labour and Social Insurance Law. She was an expert in the Ministry of Justice, PHARE Program (1996-1997); Tripartite Council for Social Cooperation at the MLSP in connection with draft laws on labour law, health and safety at work (2000-2009) on the BCCI's side; USAID on the project "Labour Market Project - Harmonization of the Bulgarian Labour Law with EU Legislation" (2003-2004). During the period 2012–16, Nina Gevrenova was Chief Legal Adviser (2004-2008) and HR Director of BTC AD (2009-2012). She was an arbitrator and is currently a mediator at the National Institute for Conciliation and Arbitration - NICA.

Assoc. Prof. Nina Gevrenova is the author and co-author of a total of five monographs, including the dissertation, and nine scientific studies, twenty-one scientific articles, two textbooks and is has compiled five collections in the field of social and health insurance.

She meets the required national minimum requirements for holding the academic position of "Professor" at Sofia University.

As a result of all the above, I am convinced that Assoc. Prof. Nina Gevrenova is a lecturer with sufficient experience in academic teaching and with an expert practical view of the subject she teaches and researches.

## **II. Evaluation of the scientific works of the candidate in the competition**

Nina Gevrenova obtained the scientific and educational degree "Doctor of Law" in the professional field 3.6. Law, "Labour and Social Insurance Law" with a dissertation called "Regulations for the internal labour order - a non-state source of labour law". She acquired the academic position of "Associate Professor" with a habilitation thesis on the topic: "Special protection of employees with reduced working capacity."

In the current competition for the academic position of "Professor" she applied with the monograph "Essential content of the individual employment contract, S., Ciela, 2021, 359 p. and with the following publications: "Labour remuneration - regulation, interests and realities. Part One. Legal Review, 2017, № 2, 110-121; "Additional remuneration for acquired length of service and professional experience - regulation, expectations and realities. Second part. Legal Review", 2017, № 7-8, 54-64, "On some issues for the specified terms of individual employment relationships." Anniversary collection dedicated to the 80th anniversary of Prof. D.Sc. Vasil Mrachkov. S., Labour and Law, 2014, 277-298, "Social services - concept and basic legal characteristics." Judicial world, 2014, № 1, 132-144, "Effective legal protection - the new challenge to labour legislation." Current issues of labour and social insurance law. V. VII. The challenges facing the Bulgarian labour legislation. S., Univ. ed. St. Cl. Ohridski, 2015, 69-80, "The subjective right of non-compliance with the term of the given notice - essence, procedure for exercise and legal consequences." DE JURE, 2018, Official edition of the Faculty of Law of the University of Veliko Tarnovo "St. St. Cyril and Methodius", 5-12, "The right to social assistance in the context of social support and social service." Current issues of labour and social insurance law. T. H. S., Univ. ed. St. Cl. Ohridski, 2018, 69-80; "The trial clause - postulates, problems and reality" Yearbook of Sofia University, Faculty of Law, Volume 86, 2019, pp.325-356; "Termination by the employer of the employment contract with trial period", Judicial World, Sibi, №1/2020, 58-80 and "On some issues regarding the internal salary rules as a non-state source of labour law", Current issues of labour and social insurance law. V. XI. S., Univ. ed. St. Cl. Ohridski, 2020, 68-90.

All mentioned scientific researches were published after the date of acquiring the educational and scientific degree "Doctor of Law" and the academic position "Associate Professor". The topics of these studies are on current and diverse issues of labour law, social insurance law and social legislation.

The monograph "Essential content of the individual employment contract" is a comprehensive and in-depth study of the essential content of the employment contract in the Bulgarian doctrine. The structure of the book is very good and shows the author's ability for logical and analytical interrelations regarding institutes in law, and for subsequent substantiated conclusions. It is noteworthy that each of the elements of the so-called by the author "essential content" of the contract includes firstly, an analysis of its theoretical characteristics and then of the practical issues, which makes the work useful in practice.

In my opinion, the conclusions regarding the legal gap, which leads to the consequences justified by the author, in determining the essential content of the employment contract (p. 26 et seq.) are of contributory nature. She consistently presents the reasons why this gap is not filled. The conclusions on this issue are profound and logical.

With skill and detail Assoc. Prof. Gevrenova substantiates the thesis about the public-legal nature of the obligation of the parties to include in the contract each of the elements specified in Art. 66, Para. 1 of the Labour Code.

The distinction of the hypotheses in which the control body acts in operational independence and with bound competence, as well as the different consequences of the acts it issues, is of contributory nature.

Also valuable to the doctrine I find the author's thesis about the existence of two types of essential content: substantive and non-substantive, depending on the public interest.

Assoc. Prof. Gevrenova pays special attention to the control of legality and the control of the expediency of the employer's orders for various amendments to the contract, such as the order to change the boundaries of the permanent place of work; for change of the job description, for change of the agreed position. In this matter, Assoc. Prof. Gevrenova shows mastery and skill for complexity of the applied knowledge in the researched problem.

The analysis of the hypotheses of violation of legal boundaries is very good, as well as the legal consequences of this and the protection of employees. The monograph makes a number of

proposals for changes in current legislation. All are supported by conclusions and arguments from the author.

**As a critical note**, I would point out that in the monograph the author deals with the terms "state" and "non-state sources" of legal regulation, which terms she has - in her previous works - studied and proved their existence. In the monograph, it would be useful to give more explanation of these concepts or to refer to explanations from her previous works.

The additional scientific publications submitted show the author's ability to seek solutions when finding problems in the application of labour and social legislation, as well as to further develop and upgrade all her scientific work.

**In conclusion:**

In view of the above, I believe Associate Professor Dr. Nina Milkova Gevrenova meets the legal requirements for the academic position of "Professor" and therefore, **I propose to the scientific jury to adopt a decision selecting her and proposing to the Faculty of Law of Sofia University "St. Kliment Ohridski" to elect her for the academic position of "Professor" in professional field 3.6. Law, scientific specialty "Labour and Social Insurance Law".12.06.2021**

.....

Prof. Darina Zinovieva