

REVIEW

by Prof. Raina Nikolova, Doctor of Legal Sciences, lecturer at New Bulgarian University and titular external member of the scientific jury regarding the candidacy of Ch. 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 professional field: 3.6. Law (Administrative Law and Administrative Process) at Sofia University "St. Kliment Ohridski"

1.Data on the candidate related to the educational and scientific degree "Doctor".

Kapka Georgieva-Atanasova holds a Master's degree in Law from Sofia University "St. Kliment Ohridski" since 2006.

In 2015 she obtained her Doctor of Law degree from Sofia University "St. Kliment Ohridski", certified by the diploma № SU 2015-133/20.07.2015, with the topic of the dissertation "Administrative acts of the Energy and Water Regulatory Commission in the field of energy".

2. Details of the applicant related to the academic position held

Kapka Svetoslavova Georgieva-Atanasova joined the Faculty of Law of Sofia University "St. Kliment Ohridski", Department of Administrative Law, as Assistant Professor of Administrative Law and Administrative Process, professional field 3.6. Law based on the agreement No. RD 22-347/6.04.2012 with the Rector of Sofia University "St. Kliment Ohridski".

She holds successively at the same university, faculty, in the Department of Administrative Law and in the professional field 3.6. Law the academic positions of "Assistant Professor" (2012-2016) and "Ch. Assistant Professor" (2016 - present moment without interruption) based on the order of the Rector of Sofia University "St. No. RD 22-984/7.06.2016.

3. Details of the applicant's activities as a practitioner with a proven record of achievement in her professional field

Kapka Georgieva-Atanasova worked as an inspector-lawyer in the Directorate "Forfeiture in Favor of the State" at the Commission for Illegally Acquired Assets in the period 2006-2012 and as an advisor in the political cabinet of the Deputy Prime Minister for Justice Reform and Anti-Corruption in the period 2017-2019.

4. Data on published monographic work and its scientific contributions

4.1. The monograph "The Proceedings on Granting Protection to Foreigners under the Asylum and Refugees Act", Sofia: Nova Zvezda, 2022, ISBN: 978-619-198-168-7, consist of 299 pages. It contains 432 footnotes and refers to 89 items of scientific literature (monographs, studies, and articles) in Bulgarian (76 items), Russian (1 item) and English (12 items). The case-law is very strongly involved: acts of the administrative courts and the Supreme

Administrative Court, and the author has also been guided by the constitutional practice on the issue. The monograph is structured in an introduction, three chapters consisting of sections, a conclusion, and a bibliography.

The introduction presents the main highlights of the theoretical development.

Chapter One of the scientific work is devoted to the legal framework and types of protection of foreigners. Section one of the book examines in retrospect the emergence of the institution of refugee protection and the international instruments that regulate this issue in a global perspective. A special place is given to the protection of aliens by Council of Europe and European Union acts. The second section is devoted to the domestic legal framework of this institution, analysing in a historical-legal aspect the constitutional and administrative legal framework of the protection of foreigners after the adoption of the Tarnovo Constitution until today, including the laws regulating the care of unaccompanied minors; citizenship; personal documents of foreigners granted protection; human trafficking. Section three of this chapter comments on the basic principles underlying the protection of aliens and the types of protection.

Chapter Two of the monograph examines the granting of protection under the domestic law of the Republic of Bulgaria and has three sections. The first one analyses the administrative law status of the administrative body competent in this area of public relations. It provides a detailed analysis of the types of bodies exercising executive and regulatory competence: 'executive authority', 'authority of state management', 'public authority' and 'administrative authority'. This part of the monographic work discusses the Bulgarian model of granting and withdrawing international protection to foreigners by the Chairperson of the State Agency for Refugees (a central state body with special competence and administrative punitive jurisdiction). Section two is devoted to the procedural general features of the main procedure for granting international protection to aliens and the deviations from it, as well as the procedures for withdrawal and termination of international protection granted. Section three examines the protection against defective administrative acts issued in proceedings for granting or withdrawing international protection in general terms and the specificities of the appeal provided for in the Asylum and Refugee Act.

Chapter Three is entitled "Asylum and Temporary Protection" and contains three sections. Section one provides an overview of the asylum procedure. Section two analyses the granting and termination of temporary protection. Section three comments on the possibilities of reviewing presidential decrees and acts issued in relation to temporary protection.

The conclusion of the monograph comprehensively summarizes all the conclusions of the author in the analysis of the administrative law institute "protection of foreigners". Recommendations for improvement of the national legislation are made.

The overall assessment of the monographic work is as follows:

The scholarly essay "The Proceedings for Granting Protection to Foreigners under the Asylum and Refugee Act" by Kapka Georgieva-Atanasova is a comprehensive, impeccably structured, and complete study in the field of administrative procedure. It is devoted to the procedural aspects of the protection of foreigners in relation to the determination of their administrative status in the Republic of Bulgaria. The relationship between the substantive manifestations of the institute and its procedural implementation is very well formulated by the author. The

originality of the work submitted for review "The Proceedings for Granting Protection to Foreigners under the Asylum and Refugee Act" is undisputed. The scientific work is devoted to a topical and extremely important contemporary topic. The military conflicts, which have provoked significant waves of refugees to the Republic of Bulgaria in the last 10 years, have put the national administrative legal framework on the protection of foreigners to the test. The procedural shortcomings in dealing with this administrative problem are coming to the fore and creating numerous difficulties. Therefore, particularly valuable, and useful are both the scientific analyses and the proposals for legislative changes "de lege ferenda", which in many places in his monograph are made by Ch. Asst. Prof. Kapka Georgieva-Atanasova, PhD.

The theoretical study has been prepared thoroughly, with precision and thoroughness. All the stages and issues of the relevant administrative proceedings on granting, withdrawing, or terminating the protection of foreigners are covered in their entirety, consistency, and functionality. Particular attention is paid to judicial review of defective administrative acts to protect the administrative rights of foreigners. The complex approach used by Kapka Georgieva-Atanasova has helped in an original way to make legitimate connections between common concepts from the field of public international law, European Union law, constitutional law and administrative law. The author has studied the topic deductively. She arrives at her conclusions after an exhaustive, detailed, and serious discussion of the achievements of scholarly doctrine to date. At the same time, she uses her own and specific approach in interpreting the facts, citing in defence of her thesis a wealth of evidence from theoretical sources and case law, with which this scholarly work abounds.

4.2. The academic contributions of the monographic work "The Proceedings on Granting Protection to Foreigners under the Asylum and Refugee Act" in the field of administrative process are numerous, the most important of which are the following:

4.2.1. The theoretical work notes the significant traditions of the Republic of Bulgaria in the protection of persons coming from other countries even before the establishment of the international regulations in this field.

4.2.2. I welcome the idea of commenting comprehensively on the legal framework on the protection of foreigners in global, European, and national aspects.

4.2.3. A contribution to legal scholarship is the detailed and comprehensive analysis of all laws in the field of administrative law that are relevant to the status of foreigners in the Republic of Bulgaria. The summary of the main principles in the field of protection of foreigners in the sphere of international law, EU law and Bulgarian administrative law is also highly appreciated. The consideration of the normative introduction of the prohibition of forced return (non-refoulement) as an element of the protection of foreigners is one of the significant contributions to the administrative law science in relation to the protection of citizens' rights.

4.2.4. With practical dimensions are the discoveries of Ch. Asst. Prof. Kapka Georgieva-Atanasova, PhD, on the hypotheses in which the grounds for granting different types of protection overlap and thus create preconditions for legal uncertainty, as there may be misconceptions about the competent authority and the procedure to be applied.

4.2.5. Particularly valuable for administrative law scholarship is the detailed and systematic analysis of the main guidelines that the EU provides in determining to whom the States of the Union should confer competence in this area within the national legal order about

the competence of the authority. The debate on the nature of the power to grant international protection (subject to the principle of discretion or bound competence) is key to the study. The conclusion that it is a matter of bound competence, which is not expressed clearly enough in Article 85 of the Asylum and Refugee Act and the intention of the legislator must be understood if the exercise of discretionary power and the balancing of this individual personal right with the national interest is in view, is correctly and rightly put by the author in the submission.

4.2.6. The recommendations for the improvement of the “de lege ferenda” legal framework have not only theoretical but also practical dimensions and are therefore particularly important for the development of administrative law and administrative procedural legislation:

(a) I support the proposal to extend the subsidiary application of the Administrative Procedure Code to the phase of issuing the administrative act and to its challenge in relation to the granting of international protection. In the academic essay it is justified as an independent means of protection for the person affected by the act to challenge it under the administrative procedure, since its scope is wider and allows the act to be annulled on the grounds of its inappropriateness in implementation of the principle of procedural economy.

(b) It is reasonable to propose that the acts of the interviewer and the deciding authority be subject to administrative challenge before the authority immediately above them (the Chairperson of the State Agency for Refugees).

(c) The prohibition in Article 86 of the Asylum and Refugee Act on appeals against specific acts is perceived as illogical, as some of the acts adversely affect the legal sphere of asylum seekers, contrary to EU law. In this sense, the proposal of Ch. Asst. Prof. Kapka Georgieva-Atanasova, PhD, to either repeal the norm in its entirety or to bring the provision in which it is contained into line with the relevant EU law.

(d) It is necessary to harmonise the different time limits within which the right to appeal against an adverse administrative act may be exercised.

4.2.7. The theoretical development also deals with those legal provisions granting administrative rights and imposing administrative obligations on foreigners, taking into account the lack of systematisation on the issue. The recommendation to make a clear categorization of the administrative rights and obligations available to aliens during the proceedings, distinguishing possible differences based on the type of protection sought, is not only relevant but also imperative.

The most important contributions of the monographic work "The Proceedings on Granting Protection to Foreigners under the Asylum and Refugee Act" by Ch. Asst. Prof. Kapka Georgieva-Atanasova, PhD, show an effort to analyse significant administrative law problems. The conclusions drawn undoubtedly enrich the theory, practice, and interpretation of the legal framework. They have demonstrated a striking ability to link research with administrative law enforcement. The critical remarks contribute to the improvement of administrative legislation and reach the heart of the legal profession - respect for the rule of law.

5. Description of other publications in specialized scientific journals in the field of the competition, which do not repeat the ones submitted for the degree of Doctor of Law and their scientific contributions

Kapka Georgieva-Atanasova participates in this competition with the following other publications:

5.1. On the possibility to impose administrative penalties by individual administrative act. In: Proceedings of the conference “50 Years of the Law on Administrative Offences and Penalties – History, Traditions, Future” UP “St. Kliment Ohridski”, 2020, pp. 241-251, ISBN 978-954-07-4975-4. The article examines the possibility of imposing administrative penalties by individual administrative act, which is increasingly introduced by the legislator, focusing on the Law on Counteracting Corruption and Confiscation of Illegally Acquired Property and the Commission's ability to establish a conflict of interest and impose an administrative penalty by individual administrative act. The differences in the activities and characteristics of the special administrative jurisdictions with the activities of the law enforcement administrative bodies are discussed in turn. The conclusion, based on the distinction made based on six normative features, that the legislator's practice of providing for the possibility of imposing administrative penalties by individual administrative act should be denied, is of a contributory nature.

5.2. On the issue of the legal aid to persons displaced from the Republic of Ukraine. In: Administrative Justice, 2022 (2), pp. 5-14. The article is devoted to the legal aid provided to the persons displaced from the Republic of Ukraine who have received temporary protection in the Republic of Bulgaria based on the Council Implementing Decision (EU) 2022/382 of 4.03.2022. Based on a systematic interpretation of the general Legal Aid Act and the special Asylum and Refugee Act, the view is argued that foreigners granted temporary protection, unlike persons applying for international protection, are not among the subjects who can receive legal aid on this ground alone. The difference is noted in the situation when the displaced person is an unaccompanied minor who should be provided with legal assistance and representation from the moment of his/her entry into the territory of the Republic of Bulgaria. The distinction made by the competent authorities between Ukrainian and Bulgarian citizens displaced from the Republic of Ukraine is criticised. The conclusion is drawn that the legal assistance provided to foreign nationals covered by temporary protection is unlawful. Appropriate “de lege ferenda” changes are proposed to establish the legal basis and introduce the right to legal aid for this category of persons.

5.3. The principles of administrative law according to the Tarnovo Constitution and their content today. In: 135 years since the adoption of the Tarnovo Constitution, Sofia: Sibi, 2014, pp. 391-403, ISBN 978-954-730-891-6. The article is devoted to some of the basic principles of administrative law, whose foundations and prototypes are revealed in the Tarnovo Constitution. The theoretical work discusses the principle of the separation of powers as the basis for the construction and establishment of the limits of executive power. The principle of the rule of law and its development in the Code of Administrative Procedure as one of the main normative acts in the field of administrative law and procedure is examined in detail.

5.4. Judicial supervision of the operational autonomy of the administration. In: 100 years Supreme Administrative Court, UP “St. Kliment Ohridski”, 2014, pp. 199-206. ISBN 978-954-07-3794-2. In the scientific work, a distinction is made between operational autonomy and bound competence among the means of exercising the powers of the bodies of state

governance, considering the difference between the expediency and legality of administrative acts. The possibility of exercising control over the acts issued in the context of discretion, considering the principle of separation of powers, is examined in detail. It is noted that, in the case of administrative review by the authority immediately above, no breach of that principle can be justified. Particular attention is paid to the competence of the court in supervising the operational autonomy of the administrative authority and the impossibility of interference by the court provided for in the Administrative Procedure Code. The tendency of the court in its practice to define supervision as a control of legality is pointed out, identifying a wrongful act with an unlawful one issued in violation of one of the basic principles of the administrative process - the principle of proportionality. Based on the reasoning contained in the article, the conclusion is justified that the Court's practice should not be shared as it renders meaningless the grant of operational autonomy to the administrative authorities.

5.5. On the implementation of Article 40, paragraph 2 of the Constitution of the Republic of Bulgaria, (co-authored with Assoc. Prof. Dr. Nikoleta Kuzmanova). In. "Media in Bulgaria – 30 years later), Sofia: New Bulgarian University, 2020, pp. 101-124, ISBN 978-619-233-143-6, published at <https://law.nbu.bg/bg/publikacii/mediite-vbylgariq-30-godini-po-kysno-nacionalna-nauchnoprakticheska-konferenciq>. The focus of the study is the restrictions on the right to exercise the freedom to disseminate opinion through mass media, which are established in Article 40, paragraph 2 of the Constitution of the Republic of Bulgaria. The study presents a detailed argumentation on the nature of each of the restrictions on the exercise of this freedom established in the analysed constitutional norm. Of relevance to administrative law doctrine is the conclusion that, despite the existence of a constitutional provision, the protection of the public from publications, broadcasts or programmes whose content falls within the scope of the restrictions on media freedom is not guaranteed. Proposals for improvement of the legislation are formulated on this basis.

6. Fulfilment of minimum national and additional scientometric requirements

6.1. Group of indicators A (50 out of 50 required)

The candidate has independently prepared and defended a dissertation on "The Administrative Acts of the Energy and Water Regulatory Commission in the field of Energy", Sofia University, St. Kliment Ohridski", public defence on 3.07.2015.

6.2. Group of indicators B (100 out of 100 required)

There is a monographic work "The Proceedings on Granting Protection to Foreigners under the Asylum and Refugees Act", Nova zvezda, Sofia, 2022, 299 p. ISBN 978-619-198-168-7.

6.3. Group of indicators D (122,5 out of 100 required)

a) A book has been published based on a defended dissertation for the award of the degree of Doctor of Law: 'The Administrative Acts of the Energy and Water Regulatory Commission in the Field of Energy'. Sofia, Nova Zvezda, 2022, 217 p. ISBN 978-619-198-162-5.

b) Articles and papers published in non-refereed peer-reviewed journals or published in edited collective volumes

1. The possibility to impose administrative penalties by individual administrative act. In. Proceedings of the conference "50 Years of the Law on Administrative Offences and Penalties

– History, Traditions, Future”, Sofia, UP “St. Kliment Ohridski”, 2020, pp. 241-251. ISBN 978- 954-07-4975-4.

2. On the issue of the legal aid to persons displaced from the Republic of Ukraine. In: Administrative Justice, 2022 (2), pp. 5-14

3. The principles of administrative law according to the Tarnovo Constitution and their content today. In. 135 years since the adoption of the Tarnovo Constitution, Sofia: Sibi, 2014, pp. 391-403, ISBN 978-954-730-891-6

4. Judicial supervision of the operational autonomy of the administration. In. 100 years Supreme Administrative Court, UP “St. Kliment Ohridski”, 2014, pp. 199-206. ISBN 978-954-07-3794-2

c) Studies published in non-refereed peer-reviewed journals or published in edited collective volumes

Georgieva, Kapka, Kuzmanova Nikoleta, On the implementation of Article 40, paragraph 2 of the Constitution of the Republic of Bulgaria, In. “Media in Bulgaria – 30 years later, Sofia: New Bulgarian University, 2020, pp. 101-124, ISBN 978-619-233-143-6,

6.4. Group of indicators E (110 out of 50 required)

a) Milcheva, Kapka. Public Order Management. In. Administrative Law. Special part. Sofia, Sibi, 2015, pp. 182-184, 978-954-730-956-2. Cited in. Nikolova, R., Administrative law essence of information. Sofia: European Law Society, 2016, p. 81. ISBN 978-954-91117-0-5.

b) Milcheva, Kapka. Public Order Management. In. Administrative Law. Special part. Sofia, Sibi, 2015, p. 201, 978-954-730-956-2. Cited in: Kuzmanova, N., Freedom of religion and criminal law, East-West, 2022, p. 201. ISBN 978-619-01-1001-9.

c) Milcheva, Kapka. Energy Governance. In. Administrative Law. Special part. Sofia, Sibi, 2015, pp. 182-184, 978-954-730-956-2. Cited in. Nikolova, R., Administrative law essence of information. Sofia: European Law Society, 2016, p. 188. ISBN 978-954-91117-0-5.

c) Milcheva, Kapka. Legal Entities as Subjects of Administrative Penal Liability under the Criminal Code and Civil Liability under the Criminal Assets Forfeiture Act. In: De Jure, 2012 (2), pp. 38-48. ISSN: 2367-8410 (Online). Cited in. Simeonova, G., Public claims of non-tax character originating from the European Union. Sofia: New Bulgarian University, 2021, p. 305. ISBN 978-619-233-158-0.

d) Milcheva, Kapka. Legal Entities as Subjects of Administrative Penal Liability under the Criminal Code and Civil Liability under the Criminal Assets Forfeiture Act. In: De Jure, 2012 (2), pp. 38-48. ISSN: 2367-8410 (Online). Cited in. Sivkov, Tz., Interest in the field of administrative punishment. In. 50 Years of the Law on Administrative Offences and Penalties – History, Traditions, Future”, Sofia, UP “St. Kliment Ohridski”, 2020, p. 29. ISBN 978- 954-07-4975-4.

e) The possibility to impose administrative penalties by individual administrative act. In. Proceedings of the conference “50 Years of the Law on Administrative Offences and Penalties – History, Traditions, Future”, Sofia, UP “St. Kliment Ohridski”, 2020, pp. 241-251. ISBN 978- 954-07-4975-4. Cited in. Simeonova, G., The sanctions under Art. 162, para. 6 and para.

7 TIPC - Similarities and differences with the sanctions under the LAOP. In. 50 Years of the Law on Administrative Offences and Penalties – History, Traditions, Future”, Sofia, UP “St. Kliment Ohridski”, 2020, p. 329. ISBN 978- 954-07-4975-4.

f) The possibility to impose administrative penalties by individual administrative act. In. Proceedings of the conference “50 Years of the Law on Administrative Offences and Penalties – History, Traditions, Future”, Sofia, UP “St. Kliment Ohridski”, 2020, pp. 241-251. ISBN 978- 954-07-4975-4. Cited in. Yankulova, Sv., Administrative Jurisdictions. Sofia: Mont, 2021, p. 89, p. 262. ISBN978-619-169-231-6.

g) Judicial supervision of the operational autonomy of the administration. In. 100 years Supreme Administrative Court, UP “St. Kliment Ohridski”, 2014, pp. 199-206. ISBN 978-954-07-3794-2. Cited in. Panayotova, E., Basic Principles of Enforcement Activity under the APC. Sofia, Sibi, 2018q p. 134. ISBN 978-619-226-084-2.

h) Milcheva, Kapka. The Commissions in the Legal System of the Republic of Bulgaria. In. De Jure, 2013 (2), pp. 98-99. ISSN: 2367-8410 (Online). Cited in. Yankulova, Sv., Administrative jurisdictions. Sofia: Mont, 2021, p. 89. ISBN978-619-169-231-6.

j) Milcheva, Kapka. Administrative-Penal Activity of the State Energy and Water Regulatory Commission (SEWC), De Jure, 2013 (1), pp. 121-130. ISSN: 2367-8410 (Online). Cited in. Nikolova, R., Administrative punishment in the field of administrative supervision. In. 50 Years of the Law on Administrative Offences and Penalties – History, Traditions, Future, Sofia, UP “St. Kliment Ohridski”, 2020, p. 64. ISBN 978- 954-07-4975-4.

6.5. Indicators under Art. 112, para. 2 of the Regulations on the Conditions and Procedure for Acquisition of Scientific Degrees and Academic Positions at Sofia University "St. Kliment Ohridski"

a) Additional indicators related to learning activities

1. During the academic year 2020/2021, the candidate provides:

1.1. lectures and seminars in administrative law in the Master's degree programme "Law" in the specialty of the same name of the Faculty of Law of Sofia University;

1.2. lectures and seminars on administrative process in the Master's programme "Law" at the Faculty of Law of Sofia University "St. Kliment Ohridski";

1.3. lectures on international administrative law in the Master's programme "Law" at the Faculty of Law of Sofia University "St. Kliment Ohridski";

1.4. lectures on refugee law in the Master's programme "Law" at the Faculty of Law of Sofia University "St. Kliment Ohridski";

1.5. lectures on administrative law and state management in the Master's programme "Law" at the Faculty of Law of the Sofia University "St. Kliment Ohridski".

2. During the academic year 2021/2022, the candidate provides:

2.1. lectures and seminars in administrative law in the Master's degree programme "Law" in the specialty of the same name of the Faculty of Law of Sofia University;

2.2. lectures and seminars on administrative process in the Master's programme "Law" at the Faculty of Law of Sofia University "St. Kliment Ohridski";

2.3. lectures on international administrative law in the Master's programme "Law" at the Faculty of Law of Sofia University "St. Kliment Ohridski";

2.4. lectures on refugee law in the Master's programme "Law" at the Faculty of Law of Sofia University "St. Kliment Ohridski";

2.5. lectures on administrative law and state management in the Master's programme "Law" at the Faculty of Law of the Sofia University "St. Kliment Ohridski".

3. During the academic year 2022/2023, the candidate provides:

3.1. lectures and seminars in administrative law in the Master's degree programme "Law" in the specialty of the same name of the Faculty of Law of Sofia University;

3.2. lectures and seminars on administrative process in the Master's programme "Law" at the Faculty of Law of Sofia University "St. Kliment Ohridski";

3.3. lectures on international administrative law in the Master's programme "Law" at the Faculty of Law of Sofia University "St. Kliment Ohridski";

3.4. lectures on refugee law in the Master's programme "Law" at the Faculty of Law of Sofia University "St. Kliment Ohridski";

3.5. lectures on administrative law and state management in the Master's programme "Law" at the Faculty of Law of the Sofia University "St. Kliment Ohridski".

(b) Additional research-related indicators

1. Participation in conferences:

1.1. Plenary Report, 135th Anniversary of the Adoption of the Tarnovo Constitution, 2014.

1.2. Plenary Report, 100th Anniversary of the Supreme Administrative Court, 2014.

1.3. Plenary Report, Media in Bulgaria: 30 years later, 2019.

1.4. Organizing, 50 Years of the Law on Administrative Offences and Penalties - History, Traditions, Future, 2020.

1.5. Organizing, The reform of administrative punishment from 2020, 2022.

7. Competition details

7.1. In the State Gazette, no. 92 of 18.11.2022, the Faculty of Law of Sofia University "St. Kliment Ohridski" announces 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 Law and Administrative Process).

7.2. On the basis of Art. 4 and Art. 25 of the Law on the Development of the Academic Staff in the Republic of Bulgaria (DASRB); Art. 57, par. 1-2 of the Regulations for the Implementation of the Law on the Development of the Academic Staff in the Republic of

Bulgaria; Art. 1 and par. 3 of the Regulations on the Conditions and Procedure for the Acquisition of Scientific Degrees and for Holding of Academic Positions at Sofia University "St. Kliment Ohridski" and the decision of the Faculty Council of the Faculty of Law, adopted by Protocol No. 3 of 13.12.2022, by Order No. 38-663/20.12.2022, I have been appointed as a titular external member of the scientific jury in the announced competition for the academic position of "Associate Professor" in the professional field 3. Social, economic and legal sciences in the professional field, 3.6. Law (Administrative Law and Administrative Process) at Sofia University "St. Kliment Ohridski", Faculty of Law.

7.3. On 19.01.2023 in the Dean's Office of the Faculty of Law of Sofia University "St. Kliment Ohridski" a meeting of the committee for eligibility of the candidates for the competition for the academic position "Associate Professor" in the professional field 3.6. Law (Administrative Law and Administrative Process), announced in State Gazette, issue no. 92 of 18.11.2022, appointed by Order No. RD 38-663/20.12.2022 of the Rector of the Sofia University, which, having examined the submitted application and the attached documents and the provision of Art. 107 of the RCPASDAPSU, based on Art. 109, para. 2 of the same, has decided that the only candidate in the competition, Ch. Asst. Prof. Kapka Svetoslavova Georgieva-Atanasova, PhD, meets the eligibility requirements under Art. 105, par. 1, points 1-3 and 5 of the RCPASDAPSU.

7.4. At the first meeting of the scientific jury held in the announced competition for the academic position "Associate Professor" in the professional field 3.6. Law (Administrative Law and Administrative Process) I was appointed as an external reviewer, who had to check whether the candidate Ch. Asst. Prof. Kapka Svetoslavova Georgieva-Atanasova, PhD, meets the minimum national requirements for the position.

Conclusion

Based on the Law on the Development of the Academic Staff in the Republic of Bulgaria, the Regulations for its Implementation, Art. 105, para.1 of the Regulations on the Conditions and Procedure for the Acquisition of Scientific Degrees and Holding of Academic Positions at Sofia University "St. Kliment Ohridski" and the documents and evidence submitted in the competition I give the following evaluation for the candidate Ch. Asst. Prof. Kapka Svetoslavova Georgieva-Atanasova, PhD:

1. an educational and scientific degree "Doctor" in the same field of study as the announced competition (Administrative Law and Administrative Process).
2. has held the academic position of "senior assistant professor" for 5.5 years, during which time she has conducted lectures and seminars and is an outstanding practitioner with proven achievements in the field of administrative law and administrative procedure.
3. has published a monographic work "The Proceedings on Granting Protection to Foreigners under the Asylum and Refugee Act" and other publications in specialized scientific journals in the field of the competition with significant scientific contributions, which are not repeated with those submitted for the educational and scientific degree "Doctor".
4. meets the minimum national requirements of Article 2b of the LDASRB for scientific area 3. "Social, Economic and Legal Sciences", in the professional field 3.6. "Law" (382,5 out of 300 required) and the additional requirements of the Sofia University "St. Kliment Ohridski".

5. there is no legally proven plagiarism in her scientific works.

My personal impressions of Kapka Georgieva-Atanasova are that she is a very thorough professional. She thoroughly and accurately studies every aspect of the phenomenon under study in the field of administrative law and administrative process. In her creative searches she focuses on problems unexplored in the doctrine. As an author, she uses current and relevant sources. She derives her theses in a logical sequence and manages to defend them in a reasoned manner. Her publications stand out for their pronounced individuality and significant expert value.

Considering the above, I find that the candidature of Ch. Asst. Prof. Kapka Svetoslavova Georgieva-Atanasova, PhD, complies with the national minimum requirements and the additional ones of Sofia University "St. Kliment Ohridski", which are required for the academic position of "Associate Professor". On this basis, I submit my positive review of the candidate in the competition, proposing that the Faculty of Law of Sofia University "St. Kliment Ohridski" to select Ch. Asst. Prof. Kapka Svetoslavova Georgieva-Atanasova, PhD, to 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 Law and Administrative Process).

12.02.2023

Reviewer:

Prof. Raina Nikolova, Doctor of Legal Sciences

Lecturer at NBU