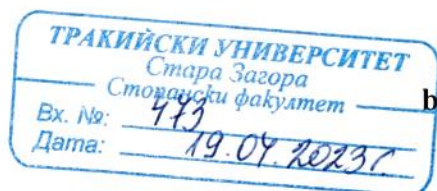


REVIEW



by Prof. Maria Neikova Kaneva, D.Sc.

Member of scientific jury on procedure for
academic position "Associate professor" in

Field of higher education: 3. Social, economic and legal sciences, professional
field: 3.6 Law for the Department of Industrial business and Entrepreneurship,

Faculty of Economics at Trakia University
announced in the "State Gazette", No. 99/13.12.2022

DEAR MEMBERS OF THE SCIENTIFIC JURY,

The current procedure for the academic position of "Associate professor" in professional field 3.6 Law, announced in the "State Gazette", no. 99/13.12.2022, taking place for the Department of "Industrial Business and Entrepreneurship", Faculty of Economics, Trakia University, has one candidate, Mr. Petar Radoslavov Iliev, PhD.

According to the requirements of the Law on the Development of Academic Staff in the Republic of Bulgaria and the Regulations for its implementation, the candidate has submitted the following documents: Order 525/21.02.2023 by the Rector of Trakia University, for establishing jury for conducting the procedure, a curriculum vitae, a list of publications and scientific works, summaries, reference for citations, author's reference for the contributions in the scientific works by which the candidate participates in the procedure, as well as other document related to the current procedure.

I. Presenting the candidate

Mr. Petar Radoslavov Iliev holds a Master's degree in "Law" from the Faculty of Law of Sofia University "St. Kliment Ohridski". In 2012, he obtains a PhD degree in the professional field of Law, after successfully defending a dissertation thesis on the topic of "Legislative Process in the Republic of Bulgaria" (based of which diploma No. CY 2012-121 of 23.11.2012 had been issued). Within the framework of his studies for the acquisition of a higher law degree at Sofia University "St. Kliment Ohridski", the candidate undergoes an additional specialization in "Public Administration", "Administration of Justice" and "International Law and International Relations".

In the time framework between 2003 - 2004, the candidate obtained specialization in law by taking courses in the USA and in Great Britain - in the field of Common Law and in the field of "American Commercial and Company Law".

Mr. Iliev's professional legal experience is associated with practicing law, as he has been a member of the Sofia Bar Association since 2004. He is the founder of the Accounting Company "Legamax Accounting" EOOD, as well as a managing partner in the law firm

"Iliev and Partners". Between 2014-2017, he participated in the governing bodies of the British-Bulgarian Chamber of Commerce, as the deputy chairman of the chamber. From 2014 to the present, he is the chairman of the Board of Directors of the Canadian-Bulgarian Chamber of Commerce.

The candidate's teaching experience in the field of legal sciences has been acquired at the Faculty of Law of Sofia University "St. Kliment Ohridski", where between 2006-2021 he successively holds the academic positions of "assistant professor", "senior assistant professor" and "principal assistant professor". As part of the academic membership at the Department of Constitutional and Legal Studies at Sofia University, Mr. Iliev participates in training students in the disciplines of "Constitutional Law", "Organization of Human Rights Institutions", "Human Rights in the Jurisprudence of the Bulgarian Courts".

II. General overview of the scientific production presented by the participant in the current procedure

The scientific work of Mr. Petar Iliev, PhD presented in the procedure are evaluated in accordance to the requirements of the Law on the Development of the Academic Personnel in the Republic of Bulgaria and the requirements of the Regulation for the implementation of the Law on the Development of the Academic Personnel and the Regulations for the development of the academic personnel at the Trakia University.

The documents to the current procedure include a monographic book authored by Mr. Petar Iliev, on the topic "Principles of organization and activity of the judiciary in Bulgarian rule of law", additionally 4 (four) scientific papers (studies) published within the time period from 2018 to 2014. Those scientific studies presented by the candidate include the following topics: "Supreme Judicial Council - structure, membership, organization and powers.", "Judicial power in the configuration of the division of powers.", "Advocacy as an institutional guarantee of fundamental rights.", "Constitutional legal aspects of law of property in the context of jurisprudence of the Bulgarian Constitutional Court".

Total of 8 (eight) scientific articles presented by the candidate and published in the period of 2022-2013 are submitted for review in the current procedure. One of the articles presented by the candidate was published in English (under the title "Dimensions in European education and research area"), and the remaining 7 (seven) articles are published in Bulgarian language.

The articles published in Bulgarian language, submitted for review, are devoted on topics mainly in the field of constitutional law. Some of the titles cover topics such as "Legal grounds of the decisions of the National Assembly", "The ratification powers of the National Assembly and international treaties in the context of the jurisprudence of the Constitutional Court of Republic of Bulgaria", "Proposals for the rationalization of the Bulgarian model for distribution of policy-making competences between the Parliament and the Government".

A significant part of the scientific publications and research topics at the focus of research activities by Mr. Iliev are characterized by modernity and relevance, as they have practical scope.

III. Educational and Training activities of the candidate

Mr. Petar Radoslavov Iliev provides educational and teaching activities, as his knowledge and experience are related to areas of science and research topics on the field of public law. In addition to holding an academic position in legal faculty of Sofia University, the candidate is providing training and teaching activities as a lecturer.

From 2022 until present, the candidate actively conducts lectures and seminars with students on the discipline of "Legal Principles of Leadership", part of the Master's degree program "Leadership Practices in Statehood, Faith and Security" at the University of Library Science and Information Technology.

Long-term teaching experience was acquired by the candidate when he held academic positions at the Faculty of Law of the Sofia University "St. Kliment Ohridski". From 2006 to 2021, he actively provides teaching activities, taking part in training students both in compulsory disciplines from the curriculum, and as part of the teaching faculty team involved in providing elective course teaching to students in major in Law.

Among the disciplines taught by the candidate related to topics covering basic aspects of the protection of human rights and fundamental freedoms, the discipline "Human rights in the jurisprudence of the Bulgarian courts" and the discipline "Organization of human rights defenders" make an impression. The content of some of the topics falling within the scope of these disciplines have a marked public law characteristic.

The main direction of teaching focus, based on the participation of the candidate in the academic teaching faculty member teaching being among the professionals leading the main lecture course and seminar classes with students on the discipline "Constitutional Law" at Sofia University "St. Kliment Ohridski", also reflects in the publications and research activities of the candidate, through completing studies and analyzes on topics directly covered by the field of constitutional and public law.

IV. Analysis of the monographic books and studies presented

- *Monographic book titled „Principles of organization and activity of the judiciary in the Bulgarian rule of law“ (ISBN: 978-619-7295-21-4) contains 211 pages*

In regards to the publication of the monographic book, as part of the documentation, a certificate by "Euromedia Advertising Agency" OOD dated 02/07/2023 has been presented. among the contents of documents during the procedure, it is evident that the monographic book (under the ISBN 978-619-7295-21-4) titled "Principles of organization and activity of the judiciary in the Bulgarian rule of law", authored by Petar Radoslavov Iliev and scientifically edited by Prof. Christian Zhura, PhD, has been accepted for publishing.

The monographic book presents the topic of "Principles of organization and activity of the judiciary in the Bulgarian rule of law" in 4 (four) separate chapters. The author puts a focus on the principles of organization and activity of the judiciary, identifying independent criteria for distinguishing primary from secondary principles of organization of activity.

The territorial limits, make it is possible to realize that the judicial power, are precisely and correctly defined, while at the same time an analysis of the concept of independence of the judicial power is presented.

The principles of organization and activity of the judiciary have been researched and presented. The analysis of the basic principles is presented in the light of their connections and interactions with essential elements related to the overall order of functioning of the rule of law. The study pays particular attention to both the material and formal aspects of applying the principles in the functioning of the rule of law. The author shares the opinion that, unlike other services provided by state bodies and municipalities, justice protects the rights and legitimate interests of the entire population and of all organizations, therefore it should not be unreasonably expensive, making it inaccessible. (p. 34 of the monographic work).

The author thoroughly researches and presents the importance and significance of the relationship between the organization and activity of the judiciary in the Republic of Bulgaria with basic principles that are an achievement of the constitutional, democratic and legal State. (p. 67 of the monographic book).

Analyzing the processes directly related to the characterization and differentiation of basic activities and functions of bodies in the system of judicial power, the author comes to the opinion that access to justice should always be open, regardless of the opportunity (p. 72 of the monographic work). Based on the analysis, it is argued that the fact that a certain proceeding does not go through two court instances does not lead to a violation of the right to defense, if a defense meeting the standards of Article 6, § 1 of the European Convention on protection of rights and fundamental freedoms.

Of particular importance is the analysis of the activity of the bodies within the judicial system presented in chapter II of the monographic work through the prism of the principle of independence, emphasizing the requirement for "independence" in decision-making, but also the essence of the concept of organizational "independence". The author pays special attention to basic guarantees for the independence of the judiciary, researching and analyzing the stages related to personnel and structural changes within the judicial system, presenting aspects related to the appointment, promotion, demotion, transfer and dismissal of judges, prosecutors and investigators, in the context of the provision of art. 129, paragraph 1 of the Constitution.

The character of the opportunities outlined by the author for applying the principles of organization and activity of the judiciary can be defined as contributing, which in its entirety contributes to the quality of a unified, harmonious and complete system.

Within the framework of the scientific study, the thesis that the principle of impartiality of magistrates derives from the requirement of their independence has been analyzed and developed, and the author shares the opinion that impartiality is a strong guarantee of justice and the establishment of the truth. The author argues the opinion that it is the realization of the principle of impartiality that ensures the principles of equality and competition of the parties in the process, but at the same time it derives from them.

The opportunities presented for establishing and formulating criteria for demarcating the lines of demarcation between the judiciary and other authorities in the rule of law, which the author analyzes and presents within the framework of the scientific research on the topic of the organization and activity of the judiciary within the rule of law, are beneficial.

- *The study on the topic of "Supreme Judicial Council – structure, composition, organization and powers." At "Supreme Judicial Council – Constitutional Studies 2016. 70 years of the Republic, ISBN 978-954-07-4556-5, Sofia, University Publishing House "St. Kliment Ohridski", 2018, 98-125*

The presented scientific study examines and analyzes the process of formation of the Supreme Judicial Council and implementation of functions and powers in the field of organizational, administrative and personnel activities.

Based on the analysis and research of data, the conclusion is drawn and substantiated that the practice implemented by the parliamentary committee, regarding the hearing of the candidates for the "parliamentary quota" in the SJC shows that to a large extent and in many aspects the report of the committee is formal. The conclusion is argued that the qualified majority introduced by the constitutional legislator essentially changes the political choice of the members of the SJC included in the parliamentary quota, because the National Assembly is a political institution consisting of political representatives and the parliamentary selection procedure itself also has a largely political character.

On the basis of the scientific development, the degree of connection and interaction between main normatively established and Constitutionally established principles, with the actual implementation of activity and exercise of functions and powers by the Supreme Judicial Council, has been researched and presented. The presented study has both theoretical and indisputable practical significance

- *Studies on the topic "Judicial power in the configuration of the separation of powers."*
- *In: Constitutional studies 2014-2015 25 years of democratic transformation in the Republic of Bulgaria, ISBN 978-954-07-4298-4, Sofia, University Publishing House "St. . Kliment Ohridski", 2017, 395-417*

The study published in 2017 is completed around and further develops the thesis formulated in the author's scientific research about the role and importance of different types of human rights protection activities within the functioning of justice-giving bodies. An opinion is formulated, within which arguments are presented for the importance of implementing the activity in the absence of systemic and organizational dependence, interaction and subordination, which logically justifies the view that they should be structurally and organizationally positioned within different subsystems.

The author formulates a conclusion that the legal protection activity of the courts is fundamentally different from that of the prosecution and investigative bodies, and this is because the legal protection implemented within the judicial bodies has the greatest legal intensity, such as the means, methods and means used by the courts, are characterized, according to the author, by a high degree of legal impact.

A significant contribution is the breadth of the study, both the outlined research scope and the analysis of the range of questions on the basis of which the comparative review and analysis of the topic was carried out.

- Studies on the topic "Advocacy as an institutional guarantee for fundamental rights." - In: Constitutional Studies 2012-2013. Constitutional Protection of Fundamental Rights and Freedoms, ISBN 978-954-07-3786-7, Sofia, University Publishing House "St. Kliment Ohridski", 2014, 275-305

The study, published in 2014, presents the topic through a systematic analysis of the constitutional status and constitutional significance of the legal profession and the exercise of the legal profession as a type of constitutional activity.

The author presents the topic in the context of a complex interdisciplinary aspect of outlining the essential characteristics of the lawyer's activity and the interrelationship of the lawyer's profession with the freedom of the legal profession in general and in particular exploring the specifics of the lawyer's human rights functions.

The author formulates and develops the thesis that the legal profession is a constitutional based, as the constitutional activity carried out by the legal profession, Mr. Iliev outlines as "highly qualified and professional", by which legal entities implement activities related to the exercise of protective functions, directly related to legal rights and interests of the subjects of protection.

A significant contribution is the performance of the research on the subject, as it is based on a clear outline of the main principles applicable to the exercise of the legal profession, as well as the peculiarities of the relationship between the lawyer and his client in the exercise of protective functions.

- *The study on "Constitutional aspects of the right to property in the context of the jurisprudence of the Bulgarian Constitutional Court" - In: Constitutional studies 2012-2013. Constitutional protection of fundamental rights and freedoms, ISBN 978-954-07-3786-7, Sofia , University Publishing House "St. Kliment Ohridski", 2014, 85-130.*

The study, published in 2014, formulates conclusions and conclusions related to the exercise of the right to property, based on an analysis of judicial practice and decisions of the Constitutional Court, and the topic is presented in the light of the concept of the exclusive ownership of the state over the objects specified in art. . 18, para. 1 of the Constitution.

The thesis was formulated and argued that the exclusive state property is the property of the objects and resources referred to in Art. 18, para. 1 of the Constitution, which has been assessed as having national public law significance. The concept of "universal utility" has been studied, as well as the characteristics and features that are specific to the objects declared in Art. 18, para. 1 of the Constitution on exclusive state ownership.

The author argues a thesis inconsistent with the Constitutional Court's understanding of the inapplicability of the enforcement method against state property (items and sums). The main argument put forward by the author is the fact that there is a contradiction in the practice of the Constitutional Court, where in a certain period of time the understanding is shared that the exercise of the right to private property necessarily includes the procedure established by law for the collection of claims.

The opinion is advocated that the contradictions in the practice of the Constitutional Court on issues related to property rights will be more and more difficult in the future to be represented by the soft and delicate expression "development in the jurisprudence of the Constitutional Court". The author states that these contradictions affect the constitutional foundations of the economic system of the Republic of Bulgaria, as well as the foundations of private property and the principles of the free market economy.

V. Analysis of the articles and scientific publications presented

Mr. Petar Iliev demonstrates an ability to formulate and argue scientific theses. This is particularly evident in the scientific production with which he participated in the current competition procedure.

In 2022, in an article on "Constitutional Foundations of National Security" (printed in English with the title "Constitutional Foundations of National Security") (published in Contemporary Dimensions of the European Educational and Scientific Area, ISSN 2367-7988, Volume 10/ 2022, academic publishing house "Za bukvite - O Pismeneh", University of Library Science and Information Technologies), 2022, 212-219.) The author pays special attention to the topic of the connection of constitutional law, the legal branch, with the main aspects of national security. The thesis that constitutional law transforms national security into a supreme legal value and gives it constitutional meaning, constitutional content and constitutional rank is brought to the fore.

By investigating the issues of interaction and cooperation between institutions, the author focuses on the functional relationship between national security and constitutional law. Outlines the leading importance of coordination in the implementation of activities by the institutions, which is directly related to guaranteeing efficiency in the exercise of powers and at the same time guaranteeing the protection of national security as a constitutional value.

By using the method of comparative analysis, Dr. Petar Iliev presents the implementation and development of the constitutional principles in relation to the delegated legislation, in the context of the implementation of rule-making functions in accordance with the requirements of the current national legislation. The results of this research were published in an article entitled "Proposals for the rationalization of the Bulgarian model for the distribution of rule-making functions between the parliament and the government" (published in Theo Noster, Collection in memory of Chief Assistant Professor Teodor Piperkov, ISBN 978-954-07 - 3801-7, Sofia, "St. Kliment Ohridski" University Publishing House, 2014, 290-307.9). The presented research has a contributing nature regarding the understanding and implementation of the rule-making process, as well as regarding the identification and introduction of essential factors for the effective exercise of control over rule-making functions.

Good impression is made by the wide scope of Mr. Iliev's presentation of important elements in the process of establishing, registering and sanctioning violations related to the exercise of competence by public state bodies. Within a publication entitled "Factors for Violation of Competence and Types of Violations. Legal means to remedy the consequences of violations of competence." (published in Norma magazine, ISSN 1314-5126, issue 7/2014, Sofia, Ciela Norma publishing house, 2014, 70-78.), the author systematizes, researches and presents characteristics and factors related to violation of competence of state bodies,

highlighting the typical and most characteristic types of violations when applying the principle of competence.

The importance and significance of legal regulation in the field of defence, as well as the development of law-making in this field, are presented by Dr. Iliev in a publication entitled "Powers of the National Assembly in the field of defence" (published in 2013 in Society and Law , ISSN 0204-85-23, issue 8/2013, edition of the Union of Lawyers in Bulgaria, Sofia, "Feneia" Publishing House, 2013, 29-45.

In the centre of attention, in the scientific research and practical application of the results achieved by Dr. Petar Iliev, based on the analysis of the legal relations of the National Assembly in the field of defence, criteria for distinguishing between the military and non-military nature of the passage and residence are brought to the fore of foreign troops on the territory of the country, as well as the dispatch and use of armed forces outside the country.

Examining the development of judicial practice and more specifically the judgments and decisions issued by the Constitutional Court, the author presents distinctions between the individual types of acts through which the powers of the National Assembly can be exercised in the field of defence. Special attention has been paid and an in-depth study of acts at the level of decisions, laws and international treaties has been carried out, clarifying the peculiarities of the relationships between these individual types of acts.

VI. Characterization and assessment of the scientific and scientifically-applied contributions in the scientific works presented

All scientific works submitted for review are in the scientific field where the procedure has been announced. Among the scientific production of the candidate, a special focus is provided on the candidate's monographic book, as well as on the scientific studies upon which Mr. Iliev, PhD participated in the procedure. There the author has systematized the conceptual apparatus of the process of formulating and implementing basic legal principles, some of which are also constitutionally established.

Mr. Petar Iliev , PhD derives, analyzes and systematizes approaches to the study and case law on decisions and practice formed as a result of rulings on specific cases by the Constitutional Court.

In a practical-applied aspect, of particular importance and contribution is the model of research and analysis of activities carried out by higher institutions of State power, developed and proposed by the candidate in relation to the application of the principle of legality in the field of exercise of powers.

VII. Notes and recommendations

I recommend to Mr. Petar Iliev in his future scientific and practical-applied scientific papers, to expand and deepen research on issues related to ensuring the effective implementation of the principle of division of powers in the context of the rule of law. Particular attention and a deep focus of research is recommended to be directed to the

interrelationship between the constitutionally established and formulated principles of law, with main aspects of national security as a major factor in the development of constitutional law and public law field.

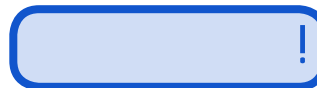
From the review and analysis of the candidate's scientific production presented within the current procedure, it can be concluded that Mr. Petar Iliev, PhD has the ability to formulate and argue significant scientific theses. At the same time, he shows diligence, thoroughness and consistency in researching complex, multi-component and interdisciplinary issues, which are main and important for the development of legal theory and practice in Bulgaria.

Conclusion

In relation to the above stated, I provide my positive assessment and recommend to the members of the honorable Scientific Jury to vote for the appointment of Petar Radoslavov Iliev to the academic position of "Associate professor", in the field of Higher education 3. Social, economic and legal sciences, professional field: 3.6 Law

7.04.2023

Reviewer:



Prof. Maria Neikova, DSc.