



STATEMENT

by **assoc. Prof. Maria Ivanova Zheleva, PhD** - member of the scientific jury in the competition for the academic position of "associated professor" in "Public Law" in the field of higher education "3. Social, economic and legal sciences", professional direction "3.6. Law", announced for the needs of the Faculty of Economics of the University of Thrace - Stara Zagora according to an announcement published in the "State Gazette", no. 99 of 13.12.2022

1. Information about the competition and the candidate

The competition for the academic position of "associated professor" in "Public Law" in the field of higher education "3. Social, economic and legal sciences", professional direction "3.6. Law", was announced for the needs of the Faculty of Economics of the University of Thrace - Stara Zagora according to an announcement published in the "State Gazette", no. 99 of 13.12.2022, according to the decision of the Faculty Council of the Faculty of Economics of the Thrace University - Stara Zagora. All regulatory requirements were met during the competition. By Order No. 525 / 21.02.2023 of the Rector of Thrace University - Stara Zagora, I have been appointed as an external member of the scientific jury for the competition. At a meeting of the scientific jury for conducting the competition, held on 27.02.2023, I was appointed to prepare a statement, which I am presenting.

In the competition, Petar Radoslavov Iliev, Ph.D is the only candidate. He submitted the required documents for participation in the competition on time. Petar Iliev was rightly allowed to participate in the competition, as he fulfilled all the national minimum requirements (and even exceeded them) for holding the academic position of "associated professor". The submitted documents correspond to the applicable regulatory requirements and are accompanied by an evidentiary material.

The candidate Petar Radoslavov Iliev holds a master's degree in "Law" and has a professional qualification "lawyer" since 2003 (Sofia University "St. Kliment Ohridski", Faculty of Law). He completed his higher legal education with full distinction (Excellent 6.00) and he was the top of the graduating class. Petar Iliev has a number of specializations, again completed with full distinction: specialization in "Justice administration"; specialization in "Public Administration"; specialization in "International Law and International Relations". In addition, the candidate also has a specialization in "Common Law" at the University of Buckingham (Great Britain).

Petar Iliev obtained his doctorate in Law (Constitutional Law) with a dissertation on the topic "Legislative Process in the Republic of Bulgaria", date of defense: 01.10.2012 at Sofia University "St. Kliment Ohridski", Faculty of Law.

Petar Iliev is a long-time university professor with solid teaching experience. From 2006 to 2021 he successively held the full-time academic positions of "assistant" and "chief assistant" at the Faculty of Law of Sofia University "St. Kliment Ohridski", where he taught public law subjects: "Constitutional Law"; "Organization of human rights institutions" and "Human rights in the jurisprudence of the Bulgarian courts". Petar Iliev is a part-time lecturer in Legal sciences at the University of Library Science and Information Technologies and at the Thrace University - Stara Zagora. At the same time, the candidate has also participated in numerous national and international scientific conferences and other scientific events dedicated to current issues in the field of public law. Considering the above, I firmly believe that the candidate is a teacher at a high academic level and has the necessary knowledge and

experience to occupy the academic position "associated professor", for which the competition has been announced.

Petar Iliev has an impressive professional career in other field of legal sciences - international relations, including diplomatic and consular relations. He is the recipient of notable awards in the legal profession, which were presented to him at the "National Justice Awards": recipient of the prestigious award "Lawyer of the Year"; manager of the "Iliev and Partners" Law Firm, which is the recipient of the prestigious award "Law Firm of the Year"; Laureate of the "Lawyer Philanthropist of the Year" award. The candidate's rich experience gained in practice is very valuable and helps in carrying out his scientific research and his teaching activity, while his scientific knowledge and his teaching skills are of great benefit in the implementation of his practical legal activities.

All these facts point to substantial, upward and long-term achievements of the candidate in teaching, research, international and practical legal activities.

2. Information on the scientific works included and submitted for participation in the competition and a specific evaluation of the scientific and scientific-applied results and contributions of the monographic work and other scientific works of the candidate

To participate in the competition, the candidate Petar Radoslavov Iliev submits an original habilitation thesis **Research paper No. 1:** The monograph *"Principles of organization and activity of the judiciary in the Bulgarian rule of law"*, ISBN 978-619-7295-21-4, Sofia, RA "Euromedia" publishing house Ltd., 2023; **Research paper No. 2:** *Supreme Judicial Council - structure, composition, organization and powers.* – In: Constitutional studies 2016. 70 years of the Republic, ISBN 978-954-07-4556-5, Sofia, University Publishing House "St. Kliment Ohridski", 2018, 98-125; **Research Paper No. 3:** *The Judiciary 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; **Scientific paper No. 4:** *The legal profession as an institutional guarantee of 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; **Scientific paper No. 5:** *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; **Research Paper No. 6:** *Constitutional Foundations of National Security.* – In: Modern Dimensions in European Education and Research Area, ISSN 2367-7988, Volume 10/2022, Academic Publisher "Za bukvite – O pismeneh", University of Library Studies and Information Technologies, 2022, 212-219 ; **Scientific paper No. 7:** *The ratification powers of the National Assembly and international treaties in the context of the jurisprudence of the Constitutional Court of the Republic of Bulgaria.* – 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, 134-143; **Scientific paper No. 8:** *Legal essence of the decisions of the National Assembly.* – Society and law, ISSN 0204-85-23, no. 2/2015, edition of the Union of Lawyers in Bulgaria, Sofia, 2015, 17-26; **Scientific paper No. 9:** *Proposals for the rationalization of the Bulgarian model for the distribution of rule-making functions between the parliament and the government.* – In: Theo Noster, Collection in memory of Ch. Teodor Piperkov, ISBN 978-954-07-3801-7, Sofia, University Publishing House "St. Kliment Ohridski", 2014, 290-307; **Scientific paper No.**

10: *Factors of violation of competence and types of violations. Legal remedies to remedy the consequences of violations of competence.* – Norma, ISSN 1314-5126, no. 7/2014, Sofia, Siela Norma Publishing House, 2014, 70-78; **Scientific paper No. 11:** *Constitutional foundations of the economic system and property under the Tarnovo Constitution.* – Collection "135 years since the adoption of the Tarnovo Constitution", ISBN 978-954-730-891-6, in connection with the scientific conference dedicated to the 135th anniversary of the adoption of the Tarnovo Constitution, organized by the National Assembly of the Republic of Bulgaria, Sofia University "St. Kliment Ohridski", Veliko Tarnovo University "St. St. Cyril and Methodius" (April 15, 2014). Sofia, "Sibi" publishing house, 2014, 312-320; **Scientific paper No. 12:** *Powers of the National Assembly in the field of defense.* – Society and law, ISSN 0204-85-23, no. 8/2013, edition of the Union of Lawyers in Bulgaria, Sofia, "Feneia" Publishing House, 2013, 29-45; **Scientific work No. 13:** *Freedom of religion and religious confessions in the constitutional theory and in the jurisprudence of the Constitutional Court of the Republic of Bulgaria.* – Norma, ISSN 1314-5126, no. 8/2013, Sofia, Siela Norma Publishing House, 2013, 72-85.

The presented scientific works continue, build on and further develop the scientific public law interests of the candidate and all of them are in the field of public law. The in-depth and systematic knowledge of the candidate is obvious and this is one of the prerequisites for him to successfully justify and argue his theses and conclusions and formulate proposals de lege ferenda. I agree with the original scientific contributions indicated by the candidate in the Reference for original scientific contributions in scientific works and I will emphasize only some of them.

Among the scientific works of the candidate, a special place is occupied by the monograph presented by him "Principles of organization and activity of the judiciary in the Bulgarian rule of law", which is an original scientific work containing important and valuable scientific contributions and examining current and significant issues. The subject of the monographic study is wide-ranging and multi-layered and has a public law character. A systematization and in-depth analysis of all important principles of organization and activity of the judiciary in the context of their connections and interactions with the important aspects and dimensions of the Bulgarian rule of law has been made. The principles are classified into two large groups – primary (original) and secondary (derivative) and the criteria for this division are formulated. The principles of organization and activity of the judiciary are substantiated and examined both in the light of their mutual relations and from the point of view of the principles and values of the Bulgarian rule of law.

The scientific contributions of the monograph are essential and valuable for the Bulgarian public law sciences. A wide-ranging review and in-depth analysis of the jurisprudence of the Constitutional Court and judicial practice was carried out, and on this basis proposals de lege ferenda were formulated for reasonable changes in the legal framework regulating the organization and activity of the judiciary. I firmly believe that in Bulgarian legal science, the presented habilitation thesis is the first monograph that comprehensively and fully researches, analyzes and systematizes all significant principles of organization and activity of the judiciary in the context of their relationships and correlations with the important elements, aspects and dimensions (material and formal) of the Bulgarian rule of law. The monograph actually builds on and further develops the existing scientific knowledge (theory and practice) on the considered legal matter. I consider it correct to understand that the discussed scientific issues really have a complex and interdisciplinary nature with a clear public law focus.

It is indisputable to understand that the scientific approach used in the monograph clearly and precisely shows the practical usefulness of the formulated theses, conclusions and conclusions. The latter really represent a solid basis for the work-based recommendations and proposals de lege ferenda for relevant amendments and additions to the current legal framework and improvement of judicial practice and the jurisprudence of the Constitutional Court. A detailed, thorough and critical review and discussion of the relevant jurisprudence makes the monographic work useful for legal practitioners.

Apart from the above-mentioned monographic scientific work, the candidate has presented other scientific works (studies and articles) which are dedicated to current and significant issues in the field of public law and in each of these works the author convincingly substantiates and argues his scientific theses, conclusions and opinions on the issues under consideration.

The scientific work **"Supreme Judicial Council - structure, composition, organization and powers"** systematically examines the significant legal specifics, elements and aspects of the structure, composition, organization and powers of the Supreme Judicial Council in its capacity as the highest administrative and personnel body of the judiciary, as the peculiarities of the order of activity of the commissions elected by the SJC and supporting its activity were discussed.

The scientific paper **"The Judiciary in the Configuration of the Separation of Powers"** explores the features of the nature, purpose and role of the judiciary as the third main function and system in the classic triad of the separation of powers and the distinctions between the judiciary and other powers, with the conclusion formulated, that the human rights protection activity of the courts is fundamentally different from that of the prosecution and investigative bodies, and this is because the legal protection provided by the subsystem of the judicial bodies has the greatest legal intensity and the highest legal effect,

The scientific work **"Advocacy as an institutional guarantee of fundamental rights"** examines the basic principles in the exercise of the legal profession and the public law aspects and peculiarities of advocacy. The important conclusion that the legal profession is, by its very nature, a constitutional and human rights institution, and its activity is a constitutional activity, is substantiated.

The scientific paper **"Constitutional aspects of the right to property in the context of the jurisprudence of the Bulgarian Constitutional Court"** examines in detail and in depth all significant constitutional aspects of the right to property in the context of the relevant decisions of the Constitutional Court of the Republic of Bulgaria. There is an upgrade and enrichment of the existing scientific knowledge on the issues under consideration in the light of the constitutional jurisprudence accumulated over the years. The conclusion is substantiated that the contradictions in the jurisprudence of the Constitutional Court sometimes affect the constitutional foundations of the economic system of the Republic of Bulgaria, the foundations of private property and the principles of the free market economy.

The scientific work **Constitutional Foundations of National Security** through the prism of constitutional jurisprudence and public law theory researches, systematizes and clarifies the aspects and features of the constitutional foundations of national security in its legal existence as a constitutional principle and constitutional value, as well as and examines the connections and interactions between national security and other fundamental constitutional principles and values. It was concluded that, on the one hand, this proves in an indisputable and categorical way the organic and functional connection between national security and constitutional law.

The scientific work **"The ratification powers of the National Assembly and international treaties in the context of the jurisprudence of the Constitutional Court of the Republic of Bulgaria"** examines the types of international treaties that are necessarily subject to ratification or denunciation by law; the definition of "international treaty" in the jurisprudence of the Constitutional Court; the questions about the substance of the ratification law as a law in a formal sense.

The scientific work **"Legal essence of the decisions of the National Assembly"** examines the peculiarities and aspects of the legal essence of the decisions of the National Assembly, their legal effect, the types of parliamentary decisions, the aspects of the parliamentary procedure for adopting the decisions and its phases, the legal characteristics and legal consequences of the decisions of the internal bodies of the National Assembly.

The scientific paper **"Proposals for the rationalization of the Bulgarian model for the distribution of rule-making functions between the parliament and the government"** for the first time in Bulgarian legal science substantiates and presents a complete and concrete proposal de lege ferenda for the future introduction in the Republic of Bulgaria of the institute of delegated legislation, as specific proposals de lege ferenda have been formulated for the establishment of various types and forms of control over delegated legislation, which are possible for implementation in the context of possible future changes in the Bulgarian model of parliamentary governance.

The scientific work **"Factors for violations of competence and types of violations. Legal means for removing the consequences of violations of competence"** examines the groups and subgroups of factors for violation of the competence of state bodies, the most typical violations of the principle of competence, the requirement of competence as one of the requirements for the legality of public law acts, the question of which state body is competent, the types of competence and their features, the issue of lack of competence as one of the most serious and essential vices of public law acts, the legal essence and features of a void public law act, the legal remedies against the nullity of public law acts issued in the absence of competence.

The scientific work **"Constitutional foundations of the economic system and property under the Tarnovo Constitution"** for the first time in Bulgarian legal science fully and thoroughly examines the features and aspects of the constitutional foundations of the economic system and property during the operation of the Tarnovo Constitution, and these features and aspects are examined both in the context of their internal connections and interactions, and from the point of view of the principles and values of the Tarnovo Constitution and the Bulgarian post-liberation legal theory. In a theoretical perspective and in the light of the principles and values of the Tarnovo Constitution, significant legal concepts and terms from the legal matter relating to property rights are defined.

The scientific work **"Powers of the National Assembly in the field of defense"** examines the relationship between the defense implemented by the armed forces and the constitutional values of sovereignty, security, independence of the country and its territorial integrity; the features and elements of the concepts "transition", "residence", "foreign troops", "territory of the country", "sending", "use" and "Bulgarian armed forces"; the specifics of the military and non-military nature of the passage and stay of foreign troops; the distinction of powers of the National Assembly and the government in the field of defense; the relations in the field of defense between the decisions of the National Assembly, the laws adopted by it and the international treaties of a military and military-political nature.

The scientific work "**Freedom of religion and belief in the constitutional theory and in the jurisprudence of the Constitutional Court of the Republic of Bulgaria**" systematically examines the legal framework of freedom of religion and belief in the Constitution of the Republic of Bulgaria, the regulation of relations between the state and religions, the legal essence of the principle of secularization, the types of relations between the state and religious communities depending on the institutionalization of the principle of secularization.

3. Critical remarks and recommendations

The monographic study could to some extent be enriched if the author made a more detailed comparative legal review of the matter under consideration in other countries, especially member states of the European Union, using this analysis to outline good practices through which the regulatory framework of the Republic of Bulgaria could be improved and supplemented in accordance with the theses and conclusions of the author.

4. General assessment of the contributions of the monograph and other scientific works

The monograph unequivocally proves the excellent knowledge of the theoretical, practical and normative aspects of the principles of organization and activity of the judiciary in the light of the Bulgarian rule of law. This is confirmed by the in-depth legal analysis, as well as by the systematic study of the rich in volume and content practice and acts of the Bulgarian Constitutional Court and bodies of the judicial power. I think that the author has done an excellent job in the monograph, having presented a very serious, analytical, in-depth and original monographic work, with the necessary scientific apparatus, analysis, citations, references, scientific contributions, scientific innovations and scientific results. Monographic work can be effectively used to prepare law students, as well as to improve the knowledge and skills of legal practitioners and professionals with interests in the judiciary and the rule of law.

The quantity and quality of the applicant's scientific works submitted for participation in the competition correspond and even substantially exceed the requirements of the law and the applicable by-laws. The conclusions and proposals *de lege ferenda* contained in the scientific works have not only scientific, but also important practical significance, as they are fully in line with public needs, constitutional jurisprudence and judicial practice. The scientific work of the candidate categorically proves that he is distinguished by abilities and skills to comprehensively and thoroughly analyze public law matter, to propose reasonable solutions that are beneficial for law enforcement, justice administration and improvement of Bulgarian legislation. Overall, the candidate's scientific output should be evaluated with a very high positive rating due to the above-mentioned essential theoretical and practical results and valuable scientific contributions in his scientific works.

5. Conclusion

I categorically support my view and confidently express my scientific opinion about the originality, positive characteristics and high evaluation of the monograph and other scientific works and their scientific contributions and scientific results, as well as about the author's proven capabilities for independent development of a high level of difficulty in legal-technical and practical issues of particular relevance and importance. The candidate fulfills and meets and even significantly exceeds the national minimum requirements for occupying the academic position of "associated professor" at the University of Thrace - Stara Zagora, according to the Law for the Development of the Academic Staff of the Republic of Bulgaria

and the Regulations for its implementation, as well as the Regulations for the development of the academic staff at the University of Thrace - Stara Zagora.

In conclusion, given the above, I maintain the conclusion that the candidate's activities as a teacher, scientist, researcher and practitioner in the field of public law and the specifically presented monographic work and other scientific works meet all the conditions and requirements for holding the academic position of "associated professor" in professional direction 3.6 Law (Public Law) according to the Law on the Development of the Academic Staff in the Republic of Bulgaria and other applicable legal acts, therefore I give a categorically positive opinion (positive conclusion) and a positive assessment of his above-mentioned activities and works and I firmly believe that the respected scientific jury must vote positively "YES" and propose to the Faculty Council of the Faculty of Economics of the University of Thrace - Stara Zagora that Petar Radoslavov Iliev be elected to the academic position of "associate professor" in professional direction 3.6 Law (Public Law) in Economics Faculty of Thrace University - Stara Zagora. Based on my opinion and the positive assessment expressed in it for the above-mentioned activities and works of the candidate, I will confidently vote "FOR" his proposal for election by the Faculty Council of the Faculty of Economics of the Thrace University - Stara Zagora for the academic position of " associated professor " in professional direction 3.6 Law (Public Law), in the field of higher education 3. Social, economic and legal sciences, in the Faculty of Economics of the University of Thrace - Stara Zagora.