

OPINION

by Assoc. Prof. Katerina Borislavova Yocheva, PhD

New Bulgarian University,

Associate professor in professional area 3. Social, business and legal sciences, professional area 3.6. Law (International Law and International Relations) on the scientific works for participation in a competition to be appointed to the academic position associate professor in professional area 3. Social, business and legal sciences, professional area 3.6. Law (Constitutional law), published in SG 41 of 18.05.2021,

the candidate being senior assistant professor Deyana Dimitrova Marcheva, PhD

I. Assessment of compliance with the minimum national requirements and the requirements of New Bulgarian University

To take part in the competition application was made by senior assistant professor Deyana Dimitrova Marcheva, PhD. It is evident that the applicant fulfils the conditions and requirements under the Development of the Academic Staff in the Republic of Bulgaria Act (“DASRBA”) and the regulation with regard to its application. It is in conformity with the additional requirements of New Bulgarian University (NBU) regarding the academic position “Associate Professor“ in the professional area 3.6. Law.

Deyana Marcheva, PhD has presented evidence to certify, that she has acquired educational and scientific degree “PhD” in Law. She has presented a monograph, entitled “The Constitutional Principle of the Rule of Law”, issued in 2021. Of the table self-assessment of the candidate and the evidences provided therein it is evident that she has been on the position of senior assistant professor in NBU for a period longer than two years and that thus she fulfils the minimal national requirements under Article 2b of DASRBA, as well under the additional requirements of NBU under Article 58 (1) of the Regulation for the Development of the Academic Staff in NBU. There is no evidence of plagiarism, proved in the legally established order, in the scientific works of the candidate.

The application of senior assistant professor Deyana Dimitrova Marcheva, PhD not only complies with the minimum national requirements and the requirements of NBU, but in many of the indicators receives more of the necessary points.

II. Research (creative) work and results

1. Evaluation of the monograph

The candidate presents in the competition the monograph entitled “The Constitutional Principle of the Rule of Law” comprising 430 pages which contains a number of contributions. It may be defined as the first comprehensive research of the said principle in Bulgarian constitutional law. In brief *inter alia* according to me the following points of contribution may be outlined:

- in the monograph the author systematises the acquis of Bulgarian legal doctrine in the research of the rule of law under the Constitution of Tarnovo.

- under analysis is the constitutional legal literature after the adoption of the 1991 Constitution of the Republic of Bulgaria as well as the two basic understandings of the rule under Article 4 (1) of the Constitution of the Republic of Bulgaria – the legality principle and the rule of law principle.

- there is systematisation of the contributions of many authors in Bulgarian legal literature in order to clarify the origin, notion and the theories about the rule of law.

- under analysis is the practice of the Constitutional court of the Republic of Bulgaria with regard to the application of rule of law principle in its development and key issues.

- the author distinguishes the principle of socialist legality under the previous Constitutions of Dimitrov and Jivkov from the rule of law principle under the 1991 Constitution of the Republic of Bulgaria.

- the author presents the key elements of the formal legality in the evolution of the written laws and the justice in democratic Athens through court speeches, which has never before been subject of analysis in our legal doctrine.

- the author shows the way in which the antiformalism, antiliberalism and antisemitism in Nazi Germany not only demolish the rule of law, but law in itself.

2. Evaluation of the contributions in the other attached publications

The candidate has attached in the competition 21 scientific papers that has not been used in the previous procedure leading to the educational and scientific degree PhD. Their review reveals, that in their greater part they are dedicated to topical issues of the public law (Constitutional law, administrative law, EU law, Legal theory, etc.). In her publications the candidate shows and proves the necessity of new definitions and concepts, such as “Constitution without Constitutionalism”, “public legal definition of authority”, “Global Administrative law”, “administrative procedure”, among others. I may highlight her desire to use innovative historical and cultural research methods of legal issues and in particular she has justified the interdisciplinary method of law and literature. Moreover, the candidate presents several very interesting publications, in which she develops the topical issues of human rights and in particular women’s rights.

3. Quotations by other authors

As may be seen from the evidence offered by the candidate, the publications of Deyana Marcheva, PhD have been quoted in a big number of monographs and collective works, which have been revised (26), as well as in a number of non-referred periodicals (1) with scientific revision.

III. Teaching and lecturing activities

Deyana Dimitrova Marcheva has been working as an adjunct assistant professor in NBU since 2013 and has been appointed as a regular assistant professor in 2014, and after a competition – became a senior assistant professor in 2016. Since the academic 2015/2016 she carries out seminars in Constitutional law and lectures in Comparative Constitutional Law. She has also lectured various optional subjects in the Master Program Law at the NBU.

In 2013–2016 r. She is lecturing an obligatory course in four semesters in Legal English, which every student in Law in the NBU has to listen.

Doctor Marcheva has proposed and prepared two new elective courses – “EU Administrative Law” and “Procurement, Concessions and Public-Private Partnership”, which enlarge the knowledge of the students in the Master Program Law. In all the courses that she teaches in she has prepared many and various teaching materials, offered online to be used by the students in the online platform Moodle.

Senior assistant professor Deyana Dimitrova Marcheva, PhD has been awarded an average grade very good 4.44 (out of maximal grade 5.00) from the surveys about the satisfaction of the students of the course “Seminars on Constitutional Law” for the past 10 semesters.

The candidate has taken part in the organisation of two national scientific conferences respectively in 2016 and in 2020. The first conference was dedicated to the 25th anniversary of the Law Department of the NBU, and the second – to scientific readings in memory of Assoc. Prof. Christian Takov. She has also taken part in the composition and the revision of the collection of papers and reports from these two conferences. Moreover, both of us act as organisers of the All-university seminar on Human Rights of NBU which takes places on a regular basis since 2016. She has established a seminar on Law and Literature for the NBU students.

Senior assistant professor Deyana Dimitrova Marcheva, PhD takes regularly part in different courses, organised by NBU for the academic staff regarding librarian and information services, the work with the online scientific archive of NBU, etc.

By her active teaching activity senior assistant professor Deyana Marcheva, PhD fulfils the normative legal requirements and the additional criteria of NBU regarding the development of the academic staff listed in groups Ж, 3 and И of the individual assessment table.

IV. Administrative and social activities

Deyana Marcheva, PhD presents evidence, that she carries out her academic obligations and takes regularly part in the meetings of the Council of the Law Department of NBU, respects her reception time, etc.

In the period 2015–2017 Deyana Marcheva, PhD has worked in the administration of NBU as a program consultant. Since 2017 she has served as a member of the Program Council of the Law Program in the NBU.

Doctor Marcheva is a member of national and international scientific and public organisations. She has presented evidence that she is a member of the Union of Bulgarian Jurists and of the International Society of Public Law ICON-S.

Deyana Marcheva has public activity as a translator from English of legal literature, as may be seen by the attached translations in evidence that the requirements have been fulfilled. We have taken jointly part in a project of the International Commission of Jurists about the migrant children, in the framework

of which project she has translated to Bulgarian more than half of the educational materials and she has also taken part in the revision of the other half of those materials.

V. Personal impressions of the candidate

I first met Deyana Marcheva in 2002, when we were together OSI-Chevening scholars in the Oxford University, St. Hilda's College. Ever since I have worked with doctor Marcheva as a colleague who has entirely positive impression of her as a personality and a professional. To my mind doctor Marcheva has deserved the fullest respect not only of the members of the Law Department of the NBU, but also of the rest of the members of the administrative service and of the academic staff in the NBU. She is renown and evaluated highly outside the NBU due to her long-years professional activities in the area of law. She has proved to be highly erudite, responsible and loyal member of the academic staff of the Law Department and anyone may take confidence in her expert appreciations in the legal area chosen by her for her professional realization.

VI. Opinions, recommendations and notes on the activities and achievements of the candidate

In view of all the above-stated it is my conviction that Deyana Dimitrova Marcheva, PhD covers in full the requirements to take the academic post "Associate Professor" in NBU. I would like to express my entirely and highly positive evaluation for her so-far teaching, academic, administrative and public activities, as well as for her scientific contributions in the presented monograph and her other publications with which she has applied in the present competition. I propose to the Scientific Panel to take a positive decision and the Academic Council of NBU to appoint senior assistant professor Deyana Dimitrova Marcheva, PhD to the academic post "Associate Professor" in NBU in professional area 3.6. Law (Constitutional law).

Date 18 August 2021

Signed by: Katerina Yocheva