

## **Review**

**by Prof. Georgi Stefanov Ivanov, DSc,**

the hon. teacher in department "Private Law Sciences" at the Faculty of Law of VTU "St. Cyril and Methodius"

Regarding: the materials submitted for participation in a competition for the academic position of "associate professor" in the Higher School of Insurance and Finance in the field of higher education "3. Social, economic and legal sciences", professional direction "3.6. Law (Commercial and Insurance Law)".

In the competition for "associate professor", announced in the State Gazette, no. 43 of 10.06.2022 and on the website of the Higher School of Insurance and Finance, as a candidate, assistant professor Hristina Todorova Atanasova, PhD, from the Higher School of Insurance and Finance - Sofia.

### **1. General presentation of the received materials.**

By order No. 213 of 26.08.2022 of the Rector of the Higher School of Insurance and Finance, I have been designated as a member of the scientific jury of a competition for the academic position of "associate professor" at VUZF in the field of higher education "3. Social, economic and legal sciences", professional direction "3.6. Law (Commercial and insurance law)".

Only one candidate has submitted documents to participate in the announced competition: assistant professor Hristina Todorova Atanasova, PhD, from VUZF.

The set of paper/electronic materials presented by Assistant Professor Hristina Atanasova, PhD is in accordance with the Regulations for the Development of the Academic Staff of VUZF and includes the following documents:

- Autobiography;
- Copy of the diploma for the educational and scientific degree "doctor" ;
- Monographic work with summary;

- List of publications after the defense of the educational and scientific degree "doctor" and their copies;
- Summaries in Bulgarian and English of the publications after the defense of the doctoral dissertation;
- Medical certificate;
- Criminal record certificate;
- Certificate of required experience;
- Evidence of participation in scientific projects;
- Certificate of fulfillment of the minimum national requirements for occupying the academic position "associate professor";
- A reference to the original scientific contributions in the works and to the citations;
- Consent form for the processing of personal data in connection with participation in the contest.

Assistant Professor Atanasova, PhD is the author of more than 20 scientific publications after acquiring the educational and scientific degree "doctor". On the subject of the competition in the present procedure, she participated with and submitted a total of 18 scientific works, of which 1 monograph "The Conflict of Interests in Insurance", 2017, Sofia, ISBN 978-619-7329-14-8, 2 co-authored studies, in Almanac scientific research, item 23, 2016 "Modern forms of joint business" and "Compulsory insurance under market conditions", 3 articles: Specificity of the mutual insurance cooperative, "Dialog" magazine, 2015, no. 2, ISSN 1311-9206 pp. 15-28; "Compulsory tour operator liability insurance", "Commercial and Obligation Law", 2014, vol. 2, Sofia, ISSN 1314-8133 pp. 21 – 29; and "Modernization of copyright with the latest directive on the protection of copyright in the single digital market 2019/790", pp. 309 - 326, magazine "Scientific works" 2020, no. 3, Sofia, UNSS, ISSN 0861-9344; 12 reports from scientific conferences: "The "Green Card" system - a challenge to the law", "Challenges to the law, Scientific readings in memory of Christian Takov, NBU, ISBN 978-619-233-181-8, pp. 359 - 368, "The regulation of know-how as a trade secret", "Scientific conference on the occasion of the 120th anniversary

of the birth of Prof. Tseko Torbov, 05.2019, NBU, pp. 281-286; On the values of law: a collection of reports and articles from a scientific conference on the occasion of the 120th anniversary of the birth of Prof. Tseko Torbov, May 15, 2019, - Sofia: New Bulgarian University, 2020, 978-619-233-118-4 ; "The new rules in the collective management of copyrights"; "Impact of international and EU law on the Bulgarian legal system"; 22.11.2018, UNSS, pp. 285-292, 978-619-232-226-7; "Trademark - Trade Name Clash", Scientific Conference "Actual Problems of Legal Regulation of Business", 30.11.2017 UNSS, 978-619-232-191-8; "The rules for conflict of interest for insurers, according to the new Insurance Code", Scientific conference "Law and business - improvement of the regulatory framework" on the occasion of 25 years of the Federal Law of the UNSS, 24.11.2016, Volume I 978-954-644- 991-7; "Draft law on real estate brokers", pp. 165-172, Construction entrepreneurship and real estate, Collection of reports from the 30th scientific-practical conference - Varna, November 2015; ISSN 1313-2369; Compulsory professional insurance", Scientific works of Ruse University, 2015, volume 54, series 7, pp. 103-107, 2603-4123; "Insurance of intellectual property", "Legal and economic problems of the business environment in the Republic of Bulgaria, Round table - Collection of reports, 23.10.2015, SA "D. A. Tsenov", pp. 29-33, 978-954-23-1086-0; "The conflict of interests in insurance", Collection of reports The law between tradition and modernity, Scientific conference, held within the framework of the Summer scientific session of the Faculty of Law "Legal Sciences" at VSU "Chernorizets Hrabar" 20.06.2014, Scientific Almanac, ISSN 1313-7263, vol. 27, pp. 245-249; „The European Joint Stock Company as an Insurer", Scientific Conference of the University of Ruse "Angel Kanchev" together with the Union of Scientists (collection of scientific papers), Scientific Papers of the University of Ruse, vol. 51, series 7, 2012, pp. 185-189, 2603 -4123; "The contract for public-private partnership", Collection of reports from the scientific conference "Current problems of the protection of the population and infrastructure" at the National Military University - V. Tarnovo, 25 - 26.10.2012, item 1, pp. 94 - 101, 978-954-753-104-8.

## **2. Brief biographical data of the applicant.**

As. Hristina Atanasova, PhD has extensive professional experience in the field of private law sciences. She graduated with a degree in "Law" from the "Angel Kanchev" University of Ruse in 2004. She obtained a doctorate from the National Academy of Sciences in professional direction 3.6. Law (Civil and Family Law) at the Faculty of Law of RU "Angel Kanchev" in March 2012 with a dissertation on the topic "Legal status of merchant branches". From 2004 to 2018, she successively held the academic positions of "assistant", "senior assistant" and "chief assistant" at the Academy of Economics "D. A. Tsenov" - Svishtov. She led seminars with students at the Academy of Economics on "Basics of Law", "Insurance Law" and "Legal Regulation of Intellectual Property". She led the "Rules and Procedures for Business Conduct" specialization and was a lecturer at the "Business Law" course. From 2018 to 2021, she held the academic position of "assistant" at the Faculty of Arts of the UNSS, and from February 2022, she was an assistant at VUZF. Her total professional experience is over 17 years.

### **3. General characteristics of the applicant's activity.**

Assessment of educational and pedagogical activity.

Currently, the candidate holds the academic position of assistant in department "Accounting and Audit" of VUZF. He is a member of the Academic Council of the University. He gives lectures and conducts seminars on the subjects "Fundamentals of Law", "Commercial Law", "Insurance Law" and "Labour and Social Security Law". Her academic load corresponds to the norms accepted at the University, as well as to the requirements of ZRASRB for occupying the academic position "associate professor".

Evaluation of the candidate's scientific and scientific-applied activity.

Based on the materials submitted for the competition, it can be concluded that Assistant Professor Hristina Atanasova, PhD also meets in this regard the quantitative and qualitative requirements of the ZRASRB, the Regulations for its implementation and the Regulations of VUZF for occupying the academic position of "associate professor".

The monograph has a volume of 241 pages and is structured in an introduction, three chapters, a conclusion and references (bibliographic reference). Of these, 226 pages are essentially an exposition. The bibliographic reference includes 15 titles in Bulgarian (with

one self-citation), 18 titles in English and 6 in Russian. 78 footnotes have been made. In the conclusion, both the author's conclusions and the proposals for improving the regulatory framework (*de lege ferenda*) find a place.

The book is the first monographic study of conflict of interest in private insurance theory, highlighting its importance. It includes commentary on statutory regulation, both in public and private law. Based on the substantive legal grounds for the occurrence of a conflict of interest, regulated by the Civil Code, an attempt was made to give a definition of a conflict of interest in insurance. An overview of the hypotheses in which a conflict of interest may arise in the implementation of insurance mediation has been made. Special attention has been paid to the prevention and establishment of conflicts of interest at the managing bodies of insurers - JSC. After a comparative characterization between our and foreign legislation, a proposal was made to adopt a law to prevent and establish conflicts of interest in the private sector.

The rest of the candidate's scientific production is dominated by the reports given at scientific conferences (12 out of a total of 18 publications submitted for participation in the competition). A stand-alone studio is not represented. 3 articles were published, one of which was published in a specialized legal periodical.

The publications submitted for participation in the competition show that Hristina Atanasova's scientific interests are mainly in the field of commercial law, insurance law and intellectual property law.

Hristina Atanasova's publications are characterized by the analytical examination of important theoretical and practical issues of legislation and judicial practice. For a number of them, the candidate substantiates his own opinion or presents additional arguments in support of opinions in the doctrine to which she subscribes. The proposals made to eliminate gaps in our legislation and to improve it also deserve attention.

This gives grounds for a positive evaluation of the candidate's scientific and scientific-applied activity in quantitative and qualitative terms.

Contributions (scientific, scientific-applied, applied) and citations.

A positive quality of the habilitation work is the attempt to distinguish between the conflict of interests in public and private law. The author's proposal to unify the concept of "interest" also deserves support, since individual laws define it differently - as commercial, financial, business, and also - as direct and indirect.

The interpretation and commentary of Art. 146 - 151 of chapter ten of the Insurance Code. "Disclosure of conflict of interest and of Art. 420 – 425 which govern Legal Expenses Insurance.

Criticism regarding the regulation of the Insurance Code on the imposition of coercive administrative measures by the Financial Supervision Commission (FSC) in the presence of a conflict of interest is justified.

The merit of the peer-reviewed work is the comparison made between related parties, interested parties and economically related parties.

With reason, emphasis is placed on the conflict of interests in relation to the persons who participate in the management bodies of the insurer such as JSC, which has been examined in accordance with Art. 238, para. 4 and Art. 240b of the Commercial Law.

The review of the internal rules of large international insurers in the matter under consideration is also of interest.

Quality of the peer-reviewed work is the comparative legal research, taking into account the legislation of EU member states (Italy and Germany) and third countries (USA and Russia).

At the end of the monograph, proposals de lege ferenda are made, some of which deserve full or partial support (eg to create a common definition of related parties).

Scientific, scientific-applied or applied contributions can also be found in the candidate's other publications - studies, articles and reports (e.g. regarding the specifics of the mutual insurance cooperative, the comparison between a trademark and a trade name, the insurance of tour operators, etc.).

They are indicated in the citations of the candidate's publications by other authors, which covers the required minimum. Citations are positive and substantive.

#### **4. Assessment of the candidate's personal contribution.**

In my opinion, the above scientific, scientific and applied contributions of the candidate are her personal merit.

At the time of preparation of this review, there is no evidence of plagiarism in the publications submitted by the candidate under this procedure.

#### **5. Critical notes and recommendations.**

In my opinion, the habilitation thesis should be updated in view of changes in the legislation that occurred after 2017 and newly published literature and judicial practice.

The bibliography in Bulgarian is scarce, since a number of works on commercial (stock) law and insurance law, which have, albeit mostly indirectly, an importance for the subject of the habilitation thesis have not been taken into account.

In a number of places in the reviewed work, there is a retelling of the regulatory framework, without it being updated, interpreted or commented on to a sufficient extent.

The conflict of interests in a mutual insurance cooperative, which has management bodies different in number, composition and competence compared to an insurance JSC, has not been examined.

The candidate may be recommended to increase the number of her publications in the specialized press.

#### **6. Personal impressions.**

I have immediate personal impressions of the candidate, formed as a result of our several years of joint work at SA "D. A. Tsenov" - Svishtov. In my opinion, she is a responsible and demanding teacher who successfully combines her teaching and scientific activities.

#### **Conclusion.**

The documents and materials presented by Dr. Hristina Atanasova, assistant professor, meet the requirements of ZRASRB, PPZRASRB and the internal rules of VUZF.

The candidate in the competition has submitted a sufficient number of scientific works published after the materials used in the defense of the educational and scientific degree "doctor", thereby meeting the minimum national requirements for occupying the academic position "associate professor". There are scientific and applied contributions in the candidate's works. From this it follows that the scientific and teaching qualifications of Assistant Professor Hristina Atanasova, PhD are unquestionable. Moreover, she has almost 18 years of teaching experience, formed in 3 higher schools.

After familiarizing myself with the materials, scientific works and teaching aids presented in the competition, analyzing their significance and the scientific, scientific-applied and applied contributions contained in them, I find it reasonable to give my positive assessment and to recommend the scientific jury to prepare a report-proposal to the Academic Council for the election of assistant professor Hristina Todorova Atanasova, PhD to the academic position of "associate professor" at VUZF in professional direction 3.6. "Law (Commercial and Insurance Law)".

09/15/2022

Reviewer:

(Prof. Georgi Stefanov, DSc)