

REVIEW

by Prof. Dr. Simeon Vladimirov Tasev,

the hon. lecturer at the Faculty of Law of the University of Rouse "Angel Kanchev"

of the materials submitted for participation in the competition

to occupy the academic position of "associate professor"

of the Higher School of Insurance and Finance

by 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, Assistant Professor Hristina Todorova Atanasova, PhD, from the Higher School of Insurance and Finance - Sofia participated as a candidate.

1. General presentation of the procedure and the candidate.

By order No. 213 of 26.08.2022. of the Rector of the Higher School of Insurance and Finance, I have been appointed as a member of the scientific jury of 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 the 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 commercial and insurance law. She graduated with a degree in "Law" from the "Angel Kanchev" University of Ruse in 2004. She obtained the educational and scientific degree "doctor" in professional direction 3.6. Law (Civil and Family Law) at the Faculty of Law of the RU "Angel Kanchev" in March

2012. with a dissertation on "Legal status of merchant branches". Since 2004 until 2018 she has successively held the academic positions of "assistant", "senior assistant" and "chief assistant" at the Economic Academy "D.A. Tsenov" - Svishtov. She led seminars with the students at the Academy of Economics on Fundamentals of Law, Insurance Law and Intellectual Property Law. She led the specialization "Rules and Procedures for Conducting Business" and was a lecturer at the "Stonic Law" course. Her research interests are in commercial law, insurance law and intellectual property law. From 2018 until 2021 held the academic position of "assistant" in the Faculty of Law of the UNSS, and from February 2022 is an assistant at VUZF. Her total professional experience is over 17 years.

3. General characteristics of the applicant's activity

Currently, the candidate holds an academic position as an assistant at VUZF. He is over 17 years old. professional experience in the academic field. He is a member of the "Accounting and Auditing" department and the Academic Council. Her academic load corresponds to the norms adopted by the university, as well as to the requirements of ZRASRB for occupying the academic position of "associate professor".

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

Based on the documentation and information presented by Assistant Professor Hristina Atanasova, the following generalizations can be made: the candidate's research, both in terms of volume and quality, is in accordance with ZRASRB, the Regulations for its implementation and the Regulations of VUZF for occupying academic positions.

The central place in the assessment of her scientific production is undoubtedly occupied by the habilitation thesis on the topic "The Conflict of interests in insurance". It is dedicated to a topic that has not been studied in the Bulgarian scientific literature, but at the same time, it is of interest to the development of legal science. This topic is particularly relevant in the context of the increased risk of conflicts of interest in private law relations.

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 table of contents is separated into 4 pages and the bibliographic reference - into 5 pages. The introduction is 4 pages long, and the conclusion – is 7 pages. Each chapter is divided

into paragraphs and each paragraph is into bullet points. In the conclusion, both the author's conclusions and the proposals for improvement of the regulatory system (*de lege ferenda*) find a place. The book is the first monographic study of conflict of interest in private law insurance theory, highlighting its uniqueness and significance. This paper is the first comprehensive study of the conflict of interest legislation in the insurance sector. It includes commentary on legal regulation, both in the public sphere and in the private sphere. 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 situations in which a conflict of interest may arise in the implementation of insurance mediation was made, and the foreign regulation in the relevant field was also examined. Special attention has been paid to the prevention and detection of conflicts of interest in the management bodies of insurers. And finally, after a comparison between the foreign legislation and the Bulgarian one, a proposal was made to adopt a Bulgarian law.

The research is in accordance with the legislation as of August 2017.

With the studies, articles, and reports that the candidate submits for review, an attempt is made to shed light on various scientific issues in the private law aspects of the development of commercial law and insurance law theory.

The total number of points in the reference for the scientometric indicators of assistant professor Dr. Atanasova is 305.75, which is slightly above the required amount.

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

Contributory points in the habilitation work: based on an interpretation of the provisions of the TZ and KZ, the obligations of the councils of insurance companies resulting from the presence of a conflict of interest were examined; a comparative characterization of the legal arrangements in the EU countries and outside of the conflict of interest in insurance mediation was made; the insurer's obligations under the insurance contract for legal expenses related to the conflict of interest are analyzed; the retelling of the rules of Directive (EU) 2016/97 of the European Parliament is also of interest, and in this part, the exposition would be improved if it were also added to the extent to which the requirements of this directive are included in the domestic legislation; the proposals

regarding the content of a future normative act regarding the conflict of interests in private law are also interesting.

The contribution points in the presented studies, articles, and reports can lead to comparative legal analysis between national, European, and non-EU countries' legislation, critical analysis of the existing regulation, formulation of recommendations for its improvement, as well as proposals de lege ferenda.

The candidate's citation reference shows that she has sufficient recognition in scientific circles. Evidence of fulfillment of the minimum number of 50 points of citations for holding the academic position "associate professor" has been presented.

4. Assessment of the candidate's personal contribution

At the time of preparing the review, there is no evidence of plagiarism in the works of the candidate under the present procedure.

I believe that the contributions of Dr. Hristina Atanasova are her personal merit.

5. Critical remarks and recommendations

Regarding the presented scientific developments, without belittling their contribution, the following critical remarks and recommendations could be made:

In view of the fact that the peer-reviewed monograph "Conflict of interest in insurance" was published in 2017, and since then public relations in establishing a conflict of interest in the general sense of the term have undergone development, the work can be updated. The retelling of the structure of ZPUKI is redundant. The minus of the work is the research that the author does between the conflict of interests and other phenomena such as corruption, bribery, crime, and public procurement.

The summary on p.93 does not correspond to the definition of conflict of interest given on p.76-77. I find it beyond the scope of the research to review the internal rules of some international insurance companies, as well as §4 of Chapter Two - Legal Expenses Insurance.

6. Personal impressions

I do not know the candidate personally and have no direct impressions of her. From the documentation on the competition, I conclude that she is capable, goal-oriented, and with a perspective for personal and professional development.

CONCLUSION

The documents and materials presented by Assistant Professor Hristina Atanasova, PhD, meet all the requirements of the Law on the Development of the Academic Staff in the Republic of Bulgaria (ZRASRB), the Regulations for the Implementation of the ZRASRB, and the relevant Regulations 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 ONS "doctor" and meet the minimum national requirements for occupying the academic position "associate professor". The candidate's works contain original scientific and applied contributions. His theoretical developments have practical applicability, and some of them are directly oriented to academic work. Assistant Professor Dr. Atanasova's scientific and teaching qualifications are unquestionable.

The results achieved by assistant professor Dr. Atanasova in the educational and research activities fully correspond to the Rules of the VUZF for the application of ZRASRB.

After getting acquainted with the materials and scientific works 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 recommend the Scientific Jury to prepare a report-proposal to the Academic council for the selection of assistant professor Dr. Hristina Atanasova for the academic position of "associate professor" at VUZF in professional direction 3.6. Law (Commercial and Insurance Law).

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Reviewer:

Prof. Dr. Simeon Tasev

