

## **OPINION**

**by Prof. Dr. Yanka Teneva Tyankova, lecturer from the Faculty of Law of VTU "St. St. Cyril and Methodius",**

designated as a member of the scientific jury by Order No. 213/26.08.2022 of the Rector of the Higher School of Insurance and Finance

on the scientific papers submitted for participation in a competition for the academic position of "associate professor", by professional direction 3.6. Law (Commercial and Insurance Law)

In the competition for "associate professor", announced in SG No. 43 of 10.06.2022 and on the website of the Higher School of Insurance and Finance - Sofia, as a candidate, assistant professor Hristina Todorova Atanasova, lecturer at VUZF.

### **1. General presentation of the procedure and the candidate.**

For participation in the thus-announced competition, documents were submitted by assistant professor Dr. Hristina Todorova Atanasova. It can be seen from them that the candidate meets the national requirements set out in the Law on the Development of the Academic Staff in the Republic of Bulgaria (ZRASRB), as well as fulfills the minimum national requirements for scientific and teaching activities for the field of higher education 3. Social, economic and legal sciences, Professional direction 3.6. Right, determined by the Regulations for the implementation of the Law on the development of the academic staff in the Republic of Bulgaria (indicators by groups A, B, D and D). The candidate also meets the additional requirements of the Higher School, defined in the Regulations for the Development of the Academic Staff of VUZF.

Hristina Atanasova obtained an educational and scientific degree "Doctor" (PhD) in law in 2012, with the topic of her dissertation "Legal status of merchant branches". For participation in the thus-announced competition, she presented a monograph entitled "The Conflict of Interests in Insurance", Sofia, 2017, ISBN 978-619-7329-14-8. Dr. Atanasova is the author of more than 20 scientific publications after acquiring the educational and scientific degree "Doctor" (PhD). On the topic 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", S., 2017,

ISBN 978-619-7329-14-8; 2 studies in co-authorship: “Modern forms of joint business” and “Compulsory insurance under market conditions”, published in Scientific Research Almanac - SA “D.A. Tsenov”, volume 23, 2016; 3 articles: “Specifics of the mutual insurance cooperative”, “Dialog” magazine, no. 2, 2015, ISSN 1311-9206 pp. 15-28; “Compulsory tour operator liability insurance”, in “Commercial and Obligation Law” magazine, 2014, no. 2, pp. 21 – 29, ISSN 1314-8133; “Modernization of copyright with the latest directive on the protection of copyright in the single digital market 2019/790”, magazine “Scientific works” 2020, no. 3, UNSS, pp. 309 – 326, 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.

As. Dr. Hristina Atanasova 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 ONS "Doctor" 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 D.A. Tsenov Academy of Economics - Svishtov. She led seminars with the students at the Academy of Economics on the subjects: Fundamentals 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. Her research interests are in commercial law, insurance law and intellectual property law.

From 2016 to 2021, he held the academic position of “assistant” at the Faculty of Law of the UNSS, and from February 2022, he was an assistant at VUZF, Department of "Accounting and Auditing".

Her professional experience is over 17 years.

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

### *2.1. Assessment of educational and pedagogical activity*

Currently, the candidate holds an academic position as an assistant at VUZF. He has over 17 years of professional experience in the academic field. He is a member of the „Accounting and Auditing“ department, as well as a member of the Academic Council. Her academic workload meets the norms accepted by VUZF, as well as the requirements of ZRASRB for occupying the academic position of „associate professor“.

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

Based on the documentation 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”. The work contains a study of the insurance legal regulation of the conflict of interest and the ways of its establishment and prevention.

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 an exposition of the substance, separately from it is the contents in a volume of 4 pages and the conclusion in a volume of 7 pages. In the conclusion, the author summarized the conclusions made during the presentation and gave suggestions *de lege ferenda* for changes in the legislation. 76 footnotes have been made. The literature used includes 164 titles, of which 15 are in Bulgarian and 24 in English and Russian.

The scientific work is the first monographic study of the conflict of interest in insurance law, which conveys the relevant significance of the work. With it, the author has set himself the goal of analyzing the legal regulation of the conflict of interests in the insurance sector. Proceeding from the material legal grounds for the occurrence of the conflict of interest, regulated by the Law on the Prevention and Determination of the Conflict of Interest, an attempt was made to give a definition of a conflict of interest in insurance. The legal framework and the applicable practice regarding the occurrence of the conflict of interest in the distribution of insurance products have been analyzed. A significant place is devoted to issues related to the prevention of conflicts of interest at the governing bodies of insurers. In a separate section, the specifics of concluding a legal expenses insurance contract are noted. Using the comparative law method and referring to individual provisions of foreign legislation (both of EU member states and the legislation of the USA and Russia), a proposal is made to adopt a separate law on the management of conflicts of interest in private law, in which to give a legal definition of the conflict of interest.

The 18 scientific publications (studies, articles and reports) submitted by the candidate, published in peer-reviewed collections and journals, show a very great scientific activity of Assistant Professor Hristina Atanasova, which should be positively evaluated.

The teaching and learning activity of the candidate Assistant Professor Hristina Atanasova, PhD, corresponds to the national requirements and the additional criteria of VUZF in groups G, Z, I from the table. As can be seen from the reference for the scientometric indicators of assistant professor Atanasova, the total number of points is 305.75, which shows that the minimum scientometric indicators for occupying the academic position "associate professor" have been met.

### *2.3. Contributions (scientific, scientific-applied, applied) and citations*

The following can be mentioned as contributing moments in the habilitation work:

This is the first comprehensive study on the topic of the conflict of interest in insurance, which is also the main advantage of the monographic work. The work is well structured, with individual chapters symmetrically placed and logically interconnected. In the first chapter, the conflict of interests according to the Bulgarian legislation is discussed. A detailed historical and legal analysis of the regulatory framework in Bulgaria was made, comparing the conflict of interest regulation in the public and private law sectors, and the regulation in a number of special laws was traced. Chapter two is devoted to the conflict of interest in insurance. In par. 2, the conflict of interest at the managing bodies of the insurer is analyzed, and in par. 3 – the conflict of interest in insurance mediation. An analysis was made of the foreign legislation regulating the conflict of interest in insurance, which was divided into two groups: of EU member states (Italy, Germany) and of third countries (USA, Russia).

A number of scientific contributions also contain the publications presented by the author (studies, articles and reports), the conclusions of which are supported by a thorough comparative legal analysis of European legislation, the legislation of EU member states, as well as other countries (USA, Russia, etc.). In them, a critical analysis of the existing regulation in the Bulgarian legislation was made, recommendations were formulated for the improvement of the regulations and proposals *de lege ferenda* were made.

In the attached reference for citations by other authors, ZRASRB and the other by-laws set a requirement of a minimum of 50 points for holding the academic position "associate professor".

From the self-assessment report and the evidence presented to it, it is established that according to point 12 of indicator D, the candidate has collected 50 points, in view of which he fulfills the minimum requirements under this criterion.

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

### **3. Critical remarks and recommendations.**

Some critical remarks and recommendations can be made to the work. Although the monograph contains logically connected and symmetrically located three chapters, which should present the conflict of interest in insurance law, the focus of the study is shifted from insurance law and is aimed at examining this legal institution as in different laws, within the framework of national legislation as well as in foreign legislation, which makes the exposition quite confusing. Apart from that, the conflict of interest is demarcated from concepts (in particular and procedures) that are not born with this legal institution, such as corruption, bribery, crime, public procurement procedure. In my opinion, the author should have concentrated in chapters two and three on the establishment of the conflict of interest in insurance law and the consequences of its presence. The policy for the prevention of conflicts of interest in insurance is set out as fundamental in the European directives in the field of insurance, both in Directive 2016/97 EU of 20.01.2016 on the distribution of insurance products, and in the amended Directive 2002/92 (EC ) from 9 Dec. 2002 on insurance mediation. Regardless of the incorporation of these directives into the Insurance Code, in practice it continues to be considered, for example, that insurance brokers most often fall into a conflict of interest, because on the one hand they must protect the interest of their clients (users of insurance services), but on the other on the other hand leading for them is to sell the products of that insurer who gives them the biggest commission when concluding insurance contracts. In this regard, it is important to present the author's considerations regarding the necessary measures that the insurer should take in order to identify the conflict of interest that arises in the course of distributing insurance products not only between an insurer and a user of insurance services, but also between members of management bodies of an insurer, its employees, other persons who conclude insurance contracts.

## **CONCLUSION**

In view of the above, I believe that Assistant Professor Hristina Todorova Atanasova meets the conditions and requirements for holding the academic position of "associate professor" in Law, as her overall teaching, administrative and public activities should be evaluated positively. The monograph and other publications with which he applied contain original contributions to Bulgarian legal science.

In conclusion, I propose to the Scientific Jury to make a positive decision and to propose to the Academic Council of VUZF to elect Assistant Professor Hristina Todorova Atanasova to the academic position of "associate professor" at the Higher School of Insurance and Finance - Sofia in professional direction 3.6. Law (Commercial and Insurance Law).

03.10. 2022

Prof. Dr. Yanka Tyankova