До

Председателя на научното
жури, съгласно Заповед на директора
на ИДП на БАН № РД-09-43 от
01.04.2026 г.

Р Е Ц Е Н З И Я

от проф. д-р Мария Гавраилова Славова от Софийския университет „Св. Климент Охридски”

относно: дисертационния труд на Мина Етиенова Янева, редовен докторант в секцията Публичноправни науки“ в ИДП, на тема „ЗАЩИТА СРЕЩУ НЕОСНОВАТЕЛНИТЕ ДЕЙСТИВЯ И БЕЗДЕЙСТИВЯ НА АДМИНИСТРАЦИЯТА“,

за присъждане на научна и образователна степен доктор по право, в областта на висше образование 3. „Социални, стопански и правни науки“, професионално направление 3.6. „Право“, с научен ръководител проф. д-р Веселина Канатова-Бучкова

Уважаема госпожо председател,

Със Заповед на директора на ИДП на БАН № РД 09-43/01.04.2026 г. за утвърждаване на научно жури за провеждане на процедура за защита на дисертационния труд на тема „Защита срещу неоснователни действия и бездействия на администрацията“, с автор Мина Янева, редовен докторант в секцията „Публичноправни науки“ в ИДП, докторска програма „Административно право и административен процес“, за присъждане на научната и образователна степен доктор по право, съм определена за член на процесното жури, а на първото заседание на журито - за рецензент на дисертационния труд.

За рецензия е представен дисертационния труд на кандидата и от съпътстващите го материали е видно, че са изпълнени законовите изисквания за публичната защита на дисертацията, съгласно Закона за развитие на академичния състав на Република България, ППЗРАСРБ и Правилника за условията и реда за придобиване на научни степени и заемане на академични длъжности в ИДП на БАН.

Документацията, представена на научното жури показва, че кандидатът е завършил право в Юридическия факултет на Софийския университет „Св. Климент Охридски“, зачислен е като редовен докторант със Заповед на директора на ИДП на БАН № РД 09-01/12.01.2023 г. и съответно е отчислен със Заповед на директора на ИДП на БАН № РД 09-01/19.01.2026 г., с право на защита, на основата на което е издадена заповедта за публична защита.

Дисертационният труд е посветен на тема, която за първи път се разглежда в доктрината на административното право и административния процес и изследва правния характер на неоснователни действия и бездействия на администрацията в отношенията между държавата, държавните органи, гражданите и техните организации. Актуалността на изследването се диктува от новостта на правния институт, въведен с приемането на Административнопроцесуалния кодекс(АПК) през 2006 г. и от отсъствието на доктринални изследвания за него.

Доколкото съществуват научни опити близо до темата на дисертацията у нас, материята е разглеждана спорадично и по съпътстващи поводи, а не специално и то за служебни нужди на местата и лицата, ангажирани с неоснователни действия и бездействия на администрацията.

Така с промяната на философията на уреждането на административните правоотношения в АПК, дисертационният труд на

Мина Янева е първото научно изследване у нас, посветено на неоснователните действия и бездействия на администрацията в материалното административно право и административния процес.

Дисертационното изследване осмисля административноправно нововъведените понятия и способите за защита срещу тях, чрез съпоставката им с общите правила на Административнопроцесуалния кодекс по прекратяване на незаконосъобразни действия или бездействия на административните органи и исковото производство за обезщетение на причинени вреди от тях.

Така с новелизацията на законодателството се дава началото на научни опити, които чрез приносите на рецензирания труд са добро начало както за теорията, така и за практиката в една не особено привлекателна и трудна за изследователите, но особено важна за управлението, област на правото.

Анализът на действащата правна уредба и особено на създадената след приемането на глава III АПК практика, води до обосновани изводи, относно развитието на института и перспективите на усъвършенстване на защитата срещу незаконосъобразни действия или бездействия на административните органи, относно проблемите, които се срещат в практиката и начините за преодоляването им и стига до предложения с оглед на бъдещото законодателство, чийто приносен характер е безспорен.

Дисертационният труд съдържа проучване, анализ и проследяване на нормативната уредба на националното законодателство и относимото право на Европейския съюз относно неоснователните действия и бездействия на администрацията.

Уводът на изследването поставя въпрос, чийто отговор определя структурата на труда по един нетрадиционен начин, а именно дали

неоснователните действия и бездействия на администрацията са административни актове или разграничението им от тях е съществено за преценката на възможността за защита срещу неблагоприятните им последици или защитата може да се развие само по специалния ред на чл. 250 и сл. и чл. 256 АПК, а не по общия ред за защита срещу индивидуални и общи административни актове. Този въпрос обема цялата теория на материалното административно право и предпоставя една голяма първа глава, разделена на шест части, за да изясни теоретичната основа на правния институт на неоснователните действия и бездействия на администрацията и да предпостави процесуалните последици на защитата срещу тях.

Първата глава изхожда от анализа на АПК, който като кодификация на административния процес, обхваща съществуващите до приемането му институти от Закона за Върховния административен съд (обн., ДВ, бр. 122 от 1997 г.; посл. изм. и доп.), от Закона за административното производство (обн., ДВ, бр. 90 от 1979 г.; посл. изм. и доп.), от Закона за предложенията, сигналите, жалбите и молбите (обн., ДВ, бр. 52 от 1980 г.; посл. изм. и доп.) и от Закона за административното обслужване на физическите и юридическите лица (обн., ДВ, бр. 95 от 1999 г.; посл. изм.), и които с приемането му се отменят.

Първата глава представя анализ на действията и бездействията на администрацията в други правни системи и способите за защита при незаконосъобразност, като и сравнителноправно изследване на средствата за отстраняване на последиците от неоснователните действия и бездействия на администрацията в САЩ, Германия и Франция.

Във **втората част на глава първа** докторантът демонстрира задълбочено опознаване на теорията на материалното административно право при съпоставка на белезите на индивидуалните и общите

административни актове с действията и бездействията на администрацията, за да изведе оптималния механизъм за защита срещу неправомерните им последици, на основата на динамичния диференциран подход.

По естествената систематика на изложението анализът е посветен на видове административни актове, издавани от администрацията, към чиято квалификация биха могли да бъдат отнесени действията и бездействията на органите на изпълнителната власт. Проследени са сходствата с мълчаливия отказ и съгласието и разпространеното разбиране за конклудентния характер на фактическите действия, които доктрината приравняват на бездействия. Приема се, че неоснователните действия и бездействия на администрацията представляват индивидуални административни актове, изразени с конклудентни действия, разбиране, което авторът последователно и аргументиран оспорва.

Част трета от глава първа всъщност носи идеологията на изследването, защото съдържа практически указания, изведени от анализа на съдебната практика и развитието на административноправната доктрина, относно защитата срещу неоснователните действия и бездействия на администрацията.

Четвъртата част на глава първа е посветена на фактическите характеристики на действията и бездействията на администрацията и на пороците, от които те страдат. Тук изследването представлява една симбиоза между доктрината, сътворена от Кино Лазаров и вижданията на Живко Сталев за нормативната сила на фактическото, претворени в практиката на Върховния административен съд по предмета на производствата по чл. 256 и 257 АПК. Анализирано е становището, че неоснователните действия и бездействия, които са регламентирани в глава петнадесета на АПК са фактически, а не юридически действия и

бездействия, съответно не представляват административни актове. всякакви фактически действия, които не са административни актове и не се извършват в изпълнение на административни актове или на закона.“ Авторът изрично разграничава защитата срещу административните актове и срещу изпълнението на административни актове от тази срещу действията и бездействията по реда на глава петнадесета.

Глава втора е посветена на защитата срещу неоснователните действия и бездействия на администрацията и съответно има характер на изследване на процесулните аспекти на института, като в значителен обем е изложена практиката и слабостите на теорията и естествено е постигнато приносно разбиране за самото съдържание на основните понятия, техните видове, контролът върху органите, автори на незаконосъобразните действия и бездействия и перспективите в усъвършенстването на защитата срещу тях.

Обобщена е съдебната практика, която приема, че хипотезите по чл. 256, ал. 1 и 2 АПК са две отделни хипотези и практиката, според която е налице една хипотеза, като в едната алинея е регламентиран предметът на защита, а в другата редът на защита.

Използвана е съдържателната част на т. 8 от Тълкувателно постановление №2 от 19.05.2015 г. на Общото събрание на ГК на ВКС и ОСС от I и II колегия на ВАС.

Специално внимание е отделено на защитата по Европейската конвенция за правата на човека и основните свободи, като е изяснено, че защита срещу неоснователните действия на администрацията цели бързото им преустановяване, което не съответства на замисъла на производствата по конвенцията, но следва да се намери перспектива на използването на защитата по конвенцията, която цели безспорност и

именно в нея може да се намери практическо приложение защитата по реда на ЕКЗПЧОС.

Огромна по естеството си и по обема си работа е извършена, за да се изследва и обобщи съдебната практика и да се направят правноприложимите изводи, като не са спестени усилия в количествено, но и в качествено отношение при извличането на изводите и препоръките.

Изследването е категорично и не пропуска възможност да констатира празнотите в уредбата и пороците в правораздавателната практика, които дори и да не са изведени в препоръки de lege ferenda, могат да се развият при публикуването на труда в монография след защитата му.

Кандидатът има три публикации по темата на дисертационния труд, както следва:

 Неоснователните действия по чл. 250 от АПК фактически или юридически характер притежават? Неоснователните действия представляват ли волеизявление?, публикувана в сп. „Административно правосъдие“, година XXVIII, брой 1, януари-февруари 2025 г.

 Представляват ли неоснователните действия и бездействия на администрацията, административни актове по смисъла на чл. 21, ал. 1 и ал. 4 от АПК?, публикувана в сп. „Общество и право“, март 2025 г.

 Преклузивен ли е срокът, регламентиран с нормата на чл. 256, ал. 2 от Административнопроцесуалния кодекс, публикувана в сп. „Административно правосъдие“, година XXVIII, брой 4, юли-август 2025

Една рецензия е непълна без критични оценки и изследването на неоснователните действия и бездействия на администрацията на Мина Янева не би заслужавало одобрение без препоръки. Задълбоченият труд

на докторантът предполага повече изводи в теоретичен план и повече перспективен поглед на производствата по обезщетение на неблагоприятните последици от тях.

Реалните препоръки обаче се отнасят до юридическия език, който подлежи на прецизен прочит и редакция, на изясняване до край на съдържанието на спорните понятия и перспективата на защитата срещу тях.

В заключение давам положителна оценка на труда, на приносния му характер и съответствието му с приложимите законови и подзаконови изисквания и предлагам на научното жури да гласува **ЗА** присъждането на научната и образователна степен доктор по право на Мина Етиенова Янева**.**

04.05. 2026 г.

гр. София **проф. д-р Мария Гавраилова Славова**

To

The Chair of the Scientific Jury, pursuant to Order No. RD-09-43 of the Director of the Institute of Philosophy at the Bulgarian Academy of Sciences dated April 1, 2026

R E V I E W

by **Prof. Dr. Maria Gavrailova Slavova** of Sofia University "St. Kliment Ohridski"

regarding: the dissertation of **Mina Etienova Yaneva**, a full-time doctoral student in the "Public Law Sciences" section at the Institute of Legal Studies, on the topic "DEFENSE AGAINST UNJUSTIFIED ACTS AND OMISSIONS OF THE ADMINISTRATION," for the award of the academic and educational degree of Doctor of Law in the field of higher education. 3. "Social, Economic, and Legal Sciences," professional field 3.6. "Law," supervised by Prof. Dr. Veselina Kanatova-Buchkova

Dear Mrs. Chair,

By Order of the Director of the Institute of Public Administration (IPA) at the Bulgarian Academy of Sciences (BAS) No. RD 09-43/01.04.2026, appointing a scientific jury to conduct the defense procedure for the dissertation titled "Protection Against Unjustified Actions and Omissions by the Administration," authored by Mina Yaneva, a full-time doctoral student in the "Public Law Sciences" section at the Institute of Public Administration, doctoral programme "Administrative Law and Administrative Procedure," for the award of the academic and educational degree of Doctor of Law, I have been appointed as a member of the jury in question, and at the jury's first meeting, as a reviewer of the dissertation.

The candidate's dissertation has been submitted for review, and the accompanying materials indicate that the legal requirements for the public defense of the dissertation have been met, in accordance with the Law on the Development of Academic Staff of the Republic of Bulgaria, the Regulations for the Implementation of the Law on the Development of Academic Staff of the Republic of Bulgaria, and the Rules on the Conditions and Procedures for the Award of Academic Degrees and the Holding of Academic Positions at the Institute of Law of the Bulgarian Academy of Sciences.

The documentation submitted to the scientific jury shows that the candidate graduated with a degree in law from the Faculty of Law at Sofia University "St. Kliment Ohridski," was enrolled as a full-time doctoral student by Order of the Director of the Institute of Legal Studies at the Bulgarian Academy of Sciences No. RD 09-01/January 12, 2023, and was subsequently dismissed by Order of the Director of the Institute of Philosophy at the Bulgarian Academy of Sciences No. RD 09-01/January 19, 2026, with the right to defend his dissertation, on the basis of which the order for the public defense was issued.

This dissertation addresses a topic that is being examined for the first time in the doctrine of administrative law and administrative procedure, and explores the legal nature of unjustified acts and omissions by the administration in the relationships between the state, state bodies, citizens, and their organizations. The relevance of the study stems from the novelty of the legal institution introduced with the adoption of the Administrative Procedure Code (APC) in 2006 and the absence of doctrinal research on it.

To the extent that there are academic studies in Bulgaria related to the dissertation's topic, the subject has been addressed sporadically and in passing, rather than specifically and for the practical needs of the entities and individuals involved in unjustified actions and omissions by the administration.

Thus, with the shift in the philosophy governing administrative legal relations under the Administrative Procedure Code, Mina Yaneva's dissertation is the first academic study in Bulgaria dedicated to the unfounded acts and omissions of the administration in substantive administrative law and administrative procedure.

The dissertation examines the newly introduced concepts in administrative law and the means of protection against them by comparing them with the general rules of the Administrative Procedure Code regarding the cessation of unlawful acts or omissions by administrative bodies and the action for compensation for damages caused by them.

Thus, the amendment of the legislation marks the beginning of scholarly endeavours which, through the contributions of the reviewed work, represent a solid foundation for both theory and practice in a field of law that is not particularly appealing or easy for researchers, yet is of paramount importance for governance.

An analysis of the current legal framework, and particularly of the case law established following the adoption of Chapter III of the Administrative Procedure Code, leads to well-founded conclusions regarding the development of the institution and the prospects for improving protection against unlawful acts or omissions by administrative bodies, regarding the problems encountered in practice and the ways to overcome them, and offers proposals for future legislation, the value of which is indisputable.

The dissertation contains a study, analysis, and review of the regulatory framework of national legislation and the relevant European Union law regarding the unjustified actions and omissions of the administration.

The introduction to the study poses a question whose answer determines the structure of the work in an unconventional way, namely, whether the unfounded actions and

omissions of the administration constitute administrative acts, or whether distinguishing them from such acts is essential for assessing the possibility of protection against their adverse consequences, or whether such protection can be sought only through the special procedure under Art. 250 et seq. and Art. 256 of the Administrative Procedure Code, rather than under the general procedure for protection against individual and general administrative acts. This issue encompasses the entire theory of substantive administrative law and requires a substantial first chapter, divided into six parts, to clarify the theoretical basis of the legal institution of the administration's unjustified acts and omissions and to set the stage for the procedural consequences of the defense against them.

The first chapter is based on an analysis of the Administrative Procedure Code, which, as a codification of administrative procedure, incorporates the institutions existing prior to its adoption under the Law on the Supreme Administrative Court (published in the State Gazette, No. 122 of 1997; as last amended and supplemented), the Administrative Proceedings Act (published in the State Gazette, No. 90 of 1979; as last amended and supplemented), the Act on Proposals, Reports, Complaints, and Petitions (published in the State Gazette, No. 52 of 1980; as last amended and supplemented), and the Law on Administrative Services to Natural and Legal Persons (published in the State Gazette, No. 95 of 1999; as last amended), and which are repealed upon its adoption.

The first chapter presents an analysis of the actions and omissions of the administration in other legal systems and the remedies available in cases of illegality, as well as a comparative legal study of the means for remedying the consequences of the administration's unjustified actions and omissions in the United States, Germany, and France.

In the second part of Chapter One, the doctoral candidate demonstrates a thorough understanding of the theory of substantive administrative law by comparing the characteristics of individual and general administrative acts, along with the actions and omissions of the administration, in order to identify the optimal mechanism for protection against their unlawful consequences, based on a dynamic, differentiated approach.

Following the natural structure of the exposition, the analysis focuses on the types of administrative acts issued by the administration, to which the actions and omissions of the executive authorities could be classified. The similarities with tacit refusal and consent are examined, as well as the widespread understanding of the conclusive nature of factual actions, which doctrine equates with inactions. It is accepted that the unfounded actions and omissions of the administration constitute individual administrative acts expressed through conclusive actions, an understanding that the author consistently and persuasively challenges.

Part Three of Chapter One essentially conveys the study's underlying philosophy, as it contains practical guidelines derived from an analysis of judicial practice and the development of administrative law doctrine regarding protection against the administration's unjustified acts and omissions.

The fourth part of Chapter One is devoted to the factual characteristics of the administration's actions and omissions and the flaws from which they suffer. Here, the study represents a symbiosis between the doctrine developed by Kino Lazarov and Zhivko Stalev's views on the normative force of the factual, as embodied in the practice of the Supreme Administrative Court regarding proceedings under Articles 256 and 257 of the Administrative Procedure Code. The study analyzes the position that the unfounded acts and omissions regulated in Chapter Fifteen of the Administrative Procedure Code are factual, not legal, acts and omissions, and

therefore do not constitute administrative acts. Any factual acts that are not administrative acts and are not performed in execution of administrative acts or the law. “The author explicitly distinguishes between the defense against administrative acts and against the enforcement of administrative acts from that against the acts and omissions under Chapter Fifteen.”

Chapter Two is devoted to protection against the unlawful acts and omissions of the administration and, accordingly, examines the procedural aspects of this institution; it provides a comprehensive overview of the case law and the shortcomings of the theory, and naturally offers a valuable understanding of the very substance of the key concepts, their types, the oversight of the authorities responsible for unlawful acts and omissions, and the prospects for improving protection against them.

The judicial practice is summarized, which holds that the scenarios under Art. 256, paras. 1 and 2 of the Administrative Procedure Code are two separate scenarios, and the practice according to which there is a single scenario, with the subject matter of the remedy regulated in one paragraph and the procedure for the remedy in the other.

The substantive part of point 8 of Interpretative Resolution No. 2 of May 19, 2015, of the General Assembly of the Civil Chambers of the Supreme Court of Cassation and the Joint Civil Chambers of the First and Second Collegiums of the Supreme Administrative Court has been utilized.

Special attention has been given to the protection afforded by the European Convention on Human Rights and Fundamental Freedoms, clarifying that protection against unfounded administrative actions aims to bring about their prompt cessation, which does not align with the purpose of proceedings under the Convention; but a perspective must be found for the use of protection under the Convention that aims

for indisputability, and it is precisely in this that practical application of protection under the ECHR can be found.

A massive undertaking, both in nature and scope, has been carried out to examine and summarize case law and draw legally applicable conclusions, with no effort spared—both quantitatively and qualitatively—in deriving these conclusions and recommendations.

The study is unequivocal and does not fail to identify gaps in the legal framework and flaws in judicial practice; even if these are not explicitly addressed in recommendations de lege ferenda, they may be further developed upon the publication of the thesis as a monograph following its defense.

The candidate has three publications on the topic of the dissertation, as follows:

 Do unfounded actions under Article 250 of the Administrative Procedure Code have a factual or legal nature? Do unfounded actions constitute an expression of will?, published in the journal “Administrative Justice,” Volume XXVIII, Issue 1, January–February 2025

 Do the unfounded acts and omissions of the administration constitute administrative acts within the meaning of Article 21, paragraphs 1 and 4 of the Administrative Procedure Code?, published in the journal “Society and Law,” March 2025

 Is the time limit set forth in Article 256(2) of the Administrative Procedure Code preclusive?, published in the journal “Administrative Justice,” Vol. XXVIII, No. 4, July–August 2025

A review is incomplete without critical assessments, and an examination of the unfounded actions and omissions of Mina Yaneva's administration would not merit approval without recommendations. The doctoral candidate's in-depth work calls for more theoretical conclusions and a more forward-looking perspective on proceedings for compensation for the adverse consequences of such actions.

The actual recommendations, however, pertain to the legal language, which requires careful reading and editing, as well as a thorough clarification of the content of the disputed concepts and the perspective of the defense against them.

In conclusion, I give a positive assessment of the work, its contributory nature, and its compliance with the applicable statutory and regulatory requirements, and I propose that the academic jury vote **in favour** of awarding the academic and educational degree of Doctor of Law to **Mina Etienova Yaneva**.

May 4, 2026

Sofia Prof. Dr. Maria Gavrailova Slavova

To

The Chair of the Scientific Jury, pursuant to Order No. RD-09-43 of the Director of the Institute of Philosophy at the Bulgarian Academy of Sciences dated April 1, 2026

R E V I E W

by **Prof. Dr. Maria Gavrailova Slavova** of Sofia University "St. Kliment Ohridski"

regarding: the dissertation of **Mina Etienova Yaneva**, a full-time doctoral student in the "Public Law Sciences" section at the Institute of Legal Studies, on the topic "DEFENSE AGAINST UNJUSTIFIED ACTS AND OMISSIONS OF THE ADMINISTRATION," for the award of the academic and educational degree of Doctor of Law in the field of higher education. 3. "Social, Economic, and Legal Sciences," professional field 3.6. "Law," supervised by Prof. Dr. Veselina Kanatova-Buchkova

Dear Mrs. Chair,

By Order of the Director of the Institute of Public Administration (IPA) at the Bulgarian Academy of Sciences (BAS) No. RD 09-43/01.04.2026, appointing a scientific jury to conduct the defense procedure for the dissertation titled "Protection Against Unjustified Actions and Omissions by the Administration," authored by Mina Yaneva, a full-time doctoral student in the "Public Law Sciences" section at the Institute of Public Administration, doctoral programme "Administrative Law and Administrative Procedure," for the award of the academic and educational degree of Doctor of Law, I have been appointed as a member of the jury in question, and at the jury's first meeting, as a reviewer of the dissertation.

The candidate's dissertation has been submitted for review, and the accompanying materials indicate that the legal requirements for the public defense of the dissertation have been met, in accordance with the Law on the Development of Academic Staff of the Republic of Bulgaria, the Regulations for the Implementation of the Law on the Development of Academic Staff of the Republic of Bulgaria, and the Rules on the Conditions and Procedures for the Award of Academic Degrees and the Holding of Academic Positions at the Institute of Law of the Bulgarian Academy of Sciences.

The documentation submitted to the scientific jury shows that the candidate graduated with a degree in law from the Faculty of Law at Sofia University "St. Kliment Ohridski," was enrolled as a full-time doctoral student by Order of the Director of the Institute of Legal Studies at the Bulgarian Academy of Sciences No. RD 09-01/January 12, 2023, and was subsequently dismissed by Order of the Director of the Institute of Philosophy at the Bulgarian Academy of Sciences No. RD 09-01/January 19, 2026, with the right to defend his dissertation, on the basis of which the order for the public defense was issued.

This dissertation addresses a topic that is being examined for the first time in the doctrine of administrative law and administrative procedure, and explores the legal nature of unjustified acts and omissions by the administration in the relationships between the state, state bodies, citizens, and their organizations. The relevance of the study stems from the novelty of the legal institution introduced with the adoption of the Administrative Procedure Code (APC) in 2006 and the absence of doctrinal research on it.

To the extent that there are academic studies in Bulgaria related to the dissertation's topic, the subject has been addressed sporadically and in passing, rather than specifically and for the practical needs of the entities and individuals involved in unjustified actions and omissions by the administration.

Thus, with the shift in the philosophy governing administrative legal relations under the Administrative Procedure Code, Mina Yaneva's dissertation is the first academic study in Bulgaria dedicated to the unfounded acts and omissions of the administration in substantive administrative law and administrative procedure.

The dissertation examines the newly introduced concepts in administrative law and the means of protection against them by comparing them with the general rules of the Administrative Procedure Code regarding the cessation of unlawful acts or omissions by administrative bodies and the action for compensation for damages caused by them.

Thus, the amendment of the legislation marks the beginning of scholarly endeavours which, through the contributions of the reviewed work, represent a solid foundation for both theory and practice in a field of law that is not particularly appealing or easy for researchers, yet is of paramount importance for governance.

An analysis of the current legal framework, and particularly of the case law established following the adoption of Chapter III of the Administrative Procedure Code, leads to well-founded conclusions regarding the development of the institution and the prospects for improving protection against unlawful acts or omissions by administrative bodies, regarding the problems encountered in practice and the ways to overcome them, and offers proposals for future legislation, the value of which is indisputable.

The dissertation contains a study, analysis, and review of the regulatory framework of national legislation and the relevant European Union law regarding the unjustified actions and omissions of the administration.

The introduction to the study poses a question whose answer determines the structure of the work in an unconventional way, namely, whether the unfounded actions and

omissions of the administration constitute administrative acts, or whether distinguishing them from such acts is essential for assessing the possibility of protection against their adverse consequences, or whether such protection can be sought only through the special procedure under Art. 250 et seq. and Art. 256 of the Administrative Procedure Code, rather than under the general procedure for protection against individual and general administrative acts. This issue encompasses the entire theory of substantive administrative law and requires a substantial first chapter, divided into six parts, to clarify the theoretical basis of the legal institution of the administration's unjustified acts and omissions and to set the stage for the procedural consequences of the defense against them.

The first chapter is based on an analysis of the Administrative Procedure Code, which, as a codification of administrative procedure, incorporates the institutions existing prior to its adoption under the Law on the Supreme Administrative Court (published in the State Gazette, No. 122 of 1997; as last amended and supplemented), the Administrative Proceedings Act (published in the State Gazette, No. 90 of 1979; as last amended and supplemented), the Act on Proposals, Reports, Complaints, and Petitions (published in the State Gazette, No. 52 of 1980; as last amended and supplemented), and the Law on Administrative Services to Natural and Legal Persons (published in the State Gazette, No. 95 of 1999; as last amended), and which are repealed upon its adoption.

The first chapter presents an analysis of the actions and omissions of the administration in other legal systems and the remedies available in cases of illegality, as well as a comparative legal study of the means for remedying the consequences of the administration's unjustified actions and omissions in the United States, Germany, and France.

In the second part of Chapter One, the doctoral candidate demonstrates a thorough understanding of the theory of substantive administrative law by comparing the characteristics of individual and general administrative acts, along with the actions and omissions of the administration, in order to identify the optimal mechanism for protection against their unlawful consequences, based on a dynamic, differentiated approach.

Following the natural structure of the exposition, the analysis focuses on the types of administrative acts issued by the administration, to which the actions and omissions of the executive authorities could be classified. The similarities with tacit refusal and consent are examined, as well as the widespread understanding of the conclusive nature of factual actions, which doctrine equates with inactions. It is accepted that the unfounded actions and omissions of the administration constitute individual administrative acts expressed through conclusive actions, an understanding that the author consistently and persuasively challenges.

Part Three of Chapter One essentially conveys the study's underlying philosophy, as it contains practical guidelines derived from an analysis of judicial practice and the development of administrative law doctrine regarding protection against the administration's unjustified acts and omissions.

The fourth part of Chapter One is devoted to the factual characteristics of the administration's actions and omissions and the flaws from which they suffer. Here, the study represents a symbiosis between the doctrine developed by Kino Lazarov and Zhivko Stalev's views on the normative force of the factual, as embodied in the practice of the Supreme Administrative Court regarding proceedings under Articles 256 and 257 of the Administrative Procedure Code. The study analyzes the position that the unfounded acts and omissions regulated in Chapter Fifteen of the Administrative Procedure Code are factual, not legal, acts and omissions, and

therefore do not constitute administrative acts. Any factual acts that are not administrative acts and are not performed in execution of administrative acts or the law. “The author explicitly distinguishes between the defense against administrative acts and against the enforcement of administrative acts from that against the acts and omissions under Chapter Fifteen.”

Chapter Two is devoted to protection against the unlawful acts and omissions of the administration and, accordingly, examines the procedural aspects of this institution; it provides a comprehensive overview of the case law and the shortcomings of the theory, and naturally offers a valuable understanding of the very substance of the key concepts, their types, the oversight of the authorities responsible for unlawful acts and omissions, and the prospects for improving protection against them.

The judicial practice is summarized, which holds that the scenarios under Art. 256, paras. 1 and 2 of the Administrative Procedure Code are two separate scenarios, and the practice according to which there is a single scenario, with the subject matter of the remedy regulated in one paragraph and the procedure for the remedy in the other.

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