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The Request for a Preliminary Ruling in front of the Court of Justice of the European Union in the Administrative Procedure of the Republic of Bulgaria

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The work follows the classic scholarly structure - Introduction - Body, structured in five chapters – Concept, Legal framework, Procedure, Consequences, Proposals de lege ferenda, and a Conclusion.

The first chapter is aimed not at the extraction of a legal definition, but rather at creating an outline for the institute through highlighting its characteristic elements through the field of use, and also through the role that classical administrative law principles play in this essence. Special consideration is paid to the distinction of the request for a preliminary ruling from similar administrative law institutes.

The legal framework examined in chapter two is not exhausted by citing provisions of European Union law or the Administrative Procedure Code. There is an attempt to reason beyond

the traditional understanding of the legislator, as displayed in the legislation, given the fact that European Union law, precisely in its manifestation of the preliminary request, is by its nature precedent law.

In chapter three, it is explained why the proceedings of extending a request for a preliminary ruling and the entire procedure that follows, do not have the traditional characteristics of "subject matter, ground, terms".

With regard to the parties, a specific attention has been paid to the role of the national referring jurisdiction as a party both in the course of the proceedings itself, as well as to the conditions under which the Court of Justice of the European Union considers that such a "jurisdiction" is present - the criteria and relevant examples from practice. The decision of the Court of Justice – the preliminary ruling itself, is examined through the classical prism of its effect in time, in space and towards persons, as well as its legal force.

Chapter four, Consequences, is divided into domestic legal effects, EU implications and global implications. Domestic legal effects are in turn divided into legislative effect, development of the law, and increase in qualification. Attention is drawn to the possibility that a national court may not apply an interpretative decision of a supreme court in its own country, if it contradicts EU law. This chapter includes also a statistic, regarding the requests for a preliminary ruling, made by Bulgarian courts in the period since 2007, with particular attention to administrative courts. Of particular interest is the Bulgarian Supreme Administrative Court, which is the most active of all courts in the country in terms of number of requests in the last couple of years.

Regarding the implications for the European Union, they are considered also in the aspect of improvement of the law, external and internal effect, smoothing out contradictions.

Proposals for improvement of both domestic law and EU law are the natural consequence of the presented research, such as introducing administrative structures to monitor the obligation of national courts to address a request for a preliminary ruling to the Court of Justice, improvement of provisions of the Bulgarian Anti-Money Laundering Act, creating a special clause for an indirect control over an act of the administration, clarification of regulations, development of *acte clair* – rejection of the flexible approach, development of the concept of validity, individual approach to the obligations to transpose directives, interaction between the European Convention on Human Rights and European Union Law.

In conclusion, a summary of the work’s achievements is presented.