

R E V I E W

of a dissertation for awarding the educational and scientific degree

„DOCTOR“

in the field of higher education: 3. Social, business and legal sciences

professional direction: 3.6 Law

doctoral program: "Constitutional Law"

Author:

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Dissertation topic:

**PARLIAMENTARY COMMITTEES IN THE NATIONAL ASSEMBLY OF THE
REPUBLIC OF BULGARIA**

Research supervisor: Assoc. prof. JD, Nataliya Kiselova

Reviewer: Prof. J.D. Martin Belov

I have been appointed as a member of the scientific jury by Order of the Rector of the Sofia University No. RD-38-676/22.12.2023 for awarding the scientific degree "doctor" in direction 3.6 "law" /Constitutional law/. After familiarizing myself with the dissertation, the abstract, publications on the subject of the dissertation, the doctoral student's curriculum vitae and other documents attached to the application, I came to the following conclusions:

1. BRIEF BIOGRAPHICAL DATA ON THE DOCTORAL STUDENT

Doctoral student Nikolay Nikolaev graduated from the Sofia University "St. Kliment Ohridski" with a very good 4.91 grade point average and a 5.44 grade point average in state exams. During his studies, he studied elective courses in Comparative Constitutional Law, Introduction to Constitutional Studies, Human Rights, Organization of Human Rights Institutions, Electoral Systems and Procedures and Parliamentary Law. This gives him a significant amount of knowledge in the field of Constitutional Law. After gaining legal capacity, he worked successively in the fields of local government, administration, international relations and journalism. Since 2019, the doctoral student has been an assistant in Constitutional Law at the Academy of the Ministry of Internal Affairs. He speaks English, Russian and Chinese. Currently, the doctoral student is a prosecutor in the Sofia District Prosecutor's Office.

2. DATA ON THE DOCTORAL STUDIES

Nikolay Nikolaev was enrolled as a part-time doctoral student by Order of the Rector of the Sofia University "St. Kliment Ohridski" in the doctoral program No. RD-20-31/07.01.2019. The doctoral student was dismissed and he was entitled to defense. The scientific supervisor of the doctoral student is Assoc. J.D. Nataliya Kiselova. Nikolay Nikolaev has completed the tasks from his individual study plan. He successfully passed the exams in Constitutional Law of the Republic of Bulgaria, in Comparative Constitutional Law and in English. According to the submitted activity reports, the doctoral student participated in the scientific teams of research projects for 2019, 2020, 2021 and 2022 of the Department of Constitutional and Legal Sciences at Sofia University.

Nikolay Nikolaev participated in the doctoral courses for the winter semester of the academic year 2021/2022, organized at the Faculty of Law of Sofia University "St. Kliment Ohridski", as well as in a seminar dedicated to academic writing held by "Paisii Hilendarski" University of Plovdiv. In the course of his doctoral studies, Nikolaev has published three articles, which are attached to the documentation of the present procedure. When writing the scientific study dedicated to the parliamentary committees, as well as in the process of his work, the doctoral student carried out teaching activities at the Academy of the Ministry of Internal Affairs and had the opportunity to attend scientific conferences. This has contributed to the deepening and systematization of scientific research related to the dissertation work.

3. GENERAL CHARACTERISTICS OF THE DISSERTATION AND THE AUTHOR'S ABSTRACT

The dissertation is dedicated on the topic "Parliamentary Committees in the National Assembly of the Republic of Bulgaria". It is 222 pages long (71,772 words). Development includes title page, table of contents, abbreviations used and bibliography, as well as actual text. In the content part of the dissertation, three chapters are distinguished, and each of them is divided into separate paragraphs, as well as an introduction and a conclusion. The paper contains 199 footnotes. The list of used literature includes 104 titles in English, Bulgarian, Russian and French. Among them there are both primary and secondary sources.

A positive impression is made by working with primary sources - decisions of the Constitutional Court and, above all, shorthand protocols of the National Assembly. At the same time, it is not clear why the doctoral student uses foreign literature that is not very up-to-date. It would be desirable to take into account more recent publications on the topic during further revision of the work for the purpose of publication, because at the moment publications from the last 10-15 years are missing. Also, in systematizing the bibliography, one of the known systems for this should be used consistently.

The dissertation makes a generally successful attempt to bring out the significance of the topic in the context of the crisis phenomena in the beginning of the 20s of the current century in Bulgaria, by analyzing the overall historical development of the parliamentary committees

with an emphasis on the current legal system and the prospects for it. The dissertation analyzes the prerequisites for the emergence and confirmation of parliamentary committees in the context of the political balance of forces in society. It discusses in detail the role of the committees in the implementation of each of the individual functions of the National Assembly with an emphasis on the two most significant of them - the legislative function and the control function. The functional, political and normative status of the Bulgarian parliamentary committees was discussed, considered in the light of the participation of the Republic of Bulgaria in the European Union.

Nikolay Nikolaev follows the established in the Bulgarian constitutional theory periodization of the parliament into classical and rationalized. This distinction, although not undisputed in the European and world scientific discourse, contributes to a logical introductory structuring of the topic.

The author puts forward the thesis that the committees of the National Assembly are auxiliary bodies without their own political being, whose competences are derived from those of the plenary composition. According to the author, their activity is functionally tied to the political balance of power in the National Assembly, and the powers of the committees are of a secondary nature. The thesis is proposed, according to which the constitutional model of moderately strong parliamentary committees adopted in Bulgaria is an evolutionary peak in the development of committees and represents an optimal option for a system of auxiliary bodies.

The author has paid particular attention to his research in the field of the Committee on European Union Affairs (ECAC) /currently the Committee on European Affairs and Control of European Funds/. The view of a special role of this committee in the National Assembly in the process of monitoring compliance with the principle of subsidiarity in the European legislative process is substantiated. In a synthesized form, the influence of the European Parliament and its committees on our national constitutionalism and parliamentarism is examined.

Historical, legal-positivist and institutional methods are mainly used in the research, and attempts to work with socio-legal and comparative legal methods are noticed in places.

The first chapter of the dissertation examines the scientific knowledge accumulated over the years on the topic of parliamentary committees, makes a historical review of the emergence and evolution of parliamentary committees in the eras of classical parliamentarism and rationalized parliamentarism, as well as discusses the issue of the nature of parliamentary committees.

Chapter two covers in detail the entire historical dynamics in the development of the Bulgarian parliamentary committees. In it, the doctoral student includes a general description of the Bulgarian parliamentary committees in the Tarnovo Constitution, the Constitution of 1947 and the Constitution of 1971, while also examining the characteristic features of the regimes of parliamentary committees in the work of the Seventh Grand National Assembly (1990-1991), as well as those in the individual projects for a new constitution.

The third chapter is dedicated to parliamentary committees in the current constitutional order. The doctoral student makes a general description of the parliamentary committees. It explores their nature and functions, as well as the types of committees. The dissertation offers us an analysis of the constitution, forms of work and order of activity of the committees, their powers and role in the legislative process and in the exercise of political control. Acts of the committees, as well as their administration, were also examined.

In the third chapter, there are also issues to which the scientific literature has not given priority attention over the years: powers, functions and tasks of the Bulgarian parliamentary committees in the context of Bulgaria's participation in the construction of the European Union, as well as the committees in the European Parliament and their influence on the Bulgarian constitutional order. It should be noted that the analysis of the influence of the committees of the European Parliament on Bulgarian constitutionalism is not undisputed and unproblematic both from a conceptual and methodological point of view, as well as in terms of conclusions.

The doctoral student discusses the possibilities for improving the system of parliamentary committees. He defends the thesis of inapplicability in the constitutional order in Bulgaria of institutions such as the mixed committees, the delegation of powers from the plenary session to the committees or to the special committees performing the functions of a legislative assembly during the time when it is not in session. The doctoral student makes a proposal in a future revision of the constitutional texts to discuss the possibility of Art. 79 of the Constitution to be edited in the sense that the National Assembly elects from its composition permanent and temporary committees that assist the Assembly.

The doctoral student draws attention to a parliamentary practice of radically changing during committee discussions a draft law submitted to the National Assembly so that it does not correspond to the intentions of the original text. He proposes *de lege ferenda* to introduce the express rule that the National Assembly shall rule on every single legislative initiative

submitted by the subjects under Art. 87, para. 1 of the Constitution without being able to compile individual texts and thus draft a new bill.

The doctoral student defends the view that the actions of the Council of Ministers on the implementation of EU law fall within the scope of parliamentary control exercised by the National Assembly. Therefore, according to him, when exercising their control powers, the standing committees can monitor the government's policy in implementing the decisions of the institutions of the European Union.

The dissertation examines critically the powers available to the parliamentary Committee on European Union Affairs and proposes a reasoned transfer of some of them to the plenary. As such, it indicates the hearing of ministers on matters related to the adoption of draft acts of the EU institutions, the hearing of candidates for positions in the EU institutions proposed by the Council of Ministers, the control of the activities of the Council on European Affairs of the Council of Ministers and other structural units.

In his thesis, the doctoral student also proposes *de lege ferenda* to discuss the idea of formulating political support from the National Assembly regarding the Bulgarian position in the EU Council's voting on Union legislative acts in order to legitimize the European legislative process from the point of view of the Bulgarian constitution.

Another conclusion argued by the doctoral student is that parliamentary committees cannot issue non-legal acts - declarations and addresses, similar to the plenary composition of the National Assembly. He positively evaluates the figures of reserve members and committee coordinators, applied in some foreign legal systems, and suggests considering their inclusion in Bulgarian parliamentary practice. Last but not least, the doctoral student proposes regulation in the Rules of the National Assembly of a procedure for resolving disputes between standing committees for a leading committee by introducing the institute of the council of committee chairmen.

4. CONTRIBUTIONS AND WEAKNESSES OF THE DISSERTATION

Nikolay Nikolaev's dissertation is not the first study in Bulgarian legal literature devoted to the issues of parliamentary committees. The study, however, comprehensively discusses the historical development of the parliamentary committees in Bulgaria in their individual types and offers a complementary and author's reading of the problem. In addition, the author

successfully uses both historical and current data. Nikolay Nikolaev builds his work on a successful combination of theoretical, positive legal and historical arguments. The dissertation contains a number of analyses, comparisons and conclusions of a contributing nature. Along with the detailed historical material, which is the basis of the study, author's theoretical statements are proposed, with Nikolaev giving his own reading of the development of the parliamentary committees.

For me, the most significant contribution of the dissertation is the tracing of the historical development of parliamentary committees in Bulgarian constitutionalism. The work would be interesting and useful for readers who wish to familiarize themselves with the stages in their development. The historical approach, although not reflected by the title of the thesis, can be justified, since after all parliamentary committees are a classic institution of constitutional law and are the result of a long evolution as part of the general history of parliamentarism. Of course, this approach reveals a potential for conceptualization and critical interpretation of historical accumulations, which was partly used by Nikolay Nikolaev.

The doctoral student's contribution is the identification of three separate stages in the development of the regime of committees according to the Tarnovo Constitution. This is done in an understandable and reasoned way.

The author's attempt to make a practical contribution are the proposals for the revision of Art. 79 of the Constitution. The author proposes that the National Assembly should be able to elect from among its members permanent and temporary committees that assist the Assembly. He defends the understanding of the need for such an addition to the current constitutional text, the literal interpretation of which would exclude temporary committees from the scope of auxiliary bodies of the National Assembly.

It should also be noted the proposals made to demarcate the powers and duties of the Committee on European Union Affairs from those of the National Assembly in order to strengthen the role of the plenary.

At the same time, the dissertation has some more problematic and unfinished parts. The essence of parliamentary committees is presented clearly, but too briefly. Indeed, the entire study is structured as historical rather than conceptual. This is not a weakness, but a feature of the job. Such a historical approach is useful and informative for the readership. In addition, it leaves additional fields for investigation of the committees from an institutional, functional and socio-legal perspective in further developments on the subject.

In my opinion, the consolidation of the questions about the powers, acts and administration of the committees into one general paragraph is not advisable. It would be proper to consider the powers in more detail and in a separate section, as well as a separate section for the topic of acts and administration of the committees (or paragraphs, if we use the structure of the proposed dissertation).

The titling of paragraph 5 of Chapter III "Committees in the European Parliament and their role in the Bulgarian constitutional order" is problematic. The committees of the European Parliament themselves have no role in the Bulgarian constitutional order and are not part of it. However, they can be seen as an element of the multi-level constitutionalism (and in particular the multi-level parliamentarism) of the European Union. In other words, these committees have jurisdiction in the constituent European legal order, not in the autonomous Bulgarian constitutional order. They can influence it indirectly through their influence on the multi-level decision-making processes linking constitutionalism within and across the borders of statehood. Therefore, it seems to me that either this topic should not have been discussed or it should have been given more space, perhaps even a separate chapter to put the issue in context and clarify the place, functions and powers of parliamentary committees in the multi-level constitutionalism of the EU. At the moment, this paragraph is slightly artificially stuck. It is not organically and logically connected to the chapter in which it is placed, as well as to the overall concept of the dissertation, in which the historical approach prevails, and the focus is on the national legal framework and practice. This is also evident from the title of Chapter III, which is "The Parliamentary Committees in the current constitutional model under the Constitution of the Republic of Bulgaria from 1991".

In the further work on the subject, I would recommend the author to further develop the problematic of the relationship between the National Assembly and its committees and the Council of Ministers in the light of the participation of the Republic of Bulgaria in the construction of the European Union.

It should be borne in mind that the indicated problematic areas do not compromise the scientific value of the dissertation, but only indicate the possibilities for improvement.

5. CONCLUSION

In conclusion, I believe that the dissertation presented by the doctoral student contains scientific and scientific-applied results that represent an original contribution to Bulgarian science. I believe that it is clear from the dissertation that the candidate has in-depth theoretical knowledge in the relevant specialty and abilities for independent scientific research within the meaning of Art. 6, para. 3 of the Law on the Development of the Academic Staff of the Republic of Bulgaria (LDASRB) and Art. 27 of the Regulations for the Implementation of the LDASRB. Therefore, based on the positive assessment made in this review, I propose to the Scientific Jury to award the doctoral student Nikolay Ivanov Nikolaev the educational and scientific degree "Doctor" in the field of higher education 3. Social, economic and legal sciences, professional direction 3.6. Law (Constitutional Law).

Sofia,

30.01.2024 г.

Reviewer:

Prof. J.D. Martin Belov