

REVIEW

by Prof. Darina Zinovieva from the State and Law Institute, BAS and Faculty of Law of PU "P. Hilendarski"

According to the competition for the academic position of associate professor in direction 3.6 Law, /constitutional law/, announced by the University "St. Kliment Ohridski", Faculty of Law

Dear members of the scientific jury,

1. General data

In the competition, announced in St.G. No. 65 of 28.07. 2023 one candidate participated - Chief Assistant Plamena Dimitrova Penova, Ph.D. All necessary documents are presented. With the minutes of the first meeting, it is established from the attached references that the candidate meets the scientometric indicators.

2. Applicant data

Plamena Penova is a Master of Law. She was a doctoral student in the Department of Constitutional Law at the University "St. Kliment Ohridski". She defended his thesis in 2013 and has been a senior assistant since 2015 to now. She speaks German and English.

From the presented report on her academic employment during the last 3 years at the University "St. Kliment Ohridski", it is clear that Plamena Penova taught constitutional law, except in the specialty "Law" and in the specialty "International Relations". It is clear from the autobiographical data that Plamena Penova also teaches at the Department of Public Law Sciences at the Academy of the Ministry of Internal Affairs. Therefore, her activity in the educational process gives grounds for a positive assessment of her pedagogical work as well.

She participated in the competition with a habilitation thesis - a monograph, with studies and articles.

3. Analysis and evaluation of scientific works

3.1. The monograph "The Council of Ministers in Bulgarian parliamentary model" is pointed as a habilitation thesis. The monograph has a scientific editor, according to the requirements of the law.

Structurally, the monograph is very well organized - it consists of an introduction, four chapters, a conclusion, and a bibliography.

In the introduction, the author emphasizes the so-called multiaspected nature of the government, which shows the complexity of the research objectives. Also in the introduction, she points to the need to examine the legal relations of the Council of Ministers with other bodies of public authority. The goals it sets are significant, useful and contributing to the doctrine and practice of constitutional law.

In the first chapter, the author lays the foundations for her further research, examining in detail and comprehensively the essence of parliamentary governance, the peculiarities of the Bulgarian parliamentary model and substantiates the accepted opinion that the Bulgarian model is classical. The conclusions are drawn on the basis of comparative analyzes of the two main types of state governance - monarchies and republics. By posing a specific research question, she expresses her opinion and relevant conclusions. So e.g. the author explores the concept of "form of the state" in the doctrine, the theories of the separation of powers in the various constitutional systems, etc.

A number of conclusions should be evaluated positively, such as that the official government, as a specific feature, does not lead our country out of the parliamentary model of government.

A high rating should be given to the reasoning regarding all the features established by the author and their impact on the parliamentary model. Such a feature is e.g. the hypothesis of the government during the expired mandate of the National Assembly.

Plamena Penova's analyzes regarding all the details of the relations of the Council of Ministers with the President, with the National Assembly, with the judicial system, with the Constitutional Court are of a contributing nature. I single out as particularly useful the author's studies of various hypotheses of the relationship between the Council of Ministers and the National Assembly. She clarifies the ambiguity of each hypothesis and expresses her opinion /eg. the specifics related to the

hearing of the ministers, the specifics of the ratification of international treaties, etc./.

What is impressive here is the author's very detailed entry into the specific legal framework of each interaction and the conclusions she reaches. I support her conclusions regarding so-called shared competence, where such exists.

In Chapter Two, Penova makes a comprehensive analysis of the nature, organization and powers of the Council of Ministers. With expertise and understanding of the matter in both constitutional and administrative law, Penova has examined the theses of the executive power in a broad and narrow sense, in view of the powers of the central body- Council of Ministers. The comparative analysis of types of governments and the conclusions regarding the specifics with which the Bulgarian Council of Ministers is distinguished have a contributing character. The conclusion that, out of the analyzed bodies of state administration, the Council of Ministers is the most complex body in terms of structure, composition and aspects of activity deserves evaluation. This conclusion is supported by examples and multi-layered analysis.

Throughout the analysis, Penova comments in detail on hypotheses in the Bulgarian legal system, such as the hypothesis of the government investiture, the hypothesis of a successful exploratory mandate, the problems of incompatibility of ministers, etc. / Where there is a practice of the Constitutional Court of the Republic of Bulgaria, it points to it correctly and comments on the conclusions of the Constitutional Court.

In Chapter Three, the subject of the analysis are the powers of The Council of Ministers, which she divides into "independent" and "non-independent". Since these powers are realized by issuing acts in which the Council of Ministers forms its declaration of will, the author has examined in detail the features of these acts. Her reflections on the content of the terms "competence", "competence" and "authority" explored in our doctrine and the expressed personal opinion of the author, which I accept unconditionally, should be highly appreciated. Again, Penova expertly enters into the matter of administrative law, reflecting on the issues of the by-law activity of the Council of Ministers, on the manifestations of operational independence and bound competence, the competence of the Council of Ministers to cancel the acts issued by ministers, on the authority of the Council of Ministers to

create administrative authorities, on the specifics of non-normative acts issued by the Ministry of Justice, etc.

In Chapter Four Pl. Penova examines the types of control over the government's activity and in its entirety - its responsibility. The scope that the author achieves in the analysis of the implementation of parliamentary control is impressive. So e.g. it examines each of the forms of its realization and reflects on issues of importance for practice and doctrine /eg. Questioning, interpellation, reports, etc./

Of interest is her analysis of the characteristics of government responsibility and the conclusions drawn from it - e.g. on the boundary between political and legal responsibility, on the parliamentary nature, etc./. The author's idea to analyze the political and legal responsibility of each minister has a contributing character. Its conclusions when interpreting the provision of Art. 84, item 6 KRB as a manifestation of individual responsibility should be evaluated positively. In the concluding part, it synthesizes the most important conclusions and proposals for improving legislation and practice. In its entirety, the monographic work has been developed with detailed knowledge of constitutional law.

Demonstrated a precise legal style, skill in comparative legal research and very good reasoning of conclusions. In addition to the analytical part of the work, the author poses casuistic problems, analyzing them and subjecting them to a systematic interpretation. The author deals freely with court practice, referring to it when clarifying the problem. The contributions of labor are not only in the constitutional, but also in the administrative branch of law.

Knowledge of administrative law should be reflected as a positive certificate of the author.

3.2. From the attached articles and studies, I believe that all of them have a contributing character, and the consistency of Plamena Penova in researching the problems of immunities is especially impressive. The article "The normative acts of the Council of Ministers. Essence and features", published in "Constitutional research 2018. Current trends in democratic constitutionalism", has a contributing character not only in constitutional, but also in administrative law, since the studied acts are a type of administrative acts, also regulated in the Administrative-Procedural Code. Also, I highlight the study "Constitutional guarantees of

the right to local self-government", published in Constitutional studies 2012-2013. Constitutional protection of fundamental rights and freedoms, University Publishing House "St. Kliment Ohridski", S., 2014. The study has a contributing nature with the binding of the constitutional arrangement with the European Charter for Local Self-Government and with the Law on Local Self-Government and Local Administration, from which analysis the author reaches correct conclusions regarding the guarantee of the right to local self-government in the state.

Overall, the attached scientific publications show Plamena Penova's in-depth knowledge of public law, skills in hypothesis analysis to search for problematic issues and propose adequate solutions. Pl. Penova uses an impressive volume of literary sources, demonstrates knowledge of the relevant practice of the Constitutional Court, skilfully using it to illustrate her reasoning. The author also has a broad view of the public law of other countries, evident from the strong comparative legal analyses. References to citations from other authors are also evidence of the doctrinal significance of her publications.

4. Critical notes: The addition of an alphabet /index with specific topics and terms would make it technically possible to find the conclusions made in the entire monograph more easily, since they are too numerous and in different aspects. The note is technical and rather a recommendation for the next edition of the book. In view of the above, I consider that the presented publications contain original ideas and achievements that are of contribution, both in science and in practice. The teaching activity is available and meets the legal requirements.

CONCLUSION

In view of the above, I give my positive assessment and recommend that the Scientific Jury propose to the Faculty Council of the University "St. Kliment Ohridski" that Plamena Dimitrova Penova be elected to the academic position of associate professor in professional field 3.6 Law/constitutional law/.

21 October 2023

Reviewer:

/Professor Dr. Darina Zinovieva/

