

R E V I E W

**by Hristo Yordanov Paunov, PhD –
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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: Nikolay Ivanov Nikolaev

Topic: "The Parliamentary Committees in the National Assembly of the Republic of Bulgaria"

Research supervisor: Assoc. prof. JD, Nataliya Kiselova

1. General description of the procedure

By order No. RD 38-676 of 22.12.2023 of the Rector of the Sofia University "St. Kliment Ohridski" (SU) I have been appointed as a member of the scientific jury to ensure a procedure for the defense of a dissertation work on the topic "Parliamentary Committees in the National Assembly of the Republic of Bulgaria" for the acquisition of the educational and scientific degree "Doctor" in the field of higher education: 3. Social, economic and legal sciences; professional direction: 3.6 Law; doctoral program: "Constitutional law".

The author of the dissertation is Nikolay Ivanov Nikolaev - a part-time doctoral student at the Department of "Constitutional and Legal Sciences" of the Faculty of Law with scientific supervisor Assoc. prof. JD, Nataliya Kiselova, SU "St. Kliment Ohridski".

The set of materials presented by Nikolay Ivanov Nikolaev is in accordance with the Regulations on the terms and conditions for acquiring scientific degrees and holding academic positions at SU "St. Kliment Ohridski".

A report on the scientometric indicators introduced with the amendments to the regulatory framework for academic development in the Republic of Bulgaria is also presented. It is clear from it that the dissertation student meets the national minimum requirements for the educational and scientific degree (ESD) "Doctor" in the field of higher education: 3. Social, economic and legal sciences, professional direction: 3.6 Law.

The doctoral student has submitted a dissertation; an abstract; 3 (three) separate publications.

2. Brief data on the doctoral student

Nikolay Ivanov Nikolaev was born on 19.10.1989. He completed his secondary education at the Science and Mathematics High School "Hristo Smirnenski", Pernik, and he obtained his higher education in the specialty "Law" at the Faculty of Law of the Sofia University "St. Kliment Ohridski". Since 2019, he has been working as an assistant in Constitutional Law at the Academy of the Ministry of Internal Affairs, Faculty "Police", where he conducts seminars with the cadets of the 1st year, a regular form of education in the specialty "Combating crime and preservation of public order". Also, Nikolay Nikolaev has been a prosecutor in the Sofia District Prosecutor's Office since 2020. Prior to that, his work experience was through the Sofia District Administration; "A-specto" magazine; European Parliament, S&D Group Secretariat, Citizenship and Political Planning Department; The National Council of the Bulgarian Socialist Party and the Municipality of Pernik.

As can be seen from the presented biography, the teaching and scientific activities of Mr. Nikolaev are primarily in the field of Constitutional Law. He has completed courses and trainings in European Union Law, Local Government, Political Management. He speaks several foreign languages - English, Russian and Chinese. Proficient in basic office programs such as Microsoft Office, Excel, and PowerPoint, as well as editing skills for digital content on the Internet.

Nikolay Ivanov Nikolaev has experience in teaching, which is a prerequisite and guarantee for the good quality of practical and theoretical classes with students.

3. Characteristics of the dissertation work

3.1. The presented dissertation work "Parliamentary Committees in the National Assembly of the Republic of Bulgaria" has a total volume of 225 pages, with the main exposition in a volume of 212 pages, to which there are added contents, used abbreviations and a bibliography.

The content of the dissertation follows a classic structure and consists of an introduction, three chapters (each of which is divided into separate paragraphs) and a conclusion. 199 footnotes have been made.

The dissertation is devoted to an interesting topic, which has not recently been the subject of a complete, unified and complex study in the Bulgarian doctrine.

Questions about the prerequisites for the emergence and approval of parliamentary committees, as well as the analysis of their historical development, have not only theoretical, but also practical significance. Worthy of attention is the direction followed in the dissertation, which aims to establish the factors that influence the structuring and functions of parliamentary committees, as well as the forms of their work and the order of their activity. It is not by chance that emphasis is placed on the legislative and control functions of the National Assembly and the specific role of parliamentary committees in the implementation of each of these functions. The dissertation also pays attention to the functional, political and normative status of the Bulgarian parliamentary committees, considered in the context of Bulgaria's membership in the European Union.

The dissertation presents several theses. According to the author, the parliamentary committees of the National Assembly are auxiliary bodies whose competences are entirely derived from those of the legitimate plenary composition of the Parliament, and their constitution and activity are functionally related to the political balance of forces in the particular National Assembly. The dissertation also puts forward the thesis that the powers of the committees in the parliament are secondary to those of the plenary session of the National Assembly, and their acts do not have binding legal effect outside of the hypotheses explicitly stated in the Constitution and the Rules of Organization and Procedure of the National Assembly (ROPNA). The work supports the view that the constitutional model of moderately strong parliamentary committees adopted in our country is the optimal and most suitable option for a system of auxiliary bodies of the National Assembly.

3.2. In chapter one, the author of the dissertation examines the emergence and development of parliamentary committees in the context of the evolution of constitutionalism. The chapter consists of five separate paragraphs as follows: §1. A general commentary on the body of knowledge on parliamentary committees; §2. Background and emergence of parliamentary committees; §3. The commissions in classical parliamentarism; §4. Commissions in rationalized (modern) parliamentarism; §5. Nature of parliamentary commissions.

The dissertation examines general concepts and knowledge bases for parliamentary committees. Attention was also paid to the political studies of the commissions in the National Assembly. The factors that are mandatory prerequisites for the very existence of parliamentary committees are examined. Three stages are distinguished in the evolution of the system of parliamentary committees, depending on the relevant period, in which the development of parliamentarism itself takes place, according to the division known to science into early, classical and rationalized parliamentarism. The peculiarities of the work of the parliamentary committees under classical parliamentarism are outlined, which is characterized by the establishment of the parliament as the center of political life at the expense of the monarch. The legal status, powers, functions and types of parliamentary committees during this period are discussed and examined in detail. Serious attention was paid to parliamentary committees after the end of the Second World War, when parliamentarism passed into a new stage of its development - modern (rationalized) parliamentarism. It is argued that this is the period in which the role and place of the parliamentary committees as an auxiliary body of the legislatures unfolds in full. A characteristic feature of the stage of rationalized parliamentarism for the regulation of the legislative process and the requirement that permanent committees must participate in it is successfully indicated. It is worth noting that the author also sets out the legal status of the various parliamentary committee systems in countries such as Japan, India, China and Latin American countries.

In this chapter of the dissertation work, the scientific term "commission" is also defined, according to which commissions are entities, an expression of the internal autonomy of parliaments, which consist of one or more people elected by an assembly to discuss, investigate or undertake actions on a particular issue.

The legislative function, the constitutive function and the control function performed in relation to the government are examined. The author puts forward the thesis that in the fulfilment of their duties, the committees do not exercise their own powers, but assist the representative assemblies in the exercise of these functions.

3.3. Chapter two of the dissertation is entitled "Historical dynamics in the development of the Bulgarian parliamentary committees". It is structured in five distinct paragraphs, namely: §1. General characteristics of the Bulgarian parliamentary committees under the regime of the Tarnovo Constitution; §2. Stages in the development of the system of commissions under the operation of the Tarnovo Constitution; §3. The Bulgarian Parliamentary Committees under the Constitution of 1947; §4. The Bulgarian parliamentary committees under the 1971 Constitution; §5. Parliamentary committees in the work of the Seventh Great National Assembly (1990-1991) and in the projects for a new constitution.

The dissertation draws attention to the socio-economic and political prerequisites for building the constitutional regime under the Tarnovo Constitution, which became the basis for the appearance of the Bulgarian parliamentary committees. A general description of the political system established by the Tarnovo Constitution - form of government, role and place of the people's representative, passive electoral right, status of the people's representatives and their free mandate, rights and position of the prince, legislative and control powers of National Assembly, has been laid out. The legislative process has been carefully considered. The author points out that the development of the system of parliamentary commissions during the operation of the Tarnovo Constitution goes through three independent stages, reflecting the role and place of the commissions as auxiliary bodies, the degree of normative organization of their work process and the levels of politicization and opposition within them. The dissertation student also makes a thorough analysis of each of these stages.

The dissertation examines the major socio-political restructuring of the country after 1944, an expression of which was the adoption of a completely new Constitution in 1947. Briefly examined is the new form of government and the role and place of parliamentary committees in it. The novelty in the development of the commissions in this period was noted, namely their anchoring at the constitutional level in the texts of the basic law. The author outlines the division of commissions into three types - permanent commissions, special commissions and inquiry commissions, drawing attention to the fact that the legal concept of permanent commissions appears for the first time. The dissertation defines as a contribution to the development of the commissions in our country during the period of validity of the Constitution of 1947 the fact related to the institutionalization of a special legislative commission, through which all proposals for the adoption, amendment, addition and repeal of laws necessarily pass.

Emphasis is also placed on the evolution of the functions of the committees of the National Assembly, related to the control over the executive bodies.

The author analyzes the Bulgarian parliamentary committees during the operation of the Constitution of 1971, characterizing the considered stage with the preservation of the experience gained so far, but also with the manifestation of specific functions of the committees, which proceed from the special place of the National Assembly in the new constitutional regime as the supreme authority. Standing committees begin to participate in the formation and implementation of state policy and assist in the implementation of laws and other acts adopted by the National Assembly. In this period, great attention is paid to the regulation of the rules for the work of the commissions, their tasks and competences. It was concluded that during the years of the Constitution of 1971, the standing committees in the National Assembly were not classic parliamentary committees, but specific committees.

In this chapter of the dissertation, the prerequisites of a social-economic and political nature, which are the basis of the change of the constitutional system, are indicated. The work of the Commission for the preparation of a draft amendment to the Constitution of the People's Republic of Bulgaria from 1971 and the restoration of the figure of the Grand National Assembly (GNA) was reviewed. The 7th Grand National Assembly, elected in 1990, must prepare a legal framework that will be the basis for the complete reorganization of society and the state. Therefore, the system of commissions that the GNA forms is not predominantly permanent in nature, and instead the issues discussed are often given to specially selected temporary commissions for the purpose.

The work on the creation of the new Constitution was assigned by the 7th Great National Assembly to a special committee - the Commission for Drafting a Constitution. It is divided into nine separate subcommittees, which are entrusted with the preparation of parts concerning individual state, political or public institutions. The author aptly points out that the introduction of the concept of "leading committee" in parliamentary practice is due to the work of the 7th GNA and the regulations prepared by it.

In the dissertation work, an analysis of the political regimes proposed with the several separate drafts for a new Constitution, considered by the VII Great National Assembly, was made.

3.4. Chapter three of the dissertation is a kind of logical conclusion of the scientific work of the doctoral student Nikolay Nikolaev. It is dedicated to the parliamentary committees in the current constitutional regime of the Republic of Bulgaria and consists of 5 separate paragraphs, as follows: §1. Nature and functions of parliamentary committees. Types; §2. Constitution, forms of work and order of activity; §3. Powers of the committees, role in the legislative process and in the exercise of political control. Acts. Administration of the commissions; §4. Powers, functions and tasks of the Bulgarian parliamentary committees in the context of Bulgaria's participation in the construction of the European Union; §5. The committees in the European Parliament and their role in the Bulgarian constitutional order.

In this chapter of the dissertation, the author explains the essence of the parliamentary committees as collective, auxiliary, specialized structural subdivisions of the National Assembly, having a staff that assist it in the performance of its constitutional and political functions. The dissertation emphasizes the fact that parliamentary committees do not have their own democratic legitimacy, different from that of the parliament. The dissertation maintains the opinion that the role and importance of standing committees in political relations increases in the presence of coalition governments. The acts of the committees of the National Assembly are considered as an expression of the will of a specific parliamentary majority.

Heterogeneous classifications of parliamentary committees have been derived depending on various criteria, taking into account their role and tasks, order of election, content of powers and others. Pursuant to Art. 79, para. 1 of the Constitution of the Republic of Bulgaria, the commissions are divided into permanent and temporary depending on their nature and the term for which they are created. This division is given the most serious attention in the study, based on the functions of the relevant commissions.

The nature of the parliamentary committees as collective bodies with their own staff consisting of management and members has been clarified. The forms of work of the commissions and the order of their conduct - meetings (regular and extraordinary), joint meetings, hearings, inspections and studies, as well as the quorum in its varieties and the majority for adopting a decision in separate historical periods and in nowadays - with a relative majority, with an absolute majority, with a "majority", etc., is also studied.

The acts of the committees of the National Assembly were examined. It was concluded that parliamentary committees adopt only one type of legal acts - decisions. They contain individual or general legal prescriptions, concern separate issues and have a one-time legal effect. The form of acts is only written.

In the dissertation work, a separate place is allocated to the role, structure and activity of the administration, supporting the work of the parliamentary committees.

The author also examines the new powers acquired by the National Assembly in terms of control over the Council of Ministers in the implementation of the acts of the European institutions. In this context, parliamentary committees acquire new responsibilities. The dissertation supports the understanding that the National Assembly and its committees - specifically the Committee on European Union Affairs, participate in the European legislative process in its second phase - the discussion of European draft laws as an activity to formulate political support and submit proposals for amendments, additions and other revisions. The dissertation examines the Commission on European Union Affairs as an auxiliary body implementing parliamentary control and monitoring on issues related to the European Union.

The dissertation also analyzes the European legislative process, in its phases and the participation of the European Union Commission in it.

The author also draws attention to the committees in the European Parliament and their role in the Bulgarian constitutional order. The normative sources governing the organization of the activity, the order and forms of work of the committees in the European Parliament were examined - the founding treaties, the Act on the election of members of the European Parliament and the Rules of Procedure of the European Parliament.

3.5. Some main contributing points of the dissertation work can be outlined:

- The scientific knowledge in the field of the development of the system of parliamentary commissions during the operation of the Tarnovo Constitution, which goes through defined three independent stages, has been supplemented;
- Proposals de lege ferenda have been made to change Art. 79 of the Constitution of the Republic of Bulgaria and proposals for changes in the Regulations for the organization and activities of the National Assembly;
- In the dissertation, an attempt is made to open the debate about the new responsibilities that the commissions should assume in the light of the participation of the Republic of Bulgaria in the construction of the European Union, and the author presents several views in this context.
- The dimensions related to Bulgaria's participation in the European Union have been studied and outlined, giving new powers to the National Assembly in relation to the control function in the spirit of Art. 105, para. 3 and para. 4 of the Constitution of the Republic of Bulgaria.

- The possibilities provided by modern information and telecommunication technologies are indicated, which should be used to optimize the work of the National Assembly and its committees.

3.6. In conclusion, it can be said that the work is distinguished by a good analytical approach in presenting the problems. It demonstrates in-depth knowledge of the Bulgarian constitutional law doctrine. The paper has a clear focus and the underlying theme is developed in a coherent manner, showing a connection between the problems analyzed. In the presented dissertation, the author highlighted the rational decisions in the normative framework of the parliamentary committees in Bulgaria, which could be adopted in the modern constitutional model of the state. It is impressive that the dissertation's principled approach is to look for the conceptual meaning of the phenomena and to clearly state its theoretical views in the field of constitutional law.

I draw the conclusion that the work presented is consistent with its purpose to serve for the acquisition of the ESD "doctor" - in this sense, the dissertation of Nikolay Nikolaev contains a number of scientific and applied scientific achievements. The developments of the individual chapters are characterized by versatility, in-depth expositions and analyses, and scientific integrity. The broad framework in which the issues have been examined represents a contribution to constitutional law scholarship. The conclusions and recommendations contained in the work, made by the author, are charged with a great degree of knowledge. Nikolay Nikolaev's dissertation is a scientific study of an important issue for constitutional law; the research is broad-based, done with skill and erudition.

4. Abstract and publications on the dissertation work

The author's abstract presented by the doctoral student Nikolay Nikolaev was made in accordance with the requirements of the regulatory framework and reflects the results achieved through the study of the problem.

It presents the main content, main ideas and conclusions of the dissertation work. The contributing moments of the author in conducting the research, the degree of novelty and practical significance of the dissertation are outlined.

The publications that the doctoral student presented are 3 (three) in number, namely:

- Nikolaev, N. Committees in the European Parliament - types, competence, organization and order of activity - In: sb. "Constitutional studies 2019. The constitutional foundation facing new challenges", S., UI "St. Kliment Ohridski", 2023, ISBN 978-954-07-5878-7, pp. 181-210;

- Nikolaev, N. The National Assembly and the Commission on European Affairs and Control of European Funds in the context of the participation of the Republic of Bulgaria in the construction of the European Union - In: sb. "Constitutional studies 2020. Constitutionalism and globalization", S., UI "St. Kliment Ohridski", 2023, ISBN 978-954-07-5872-5, pp. 129-146;

- Nikolaev, N. The development of the Bulgarian parliamentary committees in the period 1879-1991 - In: coll. "Constitutional studies 2020. Constitutionalism and globalization", S., UI "St. Kliment Ohridski", 2023, ISBN 978-954-07-5872-5, pp. 147-168.

They are related to the topic of the dissertation work and are in compilations that have a compiler (Prof. Dr. Plamen Kirov), a scientific editor (Assoc. Dr. Nataliya Kiselova) and scientific reviewers (Prof. Dr. Evgeni Tanchev and Associate Professor Krasen Stoychev, Doctor of Law). An essential characteristic of the scientific production of the doctoral student Nikolay Nikolaev is the consistent application of comparative-legal, comparative-historical and socio-legal methods and approaches.

5. Critical notes and recommendations

In the dissertation, a fairly large amount of historical facts related to each of the issues presented in the respective chapters are indicated, which in certain parts of the work could be slightly reduced, given the fact that the research is directed (according to the title) to the parliamentary committees in the National Assembly of the Republic of Bulgaria (according to the modern constitutional model).

It would be appropriate to create a separate chapter in the dissertation, which, albeit in a smaller volume, contains the "European dimensions" of the researched topic - for example, the separation of §4. and §5. from chapter three of the dissertation into a separate chapter four.

Regarding the propositions de lege ferenda, it can be pointed out that some of them are well argued, but in others more legal argumentation could be added.

And one more technical note - some of the citations are not formatted according to bibliographic citation standards.

Finally, I would recommend a stronger author's presence in the conclusion of the work, and also the publication of the dissertation work (with a reflection in it of the notes made by the members of the scientific jury) after its successful defense.

The indicated critical comments and recommendations cannot change the conclusion that the presented research has indisputable scientific merits and possesses the qualities of a dissertation work in the sense of Law on the Development of the Academic Staff in the Republic of Bulgaria and the Regulations for its implementation for the acquisition of the educational and scientific degree "doctor".

6. Conclusion

The analysis made of the presented materials and of the dissertation candidate's ability to deal with scientific, teaching and administrative tasks show that Nikolay Ivanov Nikolaev has all the necessary qualities for the acquisition of the educational and scientific degree "doctor".

The dissertation contains scientific and applied results, which represent an original contribution to science and meet all the requirements of the Law on the Development of the Academic Staff in the Republic of Bulgaria, the Regulations for the Implementation of the act and the relevant Regulations of SU "St. Kliment Ohridski". The presented materials and dissertation results fully correspond to the specific requirements of the Faculty of Law, adopted in connection with the Regulations of the SU for the application of the above mentioned act.

The dissertation shows that the doctoral student Nikolay Ivanov Nikolaev possesses in-depth theoretical knowledge and professional skills and demonstrates qualities for independent conduct of scientific research.

Due to the above, I confidently give my **positive assessment** of the conducted research and **propose to the honorable scientific jury to award the educational and scientific degree "Doctor" to Nikolay Ivanov Nikolaev** in the field of higher education: 3. Social, economic and legal sciences; professional direction: 3.6 Law; doctoral program "Constitutional Law".

29.01.2024

Prepared the review:

Assoc. Prof. Hristo Yordanov Paunov, PhD