

OPINION

By **Prof. Boyka Ivanova Cherneva, PhD**, professional department: 3.6 Law (Theory of state and law. Political and legal studies), Law Department, “St. St. Cyril and Methodius” Veliko Tarnovo University – external member of the scientific jury (Order # ПД 38-485/08.08.2023 г.)

CONCERNING: Competition for the academic position "Associate Professor" in the field of higher education 3. Social, economic and legal sciences, professional branch 3.6 Law (Constitutional law) – Law Department of “St. Kliment Ohridski” Sofia University (SG, 65/28.07.2023).

Information on the vacancy

Dear members of the scientific jury,

I am participating as an external member of a scientific jury for competition of the academic position of "Associate Professor" in professional branch 3.6 Law (Constitutional Law) for the needs of the Department of "Constitutional and Legal Sciences", Law Department, St. Kliment Ohridski Sofia University. The competition was announced in accordance with the requirements of the Development of the Academic Staff in the Republic of Bulgaria Act and the Rules for the Implementation of the said act in SG No. 65/28.07.2023.

The scientific jury for the competition was constituted by Order # 38-485/08.08.2023 of the Rector of “St. Kliment Ohridski” Sofia University. I have been assigned to present an opinion on the documents provided within the framework for the vacancy. Chief Assistant Professor Plamena Dimitrova Penova, PhD, the only candidate, has been allowed to participate in the procedure for filling in the vacancy.

Short information on the candidate in the procedure

Plamena Dimitrova Penova, PhD obtained a master's degree in law at the Law Department of St. Kliment Ohridski Sofia University in 2007. She defended her dissertation thesis on "Local self-government in the Bulgarian constitutional model after 1991", as a result of which she was awarded the educational and scientific degree of Doctor of Law (PhD). Dr. Penova's professional development is directly related to teaching and research. She currently holds the academic position of "Chief assistant professor" in the division of "Constitutional and Legal Sciences" at the Law Department of St. Kliment Ohridski Sofia University. Penova, PhD, also has practical experience as an attorney, legal consultant and tax consultant.

Compliance with the requirements for taking the academic position of an Associate Professor

Penova, PhD has submitted the necessary documents for participation in the competition, from which it is evident that the requirements of the Development of the Academic Staff in the Republic of Bulgaria Act and the Rules for the Implementation of the said act and other relevant legislation have been met.

First of all, Plamena Penova's teaching and learning activities meet the requirements of the law. She reads lectures and holds seminars on the discipline "Constitutional Law" at the St. Kliment Ohridski Sofia University and in the Academy of the Ministry of Internal Affairs. The certificates for academic employment and work experience provided by the competition show that Plamena Penova, PhD, fulfills the legal requirements for the academic and teaching work to occupy the academic position "Associate Professor" in professional branch 3.6 Law (Constitutional Law).

Secondly, Plamena Penova, PhD, has provided scientific works for review, including a monographic study on the topic "The Council of Ministers in the Bulgarian Parliamentary Model", Baltika-2002, B., 2023, 556 pages, ISBN 978 - 619 - 7353 - 73 - 0 and four studies: 1) Immunity of political representatives - comparative aspects and contemporary trends. – In: Constitutional studies 2017. "Post-democratic" constitutionalism, St. Kliment Ohridski University Publishing House, S., 2021, ISBN 978-954-07-5179-5, pp. 135-161; 2) Immunity in the current constitutional law of the Republic of Bulgaria - types and legal framework. – In: Constitutional studies 2016. 70 years of the Republic, St. Kliment Ohridski University Publishing House, 2018, 126-162, ISBN 978-954-07-4556-5; 3) Constitutional guarantees of the right to local self-government. – In: Constitutional studies 2012-2013. Constitutional protection of fundamental rights and freedoms, St. Kliment Ohridski University Publishing House, S., 2014, 341-366, ISBN 978-954-07-3786-7; 4) Termination of the mandate of the

National Assembly, in print, New Bulgarian University Law Journal, ISSN 1314-5797.

Penova, PhD also submitted 5 (five) articles for review: 1) Legislative enactments of the Council of Ministers. Nature and features. - In: Constitutional Studies 2018. Current Trends in Democratic Constitutionalism. St. Kliment Ohridski University Publishing House, S., 2021, 135 - 149, ISBN 978 - 954 - 07 - 5183 - 2.; 2) Constitutional principles and their influence on local self-government in Bulgaria, in the collection Application of constitutional principles in public and private law: jubilee international scientific conference, on the occasion of 25 years of Law Department of St. St. Cyril and Methodius VTU, and 25 years from adoption of the Constitution of the Republic of Bulgaria, 6-7 Oct. 2016., St. St. Cyril and Methodius University Publishing House, V. Tarnovo, 2017, 165-174, ISBN:978-619-208-118-8; 3) Constitutional and legal aspects of parliamentary immunity. – In: Constitutional studies 2014-2015. 25 years of democratic transformation in the Republic of Bulgaria, St. Kliment Ohridski University Publishing House, S., 2017, 432-451, ISBN 978 – 954 – 07 – 4298 – 4; 4) On the election of mayors in the Bulgarian model of local self-government. - In: Constitutional studies 2014-2015. 25 years of democratic transformation in the Republic of Bulgaria. St. Kliment Ohridski University Publishing House, S., 2017, 157-175, ISBN 978 - 954 - 07 - 4298 - 4; 5) Local self-government during the operation of the Tarnovo Constitution - In: 135 years since the adoption of the Tarnovo Constitution, Proceedings of a scientific conference dedicated to the 135th anniversary of the Tarnovo Constitution, editor/s: associate and scientific editor Prof. Vasil Mruchkov, D.Sc., Sibi, 2014, 299-311, ISBN:978-954-730-891-6.

In the procedure, the candidate fulfills the requirements of the Academic Personnel in the Republic of Bulgaria Act and the rest of the relevant legislation for the scientific research activity as a basis for occupying the academic position of "Associate Professor". The compliance with the minimum national requirements already established by the scientific jury of the competition is confirmed.

Short characteristic of the scientific contribution contained in the works submitted for participation in the procedure for filling in the vacancy

The research and publication activity of doctoral student Plamena Penova shows that she continues to work in the field of constitutional aspects of local government and local self-government, which is the centre of her interest in her dissertation research. She manages to build on and reach new contributing moments in this field.

In the monography "Termination of the mandate of the National Assembly", issues related to the termination of the powers of the representative institution in Bulgaria - the National Assembly - are

considered. The subject of research in her publications is immunity in the current constitutional law of the Republic of Bulgaria - types and legal framework.

The main and essential scientific contributions with a view to the evaluation of the scientific research activity in connection with the competition are concentrated in the monographic study "The Council of Ministers in the Bulgarian Parliamentary Model", which is why in this presentation they are the subject of a summarized presentation.

The monographic study is the first independent monographic study in constitutional law theory, which comprehensively and systematically examines the constitutional law issues of a ministerial council and its functioning in the model of parliamentary governance established by the 1991 Constitution of the Republic of Bulgaria. The way in which the problem is presented is an independent contribution to the theory of law and, in particular, to the theory of constitutional law.

Contributory moments are contained in the discussing the issues of a council of ministers in the context of the Bulgarian parliamentary model. This gives the author the opportunity to discuss in a comparative plan, as well as in an emphasized applied and practical sense, the relations between the government, the parliament, the president and the bodies of the judiciary.

The topic of the non-independent powers of a ministerial council is raised, with which the author contributes to the development of the theoretical thesis on atypical powers of the executive power as a mechanism for interaction between legislative, executive and judicial powers. The analysis of the concepts "council of ministers", "government", "state power", "executive power" and "administration" has a high theoretical value. I particularly like the consideration of a legal and political approach to the issue, of course without ignoring the connection between them.

The monographic study also contains other contributing points directly related to the functioning of the Bulgarian constitutional model. Questions of legal effectiveness have been raised. In this way, the legal analysis, containing indisputable scientific contributions, also acquires a practical-applied character. Current issues on the Bulgarian constitutional and political agenda, such as the status of the caretaker government, the relationship between the parliament and the government, are just one of many examples in this regard.

Conclusion

In view of what was stated in the opinion regarding the candidate's educational and scientific activities in the procedure, I give a POSITIVE ASSESSMENT and propose to a scientific jury to propose to the Law Department of St. Kliment Ohridski to elect Chief Assistant Professor Plamena Dimitrova Penova,

PhD, to be selected for the academic position of "associate professor" in the field of higher education 3. Social, economic and legal sciences, professional branch 3.6 Law (Constitutional law) in the department of "Constitutional and legal sciences".

Written by: Prof. Boyka Cherneva, PhD

10 November 2023