

OPINION

by Assoc. Prof. Dr. Konstantin Vassilev Pehlivanov, on a basic employment contract at University of Plovdiv „Paisii Hilendarski“, Faculty of Law, Department of Public Law, Associate Professor in the Field of Higher Education 3. Social, Economic and Legal Sciences, professional field 3.6 Law, scientific specialty Administrative Law and Administrative Procedure

on the dissertation of Nikolay Ivanov Nikolaev, submitted for awarding the degree of Doctor in Field of Higher Education 3. Social, economic and legal sciences, professional field 3.6 Law, doctoral program "Constitutional Law" with the title "Parliamentary Committees in the National Assembly of the Republic of Bulgaria" and supervisor Assoc. Prof. Dr. Natalia Kiselova

I submit this opinion as a member of the scientific jury appointed by Order No. RD-38-676/22.12.2023 of the Rector of the Sofia University “Sv. Kliment Ohridski”, after the decision made at the first meeting of the scientific jury (Protocol No. 1/19.01.2024) I was assigned to prepare an opinion.

I have examined the candidate's compliance with the minimum national requirements for obtaining the doctoral degree and my conclusion is that he has exceeded them - he has submitted a dissertation and has published in unrefereed but indexed journals two articles and one study. Accordingly, the procedure is admissible and the submitted dissertation may be examined on its merits by the scientific jury. A correctly formatted abstract and the obligatory declaration of originality and reliability have been submitted.

After reading the submitted dissertation entitled "The Parliamentary Committees in the National Assembly of the Republic of Bulgaria" I have reached the following conclusions:

This dissertation consists of 225 pages, including a title page, table of contents, abbreviations used, 212 pages of analytical text, and 8 pages of description of bibliography and sources used. 78 doctrinal sources are used, of which 46 in Bulgarian, 3 in Russian, 29 in English. Numerous protocols of meetings of the Bulgarian Parliament and public reports from parliaments abroad were studied.

The dissertation follows the classical structure of an introduction, three chapters and a conclusion with the following main features:

The introduction explains the topicality of the scientific research, noting that the scientific community is facing the task of affirming the role and importance of constitutionalism as a fundamental basis of the entire socio-political life in Bulgaria and the only legal, fair and progressive model for the implementation of public authority. The main practical reason for the development of the work is the observed worldwide trend of shifting the political burden from the governing and decision-making body to its committees and bureaucratization of the process of adopting state-governing decisions. For this reason, the author finds, and I can agree with him, that a careful study of parliamentary committees has its important socio-political, legal and scientific significance. The objectives of the scientific search are to identify the factors that influence their structuring in one form or another, to clarify the functions performed by parliamentary committees, the forms of their work and the order of their activity. Particular attention is paid in this connection to the exercise of the legislative function and the control

function of the National Assembly. The dissertation also aims to study the functional, political and normative situation of the Bulgarian parliamentary committees, examined in the context of the country's participation in the European Union. The author finds that the constitutional model of moderately strong parliamentary committees adopted in the country is the optimal and most appropriate option for a system of subsidiary bodies, taking into account the historical development, the political balance of power after 1989 and the nature of parliamentary committees. This thesis is defended consistently throughout the dissertation. As a novelty it points to, and I can agree with this, the issues surrounding the Committee on European Union Affairs.

The method of legal research used for the purposes of the dissertation is mainly historical, tracing the dynamics of the development of the legal model in Bulgaria. It takes into account the inevitable influence of political life and the prevailing political views that determine parliamentary life and the structure of the subsidiary bodies of parliament. The normativism and comparative law approach, which is mandatory in such studies, is also used where data were available and could be manifested.

Chapter One, "The Emergence and Development of Parliamentary Committees in the Context of the Evolution of Constitutionalism," examines the general concepts and foundations of knowledge about parliamentary committees. The dissertation begins with an etymological study of the term 'committee' itself and traces the historical context and evolution of this subsidiary organ of parliament, examining the theses and opinions defended on particular aspects. Plenty of scholarly literature is scrutinized. I endorse the author's view that committees should only be regarded as subsidiary bodies of parliament and have no democratic legitimacy to exercise public power. At the same time, he gives due credit to their practical role in the day-to-day functioning of the state apparatus, but stands on the principle of political legitimacy, which only the plenary of a directly elected legislature can have.

Interesting and useful to me is § 2 of Chapter 1 with a historical analysis of the emergence of committees in parliament, and a number of details were interesting for me to learn in detail, for example the initial development of committees in France and standing subcommittees in Italy, which in a sense can be seen as a prototype of today's. The dissertation devotes more attention to parliamentary committees after the end of the Second World War, when, according to the generally accepted classification, parliamentarism moved into a new stage of its development - modern (or rationalised) parliamentarism. It is argued that at this time the role and place of committees became established as an essential element of the internal organisation of parliaments, assisting them in the exercise of their legislative and scrutiny functions. The dissertation argues that this was the period when the role and place of parliamentary committees as an auxiliary body was fully developed and took its present form. Appropriate attention has been paid to the practice of using committees of inquiry to study specific issues, the creation of parliamentary committees of inquiry, and the transfer of powers from the plenary to a specially elected committee to exercise the power of the legislature in its recess when the constitutional regime in those systems that have adopted the sessional mode of their legislatures. I find the study of constitutional law in various countries in which the modern principle of compulsory consideration of the major issues before Parliament in standing committees is established to be a useful contribution, which justifies their present importance. Attention is drawn to jurisdictions in the Far East which are little known here and may be of interest to the reader if this dissertation research is published in a book.

The division of the functions of parliamentary committees into two groups - constitutional and political - is well justified. The constitutional functions embody the main strands of parliamentary activity and are legislative, constitutional and scrutiny; the political functions are concerned with work optimisation, political representation of sectoral interests, information supply and party coordination.

Chapter Two "Historical Dynamics in the Development of Bulgarian Parliamentary Committees" is a logical continuation of the introductory Chapter One on the plane of Bulgarian parliamentarism. A historical overview of the first trends in the newly formed Bulgarian state with its specific features is made. Appropriate attention is paid to the drafts for amending the Constitution of the Bulgarian Kingdom. An accurate systematization of the changes in the parliamentary system in this period is made and the changes in parliamentary practice are correctly reflected, including the Committee on Petitions as a prototype of the future standing committees and the gradual establishment in practice of standing committees as a practical necessity. A useful distinction is made between committees as subsidiary bodies elected to clarify matters within the competence of the National Assembly and committees of inquiry as a form of parliamentary scrutiny.

The 1947 Constitution of the People's Republic of Bulgaria is defined as a fundamentally new stage in the development of the standing committees, which deserves support. I appreciate the study of parliamentary practice during the socialist regime as a significant contribution of the work, insofar as this period is underestimated and neglected today. It highlights the point of principle that occurred with the 1971 Constitution of the People's Republic of Bulgaria, which for the first time introduced at constitutional level the distinction between standing and temporary committees, and gave standing committees the right of legislative initiative, making them once again a mandatory participant in a two-reading legislative procedure

Particular attention is paid to the committees of the Seventh Grand National Assembly, and I find the historical research conducted to be a significant contribution of the work. It is noted that the concept of "leading committee" was introduced for the first time.

I find Chapter 3 "Parliamentary Committees in the Current Constitutional Regime - General Characteristics" the most valuable and contributory one in the dissertation. I can support the division made by grouping the functions that the committees in the National Assembly implement into two main parts - constitutional and political, as well as the practical division into four main political functions through which they support the activities of the Legislators - work optimization, political representation of sectoral interests, information supply and party coordination.

Attention is paid to foreign legal systems with an accurate reflection of the peculiarities of committees in unicameral and bicameral parliaments. A contribution is the study of the Anglo-Saxon legal literature with its division of committees into strong and weak depending on their weight to influence a decision in the course of the political process. The peculiarity of our legal and political system, in which the determination and election of the personnel of standing committees is one of the elements of the constitution of a newly elected National Assembly, which elects them during one of its first sessions, is accurately noted. The committees are examined as separate formations with their own leadership, and the dynamics of their creation is traced (pp. 171 ff.).

A particular contribution is the study of the role of the standing committees in the legislative process, reflecting the changes that have taken place over the years. Their acts (decisions) are examined and it is pointed out that, with some exceptions relating to the exercise of scrutiny, they are not legally binding on their addressees and do not provide for penalties for non-compliance. Attention is drawn to the controversial point in theory as to whether commissions issue independent legal acts (pp. 173-174). A significant contribution is the study of the committees and their processes related to Bulgaria's accession to the European Union.

The dissertation has quality and scientific contribution and is stylistically shaped, a considerable amount of literature has been thoroughly researched. My only criticism is that the conclusion could have more clearly systematized the contributions.

I have found no evidence of plagiarism or use of other people's scientific contributions in a way not regulated by law.

In view of my conclusions, I find that by virtue of the quality of the dissertation entitled "The Parliamentary Committees in the National Assembly of the Republic of Bulgaria" the dissertant Nikolay Ivanov Nikolaev deserves to be awarded the degree of Doctor of Education in the Field of Higher Education 3. Social, Economic and Legal Sciences, professional field 3.6 Law, doctoral programme Constitutional Law.

(Assoc. Prof. Dr. Konstantin Pehlivanov)