

EVALUATION

OT

Prof. J.D. Plamen Veselinov Kirov

of a dissertation for awarding the educational and scientific degree

DOCTOR

Field of higher education: Social, economic and legal sciences (3.)

Professional field: Law (3.6)

Scientific specialty: Constitutional law

Author of the dissertation:

NIKOLAI IVANOV NIKOLAEV

doctoral student of part-time training at the Department of "Constitutional and Legal Sciences" of the Faculty of Law of the University of Sofia "St. Kliment Ohridski"

Dissertation topic:

Parliamentary committees in the National Assembly of the Republic of Bulgaria

Research supervisor:

Assoc. prof. J.D., Nataliya Kiselova

By Order of the Rector of the Sofia University "St. Kliment Ohridski" No. RD 38-676 of 22.01.2023, I have been appointed as a member of the scientific jury in connection with the defense of Nikolay Ivanov Nikolaev, doctoral student of part-time training in the professional field: Law (3.6), scientific specialty Constitutional Law, for the awarding of the educational and scientific degree "Doctor", and at the first meeting of the Scientific Jury I was assigned to prepare an evaluation on the dissertation work.

Nikolay Ivanov Nikolaev was enrolled as a part-time doctoral student in Constitutional Law at the Department of Constitutional and Legal Sciences of the Faculty of Law of the University of St. Kliment Ohridski in 2019. After presenting the dissertation, which was discussed at a meeting of the department and successfully passed an internal examination defense, Nikolay Nikolaev was dismissed in 2023 with the right to defend his doctoral thesis by Order of the Rector of SU "St. Kliment Ohridski".

In compliance with the order of the Rector of the University and the decision of the Scientific Jury, being guided by the requirements of the Law on the Development of the Academic Staff of the Republic of Bulgaria and the Rules for its Implementation, I offer to the attention of the respected members of the Scientific Jury the following findings and conclusions, as well as the conclusion motivated by them.

The set of materials provided by Nikolay Ivanov Nikolaev includes the following documents: curriculum vitae; order to enroll the doctoral student; certificate of successfully passing doctoral minimums; dissertation work; abstract; a list and copies of the scientific publications of Nikolay Ivanov Nikolaev related to the topic of the dissertation work and a declaration of originality of the work.

The doctoral student has attached three scientific articles related to the topic of the dissertation work.

I believe that all the requirements regarding the course of the procedure have been met.

The topic "Parliamentary Committees in the National Assembly of the Republic of Bulgaria" as a subject, approach and research method would be a test for any scientist. The topic is classic for parliamentary law and under the 1991 Constitution, there is no independent study dedicated to this aspect of parliamentary activity. It has its theoretical, legal-normative and practical-applied aspect. Initially relevant in relation to modern democratic parliamentary systems, the topic requires a historical-legal and comparative-legal study of the overall issues related to the development of parliamentarism. The relevance of the research is determined by the crisis phenomena in the Bulgarian parliamentary and constitutional practice from the 20s of the present century and fits into the tendency to understand the phenomena in the parliamentary practice such as the committees in their historical and socio-political dynamics. Derived independently as a topic and examined through the doctoral student's approach, the issue of parliamentary committees in the National Assembly has been developed in the form of a comprehensive study, which is rare in constitutional law literature in our country. At the moment, this topic has not been developed with the applied from Nikolaev approach independently, although as a fragment of another issue it has not escaped serious scientific attention from other authors. The relevance of the researched topic, especially after the accumulation of practice from the constitutional jurisdiction, cannot be doubted, and the development of the present dissertation poses serious constitutional legal problems for scientific discussion.

Nikolay Nikolaev demonstrates a high level of knowledge of the issues. The empirical and theoretical material used in the study as well as the scientific literature are extensive. The doctoral student demonstrates a broad awareness of comparative law analysis of parliamentary committees in modern democracies and an ability to creatively evaluate the extensive literature. Consideration should be given to including comparative legal research on committee systems in countries such as Japan, India, China and Latin American countries. The in-depth knowledge of the author of the dissertation in the field of constitutional and comparative

constitutional law, as well as in relation to constitutional history, makes it possible to make an in-depth legal study of the many aspects that the topic of the dissertation implies.

The methodological toolkit of the research is abundant - starting with the historical-legal and comparative method and moving on to the systemic, structural-functional and legal-dogmatic method. This gives an opportunity to go into the depth of the subject and at the same time to cover all the issues related to the activity of the parliamentary committees in the functioning of the Bulgarian constitutional model.

The subject of research focuses on the emergence, establishment and historical development of parliamentary committees, as well as on the analysis of their current state. The issues related to the legislative and control functions of the National Assembly and the specific role of the parliamentary committees in the implementation of each of these functions have been thoroughly examined. The present work also pays attention to the questions about the functional, political and normative status of the Bulgarian parliamentary committees, considered in the context of Bulgaria's membership in the European Union.

Structurally, the work is well constructed, which initially excludes repetition and gaps in the exposition. The dissertation submitted for defense has a volume of 225 pages. It is accompanied by a list of the literature used, a declaration of originality, and a list of publications. The attached bibliographic reference contains a total of 104 independent titles and sources in 4 languages (Bulgarian, English, Russian and French). Footnotes total 199. The dissertation consists of an introduction, three chapters, with paragraphs and sections, and a conclusion.

The thesis is presented in the dissertation, according to which the parliamentary committees of the National Assembly are auxiliary bodies whose competences are entirely derived from those of the plenary, and their constitution and activity are functionally related to the political balance of power in the specific National Assembly. The dissertation work can be defined as an independent,

complete and modern study in the Republic of Bulgaria on the parliamentary committees and their constitutional transformation. The scientific work includes an interesting historical overview of the emergence and evolution of parliamentary committees in the eras of classical parliamentarism and rationalized parliamentarism, discusses the question of the essence of parliamentary committees and contains an analysis of the current models in Europe. At the same time, the author of the dissertation analyzes and clarifies the features of the currently active Bulgarian model of parliamentary committees. In the research presented, the understanding that the powers of the committees in the parliament are secondary to those of the plenary session of the National Assembly is substantiated and supported, and their acts do not have binding legal effect beyond the hypotheses explicitly stated in the Constitution and the Rules of Procedure of the National Assembly. 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.

Nikolay Nikolaev's research, without a doubt, achieves its goals. In this sense, there is an in-depth outline of the concept of parliamentary committees, their essence and functions, types of committees, their constitution, forms of work and order of activity are examined. The powers of the committees, their role in the legislative process and in the exercise of political control, the acts they issue and the topic of administration of the committees were also discussed. An overview of the development of the committees from their first ancient manifestations to the present day, their confirmation as the main auxiliary body of the legislative assemblies and its positive-legal enshrining in the basic laws has been reviewed.

Without a doubt, the comprehensive historical-legal analysis of the functioning of the parliamentary committees in the development of the Third Bulgarian State, their impact on the Bulgarian legal system and parliamentary practice, is an achievement. Of particular importance is the examination of the

powers that the National Assembly acquires in relation to the control over the Council of Ministers in the implementation of the acts of the European institutions. The dissertation supports the understanding that the National Assembly and its committees - more specifically the Committee on European Union Affairs (CUEA) /currently the Committee on European Affairs and Control of European Funds/ participate in the European legislative process in its second phase - the discussion of the European draft laws as the activity of formulating political support and submitting proposals for amendments, additions and other revisions. The dissertation examines the Committee on European Union Affairs as an auxiliary body implementing parliamentary control and monitoring on issues related to the European Union.

Chapter one provides a historical and comparative legal overview of parliamentary committees, examining the emergence and development of parliamentary committees in the context of the evolution of constitutionalism. Questions about the available scientific knowledge related to parliamentary committees and the essence of parliamentary committees are discussed.

General concepts and knowledge bases for parliamentary committees are discussed. Attention was also paid to the political studies of the committees in the National Assembly. The factors that are mandatory prerequisites for the very existence of parliamentary committees have been 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 scientific term " committee " is also defined by the author. The legislative function, the constitutive function and the control function performed in relation to the government are examined.

In the second chapter - "Historical dynamics in the development of the Bulgarian parliamentary committees", the general characteristics of the parliamentary committees in the Tarnovo Constitution, the Constitution of 1947,

the Constitution of 1971, in the work of the Seventh Grand National Assembly (1990-1991) are discussed, as well as in the drafts for a new constitution that the VII Supreme Court is considering. In this regard, the author of the dissertation points out that the development of the system of parliamentary committees under the operation of the Tarnovo Constitution goes through three independent stages, reflecting the role and place of the committees 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, which was reflected in the adoption of the Constitution in 1947, as well as that of 1971. The issue of the participation of the standing committees in the conditions of The Constitution of 1947 and that of 1971 in the formation and implementation of state policy and in the implementation of laws and other acts adopted by the National Assembly. 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 were specific committees given the wide range of powers they had.

Particularly interesting is the analysis of the political regimes proposed with the individual drafts for a new Constitution considered by the VII Great National Assembly and the role and place of the committees in them.

Chapter three examines the role and legal status of parliamentary committees established by the 1991 Constitution. According to the author of the dissertation, the parliamentary committees are collective, auxiliary, specialized structural subdivisions of the National Assembly, having personnel, which 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. Heterogeneous classifications of parliamentary committees have been derived depending on various criteria, taking into account their role and tasks, order of election, power

and others. The understanding that the National Assembly and its committees participate in the European legislative process in its second phase - the discussion of European draft laws as an activity for formulating political support and submitting proposals for amendments, additions and other revisions - is outlined. The dissertation examines the Committee on European Union Affairs as a special auxiliary body implementing parliamentary control and monitoring on issues related to the European Union.

Nikolay Nikolaev systematizes in his work interesting proposals *de lege ferenda*: editing of Art. 79 of the Constitution in the sense that the National Assembly elects from among its members permanent and temporary committees that assist the Assembly; introduction of an explicit legal norm, according to which the National Assembly should rule on every single legislative initiative submitted by the entities under Art. 87, para. 1 of the Constitution without being able to compile separate texts and thus draft a new bill; inclusion in the scope of the implemented parliamentary control of the control of the policy led by the government in implementation of the decisions of the institutions of the European Union.

The development of the Bulgarian model of parliamentary committees has been traced and analyzed in the context of Bulgaria's participation in the construction of the European Union. On this basis, some of the formulated proposals *de lege ferenda* are relevant and essential. A proposal to transfer part of the powers of the Committee on European Union Affairs to the plenary was argued. As such, 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 activity of the Council on European Affairs at the Council of Ministers and other structural units.

In his work, 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.

The dissertation convincingly proves the in-depth knowledge of the theoretical and practical-legal aspect of the problems for the parliamentary committees. In the presented scientific publications, theoretical concepts and opinions are analyzed, which, together with the important proposals de lege ferenda, definitely contribute to the development of the understanding of parliamentary committees, in its Bulgarian context.

Some imperfections and inaccuracies are observed in the dissertation work, which do not reduce its scientific value. First of all, based on the volume of the individual chapters, particular attention is paid to the historical experience in the Third Bulgarian State until the Constitution of 1991, which does not fully correspond to the title of the scientific study dedicated to the parliamentary committees in the National Assembly of the Republic of Bulgaria according to the current constitutional model. It would be appropriate to discuss the formatting of the chapters and paragraphs in a different way, so that they reflect more accurately and concentratedly the different issues. For example, separate chapters dedicated to the work of the committees in the context of Bulgaria's participation in the European Union, as well as the administration of the parliamentary committees, can be distinguished.

After refinement, development and argumentation of some of theses, the dissertation work deserves to become public domain as an independent scientific publication. With its scholarly value as a comprehensive study of parliamentary committees, such a publication would be useful reading not only for researchers in the field of constitutional law, but also for people actively engaged in political activity.

In conclusion, I give a positive assessment of the dissertation work, taking into account that it contains scientific results representing an original contribution

to legal science, as well as the in-depth theoretical knowledge of the doctoral student and his ability for independent scientific research.

Dear members of the Scientific Jury,

Bearing in mind the qualities of the dissertation work, I consider that it has indisputable merits, demonstrates a thorough analysis leading to theoretical conclusions, contains important contributing points and proposals de lege ferenda, therefore I strongly suggest to the Scientific Jury to award the educational and scientific degree "Doctor" of Nikolay Ivanov Nikolaev.

31.01.2024

Prepared the evaluation:

Prof. J.D. Plamen Kirov