

## OPINION

by Prof. Dr. Darina Zinovieva, Faculty of Law of Plovdiv University "Paisii Hilendarski"

on a dissertation: CONSTITUTION, INTERNAL ORGANIZATION AND COMPETENCE OF THE MUNICIPAL COUNCIL by

VASIL MLADENOV PETROV

in the field of higher education 3. Social, economic and legal sciences,  
Professional direction: 3.6. Law, Doctoral program: "Administrative law and administrative process", with supervisor: Assoc. Prof. Bogdan Yordanov, Ph.D.

Dear members of the scientific jury,

### 1. General notes

Vasil Mladenov Petrov is enrolled as a regular doctoral student in the doctoral program "Administrative Law and Administrative Process" at the department of "Public Law Sciences" of the Faculty of Law of Plovdiv University "Paisii Hilendarski" in 2020. He was awarded with the right of defense in 2023.

The doctoral student submits the necessary documents related to the dissertation defense procedure. The abstract is prepared in accordance with the requirements and faithfully reflects the contributions.

2. Analysis and evaluation of the dissertation work. The structure of the work is in a logical sequence. The title well reflects the author's idea to conduct a comprehensive scientific study of the body of local self-government - the municipal council, combining a study of the principles of constitution of the municipal council, the internal organization and powers of this body. The detailed clarification of the concept of "self-management" and its comparison with the concept of "centralization" deserves a positive evaluation. In a systematic sequence, Vasil Petrov has studied "local self-government" as a manifestation of self-government. It is worth emphasizing that in his analysis the author considered the three main systems of local self-government – English, French and mixed/Prussian/. The historical retrospection of the legal system of local self-government in different periods in Bulgaria contributes to a clearer idea of the

development of local self-government as a principled administrative power in places, and accordingly of the legal system.

In the second chapter of the work, the author examines the current legal regulation of local self-government in our country. A good assessment should be given to his idea of first summarizing all the legal sources of this regulation, which gives an idea of the overall current regulation of local self-government. The idea that the author explores the peculiarities of the municipality as a legal entity, with its principle characteristics, such as e.g. territory, population, name etc. In this part of the work, the thoroughness of the analysis regarding the legal entity of the municipality makes an impression. The author, with a number of valuable arguments, reaches the conclusion that the municipality is a public legal entity, that it is closest to the legal entity of the state bodies. He correctly reflects other doctrinal theses regarding the peculiarities of the legal entity-municipality, defending his conclusion, which we consider to be correct.

The author has made a good classification of municipal bodies, differentiating them into two categories - (constitutional, immediate) and secondary (nonimmediate). Examines the legal characteristics of the mayor, the mayors of regions and town halls, the deputy mayor, as well as various specialized bodies in the municipality/e.g. the chief architect/.

In the author's analysis of the legal status of the municipal council, the reflection of the peculiarities of its constitution should be evaluated positively. For example, Vasil Petrov's research is very good regarding the various practical hypotheses related to the swearing of municipal councilors / the lack of a quorum when holding the meeting, the non-swearing of an oath by an elected municipal councillor and referral to the Regional Election Board, etc./.

The special attention that the author paid to the internal organization of the municipal council is impressive. In this regard, Vasil Petrov thoroughly researched the normative act - the Rules for the organization and activity of the municipal council. In order to complete the research on the organization of the activity of the municipal council, the author analyzes the figures - presidential council, party factions, permanent and temporary committees.

In the part of the work concerning the competence of the municipal council, Vasil Petrov correctly presents the doctrinal theses for the concept of "competence", analyzes the means of acquiring competence by the municipal council and analyzes in detail the specific powers of the body. In this part, I distinguish the analysis of the authority of the municipal

council to refer to the Constitutional Court in disputes about competence between them and the central authorities. The peculiarities of the acts issued by the municipal council, as well as the control over them, have been well researched. Of interest to the doctrine and practice are also the questions of their communication and knowledge. The part concerning the control over the acts of the municipal council is strong, as well as the control of the municipal council over the acts issued by the mayor. I accept as a significant contribution the proposal made by the author that the public mediator contests the by-laws of the municipal council when the rights and freedoms of the citizens are affected by them.

In overall, the work is written with excellent legal knowledge of the author in administrative law and especially in the matter of local self-government. An impressive number of doctrinal sources were used, as well as practice of the Constitutional Court, administrative courts and the Supreme Administrative Court.

### 3. Critical Notes:

I recommend that the author publish the work in a book. When publish it, it would be useful to expand his analysis on the application of the European Charter of Local Self-Government.

### CONCLUSION:

In view of the above and the observed requirements of the law,

I give my positive assessment for the dissertation work of Vasil Mladenov Petrov and I propose to the scientific jury to award him an educational and scientific degree "Doctor" in professional direction 3.6 Law /Administrative law and administrative process/, in the Faculty of Law of Plovdiv University "Paisii Hilendarski".

7 November 2023

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/prof. Darina Zinovieva/