

To  
Members of the Scientific Juri, established by  
Order № MA-21-438 of 24.02.2023 of the  
Rector of the Plovdiv University “Paisiy  
Hilendarski (PU) on the defense of a  
dissertation work of regular PhD student  
Radoslav Yordanov Mitev from  
Department “Public Sciences” at the Faculty of  
Law (FL) to the PU

## REVIEW

of Prof. DSc. Georgi Petrov Penchev  
Faculty of Law at the Plovdiv University “Paisiy Hilendarski”

concerning: presented for defense of a dissertation work of regular PhD student Radoslav Yordanov Mitev for obtaining of an educational and scientific degree “Doctor” in area of higher education 3. “Social, Economic and Legal Sciences”, professional field 3.6. “Law”, scientific specialty/doctoral programme “Administrative Law and Administrative Procedure” on topic “Local self-government in cities with district division” with scientific supervisor Assoc. Prof. PhD Konstantin Pehlivanov

Dear Members of the Scientific Jury,

As a member of a scientific jury, established for assessment of a dissertation work, entitled “Local self-government in cities with district division” by regular PhD student Radoslav Yordanov Mitev from Department “Public Sciences” at the FL to the PU under Order № MA-21-438 of 24.02.2023 of the Rector of the PU, I present you my review, prepared on the ground of Art. 10, par. 1 of the Development of the Academic Staff of the Republic of Bulgaria Act (DASRBA – State Gazette (SG), No. 38 of 2010, as amended), Art. 32, par. 1 of the Regulation for Implementation of the DARSBA, adopted by Decree of the Council of Ministers No. 202 of September 10, 2010 (RIDARSBA – SG, No. 75 of 2010, as amended) and Art. 38, par. 1 of the Regulation for Development of the Academic Staff of the Plovdiv University (RDASPU – In: Пловдивски университет „Паисий Хилендарски” [online]. [viewed 02.03.2023]. Available from: <https://uni-plovdiv.bg/uploads/site/pravilnici/PRASPU-10.06.2019.pdf>).

### **1. Brief biographical data about the PhD student**

Radoslav Mitev finished her higher education in the Faculty of Law at the PU in 2013. For the period 2014-2018, he worked as a lawyer at a private bailiff in the city of Plovdiv, and from 2018 to the present he works as the chief legal advisor to the “Central” district, the city of Plovdiv. He has taken as a regular PhD student in the Department of Public Law Sciences to FL at PU with Order

of the Rector of the PU № R33-657 of 06.02.2019 and he has struck off with the right to defense a thesis with the Order of the Rector of the PU № MA-21-552 of 21.03.2022.

## **2. General description of the presented materials**

Presented by R. Mitev set of materials in paper and electronic form is in conformity with Art. 36 of RDASPU. He has presented 3 articles on the topic of his dissertation work, two of them are published and one of them is given for publication.

## **3. Actuality of the issues and expediency of the set goals and tasks**

The dissertation work of R. Mitev is dedicated to significant in theoretical aspect and insufficiently researched up till now in our legal literature issue – the local self-government in cities with district division. Its actuality, in my opinion, is determined by 2 circumstances. *On first place*, the great importance the cities with district division as settlements with the largest population for socio-economic development not only on a local, but also on a regional and national level. *On second place*, the presence of a number of environmental problems that must be solved within the administrative-territorial scope of these cities. In this regard, the PhD student has precisely and successfully, in my opinion, defined the main goals and tasks in the introduction of his dissertation work.

## **4. Knowledge of the issues of the dissertation work**

R. Mitev has demonstrated a very good knowledge of the state of the issues he is considering. It should be emphasized the fact that he has used a large number of literary and normative sources, and this is an indicator of both a very good literary awareness and a broad general culture.

## **5. Research methodology in the dissertation work**

In the presented for assessment dissertation work “Local self-government in cities with district division” the comparative law and historical law methods of scientific research are mainly used. The chosen research methodology allows the achievement of the set goals and tasks of the dissertation work.

## **6. General characteristics and assessment of the dissertation work**

The dissertation work is 203 pages long and in structural meaning consists in: Introduction (pp. 7-13); four chapters, dedicated respectively to: the historical development of local self-government and the administrative territorial structure of Bulgaria (Chapter I, pp. 14-38); the legal framework for the constitution of districts in large cities and the legal status and powers of the deputy mayor of these cities (Chapter II, pp. 39-88); powers of the mayor of district (Chapter III, pp. 89-137); the concept of local self-government in Europe and examples of governance in some large European cities (Chapter IV, pp. 138-177); the conclusion and suggestions for improvement of the legal framework (pp. 178-181); and bibliography and normative acts (pp. 182-203), which includes in general 75 Cyrillic titles and in general 18 Latin titles, as well as 81 legal acts and documents, 75 judicial acts and 12 Internet sources.

The exposition in the dissertation is purposeful and meaningful. It is accompanied by separate comparisons and distinctions, justification of conclusions and analysis of definitions of notions.

## **7. Contributions and significance of the dissertation work for the science and practice**

The scientific contributions of the study are of the category of “enrichment of the existing knowledge” and are based not only on investigation of the legal regulation and judicial practice in the investigated field, but also on the personal views of the author on their efficiency, accompanied by a number of own and original conclusions and considerations. The following specific scientific, scientific-applied and practical contributions in the dissertation work could be highlighted:

1) very good analysis of the notions “local self-government” (pp. 14-16), “decentralization” and “deconcentration” (pp. 16-17), and “administrative-territorial system” and “administrative-territorial division” (pp. 17-18);

2) successful analysis of the historical development of the local self-government and administrative-territorial system in Bulgaria (pp. 18-38);

3) author’s proposal de lege ferenda, in the constitution of districts in cities with a population of over 100,000 people under Art. 10 of the Administrative-Territorial System of the Republic of Bulgaria Act (ATSRB - SG, No. 63 of 1995, as amended), in the hypothesis of determining the minimum number of the population of 25,000 people for a certain district, only for the persons who have a permanent address in this district to be included in it (pp. 55-56);

4) proper proposal de lege ferenda in Art. 13 of ATSRB to be regulated deadlines for the separate stages of the procedure for creating districts in cities with population of over 100,000 people (p. 56);

5) successful intermediate conclusions from the legal framework of the constitution of districts in the big cities in the Republic of Bulgaria (pp. 57-59);

6) a well-based author’s proposal for the restoration of the district councils as a body of local self-government in cities with district division (pp. 62-63);

7) successful analysis of the statute, grounds for incompatibility, acts and control over the acts of the mayor of a district in the context of the legislation and judicial practice (pp. 63-88);

8) very good analysis of the powers of the mayor of district in the context of the legislation (e.g. Local Self-Government and Local Administration Act (SG, No. 77 of 1991, as amended), Town and Country Planning Act (SG, No. 1 of 2001, as amended), Public Procurement Act (SG, No. 13 of 2016, as amended), Municipal Property Act (SG, No. 44 of 1996, as amended), Public Finances Act (SG, No. 15 of 2013, as amended), Local Taxes and Fees Act (SG, No. 117 of 2007, as amended), Management of Condominiums Act (SG, No. 6 of 2009, as amended), Family Code (SG, No. 47 of 2009, as amended), and

some ordinances and regulations of the municipal councils in the cities of Sofia, Plovdiv and Varna) and judicial practice (pp. 89-137), combined with author's proposal de lege ferenda for the districts in cities with district division to be regulated an independent budget (pp. 125-126);

9) successful analysis of some legal acts and documents of the Council of Europe, and in particular the European Charter of Local Self-Government of 1985 (pp. 140-144), the Strategy for Innovation and Good Local Government of 2007 (pp. 145-148) and Code for Good Practices for Civic Participation (pp. 148-151);

10) very good analysis of the policy of the European Union (EU) in the field of local and regional self-government with a particular emphasis on the activities of the Committee of the Regions as one of the institutions of the EU with consultative functions (pp. 151-154), as well as on the impact of this policy on the activities of the local self-government bodies in our country (pp. 154-159);

11) successful comparative law analysis of the local self-government in some European cities with district division, and in particular Paris, Athens and Budapest (pp. 159-173), combined with an outline of the trends in the development of the large European cities (pp. 173-177);

12) in the section „Conclusion and suggestions for improvement of the legal framework” (pp. 178-181) a valuable and useful conclusions with theoretical and practical meaning from investigated national legal regulation and suggestions for its improvement are made.

### **8. Assessment of the publications on the dissertation work**

Radoslav Mitev has presented following publications related to the subject matter of his dissertation work: “Development of the administrative-territorial system in Bulgaria after Liberation”. – Studia Iuris [online]. Plovdiv, 2022, № 1, pp. 99-107. [viewed 02.03.2023]. Available from: [https://studiairis.com/wp-content/uploads/2022/07/Spisanie\\_studiq-Urist br.-1\\_2022.pdf](https://studiairis.com/wp-content/uploads/2022/07/Spisanie_studiq-Urist_br.-1_2022.pdf); “Legal statute and powers of the mayor of a district”. – In: Collection [with] reports from the Annual university scientific conference [, Veliko Tarnovo,] June 30 – July 1 [year]. Vol. II. Scientific direction “Social, economic and legal sciences”. [Veliko Tarnovo]: Publishing complex of the NMU “Vasil Levski”, [2022], pp. 201-210; and “Election of a mayor of a district. Conditions for eligibility and incompatibility” – given for publication in the online journal “Studia Iuris”, scheduled for No. 1 for 2023.

These publications successfully reflect a number of analyses and opinions of the author, embedded in certain parts of his dissertation work.

### **9. Personal attendance of the PhD student**

The outstanding contributions in the dissertation work and obtained results are a personal merit of Radoslav Mitev. He correctly quoted in line the literature used, related to the opinions of individual authors – a circumstance

that excludes the presence of plagiarism. This is an indicator of the author's scientific ethics, which undoubtedly deserves support.

## **10. Opinion on the Overview**

The Overview of the dissertation work of 32 pages long in Bulgarian and 32 pages long in English reflects on a very good level its content and achieved general results.

## **11. Critical remarks and recommendations**

Some critical remarks and recommendations can be addressed to the dissertation work, mainly of editorial meaning.

### **11.1. Critical remarks**

1) on p. 8, l. 14 instead of the word "tolerable" it was better to use the word "effective" relative to the word "legislation".

2) on p. 64, l. 26 instead of the word "cancel" it was better to use the word "declared unconstitutional" relative to the word "provision".

3) on p. 166, lines 16-17 instead of the words "surrounding world" it was better to use the word "environment".

### **7.2. Recommendations**

1) anywhere in the text of the dissertation, e.g. on pp. 42, 62, 73, 80, 84, 89, 104, 109, 127, 128, 131, 135 and others, instead of the word "scheduled", it was better to be used the word "regulated".

2) The section "Conclusion and proposals for improving the legal regulation" (pp. 178-181) in the dissertation is not entitled successfully, because the so-called "proposals for improving the legal regulation" should be considered part of the conclusion itself, and not highlighted separately from it, i.e. independently. Therefore, it was sufficient to use only the name "conclusion" without the addition "and proposals for improving the legal regulation". The conclusion traditionally contains both more general conclusions from the considered legal regulation and possibly proposals de lege ferenda. Therefore, it was better for this section of the dissertation to bear only the title "Conclusion" and especially in connection with the requirements of Art. 27, par. 2 of RIDARSBA and Art. 32, par. 2 of RDASPU.

3) the section "Bibliography and normative acts" (pp. 182-203) in the dissertation is also not entitled successfully, because it contains not only a list of the used literature and normative acts, but also judicial decisions and Internet sources. Therefore, it was better for this section of the dissertation to bear only the title "Bibliography", and in this hypothesis especially in connection with the requirements of Art. 27, par. 2 of RIDARSBA and Art. 32, par. 2 of RDASPU.

### **11.3. Assessment of the impact of the critical remarks and recommendations on the scientific meaning of the dissertation work**

The pointed out weaknesses, however, do not diminish the significance and usefulness for the theory and practice of the proposed for defense dissertation work. It is written clearly, understandably, logically and is read with interest. It fills a gap in our legal literature in investigated field. These critical

notes and recommendations are intended only to help the author in case he decides to continue his creative efforts on this issue and to publish subsequently his dissertation work as a book.

## **12. Recommendations for future use of dissertational contributions and results**

Based on the abovementioned scientific and practical contributions of the dissertation work, I recommend R. Mitev to publish it as a book (monograph). I consider that this book will be of interest to both scientists and practitioners.

### **Conclusion**

Finally, based on the above:

1. In conclusion I declare that the dissertation work “Local self-government in cities with district division” contains scientific and scientific-applied results, which represent an original contribution in science and meet the requirements of Art. 6, par. 3 of DASRBA, Art. 27, par. 2 of RIDASRBA and Art. 32 of RDASPU for obtaining of an educational and scientific degree “Doctor”. At the same time, this dissertation work shows that Radoslav Yordanov Mitev has in-depth theoretical knowledge and professional skills in the scientific specialty/doctoral programme “Administrative Law and Administrative Procedure” by demonstrating qualities and skills for independent research. Therefore the PhD student meets the requirements of Art. 6, par. 1 of DASRBA, Articles 24-26 of RIDASRBA and Articles 29-31 of RDASPU.

2. In relation to the abovementioned, on the ground of Art. 10, par. 1 of DASRBA, Art. 32, par. 1 of RIDASRBA and Art. 38, par. 1 of RDASPU, I give a positive assessment of the conducted scientific research, presented by the peer-reviewed dissertation work, overview, achieved results and contributions.

3. I suggest to the esteemed Scientific Jury, established under Order № MA-21-438 of 24.02.2023 of the Rector of the PU, on the ground of Art. 11, par. 4 of DASRBA, Art. 34, par. 1 of RIDASRBA and Art. 39, par. 3 of RDASPU, to award the educational and scientific degree “Doctor” to Radoslav Yordanov Mitev in area of higher education 3. “Social, Economic and Legal Sciences”, professional field 3.6. “Law”, scientific specialty/doctoral programme “Administrative Law and Administrative Procedure”.

Sofia, 05.04.2023.

Reviewer: (s)

(Prof. DSc. Georgi Penchev)