

REFERENCE OF REVIEW

by **Emanuil Krasimirov Kolarov, Dr.iur.** – Associate Professor at the **Angel Kanchev University of Ruse**

to dissertation thesis for acknowledgement of education and scientific grade “Doctor of Law”

in: Higher education area **3. Social, economic and legal sciences**

Professional area **3.6 Law,**

PhD programme „**Administrative Law and Administrative Procedures**“.

Graduate: Radoslav Yordanov Mitev

Thesis: „Local Self-government in cities with district division“

Scientific Advisor: Assoc. Prof. Konstantin Vasilev Pehlivanov, Dr.iur. – **Paisiy Hilendarsky University of Plovdiv**

1. General description of materials submitted

According to Order No. RD-21-438 of 23.02.2023 г. issued by the Rector of the Paisiy Hilendarsky University of Plovdiv I was nominated member of the scientific committee to review a dissertation thesis entitled “Local Self-government in cities with district division” in procedure for acknowledgement education and scientific grade “Doctor of Law” in higher education area 3. Social, economic and legal sciences, professional area 3.6 Law, PhD programme “Administrative Law and Administrative Procedures”. Autor of the thesis is Mr. Radoslav Yordanov Mitev – a full-time PhD-student at the Public Law Department and with scientific advisor Assoc. Prof. Konstantin Pehlivanov, Dr.iur., faculty member at the Paisiy Hilendarsky University of Plovdiv.

The materials submitted by Mr. Mitev in paper and in electronic sample are completed in accordance with Art. 36, par. 1 of Rules of Procedure for Academic Staff Member Development of the University of Plovdiv, and include as follows:

- Application of 28.02.2023 by the PhD-student to the Rector of the university to open the procedure for dissertation thesis defense;
- CV in European form;
- protocol of the meeting of the departmental council from 15.02.2023, regarding the readiness for the opening of the procedure and preliminary discussion of the dissertation thesis;
- dissertation thesis;
- abstract – in Bulgarian and in English language;
- List of scientific publications on the subject of dissertation;
- Full-text copies of publications;
- Reference on fulfillment of national minimum requirements.

The doctoral student has submitted 3 articles. Two of them are out of print: one in the scientific magazine “Studia iuris”, issue no. 2/2022 (pp. 99-107), the other one – in “Reports from the Annual University Scientific Conference” of Vasil Levski National Military University (pp. 201-210). The third one is presented in full text, accompanied by an official note signed by the deputy editor-in-chief of the magazine “Studia iuris”. The article has been prepared for printing for issue no. 1/2023.

2. Brief biographic details for the PhD-student

According to the data presented in the documents submitted in the procedure, we can indicate the following: Mr. Radoslav Mitev graduated from secondary education at SU "St. Kliment Ohridski" - Plovdiv, and higher education - in the specialty "Law" in 2013 at the University of Plovdiv. He worked successively in a political party structure, in a municipal enterprise, in the municipal administration, then for a private bailiff, and currently in the municipal administration of Plovdiv for the "Central" district of the municipality. The scope of his duties includes the public procurement procedures.

Since 01.03.2019, Mr. Mitev has been enrolled as a full-time doctoral student at the University of Plovdiv in the doctoral program "Administrative Law and Administrative Process" with academic supervisor Assoc. Prof. Konstantin Pehlivanov, Dr.iur.. The work for the administration in the district of the municipality of Plovdiv reflects to the choice of the dissertation subject. He was dismissed with the right of defense from 01.03.2022.

3. Topicality and advisability of the dissertation subject and aims

The problem of self-government in the constituent administrative-territorial units, as far as I know, has not been set as a topic of independent scientific research. The territorial division of the Capital Municipality and the large cities establishes two levels of local self-government in the respective settlement. The relative independence of the mayors of districts from the mayors of the respective municipality presupposes the need for synchronization in management approaches and practices. These, and many other considerations, make the topic of local self-government at the district level relevant, challenging and complex. Mr. Mitev tackled this difficult task in the dissertation submitted for evaluation.

The work stresses on a contemporary issue and is challenging in view of the practical tasks it pursues. It must examine the legal status of the district and the mayor of the district, including his powers according to a number of special laws. This highlights problems in law enforcement, to which the author tries to find an answer and solution, including proposals for improving the legislation.

4. Familiarity with the subject

The author shows knowledge of the regulatory framework, of the theoretical background and of the practical realities of the researched subject - local self-government, carried out through the division of the Capital Municipality and large cities into districts, the legal figure of the mayor of a district, his legal status and powers. From his own experience as an employee in the municipal administration and working in one of the districts in Plovdiv, Mr. Mitev marks and brings out the specifics of the region as an administrative-territorial unit, as a constituent administrative-territorial unit in the respective municipality and as a level of management – closer to the citizens, – which must respond to specific public needs.

5. Research methodology

The author works with a variety of research approaches and methods. The normativist method prevails, necessary for clarifying the legal status of the district as a constituent administrative-territorial unit, the position and powers of the mayor of a district as a body of executive power and of the deputy mayor of a district. Applying this method, Mr. Mitev presents the powers of the mayor under the special administrative legislation - this is important in order to achieve the goals of the research.

In the first chapter, the historical approach is applied. This is an important element of the study, with which the constant reforms in the Bulgarian state tradition in relation to the administrative-territorial organization (especially in the context of the Third Bulgarian State) are presented. The research and presentation of the problem passes through several stages, marked by the Constitutions of Bulgaria from 1879, 1948, 1971 and 1991 and the contemporary legislation adopted in accordance with them.

In the last chapter, the comparative approach is applied. The comparison of examples from foreign legislation, from various administrative systems and concepts for the vertical distribution of power and

functions in the respective countries should contribute to analyzing and drawing conclusions about the arrangement of the Bulgarian administrative system (bearing in mind, for example, that France is decentralized country, while Hungary is centralized and to a greater extent suitable for comparison with Bulgaria).

These methods are traditionally applied in legal research and contribute to the quality of the scientific product by providing adequate answers to the tasks set in the dissertation thesis.

6. Features and evaluation of the dissertation thesis

The dissertation thesis by Mr. Mitev as submitted for review is an attempt to cover the complex and diverse legal framework of the status of the districts in the big cities in the conditions of the centralized system of state administration in Bulgaria. The problem of local self-government affects the stability and sustainability of the municipal level of governance – the guarantee of administrative and financial decentralization in decision-making by bodies that are responsible before the population of the relevant unit, and capabilities for the operational implementation of these decisions.

The research passes through several stages, developed in the separate chapters of the dissertation thesis.

First of all, the issue of local self-government as a legal phenomenon is investigated – the right and real possibility of local communities to govern issues of local importance, for which they are responsible both politically (before the population that elects representative and executive bodies of this community) and legally. In the first chapter, the historical development of the administrative-territorial organization of the Bulgarian state in different stages of its existence is examined, with the two parts being more clearly distinguished - before the Liberation and during the Third Bulgarian State. The post-Liberation period is divided into three stages – until 1944, between 1944 and 1989 and after 1991. The historical tracing of the establishment of local self-government and of different levels of government both in the medieval Bulgarian state and on Bulgarian territories during the Ottoman period is important, suitable and fruitful for the scientific tasks, in order to be able to draw a conclusion about the municipality as the main unit (community) in which self-government is developed. In this chapter, the handling of more historical sources can be recommended, especially from the last century of the Ottoman rule and the first years after the Liberation. It can be added that different cities, not only Sofia, were also important administrative centers in this period (pages 21 and 23). The review of the legislative framework after the Liberation and the establishment of the administrative-territorial structure of Bulgaria with an emphasis on the growing need for the separation of constituent elements first in the Capital is of significant importance (pp. 26, 28-29). The presentation of the dynamics in the administrative-territorial division of the country in the second half of the 20th century should also be supported.

The second chapter emphasizes the special situation of large cities in the administrative-territorial structure in our country at the modern times and the establishment of district councils (p. 43). The functions and powers of the district councils in various areas of public administration are presented - public finances, territorial-settlement /urban/ planning (p. 45), the cultural sphere, communal services (p. 47), public order (p. 48). Of interest are the author's reasoning and arguments regarding the procedure for creating districts in cities with a population of more than 100,000 inhabitants – both in terms of the requirement for a permanent address in the relevant municipality, and in terms of the conditions for carrying out the procedure (pp. 55-57). An important question is raised in relation to the establishment of district councils as collective governing bodies of the district (pp. 59, 62). In separate sections, the statutes of the mayor of a district (pages 65-74), and of the deputy mayor of a district (pages 64-65) are presented. It may be recommended that the problem of incompatibility be further analyzed (pp. 76-78), as this is an important aspect of the statute of the relevant executive authority. The same applies to the acts of district mayors and their challenge. A contribution would be the reasoning regarding the contestation of these acts in administrative order. We cannot support the contention at page 81 that the failure of the superior administrative authority to give a ruling in a proceeding challenging an administrative act in an administrative way is a "tacit refusal".

The tacit refusal is product of another proceeding – for issuing an administrative act; the non-ruling of the higher authority in the control phase does not have the same consequences, because the protection

of the rights of the plaintiff affected by the initial act can further be carried out in another way (judicial). It can be recommended to further develop the review of the case-law of the courts on challenging administrative acts of mayors of districts (p. 83), as well as the control relations between mayors of districts and municipalities and control over deputy mayors of districts (p. 85). The thesis of civil (public) control over the activities of district mayors can also be further developed (pages 87-88).

A strong and contributing part of the dissertation is chapter three, where the powers of the mayors of districts under the Bulgarian legislation in the field of local self-government and local administration, territorial planning, public procurement (especially the last, very actual topic in which the author himself has professional commitment and experience). A contribution can also be indicated in the section related to the management of municipal property as part of the powers of the mayor of a district. The study is divided into two levels – legislative regulation and that in by-laws (regulations adopted by the municipal councils of Sofia, Plovdiv and Varna). This shows the importance and role that district mayors have in governance, as the level of governance closest to citizens. In this regard the author's proposal for amending the norms concerning the management of municipal budget and the need to provide an independent budget for the districts in cities with district division (p. 125) should be mentioned – a proposal that deserves attention.

The fourth chapter emphasizes the European dimension of the regions. It concerns the idea of local self-government according to the European Charter on Local Self-Government, ratified and in force for our country. The author examines here the approach of the European Union to the regions, with a reflection on the status and activity of the Committee of the Regions. This chapter also looks at several examples of large cities in other European countries.

The conclusion includes proposals made by the author for amendment of the legislation, the most important of which are that the division of districts must also be available for cities with a population of more than 100 thousand people and that the decision for this should be made by the National Assembly, as well as in that legislation to provide establishment of district councils. These proposals can be subject of discussion regarding the improvement of the administration in our country.

7. Contributions and importance of dissertation thesis for science and practice

The contributions of the evaluated dissertation thesis could be summarized in the following directions:

- A historical overview of the administrative-territorial organization in Bulgaria is presented with an emphasis on the place of the districts and the role of the mayors of the districts;
- The legal status of the mayor of a district is presented and the position of the deputy mayor of a district is discussed;
- An analysis was made of the powers of the mayors of districts under special administrative legislation;
- A comparison is made with examples of large cities in other European countries and an attempt is made to place the district as a constituent administrative-territorial unit in the supranational European concept of local self-government;
- A number of proposals have been made to improve the legislation in the field of the studied problem that deserve attention.

The above may have implications for future research on the problem, as well as on issues of local self-government and local administration. It can also serve as a basis for discussion on future amendments to the administrative-territorial system of the Republic of Bulgaria. This can affect the quality of state governance.

8. Evaluation to publications on the dissertation thesis

In the current procedure, the candidate submits three publications related to the topic of the dissertation thesis. All three are submitted in full text. Two of them were published in the scientific magazine “*Studia iuris*” issued by the University of Plovdiv.

In the article “Development of the administrative-territorial organization of Bulgaria after the Liberation”, published in the scientific magazine “*Studia iuris*”, no. 1/2022 (pp. 99-107), the study is divided into three paragraphs corresponding to the three stages in the legal framework – the periods between 1879 and 1944, between 1944 and 1989, as well as after 1991. Sequentially and in chronological order the constitutional and legislative foundations and amendments are discussed.

The article “Legal status and powers of the mayor of a district” was published in the Proceedings from the Annual University Scientific Conference of the Vasil Levski National Military University – Veliko Tarnovo, vol. II/2022 (pp. 201-210). It examines the legal figures of the mayor of a district and the deputy mayor of a district. The rules of the Electoral Code for electing these regional governing bodies are also commented.

The third material submitted is the article “Election of a mayor of a district. Conditions for eligibility and incompatibility”, which was accepted for publication in the scientific magazine “*Studia iuris*”, no. 1/2023. It has an informative and evaluative nature in relation to the regulatory framework and the need for its investigation.

9. Personal involvement of the PhD-candidate

The scientific materials and documents presented within this procedure, including a declaration of originality, show the personal involvement of the doctoral student in the preparation of the dissertation thesis and the published articles.

10. Abstract by the candidate

The abstract is dominated by long quotations from sources that are discussed in the dissertation. This reduces the informativeness and clarity of the abstract regarding the structure and content of the dissertation thesis and the author’s ideas.

In the last chapter of the presentation of the dissertation (§3, p. 29), there is no exact content of the corresponding paragraph of the work itself. It speaks of a permanent body, but it is not specified which that body is.

The systematized proposals for amending the legislation are a good basis for opening a public discussion about the status of the districts in the Capital and in large cities. These ideas are challenging and can be discussed in a wide circle with the participation of all interested entities (political, administrative, civil) and evaluated in terms of effectiveness and impact assessment on administrative capacity in the governance of municipalities.

11. Critical remarks and recommendations

More precision of the vocabulary is needed – “inscribed” (should be “provided”, p. 80, 153), “district mayor” (should be “mayor of a district”), “the framework of the relevant district for which he was elected” (more precisely, “territorial competence of the mayor of a district”), “adoption of the Treaty of Lisbon” (p. 154).

Research methods are marked extremely brief in the introduction (§3 p. 9).

When presenting the practical benefit of the research (§ 4, p. 10), analyze should continue on how useful it would be to introduce districts, district councils and mayors of districts in cities with a population of less than 300 thousand people. I.e. further in the work, there should be an assessment of the effect of such a legislative amendment – to what extent the further approach to the population (eg. in a city with 100 thousand people) would be justified as expenditure of public resources (budget, property, administration).

It seems to me that the approach to the study of the status of the mayor of a district through the concept of regionalization in the European Union is wrong, since it refers to the separation and strengthening of the intermediate level of government (between the state and the municipal), while the idea of creating the figure of the mayor of a district (and the division of large cities into districts) has in mind the formation of a level as close as possible to the citizens, closer even than the municipalities. The creation of districts in municipalities with a larger population is not regionalization, but the introduction of conditions for more effective implementation of local self-government.

The issue of regionalization in a number of European countries (listed in the thesis on p. 139) is far from “recent years”. This process has been going on for several decades (even centuries) and is carried out differently in individual countries – Germany, Austria and Belgium are federally organized, while Spain and Italy are regionalized.

On pages 151-154, when presenting the Committee of the Regions as a representation of regional and local authorities at the level of the European Union, there is no analysis of the possibilities for local authorities, in which, according to our system, the districts as units and the mayors of districts are established as bodies of the executive power in the district – they meet the requirements for representation in the Committee of the Regions. Can this EU body contribute to the achievement of the goals of governance that is increasingly closer to citizens through the implementation of governance through the districts in Bulgaria?

The last chapter represents an independent topic of research and does not fit the concept of the dissertation. The questions may be asked: why were these capital cities selected by the author; why only capitals and not other large cities, with which to compare the division of districts of large cities in our country. While the presentation of the example of Greece is much more informative and it becomes clear which functions are performed by the internal (component) administrative-territorial units of the capital, the presentation of the Hungarian example is rather laconic. Comparative legal research would help a lot to formulate ideas for improving the Bulgarian system of local self-government. This is an independent scientific approach. It can be applied in further research, if the author focuses later on scientific activity.

The individual chapters do not end with a summary in which the results of the studies carried out in them are presented.

12. Personal impressions

From the materials submitted within the current procedure and the information presented in the dissertation, it can be concluded that the candidate Mr. Radoslav Mitev has a clear and scientific methodology of his thought and creative activity. The text is presented clearly, grammatically and technically correct.

13. Recommendations on further use of dissertation contributions and results

The thesis is undoubtedly an original and challenging presentation of the matter about the place and role of the mayor of a district and the governance of the district in the system of modern society and state. The publication of the dissertation can be recommended, reflecting - of course, according to the views of the author - the comments made by the present scientific committee. It would serve for a wider public and scientific discussion on the proposals made to improve the legislation.

CONCLUSION

The dissertation thesis submitted by Mr. Radoslav Mitev *contains scientific and applicable results, which represent an original contribution to science and meet all the requirements* of the Act on the Development of the Academic Staff in the Republic of Bulgaria, the Regulation on the Implementation of that Act and the Regulations for the Development of the Academic Staff of Paisiy Hilendarsky University of Plovdiv.

The dissertation thesis, as well as the other submitted scientific materials in the procedure, show that the doctoral student Radoslav Mitev *has* in-depth theoretical knowledge and professional skills in the scientific specialty “Administrative Law and Administrative Procedures” by demonstrating qualities and skills for independent conduct of scientific research, and he meets the requirements of the law for the acquisition of the educational and scientific degree “Doctor of Law”.

On the basis of the above stated considerations and on the basis of Art. 10, para. 1 of the Act on Development of Academic Staff in Republic of Bulgaria in relation to Art. 6, para. 3 of the same Act, as well as Art. 38, para. 1 of the Regulations for the Development of the Academic Staff of the University of Plovdiv, I give my *positive assessment* of the conducted research, presented by the above-reviewed dissertation thesis, abstract, achieved results and contributions, and *I propose to the honorable scientific committee to award the educational and scientific degree “Doctor of Law”* to Mr. Radoslav Yordanov Mitev in the field of higher education 3. “Social, economic and legal sciences”, professional area 3.6 “Law”, doctoral program “Administrative law and administrative procedures”.

09.05.2023

Reviewer:

(Signature)

/Assoc. Prof. Емануил Коларов, Dr.iur./