

OPINION

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scientific specialty: professor in the field of higher education 3. Social, economic and legal sciences, professional direction 3.6. Law /Administrative law and Administrative Procedure/

Regarding: the dissertation work of Radoslav Yordanov Mitev

on the subject: "Local Self-government in Cities with Regional Division"

presented for the acquisition of the educational and scientific degree "doctor" in the field of higher education 3. Social, economic and legal sciences; professional direction 3.6. Law; doctoral program "Administrative Law and Administrative Procedure"

I present this opinion pursuant to Order No. RD-21-438/24.02.2023. of the Rector of Plovdiv University "Paisii Hilendarski"

In accordance with the requirements of Law on Promotion of Academic Staff in Republic of Bulgaria and the Regulation on its application for acquiring the scientific degree "doctor" before a scientific jury, the candidate has presented a dissertation work and three scientific publications. The dissertation corresponds to the formal requirements established in Art. 27, para. 2 of the Regulation.

I. Relevance and significance of the developed scientific problem

The presented dissertation is the first comprehensive study of local self-government in cities with regional divisions in the Republic of Bulgaria.

The rich professional experience of the dissertation student and the broad legal and general culture have given him the opportunity to develop a scientific work at a very high scientific level.

Without any doubt, Radoslav Mitev presents a completed dissertation, which treats problems of the development of the Bulgarian administrative legal system with emphasized importance. This largely determines the dissertationability of the work. The dissertation enriches existing knowledge in the field of administrative law and leads to new research of theoretical and practical importance.

II. Evaluation of the scientific results and contributions of the dissertation work

The dissertation is in a volume of 203 pages, with a rich scientific literature used and cited below. The content structure is divided into an introduction, four chapters, a conclusion and a bibliography.

The research used classic methods that are adequate to the topic, namely: historical, normative, comparative legal, systematic and formal-logical method.

In the introductory part, the candidate clearly defines the subject of his research, namely the theoretical and legal foundations of local self-government in cities with regional divisions in the country.

In the first chapter, the author traces the historical development and the concept of local self-government - from the period of its emergence in the Bulgarian state to its regulation in modern Bulgarian history.

Special attention is paid to the main institutions and concepts in the theory of administrative-territorial organization and local self-government, examined by various authors in the Bulgarian doctrine. Among them, the terms "local self-government" stands out; "self-government"; "decentralization"; "deconcentration"; "administrative-territorial division"; administrative-territorial unit".

A review was also made of the changes in the administrative-territorial structure of the Republic of Bulgaria and their peculiarities.

A precise and scientifically based analysis of the development of the legislation related to local self-government and administrative-territorial organization after the Liberation and specifically of the Law on the Administrative Organization of the Principality, the Law on the Administrative Division of the Principality, the Law on Metropolitan City Administration, the Law on Municipalities and on the Urban management, the Law on Urban Municipalities, the Law on Rural Municipalities, the Law on the Administrative Division of the State Territory, the Ordinance-laws for urban and rural municipalities, the Law on the Capital Municipality, the Ordinance-law on the Capital Municipality, the Law on People's Councils, the Law on the General Urban Development Plan of Sofia, the Law on the creation of administrative-territorial units-districts.

The work emphasizes that the current Law on Local Self-Government and Local Administration regulates in detail public relations related to local self-government and local administration. A detailed historical study was made of the individual stages in the development of the law and one of the key innovations that the legislator regulated with the 1995 version of the Law on Local Self-government and Local Administration. – the introduction of regional councils and mayors of regions and town halls.

Further, in the same chapter, the Law on the Administrative-Territorial Organization of the Republic of Bulgaria, which establishes the conditions and procedures for the creation of administrative-territorial and territorial units, as

well as the Law on the Territorial Division of the Capital Municipality and the big cities, are examined.

The second chapter is devoted to the normative basis for the constitution of districts in large cities and the legal status and powers of the mayor of a district.

The author argues that the regions, as constituent administrative-territorial units in the country, have an important function for the positive development of the municipality and for the full participation of the population in local self-government.

From the exposition in the dissertation, the high degree of knowledge of the state of the problems in the researched field in theoretical and practical terms is evident.

It is stated that the law does not regulate the issue of the terms within which the procedure for creating districts in the country's major cities should be carried out. This void creates uncertainty in the relationship, and the author suggests that the issue be resolved normatively.

The doctoral candidate substantiates a proposal *de lege ferenda* for the restoration in the legal framework of the legal possibility to constitute district councils in the cities with district division in the country.

The author motivates the need to unify the legal regime for the territorial division of all cities in the country with a population of over 100,000 people by adopting a new normative act, i.e. this division should be carried out by law not only for the Metropolitan Municipality and for the cities with a population of more than 300,000 people, as established in Art. 13, paragraph 1 of Law on Administrative-Territorial Division, but also for the cities with a population of more than 100,000 people.

In this part of the exposition, the importance of the institute of "incompatibility" of the mayor of a region is clarified, which guarantees the independence and impartiality of persons holding public office and ensures their lawful behavior and actions in the public interest.

Emphasis is placed on the legal essence of the acts issued by the mayor of a region and the control over his activities. The legal possibility of carrying out administrative control by the mayors of regions over the acts of their deputies was also highlighted.

Chapter Three examines the powers of the mayor of a region under the Law on Local Self-Government and Local Administration, the Law on Territorial Planning, the Law on Public Procurement, the Law on Municipal Property, and the Law on Condominium Management.

A comparison and distinction has been made between the by-laws related to the scope of the powers of the regional mayors in relation to the management of municipal property in Sofia, Plovdiv and Varna.

The author defends the thesis that there should be no differences between the powers of the regional mayors in Sofia, Plovdiv and Varna, since they essentially have the same legal status and functions.

Radoslav Mitev's conclusion is correct that effective local self-government requires expanding the range of powers of the bodies that are closest to the interests and problems of the citizens, which body is undoubtedly the regional mayor.

Consistently and fully, the doctoral student has also addressed the issue of the powers of the mayor of a region in drawing up and implementing the municipal budget.

The legislative decision not to form an independent budget for the regions in the country's big cities is subjected to a critical analysis in this chapter. A convincing conclusion is drawn that this decision does not correspond to the established concept in Europe for the modernization of modern European cities.

Undoubted scientific contribution of the dissertation is the defense of the principle thesis that *de lege ferenda* the regulations should be amended by regulating an independent budget of the regions in the big cities of the country, to be implemented by the regional mayors. This legislative approach will ensure real *de facto* independence of regions and regional mayors.

In the Fourth Chapter, the study of the acts of the Council of Europe and the European Union related to the place and role of local self-government and, in particular, the management of large European cities, in the context of the processes of decentralization and regionalization in European countries, is of theoretical and practical interest.

The presented review convincingly shows that the impact of European legislation and European policies on the functioning of local and regional authorities in the Member States is significant.

In this part of the exhibition, the legal framework of local self-government and regional division in selected European cities, namely in Paris, Athens and Budapest, is examined.

The doctoral student comes to the conclusion that the tendency for profound changes to occur in the European urban system is a natural consequence of the emergence of new challenges before all countries, part of which are globalization, demographic changes, and the lack of uniformity in economic growth.

A 32-page abstract has been prepared and presented for the dissertation work. It includes the general characteristics of the development, its structure and content. My overall assessment is that it reflects specifically in the necessary clarity the main points of the dissertation work.

III. Recommendations and notes

My critical remarks are minor and are mainly reduced to technical recommendations for improving the work, for example, on page 11 of the dissertation and on page 7 of the abstract there are five chapters, and their number is four, etc.

It would be interesting to present the dissertation's reasoning in connection with the opened Interpretive Case No. 2/2023, General Assembly of the Judges of the Collegia of the Supreme Administrative Court regarding the applicability of the provision of Art. 42, para 1, p. 11 of the Law on Local Self-government and Local Administration in case of exercised mandate by a mayor, if an act came into force with which a conflict of interest was established, but for a violation committed during the mayor's previous mandate.

I would recommend printing and publishing the thesis after its defense, as I foresee increased interest in its content.

IV. Conclusion

The dissertation submitted for defense shows that Radoslav Mitev has in-depth theoretical knowledge of the scientific specialty and the ability for independent scientific research.

An analytical study was made, which contains a number of scientific contributions and proposals for improving the legislation. The research shows the author's ability to build and justify independent scientific theses.

The dissertation is of interest to both administrative law theory and practice.

In view of the above, I propose to the scientific jury to award the educational and scientific degree "doctor" to Radoslav Mitev in the doctoral program "Administrative Law and Administrative Procedure".

27.04.2023

Prof. Olga Borisova PhD