

OPINION

by Prof. Dr. Krasimir Simeonov Mutafov, professor in Tax and Financial law at Plovdiv University “Paisii Hilendarski”, Department of Public Law, internal member of a scientific jury appointed by Order No RD-22-1671 / 16.07.2025 of the Rector of the University of Plovdiv

for a dissertation for the award of the educational and scientific degree **of doctor**

by field of higher education 3. Social, economic and legal sciences

professional field 3.6 Law

doctoral program *"Administrative law and administrative procedure"*

Author: *Diyan Stoyanov Dunev*

Subject: *"Powers and acts of the Municipal Council in the implementation of local self-government"*

Scientific supervisor: *Prof. Dr. Bogdan Dragnev Yordanov – Plovdiv University "Paisii Hilendarski"*

1. General description of the materials presented

By Order No RD-22-1671-16.07.2025 of the Rector of Plovdiv University ‘Paisii Hilendarski’, I was appointed a member of the scientific jury to provide a procedure for the defence of a dissertation entitled ‘Powers and acts of the Municipal Council in the implementation of local self-government’ in order to obtain the educational and scientific degree of doctor in: area of higher education 3. Social, economic and legal sciences, professional field 3.6 Law, doctoral program ‘Administrative Law and Administrative Process’.

The author of the dissertation is Dian Stoyanov Dunev, Ph.D. student at the Department of Public Law Studies, headed by Prof. Dr. Bogdan Dragnev Yordanov from Plovdiv University “Paisii Hilendarski”.

The set of paper materials presented by Dian Stoyanov Dunev is in accordance with the Rules for the Promotion of the Academic Staff of Plovdiv University.

The doctoral student has applied three publications in referenced scientific journals.

2. Brief biographical information about the doctoral student

Dian Stoyanov Dunev is a long-time lawyer at the Burgas Bar Association. He has extensive experience in legal representation before a court in the cases of a municipal council, including

preparation of notes, drafts of secondary legislation and others. He is a member of the Union of Jurists in the Republic of Bulgaria.

He obtained his higher education at Burgas Free University, specialising in law. He held the academic position of ‘Assistant’ in the disciplines of ‘Administrative Law’; ‘Labour and social security law’; ‘Fundamentals of law’; Social Legislation and Social Protection at the University of Burgas “Prof. Dr. Asen Zlatarov”.

3. Up-to-dateness of the topic and relevance of the goals and objectives set

The author himself defines the actuality of the study as a consequence of the contemporary tendencies towards the prevailing decentralization, the fiscal autonomy of the municipal councils and the possibility of direct and indirect civic participation in the context of European policies and good local self-government and governance. This raises research needs with a view to clarifying and delimiting these issues, as well as providing objective information for further action in the course of the reform of our administration.

4. Methodology of the study

The doctoral student uses a methodology of development of the dissertation through a set of research tools, including an overview of specialized scientific literature in the field of local self-government and local administration - research of reports, articles and scientific publications in relation to the researched issues; analysis of normative documents regulating the powers and acts of municipal councils; criticism of case-law; systematization of data, analysis, synthesis, formulation of conclusions and summaries.

The methodology of the study is rather aimed at striving for a more complete informational overview of the problems raised in the theme of the dissertation. There is a certain imbalance between practical and theoretical conclusions, which can be explained by the practical bias characteristic of the doctoral student as an active lawyer in the field.

5. Characteristics and assessment of the dissertation

The scientific work is focused on the powers of the municipal council, which are related to the implementation of local self-government. The identification and analysis of all the powers considered is based on a detailed examination of the current legislation as well as the repealed one; the current case-law of the Constitutional Court, the Supreme Administrative Court and the regional administrative courts; of the acts of the municipal councils of Burgas Municipality, Sofia Municipality and Plovdiv Municipality and of the created developments in the field of local self-government.

The first chapter is divided into four paragraphs and is dedicated to the historical development and legal status of the municipal council as a body of local self-government.

In the second chapter of the dissertation, the powers of the municipal council are analyzed in detail. The legal bases and the scope of the powers provided for in Articles 17 and 21 of the Local Self-Government and Local Administration Act (hereinafter “the Act”) are examined, focusing on the substantive and functional distinction between the different types of competences of the Council and their role in the implementation of local self-government.

Chapter Three is devoted entirely to the acts by which the municipal council exercises its powers for the implementation of local self-government. The acts he adopts are defined as the formal expression of the will of the local community.

6. Contributions and relevance of development to science and practice

One of the main contributing moments of the dissertation is the practical analysis of the current development of local self-government in Bulgaria. As a result, the author draws a number of conclusions that would help future reforms. Interesting is the study of the power of the municipal council to discuss and adopt decisions on proposals of mayors of districts and mayoralities. This power is assessed as a guarantee for the involvement of the territorial authorities in the decision-making process and provides an opportunity to better present the needs of the local population. Such an analysis is not found in our literature.

The conclusions that there are gaps in the legislation in the regulation of the decisions of the municipal councils are also a contributing point. According to the author, it is not correct to interpret Article 21 of the Act literally and to conclude that if the powers listed, for example, in point 8, point 9, point 10, point 11, point 14, point 15, etc., can be exercised only by issuing decisions of the local parliament, then the exercise of the other powers is necessarily objectified by other acts of the council – administrative or not. Following analyses in legal literature, it has been understood that decisions taken by municipal councils are of two types, both normative and non-normative, whereas decisions taken by, for example, the National Assembly or the Council of Ministers are only non-normative administrative acts. An original contribution is the attempt to classify the types of decisions issued by municipal councils and to highlight the contradictions in the case-law regarding the determination of their type.

It is also important to raise the issue of internal acts in local self-government. The municipal council, in the exercise of its powers related to the implementation of local self-government, issues internal acts that have no external effect, but create obligations for technically subordinate bodies or resolve specific business issues that do not directly affect citizens and organizations. The doctoral

student defines as such acts the following decisions of the municipal council: the decisions referred to in Article 21(1)(1) of the Act establishing standing and temporary committees and electing their members; the decisions referred to in Article 21(1)(2) approving the size and structure of the municipal administration; the decisions referred to in Article 21(1)(3) of the Act electing the chairperson of the municipal council and the decisions referred to in Article 21(1)(5) of the Act determining the remuneration of mayors of municipalities, districts and mayoralities.

The author puts emphasis on the legal protection of the powers of the municipal council as an essential mechanism for guaranteeing the constitutionally established principle of local self-government - a means against undue interference by the central government or other bodies in the competence of the municipal councils. An analysis of the case-law shows that conflicts of jurisdiction on the substance, between public authorities and local self-government bodies, are rarely resolved. According to the doctoral student, *de lege ferenda*, it is necessary to introduce an additional effective mechanism to protect the powers of the municipal council from centralization, which will ensure better practical applicability of the principles of decentralization and local self-government. The main contributing point is the analysis of the main forms of control over these acts - administrative control, judicial control, prosecutorial supervision and public control.

The most detailed judicial review is carried out by the administrative courts on appeals lodged by affected persons, the prosecutor, the regional governor or the mayor. The dissertation focuses on the specifics of local and generic jurisdiction, as well as the specifics of cassation contestation. It is indicated that in certain cases judicial review may also be carried out by the ordinary courts, for example in disputes under the Ownership and Use of Agricultural Land Act or the Act of Commerce.

7. Assessment of publications on the dissertation

Together with the dissertation, Dian Dunev presents for review three separate publications presented as reports at well-established scientific forums. Publications meet the legal requirements by being published in reference collections and earning the necessary points for obtaining the educational and scientific degree of doctor.

Two of the publications are incorporated to varying degrees in the dissertation, and part of their contribution points were mentioned above in the review.

8. Recommendations for future use of dissertation contributions and results

Some of the critical remarks and recommendations have been mentioned so far, but we briefly formulate some of them:

- the dissertation will be enriched if the author proposes a more in-depth theoretical analysis of the phenomena he puts forward for consideration;

- it is necessary to better present the author's personal vision, as a result of which more concrete proposals for solving the problems under consideration will also be formulated.

CONCLUSION

The dissertation contains scientific and applied results and meets the requirements of the Promotion of Academic Staff in the Republic of Bulgaria Act, the Rules for its Implementation and the relevant Rules of the Plovdiv University “Paisii Hilendarski”.

No signs of plagiarism have been identified. The sources used are correctly quoted and referred to in the literature references.

In conclusion, I give my positive assessment of the conducted study, presented by the above-reviewed dissertation, the review, achieved results and contributions, and propose to the honorable scientific jury to award the educational and scientific degree of doctor to Dian Stoyanov Dunev in the field of higher education 3. Social, economic and legal sciences, professional field 3.6 Law, doctoral program ‘Administrative Law and Administrative Process’.

Prof. Dr. K. Mutafov.....

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