

## **REVIEW**

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Regarding the submitted dissertation entitled "Powers and Acts of the Municipal Council in the Implementation of Local Self-Government", author Dian Stoyanov Dunev, for the award of the educational and scientific degree of "Doctor" in the field of higher education 3. "Social, Economic and Legal Sciences", professional field 3.6. "Law", doctoral program "Administrative Law and Administrative Process", with scientific supervisor Prof. Bogdan Yordanov Ph.D., host institution Faculty of Law of Plovdiv University "Paisii Hilendarski", primary institution Department of Public Law Sciences

I submit this review in my capacity as a member of the scientific jury appointed by Order No. RD 22-1671 of 16 July 2025 of the Rector of Plovdiv University, after I was assigned to prepare a review by decision of the scientific jury, Protocol No. 1.

A complete set of documents has been submitted, the abstract has been prepared correctly and reflects the structure of the dissertation and the results obtained. The doctoral student has met the minimum national requirements and the procedure is admissible for consideration on its merits by the scientific jury.

My conclusions on the merits are as follows:

The municipal council is one of those state bodies (in this case, a local government body) whose legal nature is still a subject of debate. The body participates in so many legal relationships of a very diverse nature, its role is provided for by numerous provisions in the legislation, and a wide variety of conclusions have been drawn in court practice regarding its powers. The dissertation is relevant and contributes to the field. I will discuss its contributions in the relevant chapters.

The dissertation has a total volume of 207 pages. It is divided into an introduction, a list of abbreviations used, three chapters divided into paragraphs, a conclusion and a list of references. The actual analytical text of the three chapters is 180 pages. The bibliography cites 78 titles, of which 75 are monographs in Bulgarian, 1 is in Russian (French author, translation), and 2 are national strategies.

The introduction defines the scope of the dissertation research, based on the constitutional foundations of local self-government and the global trend towards decentralisation, and attempts to justify the existence of the field of "municipal law". Attention is paid to applicable international law (primarily the European Charter of Local Self-Government of the Council of Europe).

Chapter One, entitled "The Municipal Council as a Body of Local Self-Government," analyses the relationship between the processes of centralisation and decentralisation and defines local self-government as a point of balance between the two principles. The concepts of "decentralisation" and "deconcentration" are analysed with the nuances of the two concepts, insofar as they, having common features, do not mean the same thing. The manifestations of these principles in federal states are examined, albeit tangentially to the topic. Decentralisation strategies, which are mainly political and programmatic in nature but result in legal changes, are examined. I can support the general conclusion that "the degree of decentralisation corresponds to the degree of socio-economic development of a country and reflects the degree of democratisation, national specificity, traditions and the maturity of civil society".

A serious analysis has been made of the European Charter of Local Self-Government, which the author considers to be a fundamental act laying the foundations for the independence of local authorities and their powers, with which our domestic legislation must comply. I have reservations about the author's conclusion that "it is quite accurate to view local selfgovernment as the realisation of municipal public authority," insofar as I maintain that in a unitary state, the "authority" of local authorities is derivative in nature and stems from the powers determined by the state centre, as the author himself explains the dispute in the doctrine and cites relevant case law on the matter. An analysis of the concept of "delegation" has been carried out and the correct conclusion has been reached that it is not applicable to the powers of local authorities. The author's view that "self-government is a guarantee of autonomy and independence" is supported. I note the scientific integrity of the author, who presents in detail the different views on this dispute with references to doctrinal sources. The study of the constitutionally established principle in the state structure, laid down in the Constitution of the Principality of Bulgaria, is a valuable contribution. I also support the author's approach of deriving the characteristics of local self-government through a practical approach based on the achievements of judicial practice. The distinction between the concepts of "local selfgovernment" with the constitutionally established municipal council and "local administration is good.

The distinction between the concept of "local self-government" and related concepts such as deconcentration, decentralisation and regional administration, which are similar but have

their own specific differences, is theoretically valuable.

A historical review of the development of local self-government has been conducted based on available data from antiquity; the historical review moves on to a normative basis after the restoration of the Third Bulgarian State, starting with the norms adopted by the Provisional Russian Government. The legislation adopted after the Tarnovo Constitution (it is rightly pointed out that a weakness of this constitution is the lack of regulation of the bodies, the determination of their personnel composition and relations with state bodies) is systematically listed and analysed. The legislation of the socialist regime is also discussed and analysed, noting its subordinate position, expressed mainly in the lack of the right to an independent budget and subordination to central state bodies.

After the historical introduction, the author moves on to a detailed analysis of the regulatory framework of the current local self-government after the 1991 Constitution. I find the analysis of the European Charter of Local Self-Government, which I consider to be an underestimated act in Bulgaria, to be particularly valuable.

An analysis of the administrative-territorial structure as a prerequisite and territorial limit of local self-government is carried out. The author conscientiously describes the theories regarding the minimum required elements of a municipality and analyses each of them consistently. Examples from the real legal and administrative practice of municipalities are used.

I particularly appreciate § 3.2 Legal personality of the municipality. This is correctly highlighted as a turning point in our law in view of the provision of the current Constitution that it is a legal entity (Art. 136, para. 3), with an analysis of the views in theory on the issue. The following paragraph on municipal property is a good continuation of the analysis.

The study on the direct participation of citizens in local self-government (§ 3.2.3) and the restrictions provided for in this regard is also valuable. Paragraph 4 examines the views on the legal nature of the municipal council, again thoroughly researching and analysing the literature with relevant opinions and presenting the author's view. The analysis of the municipal council as a means of constitution, internal organisation and decision-making procedures is legally correct. The observations on the control exercised by the state authority (in the narrow sense) - the regional governor - are also accurate. I also appreciate the analysis of the powers of the mayor of the municipality, which I believe are underestimated in our literature.

Chapter Two, entitled "Powers of the Municipal Council in the Exercise of Local Self-Government," begins with a basic and conscientious theoretical examination of the concepts of

"competence" and "powers," which lay the foundation for further scientific and practical research. Following the scientific analysis, interesting and instructive examples are given of the actual powers of the municipal council, scattered across various laws (the Spatial Development Act, the Road Traffic Act, etc.), which demonstrate the real diversity of its functions. I support the conclusion reached by the author that the legislator's intention with this provision was to define the essence and scope of local self-government, but in practice this provision outlines the functions and powers of the municipal council in its capacity as a local self-government body.

The systematic division of the functions of the municipal council in § 2 of the chapter is good in view of the purpose of the dissertation research. The author consistently classifies them and illustrates them with examples from special laws and judicial practice. Again, as can be seen from § 2.2, he first studied and reflected on the achievements of legal theory.

I highly appreciate the analysis of the organisational powers of the municipal council (p. 96 ff.) and the analysis of the council committees, supported by real examples. The analysis of internal organisational acts that are not subject to judicial review, as well as the independent acts of the chair of the municipal council, is also valuable. Typical violations that occur in practice are also analysed.

A very strong point of the dissertation is the analysis of the powers of the municipal council in the field of finance and management of municipal property; in a future edition of the work, this part deserves more serious development. The analysis of trends in state budgets with regard to subsidies for municipalities is also valuable. Attention is drawn to the generally underestimated Municipal Debt Act.

The section on spatial planning and the powers of the municipal council in this regard is very detailed and has a marked practical contribution. The analysis of the integrated development plan of the municipality is accurate.

The administrative and cultural powers of the municipal council are an original view, and they constitute a definitely important part of the powers of the municipal council.

I find the study of decisions on the municipality's participation in associations of local authorities in the country and abroad, as well as in other non-profit legal entities and the appointment of municipal representatives in them, to be valuable.

The analysis of each of the powers of the municipal council is supported and illustrated by case law.

Chapter Three, entitled "Acts of the municipal council issued in the process of local self-government. Control over the acts of the municipal council," is the strongest from the point of

view of legal analysis. It provides a description of all possible acts issued by municipal councils, again thoroughly examining the theoretical basis and available sources.

The analysis of the control exercised by the regional governor (i.e. a territorial state authority), who may also exercise official control without referral, is accurate.

The section in § 3.3.2 and the following section on the powers of the mayor of the municipality are particularly valuable.

The strengths of the work are: 1. the multifaceted examination of the research problem and the effort to cover and systematise all the powers of the municipal council, 2. the thorough study of the achievements of the doctrine, and 3. the study of a large volume of case law illustrating the author's theses.

Recommendations:

1. I find that the author could have examined the repealed legislation in more detail in order to support the completeness of the scientific research. For example, the question of whether it is permissible for state bodies to influence municipal property could have been examined, given that in the period 1996-2005 there was a Regulation for the Application of the Municipal Property Act, adopted by Council of Ministers Decree No. № 235/1996, repealed by Council of Ministers Decree No. 35/2025. Was the repeal of the Regulations for the Application of the Municipal Property Act correct, and beyond that question, was the legal framework good and can anything be learned from it? Does the Public Finance Act (in the relevant part) supersede the repealed specialised Municipal Budgets Act?

This is a side issue, but one could argue that the reduction in the number of municipal councillors provided for in § 19 of the transitional and final provisions of the 2011 Electoral Code, declared unconstitutional by Decision of the Constitutional Court No. 4/2011 in case No. 4/2011, would be justified from the point of view of the dynamics of the decision-making process in the municipal council.

My comments do not dispute the value of the dissertation and merely offer the author guidelines for consideration should he decide to develop and publish the work, which I recommend.

I have not found any evidence of plagiarism or use of other people's scientific contributions in a manner not regulated by law.

In view of the above, I find that due to the quality of the submitted dissertation entitled "Powers and Acts of the Municipal Council in the Implementation of Local Self-Government" by the author Dian Stoyanov Dunev, the author deserves to be awarded the educational and

scientific degree of "Doctor" in the field of higher education 3. "Social, Economic and Legal Sciences", professional direction 3.6. "Law", doctoral program "Administrative Law and Administrative Process"

Reviewer

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