

EXPERT OPINION

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for the acquisition of the degree of "PhD" under PN 3. 6. Law in PhD Program "Constitutional Law" at the New Bulgarian University with candidate Peter Vladislavov Slavov, with the topic of the dissertation "Guarantees for a constitutionally compliant legislative process"

DEAR MEMBERS OF THE SCIENTIFIC JURY,

By Order No. Z-RK-209/13.05.2024 of the Rector of New Bulgarian University, I have been appointed as an external member of the scientific jury for the defense of the dissertation of Peter Vladislavov Slavov on the topic "Guarantees for a Constitutionally compliant Legislative Process" for awarding the degree of PhD in the professional field 3.6. Law PhD program "Constitutional Law" at the New Bulgarian University. The dissertation, developed by Attorney-at-Law Peter Slavov, is dedicated to the relevant (especially in recent years) topic of how to ensure the quality of legislative acts adopted by the National Assembly and their compliance with the Constitution of the Republic of Bulgaria. The presented work has a total volume of 251 pages, of which 230 pages main text, and includes an introduction, an exposition in five chapters (called 'sections'), a conclusion and a bibliography. In each section, specific conclusions are formulated, summarized in the last chapter and in the conclusion of the dissertation. In the bibliography, the author has referred to 115 monographs, textbooks and articles (of which 77 are in Bulgarian), 12 Internet sources, 21 normative acts and 40 references to court cases and acts. The footnotes are 340.

In the first chapter "Brief historical overview of the Bulgarian constitutions after the Liberation and the constitutional guarantees of the legislative process contained in them" a historical overview of the main principles and parameters of the legislative process according to our four constitutions is made, with an emphasis on the current Constitution of the Republic of Bulgaria of 1991 In the text, the guarantees of the legislative process under our 4 constitutions are not analyzed in detail, but only some of the most essential characteristics and principles of the constitutions and state government¹ are indicated.

¹ Perhaps because of this circumstance, the section is entitled "A Brief Overview", but the more complete Study of the parameters of the legislative process in Bulgaria according to our four constitutions would undoubtedly increase the dignity of work.

The second chapter is entitled "Main Theories That Have Influenced Modern Parliamentarism and the Legislative Process". Adoption of Laws and Other Acts of the National Assembly". Here are some fundamental historical theories of parliamentarism and the legislative process, with an emphasis on stages of the legislative process in our country according to the current Constitution of the Republic Bulgaria, the Law on Normative Acts and the Rules for the Organization and Operation of The National Assembly (ROPNA). In my opinion, it would be more appropriate for the second chapter to be "Adoption of Laws and Other Acts of the National Assembly", and the first part of its text to be merged with the historical overview in the first chapter, which will also be retitled.

After the introduction to the problems of parliamentarism and the legislative process in our country, the third chapter of the dissertation examines the main ones according to the current CRB "Authorities and Mechanisms for a Constitutionally Compliant Legislative Process". In it, of course, the author focuses on the powers and activities of the National Assembly, but in its interrelations with other institutions related to the constitutionality of the current legislation – the President, the Government, the Judiciary, the Constitutional Court, the Ombudsman, the Bar. This chapter is, in my opinion, the semantic core of the work, which is why it is justifiably the largest volume.

The fourth chapter is entitled "The Constitution as a Guarantor of the Legislative process. Amendment and adoption of a new Constitution". It analyses the provisions of Chapter IX of the CRB and the practice of their application and interpretation. It would be appropriate for possible future publication of the dissertation to make this chapter part of the previous one, not only because of its small volume, but also because of the procedures for revision of the Main law are among the important mechanisms for guaranteeing constitutionality in a broad sense.

The most significant scientific and practical contributions of the work are contained in the last chapter '**Conclusions and recommendations de lege ferenda for additional safeguards for constitutional legislative process**'. In 15 paragraphs, the author presents and argues its proposals for amendments to the Constitution and legislation in order to improving the quality and ensuring the constitutionality of the law-making activities of the National Assembly. Although not all of the author's proposals are entirely his original ideas, makes a good impression on their consistent and reasoned presentation and justification of them with cases that have arisen from the practice of the National Assembly, of the Constitutional Court and of the courts.

In the final part of the dissertation, the most important conclusions from the study and proposals *de lege ferenda*. It is debatable to what extent this is necessary, since and these proposals are contained in a separate chapter in the study.

The following scientific and practical contributions of the dissertation can be highlighted:

- The presentation in a systematic form of the existing constitutional guarantees for legislative process in line with the CRB and the prospects for their improvement;

- Substantiated proposals *de lege ferenda* for changes in the constitutional framework, to ensure a constitutionally compliant legislative process – to introduce more detailed provision in the CRB regarding the required quorum in the National Assembly, to clarify the requirement for two votes on the legislative texts, for the introduction of a deadline for re-discussion of the a law ‘vetoed’ by the President of the Republic;

- Of interest are the proposals for regulation at the constitutional level of the term of the mandate bodies established in the CRB, as well as the possibility of decreasing majority in the election of their members (in cases of constitutional requirement qualified majority and failure to achieve one). Although the perception of these ideas would not directly affect the constitutionality of the legislative process in the National Assembly, it would help prevent crises in the functioning of the separate units of the state apparatus (such as have emerged in the last few years);

- Widely spread in legal theory and practice lately are proposals to extend the powers of the Ombudsman and the Supreme Bar Council on referral to the Constitutional Court, as well as for the introduction of the so-called. Individual constitutional complaint. The author presents his view on the topic and suggests editing the texts of the present para. 4 and para. 5 of Art. 150 CRB;

- The idea of shortening the deadline for promulgation of the acts of the Constitutional Court in the State Gazette;

- Also of great practical importance would be the adoption of proposals for supplement to Art. 151, para. 2 of the CRB for "automatic" restoration of the effect of a regulation, the repeal/change of which has been declared unconstitutional by the Constitutional Court, as well as for the introduction of a mechanism for the enforcement of acts of the Court of Justice, respectively for the imposing sanctions in case of non-compliance;

- It is also appropriate to establish at the constitutional level an obligation for the Council of Ministers to maintain an up-to-date and publicly accessible database of the consolidated texts of the Bulgarian legislation and the applicable law of the European Union.

The dissertation leaves a positive overall impression. The PhD student shows a lot good knowledge of both legal theory and practical problems of the legislative process in our country. Undoubtedly, his personal experience as a Member of Parliament (with the legislative initiatives he implements) and his nearly 20 years of legal practice (currently as a member of the Supreme Bar Council with an advisory vote) contribute to this. The author argues his positions and proposes adequate changes in the CRB in order to improve the legislative process in the Republic of Bulgaria and to overcome some of its deficits, which have manifested themselves clearly in recent years (a number of examples are presented in the dissertation). A good knowledge of the historical development of the matter of the legislative process, of constitutional law and justice in our country, as well as the ability for structured and synthesized formulation of judgments, conclusions and recommendations is also shown. The proposals *de lege ferenda* are well-reasoned and practical. I have no personal impressions of the process of the doctoral student's work on the dissertation, but I consider the results presented in it, as well as his publications in various journals, to be indicative.

The abstract, in my opinion, correctly reflects the main provisions laid down in the work. The candidate has indicated in the abstract 6 more of his publications, some of which he referred to in his dissertation. They provide publicity to some of the results of the scientific research and focus on specific cases from the practice of the National Assembly and the Constitutional Court, challenging the constitutionality of legal texts (regarding the "official preferences" of the leaders of the lists, the abolition of the "golden coupon", the political rights of people with disabilities, the "lawyer's remuneration" of the legal advisers of the revenue administration, changes in machine voting, etc.).

A few more critical remarks can be made about the dissertation. As I pointed out above, I do not find the structure of work optimal. Both in the introduction and in the conclusion of the dissertation, the author divides the mechanisms for ensuring the constitutionality of the legislative process into preventive and subsequent, and this classification would be good to observe when arranging and titled the parts of the work. In my opinion, another structure is also possible – these guarantees to be subdivided into institutional and procedural. The paragraphs and subparagraphs of the study could be arranged more precisely,

because in some places there are unnecessary or missing points/sub-points, and there is a repetition of the same examples several times. It would be good for the dissertation to be published after improving the consistency and consistency of the exposition. It is not advisable, for example, to refer to the Rules of Procedure of different legislatures on different pages (except for the purpose of illustration and comparison). I believe that the statement should be synchronized and updated at a certain point, so that when criticizing provisions of the ROPNA, the Rules of Procedure of the last acting National Assembly are taken into account, except when focusing on the amendments to the regulation². I also recommend making better use of the available theoretical tools³, as well as removing imprecise wording before publication⁴. However, the critical remarks made do not diminish the merits and do not hinder the achievement of the objectives of scientific research.

The presented dissertation meets the requirements of Art. 6, para. 3 ZRASRB and of PPZRASRB, contains scientific and scientific-applied results, representing a contribution to legal science, and shows that the candidate has in-depth theoretical knowledge in the field of constitutional law and the ability for independent scientific research.

² For example, on page 10 of the dissertation, it is stated that the legislation is in compliance as of 31.12.2023, when the 49th National Assembly was in force, and in a number of places reference is made to texts from the ROPNA of the 47th or 48th National Assembly. It is understandable that the individual parts of the work were developed in different periods, but before the defense, the entire statement should be updated at the specified time.

³ On the topic of the dissertation, there are many more scientific publications not mentioned in the bibliography. A number of constitutionalists and legal theorists have addressed various aspects of the problems analyzed in the dissertation in their monographs, articles and reports. Here I will mention only three of my reports in which I have made proposals de lege ferenda, similar to which are contained in this dissertation: Yordanova, Z. Possible Constitutional Changes on Majorities in Voting in the National Assembly of the Republic of Bulgaria (available at: <https://conf.uni-ruse.bg/bg/docs/cp17/7/7-3.pdf>) - on the required majorities in the National Assembly; Yordanova, Z. Referral to the Constitutional Court by the Supreme Bar Council – Challenges and Prospects. –In the: Challenges to Law (Scientific Readings in Memory of Kristian Takov, NBU, 14.11.2020) - proposals for expanding the referral competence of VADVS; Yordanova, Z. Some current problems of the rule of law in the context of the legislative process in the National Assembly of the Republic of Bulgaria (available at https://publishing-house.nbu.bg/bg/elektronni_izdaniq/knigi/vyrhovenstvo-na-pravoto-aktualni-problemi) – regarding the adoption by transitional and final provisions of one law of amendments to other laws not related to the main one. There are also a number of other publications not mentioned in the bibliography on issues related to the dissertation.

⁴ For example, the found inaccuracy in the work regarding the majorities in the National Assembly - the requirement for a qualified majority under Art. 85, para. 2 of the CRB does not refer to the ratification of all international treaties under this article (as indicated on pages 48, 104 and 177 of the dissertation), but only to those under item 9 of para. 1 - contracts granting the EU powers arising from the CRB. Also, in several places "bills" challenged before the Constitutional Court are commented on (see pages 71, 82, 88), and already promulgated laws are challenged before the Constitutional Court. Therefore, I recommend that before the possible future publication of the dissertation, the structure of the work be improved and that it be edited and updated in order to acquire a full-fledged monographic research.

In view of the above, I will vote positively for awarding the educational and scientific degree "Doctor of Law" in the doctoral program in the scientific specialty "Constitutional Law" to Peter Vladislavov Slavov, a doctoral student of independent training at the New Bulgarian University.

05.07.2024 :

Member of the scientific jury:
/Assoc. Zornitsa Yordanova, PhD/

City of Ruse