

cji o poddawanych kontroli projektach. Fundamentalne znaczenie ma również wypracowanie przez parlamenty wspólnej interpretacji zasady pomocniczości. Nieocenioną rolę w tym procesie odegrać mogła COSAC, jednak podjęcie przez Konferencję, na szczycie w Madrycie w 2010 r., decyzji o zaprzestaniu koordynowania pilotażowych projektów badania zgodności unijnych projektów z zasadą pomocniczości sprawiło, że parlamenty muszą wypracować nową formułę współpracy w dziedzinie przestrzegania zasady pomocniczości, opartą na platformie IPEX. Aktywność parlamentów narodowych, w tym polskiego Sejmu i Senatu, w procedurze badania zgodności unijnych projektów z zasadą pomocniczości dowodzi, że podnoszone w literaturze obawy i wątpliwości dotyczące efektywności i skuteczności mechanizmu wczesnego ostrzegania, nie do końca były uzasadnione.

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**CONDITIONS OF THE BREACH OF THE PRINCIPLE  
OF SUBSIDIARITY BY THE LEGISLATIVE ACTS  
OF THE EUROPEAN UNION IN THE LIGHT OF REASONED OPINIONS  
ADOPTED BY THE SEJM AND THE SENATE**

The article is an attempt to reconstruct the definition of the principle of subsidiarity, based on the content of the reasoned opinions adopted by the Sejm and the Senat after the entry into force of the Lisbon Treaty. According to the Authors, the function of a guardian of the principle of subsidiarity, which is exercised by both chambers of the parliament as a part of the so-called „European function”, should find the appropriate constitutional regulation. Only this will provide a good basis for the effective modification of the political position of the Senate in the asymmetrical bicameralism model of the Polish parliament. Currently, without such regulation at the constitutional level the Senate *de jure* do not have the competence to control the government, but *de facto* it controls the tasks of the government when it comes to government’s legislative activities at the EU level. The Authors note that the charges raised by both chambers of the Polish parliament concern both the substantive issues related to the common difficulties in differentiating the potential breach of the principle of legality from the infringement of the principle of subsidiarity and the new system of delegated and implementing acts of the Commission, as well as the issues of a strict procedural nature resulting from the insufficient explanation of EU drafts of legislative acts in terms of their conformity with the principle of subsidiarity. In conclusion, the Authors points out to the need to develop the common interpretation of the principle of subsidiarity by national parliaments, including the Sejm and the Senat of the Republic of Poland. Clarification of the procedural aspects of the application and observance of the principle of subsidiarity may in fact allow for greater involvement of national parliaments in EU decision-making procedures.